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Ekapa, Febhuwari

THE PRESIDENCY

No. 217 21 February 2002

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 48 of 2001: Gas Act, 2001.

IHHOVISI LIKAMONGAMELI

Ino. 217 21 Febhuwari 2002

Ngalokhu kwaziswa ukuthi uMongameli usewuvumile loMthetho nosewuzoshicilelelwa umphakathi:—

Ino. 48 ka 2001: Umthetho Wegesi, ka-2001.



AIDS HELPLINE: 0800-123-22 Prevention is the cure

(English text signed by the President.)
(Assented to 12 February 2002.)

ACT

To promote the orderly development of the piped gas industry; to establish a national regulatory framework; to establish a National Gas Regulator as the custodian and enforcer of the national regulatory framework; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

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(English text signed by the President.)
(Assented to 12 February 2002.)

UMTHETHO

Ukukhuthaza ukuthuthukiswa okuhlelekele kwenkampani yegesi ehamba ngepayipi; ukusungula isakhiwo sikazwelonke; ukumisa uMlawuli weNqubomgomo yeGesi kuZwelonke njengosingethe inqalasizinda eyinqubomgomo kuzwelonke; nokubhekelela okunye okuhambisana nalokho.

MAKUMISWE yiPhalamende laseNingizimu Afrika ngokulandelayo:—

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CHAPTER I

DEFINITIONS AND OBJECTS

Definitions

1. In this Act, unless the context indicates otherwise—
- “**chief executive officer**” means the person appointed in terms of section 11(1); 25
- “**customer**” means a person purchasing gas, or purchasing transmission, storage or distribution or liquefaction or re-gasification services;
- “**Department**” means the Department of Minerals and Energy;
- “**distribution**” means the distribution of bulk gas supplies and the transportation thereof by pipelines with a general operating pressure of more than 2 bar gauge and less than 15 bar gauge or by pipelines with such other operating pressure as the Gas Operator may permit according to criteria prescribed by regulation to points of ultimate consumption or to reticulation systems, or to both points of ultimate consumption and reticulation systems, and any other activity incidental thereto, and “distribute” and “distributing” have corresponding meanings; 30
- “**distribution company**” means any person distributing gas; 35
- “**eligible customer**” means a customer who in the prescribed manner may buy gas directly from suppliers without the intervention of a distribution company;
- “**gas**” means all hydrocarbon gases transported by pipeline, including natural gas, artificial gas, hydrogen rich gas, methane rich gas, synthetic gas, coal bed methane gas, liquefied natural gas, compressed natural gas, re-gasified liquefied natural gas, liquefied petroleum gas or any combination thereof; 40
- “**Gas Regulator**” means the National Gas Regulator established by section 3;
- “**licensee**” means any person holding a licence granted by the Gas Regulator in terms of this Act; 45
- “**liquefaction**” means converting natural gas from a gaseous state to a liquid state;
- “**mine**” means “mine” as defined in the Minerals Act, 1991 (Act No. 31 of 1991);
- “**Minister**” means the Minister of Minerals and Energy;

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ISIAHLUKO I

IZICHASISO NOKUHLOSIWE 25

Izichasiso

1. KuloMthetho, ngaphandle uma okuqukethwe kukhomba okunye—
“umphathi omkhulu” usho umuntu okhethwe ngokwesigaba 11(1);
“ikhasimende” lisho umuntu othenga igesi, noma othenga ukudluliselwa, ukugcina noma ukusabalalisa noma ukuyenza amanzi noma ukuyibuyisela kwigesi; 30
“UMnyango” usho umnyango weziMbiwa naMandla;
“ukusabalalisa” kusho ukusabalalisa igesi eningi nokuyithwala ngamapayipi imvama okunamandla angumfutho ongaphezulu kwesisindo sesilinganiso esingama-bar angu2 (bar gauge) nangaphansi kwesisindo sesilinganiso esingu15 wama-bar (bar gauge) noma ngamapayipi ngamanye amandla angumfutho njengokuvumela umsebenzi wegese ngokwendlela ebekwe ngokulawula ukuyisa ezindaweni zokuyisebenzisa noma zokuyaba futhi, noma kuzo zombili lezindawo zokuyisebenzisa nokuyidlulisa, nanoma yimuphi omunye umsebenzi ofana nalowo, futhi **“ukusabalalisa”** **“nokusabalalisayo”** kunencazelo efanayo; 40
“inkampani esabalalisayo” isho noma ngubani osabalalisa igesi;
“ongase abe yikhasimende” kusho ikhasimende ngokubekiwe ongase athenge ngqo kwabafakelayo ngaphandle kokungenela kwenkampani esabalalisayo;
“iges” isho onke amagesi asaketshezi (hydrocarbon gasses) athwalwa ngamapayipi, okubala igesi yemvelo, igesi eyenziwe, igesi enothile kwi-hydrogen, igesi enothile kwi-methane, igesi eyi-synthetic, igesi ye-methane yamalahle, igesi yemvelo eyenziwe yaba amanzi, igesi yemvelo ecindezelwe, igesi yemvelo ebuyiselwe esimweni sayo esingamanzi, igesi yemvelo ye-petroleum eyenziwe yaba amanzi noma i yiphi igesi kulaba; 45
“uMlawuli weNqubomgomo yeGesi” usho uMlawuli weNqubomgomo yeGesi kaZwelonke omiswe ngokwesigaba 3; 50
“onelayisense” usho noma ubani onelayisense ayinikezwe nguMlawuli weNqubomgomo yeGesi ngokwaloMthetho;

“person” includes any organ of state as defined in section 239 of the Constitution;
“prescribed” means prescribed by regulation or by rules;
“price” means the charge for gas to a distributor, reticulator or final customer;
“production” means the recovery, processing, treating and gathering of gas from
wells in the earth up to the boundary of the mine, or the manufacture of synthetic 5
or artificial gas, or the manufacturing of any gases in the refining process up to the
boundary of the factory, and any other activity incidental thereto, and “produce”
and “producing” have corresponding meanings;
“re-gasification” means converting liquefied natural gas to a gaseous state at a
re-gasification plant; 10
“regulation” means a regulation made under section 34(1);
“reticulation” means the division of bulk gas supplies and the transportation of
bulk gas by pipelines with a general operating pressure of no more than 2 bar gauge
to points of ultimate consumption, and any other activity incidental thereto, and
“reticulate” and “reticulating” have corresponding meanings; 15
“rule” means by a rule made under section 34(3);
“service” means any service relating to the transmission, distribution, storage,
trading, liquefaction or re-gasification of gas;
“specification” means the chemical and physical composition, calorific values and
Wobbe Index of the gas that conforms to recognised international standards and the 20
pressure of the gas at point of entry to shared systems;
“storage” means the holding of gas as a service and any other activity incidental
thereto, but excludes storage of gas in pipelines which are used primarily for the
transmission and distribution of gas;
“storage company” means any person storing gas; 25
“tariff” means the charge for gas services to any customer;
“this Act” includes the regulations;
“trading” means the purchase and sale of gas as a commodity by any person and
any services associated therewith, excluding the construction and operation of
transmission, storage and distribution systems, and “trading services” has a 30
corresponding meaning;
“transmission” means the bulk transportation of gas by pipeline supplied between
a source of supply and a distributor, reticulator, storage company or eligible
customer, or any other activity incidental thereto, and “transmit” and “transmit-
ting” have corresponding meanings; 35
“transmission company” means any person transmitting gas;
“uncommitted capacity” means such capacity determined by the Gas Regulator
in a liquefaction, re-gasification, transmission, storage or distribution facility as is
not required to meet contractual obligations.

Objects of Act 40

2. The objects of this Act are to—
- (a) promote the efficient, effective, sustainable and orderly development and
operation of gas transmission, storage, distribution, liquefaction and re-
gasification facilities and the provision of efficient, effective and sustainable 45
gas transmission, storage, distribution, liquefaction, re-gasification and
trading services;
 - (b) facilitate investment in the gas industry;

- “**ukwenza amanzi**” kusho ukuguqula igesi yemvelo ekubeni yigesi eyenziwe amanzi;
- “**imayini**” isho “**imayini**” njengokuchaza koMthetho weziMbiwa (Minerals Act), ka 1991 (UMthetho 31 ka 1991);
- “**uNgqongqoshe**” usho uNgqongqoshe weziMbiwa naMandla; 5
- “**umuntu**” ubala noma yisiphi isitho sombuso ngokuchazwe kwisigaba 239 soMthethosisekelo;
- “**okubekiwe**” kusho okubekwe yinqubomgomo noma umthetho;
- “**inani**” lisho imali ekhokhwa ngumsabalalisi, ngumabi noma ikhasimende lokugcina; 10
- “**umkhiqizo**” usho ukulanda, ukunonga, ukuqhola nokuqoqa igesi emithonjeni esenlabathini kuye kufike emngceleni wemayini, noma umkhiqizi wegese eyi-synthetic noma yokwenziwa noma ukukhiqiza noma nhloboni yegesi kwinqubo yokuyicola kuye kufike kumngcele wefemu, nanoma yimuphi omunye umsebenzi ofana nalowo, kanti; 15
- “**ukukhiqiza**” “**nokukhiqizwayo**” kunencazelo efanayo;
- “**ukubuyisela kwi gesi**” kusho ukuguqulwa igesi yemvelo eyenziwe amanzi ibuyiselwe kwisimo segesi endaweni yokubuyisela amagesi;
- “**inqubomgomo**” isho inqubomgomo eyenziwe ngokwesigaba 34(1);
- “**ukwaba**” kusho ukwahlukanisa umthwalo omkhulu wegese efakelwe nokuyithwala ngepayipi elinomfutho ojwayelekile okusetshenzwa ngawo ongezile kwisisindo (bar gauge) esingu 2 ukuhambisa ezindaweni esetshenziswa kuzo, nanoma yimuphi umsebenzi ofana nalowo; 20
- “**ukwaba**” no “**kwabiwayo**” kunencazelo efanayo;
- “**umthetho**” usho umthetho obekwe ngaphansi kwesigaba 34(3); 25
- “**insizakalo**” isho noma iyiphi insizakalo efana nokuthwala, ukusabalalisa, ukugcina, ukuhweba, ukuyenza amanzi noma ukubuyisela kwisimo segesi;
- “**ukuxubeka**” kusho ukuxubeka ngokwekhemikhali nangokwakheka, ubuyona (calorific values) kanye ne-Wobbe Index kwigesi ehambisanayo namazinga omhlaba kanye nomfutho wegese lapho ingena kuye lapho kwabelwana khona ngayo; 30
- “**ukugcina**” kusho ukugcina igesi njengensizakalo nokwenza nanoma yimuphi umsebenzi ofana nalowo, kepha okungabali ukugcinwa kwegese kumapayipi asetshenziselwa ukuyithwala nokuyisabalalisa;
- “**inkampani egcinayo**” kusho noma ubani ogcina igesi; 35
- “**intela**” isho inani lemali elikhokhelwa igesi yikhasimende;
- “**loMthetho**” ubala nenqubomgomo;
- “**ukuhweba**” kusho ukuthenga nokuthengisa igesi njengempahla yinoma ubani nayinoma yimuphi umsebenzi ohambisana nalowo, okungabali ukwakhiwa nokudluliswa, ukugcina nokusabalalisa, kanti; 40
- “**nezinsizakalo zohwebo**” zisachaza okufanayo;
- “**ukuthwala**” kusho ukuthutha ngepayipi umthwalo omkhulu wegese ofakelwa phakathi komthombo nomsabalalisi, owabayo, inkampani egcinayo kanye nabangase babe ngamakhasimende, nanoma yini efana nalokho, kanti; 45
- “**okuthwelwe**” kanye;
- “**nokuthwelweyo**” kunencazelo efanayo;
- “**inkampani ethwalayo**” isho noma ubani othwele igesi;
- “**amandla angabekwe ndawo**” asho lawo mandla ngokubekwe nguMlawuli weNqubomgomo yegesi ekuguquleni emanzini, ukubuyisela kwigesi, ukuthwala, ukugcina noma ukusabalalisa okungadingi ukuthi kuhambisane nezidingongqangi eziyisibopho sesivumelwano. 50

Okuhlosiwe ngoMthetho

2. Okuhlosiwe ngaloMthetho—

- (a) ukukhuthaza ukuthuthukiswa okuyimpumelelo, okunomphumela, okusimeme nokuhleleka komsebenzi wokuthwalwa kwegese, ukuyigcina, ukuyisabalalisa, ukuyenza amanzi nokuyibuyisela kwigesi kanjalo nezinsizakalo zohwebo eziyimpumelelo, ezinomphumela, ezisimeme nezihlelekile kumsebenzi wokuthwalwa kwegese, ukuyigcina, ukuyisabalalisa, ukuyenza amanzi nokuyibuyisela kwigesi; 55
- (b) ukugququzelela utshalomali kwimboni yegesi; 60

- (c) ensure the safe, efficient, economic and environmentally responsible transmission, distribution, storage, liquefaction and re-gasification of gas;
- (d) promote companies in the gas industry that are owned or controlled by historically disadvantaged South Africans by means of licence conditions so as to enable them to become competitive; 5
- (e) ensure that gas transmission, storage, distribution, trading, liquefaction and re-gasification services are provided on an equitable basis and that the interests and needs of all parties concerned are taken into consideration;
- (f) promote skills among employees in the gas industry; 10
- (g) promote employment equity in the gas industry;
- (h) promote the development of competitive markets for gas and gas services;
- (i) facilitate gas trade between the Republic and other countries; and
- (j) promote access to gas in an affordable and safe manner.

CHAPTER II

NATIONAL GAS REGULATOR 15

Establishment of Gas Regulator

3. The National Gas Regulator is hereby established as a juristic person.

Functions of Gas Regulator

4. The Gas Regulator must, as appropriate, in accordance with this Act—
- (a) issue licences for— 20
 - (i) construction of gas transmission, storage, distribution, liquefaction and re-gasification facilities;
 - (ii) conversion of infrastructure into transmission, storage, distribution, liquefaction and re-gasification facilities;
 - (iii) operation of gas transmission, storage, distribution, liquefaction and re-gasification facilities; and 25
 - (iv) trading in gas;
 - (b) gather information relating to the production, transmission, storage, distribution, trading, liquefaction and re-gasification of gas;
 - (c) issue notices in terms of section 26(1) and, if necessary, take remedial action in terms of section 26(2); 30
 - (d) undertake investigations and inquiries into the activities of licensees;
 - (e) consult with government departments and other bodies and institutions regarding any matter contemplated in this Act;
 - (f) consult with government departments and gas regulatory authorities of other countries to promote and facilitate the construction, development and functioning of gas transmission, storage, distribution, liquefaction and re-gasification facilities and services; 35
 - (g) regulate prices in terms of section 21(1)(p) in the prescribed manner;
 - (h) monitor and approve, and if necessary regulate, transmission and storage tariffs and take appropriate action when necessary to ensure that they are applied in a non-discriminatory manner as contemplated in section 22; 40
 - (i) expropriate land or any right in, over or in respect of such land as is necessary for the performance of a licensee's functions;
 - (j) promote competition in the gas industry; 45
 - (k) promote the optimal use of available gas resources;
 - (l) take decisions that are not at variance with published Government policy;
 - (m) publish from time to time a list of other legislation applicable to the gas industry;

- (c) ukuqinisekisa ukuthwalwa, ukusatshalaliswa, ukugcinwa, ukwenziwa amanzi nokubuyiselwa kwegesi ngokunakekela okukhulu maqondana nokuphepha, ngempumelelo nangokubhekelela imvelo;
- (d) ukukhuthaza izinkampani zegesi okungezabantu abanomlando wokukhinyabezeka eNingizimu Afrika ngokubabhekelela ngemibandela ezobaweza bakwazi ukusebenza ngempumelelo; 5
- (e) ukuqinisekisa ukuthi ukuthwala, ukugcinwa, ukusatshalaliswa, ukwenza amanzi, ukubuyisela kwigesi nohwebo lwegesi konke kuqhutshwa ngendlela enobuqiniso nokuthi izidingo zabo bonke abathintekayo ziyabhekelelwa; 10
- (f) ukukhuthaza ikhono kubaqashwa bemboni yegesi; 10
- (g) ukukhuthaza ukuqashwa ngokulingana kwimbongi yegesi;
- (h) ukukhuthaza ukuthuthukiswa kwezimakethe nezinsizakalo zegesi ezinempumelelo;
- (i) ukugququzela uhwebo lwegesi phakathi kweRiphabhulikhi kanye namanye amazwe; 15
- (j) kanye nokukhuthaza ukutholakala kwegesi ngendlela ekhoneyayo nephephile.

ISAHLUKO II

UMLAWULI WENQUBOMGOMO YEGESI KUZWELONKE

Ukumiswa koMlawuli weNqubomgomo yeGesi 20

3. Kumiswa uMlawuli weNqubomgomo yeGesi kuzwelonke oyisimo somuntu emthethweni.

Imisebenzi YoMlawuli WeNqubomgomo YeGesi

4. uMlawuli weNqubomgomo yeGesi, kumele, njengoba kufanelekile, ngokuhambisana naloMthetho— 25

- (a) Akhiphe amalayisense—
- (i) okwakhiwa kokokuthwalwa kwegesi, ukugcinwa, ukusatshalaliswa, ukwenziwa amanzi kanye nokubuyiselwa kwayo kwigesi;
- (ii) Ukushintshwa kwenqalasisizinda ibe ngethwalayo, egcinayo, esabalalisayo, eshintsha igesi ibe ngamanzi nebuyisela kwigesi; 30
- (iii) Ukusetshenzwa kwezinto zokuthwala, ukugcina, 35 ukusabalalisa, ukwenza igesi amanzi nokuyibuyisela kwigesi; kanye
- (iv) Nokuhweba ngegisi.
- (b) ukuqoqa imininingwane maqondana nokukhiqizwa, ukuthwalwa, ukugcinwa ukusatshalaliswa, ukuhweba, ukuyenza amanzi nokuyibuyisela kwigesi; 35 ukukhipha izaziso ngokwesigaba 26(1) futhi, uma kunesidingo, ukuthatha izinyathelo zokulungisa ngokwesigaba 26(2);
- (d) ukwenza uphenyo nocwaningo ngezinto ezenziwa ngabanamalayisense;
- (e) ukubonisana neminyango kahulumeni neminye imigwamanda nezikhungo maqondana nanoma yini ecatshangiwe kuloMthetho; 40
- (f) ukubonisana neminyango kahulumeni kanjalo neziphathimandla ezingabalawuli benqubomgomo yegesi bakwamanye amazwe ukukhuthaza nokugququzelela ukwakhiwa, ukuthuthukiswa nokusebenza kokuthuthwa, ukugcinwa nokusatshalaliswa, ukwenziwa amanzi, ukubuyiselwa kwigesi nezinsizakalo zegesi; 45
- (g) ukulawulwa amanani ngokubekiwe ngokwesigaba 21(1)(n);
- (h) ukuqapha nokuvumela, uma kunesidingo ukulawula, intela kahulumeni nenkokhelo yokuthuthwa nokugcinwa kwegesi nokuthatha izinyathelo ezifanele uma kunesidingo ukuqinisekisa ukuthi lokhu kusetshenziswa ngokungabandlululi njengokubekiwe kwisigaba 22; 50
- (i) uma kudingeka, ukudla umhlaba noma hlobo luni lwelungelo maqondana nalowo mhlaba ukuze onelayisense akwazi ukusebenza;
- (j) ukukhuthaza umqhudelwano kwimbongi yegesi;
- (k) ukukhuthaza ukusebenzisa ngokugcwele umnotho wegesi ekhona;
- (l) ukuthatha izinqumo ezingaphikisani nomthethomgomo oshicilelwe kaHulumeni; 55
- (m) Ukuvama ukusakaza uhla lweminye imithetho emayelana nembongi yegesi;

- (n) perform any activity incidental to the performance of its functions;
- (o) make rules in accordance with section 34(3); and
- (p) exercise any power or perform any duty conferred or imposed on it under any law.

Constitution of Gas Regulator

5

5. (1) The Gas Regulator consists of five part-time members appointed by the Minister.

(2) The Minister must designate one of the members appointed under subsection (1) as chairperson of the Gas Regulator.

(3) If the chairperson is for any reason unable to perform his or her duties, the other members must choose another person from among themselves to act as chairperson until the chairperson can resume his or her duties or another chairperson is appointed by the Minister. 10

(4) (a) A member of the Gas Regulator holds office for a period of four years.

(b) The Minister may reappoint a member. 15

(c) If a member of the Gas Regulator ceases to hold office, the Minister may appoint another person in his or her place for the remainder of the term of office of that member.

(5) Members of the Gas Regulator must be paid for their services such remuneration and allowances as the Gas Regulator may determine with the approval of the Minister and the concurrence of the Minister of Finance. 20

Disqualifications and requirements regarding appointment to Gas Regulator

6. (1) No person may be appointed or remain as a member of the Gas Regulator if that person—

(a) is not a South African citizen resident in the Republic of South Africa;

(b) is an unrehabilitated insolvent; 25

(c) has been convicted of an offence involving dishonesty; or

(d) is in the employ of, or affiliated to, an organ of state in any sphere of government, or has any conflict of interest in this regard.

(2) The Minister must appoint, as members of the Gas Regulator, persons who—

(a) have adequate legal, technical, business, economic or other experience relevant to the transmission, storage or distribution of gas or trading in gas; 30

(b) are collectively representative of South African society as a whole;

(c) are committed and available to fulfill their role as members of the Gas Regulator; and

(d) demonstrate impartiality and objectivity. 35

in such a manner that a fair balance between continuity and capacity building is achieved.

(3) Before appointing members to the Gas Regulator, the Minister must by notice in the *Gazette* call for nominations from members of the public. 40

(4) All members must—

(a) upon appointment disclose if he or she is in the employ of or acts as a consultant to, or has any relationship with any person, firm, association or company engaged in the exploration for gas, or the production, transmission, storage, distribution, liquefaction or re-gasification of gas or trading in gas, or has any pecuniary interest in any such firm, association or company; 45

(b) upon appointment disclose if his or her spouse, life partner, child, business partner or associate or employer is in the employ of or acts as a consultant to, or has any relationship with any person, firm, association or company engaged in the exploration for gas or the production, transmission, storage, distribu-

- (n) ukwenza nanoma yini ehambisana nemisebenzi yakhe;
- (o) ukwenza imithetho ehambisana nosigaba 34(3); kanye
- (p) nokusebenzisa amandla noma ukwenza noma yimuphi umsebenzi onikezwe noma obekwe emahlombe akhe ngokwanoma yimuphi umthetho.

UMthethosisekelo WoMlawuli WeNqubomgomo YeGesi

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5. (1) Umlawuli weNqubomgomo yeGesi unabantu abahlanu abasebenza ngokungagcwele abaqokwa nguNgqongqoshe.

(2) UNgqongqoshe kumele abeke oyedwa wamalungu akhethiwe abe ngusihlalo womlawuli wegesi ngokwesigatshana (1).

(3) Uma ngasizathu thize usihlalo engakwazi ukwenza umsebenzi wakhe, amanye amalungu kumele akhetho omunye umuntu phakathi kwawo ahlale endaweni kasihlalo kuze kube usihlalo uyakwazi ukuphinde enze umsebenzi wakhe noma kuze kube uNgqongqoshe ukhetha omunye usihlalo. 10

(4) (a) Ilungu loMlawuli weNqubomgomo yeGesi liba sesikhundleni isikhathi esiyiminyaka emine. 15

(b) UNgqongqoshe angaphinda alikhethe ilungu.

(c) Uma ilungu loMlawuli weNqubomgomo yeGesi lisiyeka isikhundla, uNgqongqoshe angakhetha omunye umuntu ozongena esikhundleni sesikhathi esisele kulelolu. 20

(5) Amalungu oMlawuli weNqubomgomo yeGesi kumele akhokhelwe ngemisebenzi ayenzayo futhi athole nemali yokuwabonelela njengabaLawuli beGesi ngokuvunyelwa nguNgqongqoshe evumelene noNgqongqoshe wezeziMali. 20

Ukungafaneleki nezidingongqangi zokukhethelwa koMlawuli weNqubomgomo yegesi

6. (1) Akekho umuntu ongakhethwa abe, noma ahlale eyilungu loMlawuli weNqubomgomo yegesi uma— 25

(a) engesiyena umhlali ozinze kwiRiphabhulikhi yaseNingizimu Afrika;

(b) enezikweleti ezingaphezulu komnotho anawo futhi engahlengiwe kulokho;

(c) esake walahlwa yicala lokungethembeki; eqashwe,

(d) enobudlelwano noma eyilungu lanoma yiluphi uphiko lukahulumeni, noma kunanoma yikuphi ukushayisana kwentshisekelo kulokhu; 30

(2) UNgqongqoshe kumele akhetho, njengamalungu oMlawuli weNqubomgomo yeGesi—

(a) abantu abanesipiliyoni ngokwanele kwezomthetho, ubuchwepheshe, ibhizinisi, umnotho nanoma yiluphi ulwazi maqondana nokuthwalwa, ukugcinwa, nokusabalaliswa noma ukuhweba ngegese; 35

(b) ngokuhlangene abawumele ngokuphelele umphakathi waseNingizimu Afrika;

(c) abazinikele futhi abahlale benokuphumelela ukubamba iqhaza elifanele njengamalungu oMlawuli weNqubomgomo yeGesi; futhi 40

(d) abakhombisa ukungabandlululi nokungakhinyabezi muntu, ngendlela yokuthi kube ngokusimeme futhi kuphumelele ukuqhubekela phambili nokwakhiwa kwamandla.

(3) Ngaphambi kokukhetha amalungu kuloMlawuli weNqubomgomo yeGesi, uNgqongqoshe kumele ngesaziso kwiGazethi (*iPhephandaba likaHulumeni*), acele amagama kumalungu omphakathi. 45

(4) Wonke amalungu kumele—

(a) ekuqashweni kwawo aveze uma eqashwe noma engumxhumaninisi, noma enanoma yibuphi ubudlelwane nanoma yimuphi umuntu, ifemu, noma inkampani ehlangene nokusebenza ngegese, ukukhiqizwa, ukusatshalaliswa, ukugcinwa, ukuthwalwa, ukwenziwa amanzi nokubuyiselwa kwigese noma ukuhweba ngegese, noma enentshisekelo ethile kunoma iyiphi ifemu noma inkampani; 50

(b) ekuqashweni aveze uma umlingani wakhe, ahlalisana naye, ingane, umlingani ngokwebhizinisi noma umqashi uqashwe noma ungumxhumanisi, noma unanoma yibuphi ubudlelwane nanoma yimuphi umuntu, ifemu, noma inkampani ehlangene nokusebenza ngegese, ukukhiqizwa, ukusatshalaliswa, ukugcinwa, ukuthwalwa, ukwenziwa amanzi noma ukubuyiselwa kwigese 55

tion, liquefaction and re-gasification of gas or trading in gas, or has any pecuniary interest in any such firm, association or company; and

(c) notify the Minister and the Gas Regulator when those interests change.

(5) A member must not at any time be present during the discussion of, or the making of a decision on, or take part in, any matter before the Gas Regulator in which that member or his or her spouse, life partner, child, business partner or associate or employer, other than the State, has a direct or indirect interest. 5

(6) If a member acquires or contemplates acquiring an interest contemplated in subsection (4)(a), such member must immediately in writing declare that fact to the Minister and the Gas Regulator. 10

Vacation of office and termination of appointment

7. (1) A member of the Gas Regulator must vacate his or her office if that member—

(a) becomes of unsound mind;

(b) has been absent from more than two consecutive meetings without leave of the chairperson for each absence; 15

(c) resigns by written notification to the Minister;

(d) materially breaches any duty imposed on him or her in terms of this Act; or

(e) becomes disqualified from being a member on any of the grounds referred to in section 6(1).

(2) The Minister may terminate the appointment of a member of the Gas Regulator if such member behaves in a manner contrary to the provisions of section 9. 20

Meetings of Gas Regulator

8. (1) (a) The Gas Regulator must meet at such times and places as may be determined by the chairperson.

(b) The chairperson must call such meetings of the Gas Regulator as are necessary for the proper performance of its functions. 25

(2) The chairperson shall, upon a written request of the chief executive officer or two other members, convene a special meeting to be held within two weeks after the date of receipt of such request.

(3) Unless other procedures are prescribed, the chairperson of any meeting of the Gas Regulator must determine the procedures to be followed at such meeting. 30

(4) The quorum for any meeting of the Gas Regulator is a majority of its members.

(5) (a) The decision of the majority of the members present at a meeting constitutes a decision of the Gas Regulator.

(b) In the event of an equality of votes on any matter the person presiding at the meeting has a casting vote in addition to his or her deliberative vote. 35

(6) No decision taken by the Gas Regulator is invalid merely because of a vacancy on the Gas Regulator or because any person not entitled to sit as a member sat as such member at the time when the decision was taken if the rest of the members present at the meeting and entitled to sit as members at the meeting constituted a quorum and the decision was taken by a majority of those members present and entitled to vote. 40

(7) The Chief Executive Officer or, if unavailable, an employee of the Gas Regulator designated by the Chief Executive Officer, must attend all meetings of the Gas Regulator and has the right to speak, but not vote, at such meetings.

(8) (a) Any meeting of the Gas Regulator is open to the public unless confidential, proprietary or commercially sensitive information is tabled for discussion, in which case an affected person must convince the Gas Regulator as to why such information should not be disclosed to the public. 45

(b) If the Gas Regulator takes a decision in any other manner than at a formal meeting, such decision comes into effect immediately but must be reduced to writing, signed by a majority of the members and submitted for noting at the first formal meeting of the Gas Regulator following the decision. 50

noma ukuhweba ngegese, noma enentshisekelo ethile kunoma iyiphi ifemu noma inkampani; futhi

(c) amazise uNgqongqoshe noMlawuli weNqubomgomo yeGesi uma leyo ntshisekelo ishintsha.

(5) Ilungu akumele noma yinini libe khona lapho kudingidwa, noma kuthathwa izinqumo, noma libandakanyeke, kunoma yiluphi udaba loMlawuli wenqubo mgomo wegesi lapho lelo lungu noma umlingani walo, ingane, umlingani ngokwebhizinisi noma umqashi, ngaphandle koMbuso, enentshisekelo. 5

(6) Uma ilungu liba noma licabanga ukuba nentshisekelo echazwe kusigatshana (4)(a), lelolungu kumele lazise uNgqongqoshe kanye noMlawuli wenqubomgomo yegesi ngokushesha. 10

Ukuphuma nokuyekiswa esikhundleni

7. (1) Ilungu loMlawuli weNqubomgomo yeGesi kumele liphume esikhundleni uma—

(a) liqala lihanjelwa umqondo; 15

(b) liphuthe emihlanganweni engaphezulu kwemibili ngaphandle kwemvume kasihlalo kulokho nalokho kuphutha;

(c) liyeka ngokubhalela uNgqongqoshe limazisa;

(d) lephula umthetho wanoma yimuphi umsebenzi walo ngokwaloMthetho;

(e) noma liba ongasafanelekile ukuba yilungu nganoma yiziphi izizathu okukhulunywa ngazo kwisigaba 6(1). 20

(2) UNgqongqoshe angaliyekisa ilungu ubulungu balo bokuba uMlawuli weNqubomgomo yeGesi uma liziphatha ngokuphikisanayo nesigaba 9.

Imihlangano yoMlawuli weNqubomgomo yeGesi

8. (1) (a) UMlawuli weNqubomgomo yeGesi kumele abe nemihlangano ngezikhathi ezibekwe ngusihlalo. 25

(b) Usihlalo kumele abize imihlangano yoMlawuli weNqubomgomo yeGesi ngokudingekayo ukuze imisebenzi efanele yenziwe ngendlela.

(2) Usihlalo kumele, lapho kunesicelo esibhalwe ngumphathi omkhulu noma amalungu amabili, abize umhlangano ophuthumayo ofanele ukubanjwa emavikini amabili emva kokuthola le sicelo. 30

(3) Ngaphandle uma kunenqubo enqunyiwe, usihlalo wanoma yimuphi umhlangano woMlawuli weNqubomgomo yeGesi kumele abeke inqubo ezolandelwa kulowo mihlangano.

(4) Ikhworamu yanoma yimuphi umhlangano woMlawuli weNqubomgomo yeGesi yiningi lamalungu. 35

(5) (a) Isinqumo seningi lamalungu akhona emhlanganweni siyisinqumo soMlawuli weNqubomgomo yeGesi.

(b) Uma kwenzeka elingana amavoti kunoma yiluphi udaba umuntu ongusihlalo emhlanganweni ivoti yakhe ingunqamula juqu ngaphezulu kwaleyo ejwayelekile. 40

(6) Akukho sinqumo esingekho emthethweni ngenxa yesikhala esikhona soMlawuli weNqubomgomo yeGesi noma ngenxa yomuntu ongenalungelo lokwethamela umhlangano ngesikhathi lelo lungu likhona ngesikhathi kuthathwa lesi sinqumo uma amanye amalungu ebekhona emhlanganweni futhi enelungelo lokwethamela futhi eyikhworamu kanti nesinqumo futhi sibe esithathwe yiningi lamalungu akhona anelungelo lokuvota. 45

(7) UMphathi Omkhulu, noma uma engeke aphumelele, umqashwa woMlawuli weNqubo yegesi obekwe nguMphathi Omkhulu, kumele ayihambele yonke imihlangano yoMlawuli weNqubomgomo yegesi futhi unelungelo lokuphawula, kodwa hhayi ukuvota, kulemihlangano. 50

(8) (a) Noma yimuphi umhlangano woMlawuli weNqubomgomo yeGesi uvulelekile emphakathini ngaphandle uma kunemininingwane eyimfihlo, enegunya lobunikazi ngokohwebo, lowo muntu othintekayo kumele amenelise uMlawuli weNqubomgomo yeGesi ukuthi kungani lemininingwane ingedalulwe kumphakathi.

(b) Uma uMlawuli weNqubomgomo yeGesi ethatha isinqumo ngenye indlela ngaphandle kwasemhlanganweni osemthethweni, lesi sinqumo siqala ukusebenza ngaleso sikhathi kepha kumele kube esibhalwe phansi, sasayinelwa iningi lamalungu sabe sesethulwa emhlanganweni 40 wokuqala oMlawuli weNqubomgomo yeGesi emva kokuba sesithathiwe. 55

(c) The Gas Regulator must cause a record of all of its proceedings to be kept.

Duties of members of Gas Regulator

9. Members of the Gas Regulator may exercise all their powers under this Act and must—

- (a) perform all their duties in terms of this Act; 5
- (b) act in a justifiable and transparent manner whenever the exercise of their discretion is required;
- (c) at all times act in the interest of the Gas Regulator and not in their own or sectoral interests;
- (d) act independently of any undue influence or instruction; 10
- (e) recuse themselves from and refrain from voting on or discussing any matter pending before the Gas Regulator in which they have a direct or indirect interest; and
- (f) act in a manner that is required and expected from the holder of a public office.

Decisions of Gas Regulator 15

10. (1) Any decision of the Gas Regulator must be—

- (a) consistent with the Constitution and this Act;
- (b) in the public interest;
- (c) within the powers of the Gas Regulator, as set out in this Act;
- (d) taken within a procedurally fair process in which all affected persons have the opportunity to submit their views and present relevant facts and evidence at their own expense to the Gas Regulator; 20
- (e) based on facts and evidence that must be summarised and recorded with the decision;
- (f) in writing; and 25
- (g) explained clearly as to its factual and legal bases and the reasons therefor.

(2) Any decision of the Gas Regulator and the reasons therefor must be available to the public.

(3) Any person adversely affected by a decision of the Gas Regulator may bring such decisions under review by the High Court. 30

Personnel of Gas Regulator

11. (1) The Gas Regulator must appoint a chief executive officer for the Gas Regulator.

(2) Subject to the directions of the Gas Regulator, the chief executive officer is responsible for— 35

- (a) the day-to-day management of the affairs of the Gas Regulator; and
- (b) administrative control over the employees appointed under subsection (3).

(3) The chief executive officer may appoint employees, or contract with any person, to assist the Gas Regulator in the performance of its functions.

(4) The chief executive officer and other members of the personnel of the Gas Regulator must be paid such remuneration, allowances, subsidies and other benefits as the Gas Regulator, with the approval of the Minister and the Minister of Finance, may determine. 40

(5) Notwithstanding subsections (1) and (3), the Minister may determine that the Gas Regulator appoint or make use of persons employed or contracted by another licensing or regulatory authority falling under the Minister's jurisdiction. 45

(6) Section 9 applies to any member of the personnel of the Gas Regulator, with the changes required by the context.

Funds of Gas Regulator

12. The funds of the Gas Regulator consist of— 50

- (a) appropriations from the National Revenue Fund;
- (b) levies imposed by or under separate legislation; and

(c) Umlawuli weNqubomgomo yeGesi kumele abhekelele ukuthi kugcinwa irekhodi yayo yonke inqubo ekhona.

Imisebenzi yamalungu oMlawuli weNqubomgomo yeGesi

9. Amalungu oMlawuli weNqubomgomo yeGesi angawasebenzisa onke amandla anawo kuloMthetho futhi kumele— 5
- (a) enze yonke imisebenzi yawo ngokwaloMthetho;
 - (b) enze izinto ngendlela enobulungisa nephumele obala njalo lapho enza umsebenzi odinga asebenzise amandla awo;
 - (c) enze izinto zikhathi zonke ngentshisekelo yoMlawuli weNqubomgomo yeGesi hhayi intshisekelo yabo noma iqembu elithize; 10
 - (d) enze izinto ngokuzimele ngaphandle kokufakwa umoya noma ukutshelwa;
 - (e) azikhiphele ngaphandle futhi angavoti lapho udaba oluvotelwayo olusezithebeni zamalungu oMlawuli weNqubomgomo yeGesi luwathinta ngokuthe ngqo noma ngandlela thize; futhi
 - (f) abaphethe izikhundla zomphakathi baziphathe ngendlela efanele nelindelekile. 15

Izinqumo zikaMlawuli weNqubomgomo yeGesi

10. (1) Noma yisiphi isinqumo soMlawuli weNqubomgomo yeGesi kumele—
- (a) sihambisane noMthethosisekelo kanye naloMthetho;
 - (b) sibhekelele umphakathi; 20
 - (c) sibe ngesisemandleni oMlawuli weNqubomgomo yeGesi, njengokumisa kwaloMthetho;
 - (d) sithathwe ngokwenqubo enobuqiniso lapho bonke abathintekayo bebe nethuba lokubeka uvo lwabo babeke namaqiniso aqondene nobufakazi abanabo ngezindleko zabo kuMlawuli weNqubomgomo yeGesi; 25
 - (e) sibe nesisekelo sobufakazi obufanele bubekwe kafushane kanye nesinqumo;
 - (f) sibhalwe phansi; futhi
 - (g) sichazwe ngokucacile ngokweqiniso, nomthetho nezizathu zaso.
- (2) Noma yisiphi isinqumo soMlawuli weNqubomgomo yeGesi nezizathu zakhona kumele umphakathi ukwazi ukuzithola. 30
- (3) Noma ubani othintwa yisinqumo soMlawuli weNqubomgomo yeGesi angasidlulisela ukuyobuyezwa yiNkantolo Ephakeme.

Abasebenzi boMlawuli weNqubomgomo yeGesi

11. (1) Umlawuli weNqubomgomo yeGesi kumele aqashe umphathi omkhulu woMlawuli weNqubomgomo yeGesi. 35
- (2) Ngokuhambisanayo nemiyalelo yoMlawuli weNqubomgomo yeGesi umphathi omkhulu unomsebenzi abhekene nawo—
- (a) wokulawula izindaba zikaMlawuli weNqubomgomo yeGesi; kanye
 - (b) nokulawula ubuphathiswa babo bonke abaqashwe ngokwesigatshana (3).
- (3) Umphathi omkhulu angaqasha abasebenzi, noma avumelane nanoma ngubani, ukusiza kwimisebenzi yoMlawuli weNqubomgomo yeGesi.
- (4) Umphathi omkhulu namanye amalungu abasebenzi boMlawuli weNqubomgomo yeGesi kumele bakhokhelwe amaholo, imali yokubonelela, umxhaso, nezinye izinzuzo ngokuvunyelwa uMlawuli weNqubomgomo yeGesi ngemvume kaNgqongqoshe noNgqongqoshe wezezimali. 40 45
- (5) Nakuba kunezigatshana (1) no (3), uNgqongqoshe anganquma ukuthi uMlawuli weNqubomgomo yeGesi makaqashe noma asebenzise abaqashwa abanesivumelwano nesinye isiphathamandla samalayisense ngaphansi kwamandla kaNgqongqoshe.
- (6) Isigaba 9 simaqondana nanoma yiliphi ilungu labasebenzi boMlawuli weNqubomgomo yeGesi, ushintsho lube ngokwesimo esikhona. 50

Izimali zikaMlawuli weNqubomgomo yeGesi

12. Izimali zikaMlawuli weNqubomgomo yeGesi zibala—
- (a) okutholakale kwisiKhwama seMali yentela eqoqwe kuZwelonke (National Revenue Fund);
 - (b) intela ngokomthetho othize noma ohlukile; kanye 55

- (c) charges for dispute resolution and other services rendered.

Accounting by Gas Regulator

13. (1) The Gas Regulator must perform its functions in accordance with the Public Finance Management Act, 1999 (Act No. 1 of 1999).

(2) The Gas Regulator must open one or more accounts in its name with one or more recognised financial institutions and deposit therein all money received from the sources contemplated in section 12. 5

(3) The financial records of the Gas Regulator must be audited by the Auditor-General.

(4) The financial year of the Gas Regulator starts on 1 April of one year and ends on 31 March of the following year. 10

Reporting by Gas Regulator

14. The annual report for public entities required in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999), must be accompanied by information on the following matters: 15

- (a) Licences granted, amended or withdrawn;
- (b) regulations made and directives issued;
- (c) the envisaged strategies of the Gas Regulator;
- (d) the existing position and envisaged commercial developments with respect to the transmission, storage, distribution, liquefaction and re-gasification of gas and the gas trade; 20
- (e) the position regarding health and safety in the industry; and
- (f) such other matters as the Gas Regulator may deem necessary.

CHAPTER III

GAS LICENCES AND REGISTRATION 25

Activities requiring licence

15. (1) No person may without a licence issued by the Gas Regulator—

- (a) construct gas transmission, storage, distribution, liquefaction and re-gasification facilities or convert infrastructure into such facilities;
- (b) operate gas transmission, storage, distribution, liquefaction or re-gasification facilities; or 30
- (c) trade in gas.

(2) Notwithstanding subsection (1), a person engaged in an activity referred to in Schedule 1 is not required to apply for or to hold a licence to engage in such activity, but a person engaged in an activity referred to in items 1 and 2 of that Schedule must register the operation as contemplated in section 28. 35

(3) The Gas Regulator may—

- (a) determine whether any person is engaged in any of the activities requiring a licence as contemplated subsection (1);
- (b) direct any person engaged in any of the activities requiring a licence in terms of subsection (1) who is not in possession of the necessary licence to cease such activity. 40

(4) (a) Nothing in this Act precludes any person from discussing the contemplated construction of, or conversion of infrastructure into, gas facilities, the operation thereof or the envisaged trading in gas with the Gas Regulator prior to filing a licence application. 45

(b) The Gas Regulator must, subject to section 29(4), furnish a person contemplated in paragraph (a) with such information as may facilitate the filing of an application.

(c) nenkokhelo ngokuxazulula ingxabano nezinye izinsizakalo ezenziwe.

Ukuziphendulela koMlawuli weNqubomgomo yeGesi

13. (1) UMlawuli weNqubomgomo yeGesi kumele enze umsebenzi ngokoMthetho wokuLawulwa kweziMali kukaHulumeni (Finance Management Act, 1999) (uMthetho onguNombolo 1 ka 1999). 5

(2) UMlawuli weNqubomgomo yeGesi kumele avule i-akhawunti noma ama-akhawunti ngegama layo kwesinye sezikhungo zezezimali esamukelekile afake yonke imali etholakale kwimithombo ebekiwe kwisigaba 12.

(3) Imibhalo yezezimali yoMlawuli weNqubomgomo yeGesi kumele icwaningwe nguMchwanele. 10

(4) Unyakamali woMlawuli weNqubomgomo yeGesi uqala mhlaka 1 ku-Epreli onyakeni uphele mhlaka 31 kuMashi onyakeni olandelayo.

Umbiko ngoMlawuli weNqubomgomo yeGesi

14. Umbiko waminyaka yonke wemigwamanda kahulumeni edingekayo ngokoMthetho weziMali zikaHulumeni (Public Finance Management Act), ka 1999 (uMthetho onguNombolo 1 ka 1999), kufanele uhambisane neminingwane yalezinto ezilandelayo: 15

- (a) Amalaysense akhishiwe, aguquliwe nahoxisiwe;
- (b) inqubomgomo ebekiwe nemithetho ekhishiwe;
- (c) amasu abekiwe oMlawuli weNqubomgomo yeGesi; 20
- (d) Isimo esikhona nentuthuko elindelekile maqondana nokuthwalwa, ukugcinwa, ukusatshalaliswa, ukwenziwa amanzi nokubuyiselwa kwigesi kanye nohwebo lwayo;
- (e) isimo maqondana nezempilo nokuphepha kwimboni; kanye
- (f) nezinye izinto uMlawuli weNqubomgomo yeGesi azibona zidingeka. 25

ISAHLUKO III

AMALAYISENSE EGESI NOKUBHALISA

Imisebenzi edinga ilayisense

15. (1) Akukho muntu ngaphandle kwelayisense ekhishwe uMlawuli weNqubomgomo yeGesi— 30

- (a) ongakhela ukuthuthwa, ukugcinwa ukusatshalaliswa kweges, ukwenziwa amanzi nokuyibuyisela kwiges noma aguqule inqalasisinda ukuthi ibe yenze leyo misebenzi;
- (b) ongasebenza ukuthwala, ukugcina, ukusabalalisa igesi, ukuyenza amanzi nokuyibuyisela kwiges; noma 35
- (c) ahwebe ngegese.

(2) Nakuba kunesigatshana (1), umuntu obambe iqhaza kunoma yimuphi umsebenzi okukhulunywa ngawo kwiSheduli 1 akadingi ukufaka isicelo sokungena kulomsebenzi, kepha umuntu obambe iqhaza kumsebenzi okukhulunywa ngawo kwindima 1 no 2 kuleyoSheduli kumele abhalise umsebenzi wakhe ngokubekiwe kwisigaba 28. 40

(3) uMlawuli weNqubomgomo yeGesi—

- (a) anganquma ukuthi ngabe umuntu ubambe iqhaza kwimisebenzi edinga ilayisense ngokwesigatshana 1;
- (b) angatshela umuntu obambe iqhaza kwimisebenzi edinga ilayisense ngokwesigatshana (1) ongenayo ilayisense ukuthi ayeke ukwenza lowomsebenzi. 45

(4) (a) Akukho kuloMthetho okwenqabela noma ubani ukuxoxisana ngokuhlosiwe, ukwakha, ukuguqula inqalasisinda ibe, umsebenzi wegese, ukusebenza ngayo noma uhwebo oluhlosiwe ukuxoxisana noMlawuli weNqubomgomo yeGesi ngaphambi kokufaka isicelo selayisense. 50

(b) UMlawuli weNqubomgomo yeGesi kufanele ngokuhambisanayo nesigaba 29(4), anikeze umuntu okucatshangwa ngaye kwindima (a) iminingwane leyo edingekayo ukufaka isicelo.

Application for licence

16. (1) Any person who has to apply for a licence in terms of section 15 must do so in the prescribed form and in accordance with the prescribed procedure.

(2) Any application contemplated in subsection (1) must include—

- (a) the name, company number (if any) and principal place of business of the applicant; 5
- (b) particulars of the owners or shareholder of the applicant if the applicant is not a natural person;
- (c) documents demonstrating the administrative, financial and technical abilities of the applicant; 10
- (d) a description of the proposed facility to be constructed or operated, or the proposed trading to be conducted, including maps and diagrams where appropriate;
- (e) a general description of the type of customers to be served and the tariff or gas price policies to be applied; 15
- (f) the plans and ability of the applicant to comply with all applicable labour, health, safety and environmental legislation;
- (g) a detailed specification of the gas that will be traded under the licence; and
- (h) such other particulars as may be prescribed.

(3) The applicant may request confidential treatment of commercially sensitive information contained in an application and, subject to concurrence by the Gas Regulator, such information may be withheld from publicly available copies of the application. 20

Advertising of application for licence

17. (1) When application is made for a licence as contemplated in section 16, the person concerned must publish a notice of the application in at least two newspapers circulating in the area of the proposed activity in any two official languages, one of which must be English. 25

(2) The advertisement must state—

- (a) the name of the applicant; 30
- (b) the object of the application;
- (c) the place where the application will be available for inspection by any member of the public;
- (d) the period within which any objections to the issue of the licence may be lodged with the Gas Regulator; 35
- (e) the address of the Gas Regulator where any objections may be lodged; and
- (f) that objections must be substantiated by way of an affidavit or solemn declaration.

(3) The advertisement contemplated in subsection (1) must be published for such period or in such number of issues of a newspaper as may be prescribed. 40

Particular information to be supplied by applicant

18. Before considering an application for a licence in terms of this Act, the Gas Regulator—

- (a) if it is of the view that the proposed construction of gas facilities or the proposed provision of gas services should be altered to provide access to third parties, must inform the applicant of that view and request the applicant to supply reasons as to why the application should not be considered subject to the imposition of such condition; 45
- (b) may direct the applicant to alter the plans for the proposed construction of gas facilities or the proposed provision of gas services in order to comply with applicable health, safety or environmental legislation; 50
- (c) must furnish the applicant with all substantiated objections contemplated in section 17(2)(f) in order to allow the applicant to respond thereto;
- (d) may request such additional information as may be necessary to consider the application properly; and 55

Isicelo selayisense

16. (1) Noma ubani ofanele ukufaka isicelo selayisense ngokwesigaba 15 kufanele asifake ngefomu nangokwenqubo ebekiwe.

(2) Noma yisiphi isicelo okucatshangwa ngaso kwisigatshana (1) kumele sibe-negama, inombolo yenkampani (uma ikhona) kanye nehhovisi elikhulu okuzose-tshenzelwa kulo: 5

- (a) neminingwane yabanikazi nabanamasheya balowo ofake isicelo uma ofake isicelo engesiyena umuntu ophilayo; 10
- (b) nemiqule ekhombisa ikhono lobuphathiswa, lezezimali nelobuchwepheshe balowo ofake isicelo; 10
- (c) nezincazelo ngendawo leyo ehlosiwe ukuthi izoba njani noma izosebenza kanjani, noma uhwebo oluhlosiwe, okubala amabalazwe nemidwebo lapho kufanelekile; 10
- (d) nencazelo ephelele ngohlobo lwamakhasimende azonikezwa izinsizakalo nemithethomigomo yentela namanani egesi azosetshenziswa; 15
- (e) nezinhlelo nekhono lalowo ofake isicelo ukukwazi ukuhambisana nayo yonke imithetho efanele yezemisebenzi, yezempilo, yokuphepha neyemvelo; 15
- (f) neminingwane eyenabayo ngegesi okuzoba ngeyokuhweba ngelayisense; kanye 15
- (g) neminye iminingwane engase ibekwe. 20

(3) Umfaki sicelo angacela ukuthi iphathwe ngobumfihlo iminingwane enozwelo ngokomnotho okhona esicelweni futhi, ngokuya nokuvumelana noMlawuli weNqubomgomo yeGesi, lemininingwane ingangavezwa kumakhophi esicelo asakazwa emphakathini. 25

Ukukhangisa ngesicelo selayisense

17. (1) Uma kwenziwe isicelo selayisense ebekiwe kwisigaba 16, umuntu kumele ashicilele isaziso sesicelo sakhe emaphephandabeni okungenani amabili endaweni afuna ukusebenzela kuyo sibe ngezilimi noma yiziphi ezisemthethweni ezimbili (olunye lwazo lube yisiNgisi). 30

- (2) Umkhangiso kumele ubeke— 30
- (a) igama lalowo ofake isicelo; 30
 - (b) okuhlosiwe ngesicelo; 30
 - (c) indawo lapho isicelo singahlolwa yinoma ubani womphakathi; 30
 - (d) isikhathi okufanele sithi singakapheli ukuphikisa isicelo kube sekufakiwe kuMlawuli weNqubomgomo yeGesi maqondana nokukhishwa kwelayisense; 35
 - (e) Ikheli loMlawuli weNqubomgomo yeGesi lapho kungafakwa khona ukuphikisa isicelo; futhi 35
 - (f) nokuthi ukuphikisa isicelo kumele kwesekwe ngobufakazi obufungelwe noma isitatimende esifungelwe. 35

(3) Ukukhangisa okubekiwe kwisigatshana (1) kumele kushicilelwe isikhathi noma emaphephandabeni ngokuphindaphinda ngaleyo ndlela ebekiwe. 40

Imininingwane efanele ukunikezelwa osuke efake isicelo

18. Ngaphambi kokubheka isicelo selayisense ngokwaloMthetho, uMlawuli weNqubomgomo yeGesi—

- (a) uma ebona ukuthi isakhiwo esiphakanyisiwe segesi noma izinsizakalo eziphakanyisiwe zegesi kumele zishintshwe ukuze nabanye abantu abangaphandle bakwazi ukungena, kumele amazise ofake isicelo ngalowo mbono amcele ukuthi anikeze izizathu zokuthi kungani isicelo sakhe singafanele sibhekelelwe ngaphandle kokuthi kufakwe leyo mibandela; 45
- (b) angamtshela ofake isicelo ukuthi makashintshe amapulani akhe okwakha indawo yokusebenza ngegesi noma umsebenzi wokunikeza izinsizakalo zegesi ukuze ahambisane nomthetho ofanele wezempilo, ukuphepha noma imvelo; 50
- (c) kumele anikeze ofake isicelo konke okuphikisana nesicelo okwesekiwe ngokubekiwe kwisigaba 17(2)(f) ukuze ofake isicelo akwazi ukuphendula; 55
- (d) angacela neminye iminingwane engase idingeke ukuze isicelo sibhekiswe kahle; 55

- (e) must publish the criteria contemplated in section 19(2), if applicable, and allow the applicant an opportunity to amend its application.

Finalisation of application

19. (1) The Gas Regulator must decide on an application in the prescribed manner within 60 days— 5
- (a) after the expiration of the period contemplated in section 17(2)(d), if no objections have been received; or
 - (b) after receiving the response of the applicant to objections as contemplated in section 18(c).
- (2) The Minister may direct that when the Gas Regulator decides upon a licence application to establish a specified gas transmission pipeline, gas storage facility, liquefaction or re-gasification facility or to convert infrastructure into such facilities, or to operate such facilities, the Gas Regulator shall satisfy itself that such application meets, inter alia, criteria specified by the Minister, which criteria must be based upon and must reflect— 10 15
- (a) the national interest;
 - (b) the promotion of regional growth; or
 - (c) any other social objective.
- (3) The Gas Regulator must provide the applicant with a copy of its decision as well as a list of the factors on which the decision was based. 20
- (4) The Gas Regulator must issue separate licences for—
- (a) the construction of gas transmission, storage, distribution, liquefaction and re-gasification facilities or the conversion of infrastructure into such facilities;
 - (b) the operation of gas transmission, storage or distribution facilities; and
 - (c) trading in gas. 25

Disposal of gas assets controlled by State

20. Whenever any state-controlled entity that acquired a licence pursuant to the provisions of section 19(2) sells any of its shares or any of its assets or part thereof, covered by such a licence, to any privately controlled entity, it shall do so by means of an open and transparent bidding procedure. 30

Conditions of licence

21. (1) The Gas Regulator may impose licence conditions within the following framework of requirements and limitations:
- (a) A licensee must carry out the construction, operation or trading activities for which the licence is granted; 35
 - (b) licensees must provide information to the Gas Regulator of the commercial arrangements regarding the participation of historically disadvantaged South Africans in the licensees' activities as prescribed by regulation and other relevant legislation;
 - (c) the gas transmission, storage, distribution, trading, liquefaction and re-gasification activities of vertically integrated companies must be managed separately with separate accounts and data and with no cross-subsidisation; 40
 - (d) third parties must in the prescribed manner have access on commercially reasonable terms to uncommitted capacity in transmission pipelines;
 - (e) interested parties must be allowed to negotiate changes with transmission companies in the routing, size and capacity of proposed pipelines; 45
 - (f) interested parties must be allowed to negotiate with transmission companies for increases in compression of existing transmission pipelines and all pipeline customers must benefit equitably from reduced costs resulting from the increased volume; 50

- (e) futhi kumele ikhiphe indlela ebekiwe kusigaba 19(2), lapho kufanele, futhi kunikezwe ofake isicelo ithuba lokuguqula isicelo sakhe.

Ukuphothulwa kwesicelo

19. (1) uMlawuli weNqubomgomo yeGesi kufanele anqume ngesicelo ngendlela ebekiwe zingakapheli izinsuku ezingama 60— 5
- (a) emva kokuphela kwesikhathi esibekiwe kwisigaba 17(2)(d), uma kungabanga khona ukuphikisana nesicelo okutholakele; noma
- (b) emva kokuthola impendulo yofake isicelo ekugxekeni okubekiwe kwisigaba 18(c).
- (2) Ungqongqoshe angashaya umthetho wokuthi lapho uMlawuli weNqubomgomo yeGesi ethatha isinqumo ngesicelo selayisense ukwenza isiqiniseko ngepayipi lokusabalalisa igesi, indlela yokucina igesi, ukuyenza amanzi nokuyibuyisela kwigesi noma ukuguqula isakhiwo sibe yilendawo, noma ukusebenza ngalendawo, uMlawuli weNqubomgomo yeGesi kumele azanelise ukuthi lesisicelo siyahlangabezana, ngandlela zonke, nemigomo ebekwe nguNgqongqoshe, lemigomo ekumele ihambisane futhi ibonise— 10
- (a) ukubonelela uzwelonke;
- (b) ukuphakamisa ukuthuthuka kwesifunda; noma
- (c) noma iyiphi inhloso yomphakathi.
- (3) uMlawuli weNqubomgomo yeGesi kumele anikeze ofake isicelo ikhophi yesinqumo sakhe kanjalo nohlu lwezinto ezisetsheziwe ngesikhathi kuthathwa isinqumo. 20
- (4) uMlawuli weNqubomgomo yeGesi kumele akhiphe amalaysense ahlukene—
- (a) okwakhiwa kwendawo yokusebenza ukuthwala, ukucina, ukusabalalisa, ukwenza amanzi noma ukubuyisela kwigesi noma ukuguqula inqalasisinda ibe eyalokho; 25
- (b) ukusebenza kokuthwala igesi, ukucina nokusabalalisa; kanye
- (c) nokuhweba ngegisi.

Ukulahlwa kwempahla yegesi elawulwa uMbuso

20. Noma yinini uma inkampani elawulwa umbuso eyayithole ilaysense ehambisana nesigaba 19(2) ithengisa noma imaphi amasheya ayo noma impahla yayo noma ingxenye yayo, okungaphansi kwalelaysense, idayisela noma iyiphi inkampani ezimele, iyokwenza lokho ngendali evulekele wonke umuntu. 30

Imibandela yelayisense

21. (1) UMlawuli weNqubomgomo yeGesi angabeka imibandela engase ibe ngaphansi kwalesisekelo sezidingongqangi nemikhawulo: 35
- (a) Onelayisense kumele enze izinsizakalo zesakhiwo, ukusebenza noma ukuhweba okukhishelwe ilaysense;
- (b) Abanamalaysense kumele banikeze uMlawuli weNqubomgomo yegesi imininigwane ngezinhlelo zobuhizinisi mayelana nokubandakanyeka kwabantu abanomlando wokukhinyabezeka eNingizimu Afrika ekusebenzeni kwamalaysense njengoba kubekwe inqubomgomo neminye imithetho; 40
- (c) ukuthwalwa kwegesi, ukugcinwa, ukusatshalaliswa nokuhweba kwezinkampani ezihlangene kusuka ahlukene futhi zingasizani ngezimali; phansi kuya phezulu zifanele ukuphathwa ngokwahlukene zibe nama-akhawunti; 45
- (d) abangaphandle kumele bakwazi ukufinyelela empayipini angasetshenziswa muntu ukuthumela ngendlela enemibandela yezomnotho ngokulandela indlela ebekiwe;
- (e) amaqembu anentshisekelo kumele avunyelwe ukuxoxisana ngemigudu, ubukhulu namandla amapayipi ahlongozwayo; 50
- (f) amaqembu anentshisekelo kumele avunyelwe ukuxoxisana nezinkampani ezithwalayo ngokukhulisa umfutho wamapayipi okuthutha akhona kanye namanye amapayipi amakhasimende asebenzisa amapayipi kumele azuze ngokulinganayo ezindlekweni ezehlisiwe ngokukhushulwa komfutho; 55

- (g) transmission companies are not obliged to incur any additional expenditure to provide the changes referred to in paragraphs (e) and (f), and the total cost for the pipeline must be shared equitably between the transmission company and the parties requesting the change;
- (h) licensees must allow interconnections with the facilities of suppliers of gas, transmitters, storage companies, distributors, reticulators and eligible customers, as long as the interconnection is technically feasible and the person requesting the interconnection bears the increased costs occasioned thereby, which must be taken into account when setting their tariffs; 5
- (i) third parties must in the prescribed manner have access on commercially reasonable terms to uncommitted capacity in storage facilities; 10
- (j) interested parties may negotiate with storage companies for changes in the capacity of storage facilities;
- (k) storage companies are not obliged to incur any additional expenditure to provide the changes contemplated in paragraph (j) and the total cost for the storage facility must be shared equitably between the storage company and the party requesting the change; 15
- (l) apart from direct sales via physical by-passes to eligible customers who may alternatively have access to the distribution network at the distributor's discretion, a distributor will be granted an exclusive geographic area, but only for a particular range of specifications of gas determined by the Gas Regulator; 20
- (m) a distributor will be granted the construction, operation and trading licences for its exclusive geographic area. The construction and operation licences will be exclusive for the period of validity of such licences, and the trading licence will be exclusive for a period determined by the Gas Regulator; 25
- (n) an exclusive geographic area must be based on the distributor's ability to supply present and future potential consumers at competitive prices and conditions;
- (o) gas must be supplied by a licensed distributor within its exclusive geographic area to any person on request, if such service is economically viable; 30
- (p) maximum prices for distributors, reticulators and all classes of consumers must be approved by the Gas Regulator where there is inadequate competition as contemplated in Chapters 2 and 3 of the Competition Act, 1998 (Act No. 89 of 1998); 35
- (q) an advisory service with regard to the safe and efficient use, handling and storage of gas must be provided to customers other than eligible customers, by the trading licensee;
- (r) licensees must maintain their facilities in a fully operative condition;
- (s) all customers in a licensed distribution area, except eligible customers and reticulators, must purchase their gas from the distribution company licensed for that area; 40
- (t) the time period within which gas facilities will become operational must be fixed; and
- (u) licensees must provide information necessary for the Gas Regulator to perform its functions. 45

(2) (a) Any person aggrieved by a condition imposed by the Gas Regulator in terms of subsection (1) may in the prescribed manner apply to the Gas Regulator to have the condition reviewed.

(b) If the aggrieved person is not the licensee the Gas Regulator must inform the licensee regarding the application for review. 50

(c) Whenever there is an application for review in terms of paragraph (a) the Gas Regulator must conduct an investigation and may for that purpose summon witnesses to appear before it.

Non-discrimination

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22. (1) Licensees may not discriminate between customers or classes of customers regarding access, tariffs, prices, conditions or service except for objectively justifiable and identifiable differences regarding such matters as quantity, transmission distance, length of contract, load profile, interruptible supply or other distinguishing feature approved by the Gas Regulator. 60

- (g) izinkampani ezithwalayo aziphoqelekile ukungena kwezinye izindleko ukulungiselela ushintsho okukhulunywa ngalo kwizigaba (e) no (f), kanjalo nezindleko zizonke zepayipi kumele kwabelwane ngazo ngokunobuqiniso phakathi kwenkampani ethwalayo namaqembu acela ushintsho;
- (h) abanamalaysense kumele bavumele ukuxhumana phakathi kwezinkampani eziphakela imisebenzi yegesi, yokudlulisa, yokugcina, yokusabalalisa kanjalo namakhasimende angase abe khona, inqobo nje uma ukuxhumana kuyinto enokwenzeka futhi nomuntu ocela ukuxhunywa ebhekana nezindleko ezilandela lokhu, okumele kubhekelelwe lapho kubekwa intela namanani;
- (i) abangaphandle kumele ngokubekiwe bakwazi ukuthola ngokomnotho ngokwemibandela eyemukelekile ngobukhulu bezinsiza ezenza umsebenzi wokugcina;
- (j) abanethshisekelo bangakwazi ukuxoxisana nezinkampani ngoshintsho ngobukhulu bezinsiza ezenza umsebenzi wokugcina;
- (k) izinkampani ezigcinayo aziphoqelekile ukungena kwezinye izindleko ukulungiselela ushintsho olubekiwe kwisigaba (j) kanti nezindleko zonkana zokugcina kumele kwabelwane ngazo ngokulinganayo phakathi kwenkampani egcinayo neqembu elicela ushintsho;
- (l) ngaphandle kwentengiso ngqo yokudlulisa izinto bukhoma kumakhasimende anokuthenga abangakwazi ukuthola ukuxhumana kokusabalalisa ngokuthanda komsababalalisi, umsabalalisi uyonikezwa indawo yakhe, kepha maqondana nezinhlobo ezithile zegesi ebekwe uMlawuli weNqubomgomo yeGesi;
- (m) umsabalalisi uyonikezwa ilaysense yokuhweba yesikhathi lesi esiyobekwa uMlawuli weNqubomgomo yeGesi. Amalaysense okwakha nokusebenza ayoba kuphela awalesosikhathi esibekelwe lawomalaysense, bese amalaysense okuhweba ayoba awesikhathi esiyonqunywa nguMlawuli weNqubomgomo yegesi;
- (n) amanani aphezulu abasabalalisi nabahlukanisayo nawo wonke amazinga abathengi kumele agunyaziswe nguMlawuli weNqubomgomo yeGesi lapho kukhona ukuqhudelana okwanele njengoba kukhonjwe kwisahluko 2 no 3 woMthetho wokuQhudelana (uMthetho 89 ka 1998);
- (o) insizakalo yokwaluleka maqondana nokusebenzisa okuphephile nokunempumelelo, umsebenzi wokuphatha nokugcina igesi kumele onelaysense awenzele amakhasimende angale kwamakhasimende angase athenge;
- (p) abanamalaysense kumele izindawo zokusebenza bazigcine zisesimweni esiphelele ngokomumo wokusebenza;
- (q) wonke amakhasimende asendaweni enelaysense yokusabalalisa, ngaphandle kwalabo abangase babe ngamakhasimende, nabehlukanisi, igesi yabo kumele bayithenge kwinkampani yokusabalalisa enelaysense kuleyondawo;
- (r) kumele kumiswe isikhathi esifanele kube yilapho izinto zegesi zibe sezisebenza; futhi
- (s) abanamalaysense kumele balungise imininingwane edingwa nguMlawuli weNqubomgomo yeGesi ukuze akwazi ukwenza imisebenzi yakhe.
- (2) (a) Noma ubani okhalazayo ngombandela obekwe uMlawuli weNqubomgomo yeGesi ngokwesigatshana (1) angakwazi ukuthi ngendlela ebekiwe afake isicelo sokuthi uMlawuli weNqubomgomo yeGesi abuyekeze umbandela lowo.
- (b) Uma okhalazayo kungongenayo ilaysense uMlawuli weNqubomgomo yeGesi ufanele ukwazisa lowo onelaysensi ngesicelo sokubuyekeza isinqumo.
- (c) Njalo uma kunesicelo sokubuyekizwa kwesinqumo ngokwesigaba (a) uMlawuli weNqubomgomo yeGesi kumele enze uphenyo futhi angabiza nofakazi ukuthi nabo bavele phambi kwakhe.

Ukungabandlululi

22. (1) abanamalaysense bangebandlulule phakathi kwamakhasimende noma amazinga amakhasimende ngokutholakala, ngokwentela, amanani, imibandela noma, izinsizakalo ngaphandle uma kunesimo esithethelekayo nesibonakalayo esingumahluko ngokobuningi, ubude bendawo yokuthwala, ubude besivumelwano, isimo somthwalo, ukuthikamezeka kokufakela noma yini enye eyenza umahluko evunyelwe uMlawuli weNqubomgomo yeGesi.

(2) The prohibition of discrimination referred to in subsection (1) applies to actions by licensees in favour of their related undertakings in particular.

Term of licence

23. (1) Any licence issued in terms of this Act is valid for a period of 25 years or such longer period as the Gas Regulator may determine. 5

(2) A licensee may apply to have his or her licence renewed.

(3) An application for renewal must be granted, but the Gas Regulator may set new or different licence conditions.

(4) A licensee may not assign its licence to another party.

Amendment of licence 10

24. (1) The Gas Regulator may vary, suspend or remove any of the licence conditions, or may include additional conditions—

(a) on application by the licensee;

(b) with the permission of the licensee;

(c) upon non-compliance by a licensee with a licence condition; 15

(d) if it is necessary for the purposes of this Act; or

(e) on application by any affected party.

(2) The procedure to be followed in varying, suspending, removing or adding any licence conditions is as prescribed.

Revocation of licence on application 20

25. (1) The Gas Regulator may revoke a licence on the application of a licensee if—

(a) the licensed facility or activity is no longer required;

(b) the licensed facility or activity is not economically justifiable; or

(c) another person is willing and able to assume the rights and obligations of the licensee concerned in accordance with the requirements and objectives of this Act, and a new licence is issued to such person. 25

(2) Licensees must give the Gas Regulator at least 12 months notice in writing of their intention to cease their activities.

(3) The form and procedure to be followed in revoking a licence under subsection (1) is as prescribed. 30

Contravention of licence

26. (1) If a licensee contravenes or fails to comply with a condition of a licence or any provision of this Act, the Gas Regulator may serve a notice on such licensee in which the licensee is directed to comply with the condition or the provision of the Act within a reasonable period specified in the notice. 35

(2) If a licensee fails to comply with a notice contemplated in subsection (1) the Gas Regulator may sit as a tribunal and, with due regard to section 10, decide on the matter and may impose a penalty of a fine not exceeding R2 000 000,00 per day for each day on which the contravention or failure to comply continues.

(3) The Gas Regulator must consider the severity of non-compliance in deciding the amount of any penalty. 40

(4) Any person adversely affected by a decision of the tribunal contemplated in subsection (2) may bring such decision under appeal to the High Court.

(5) The Minister may by notice in the *Gazette* amend the amount referred to in subsection (2) in order to counter the effect of inflation. 45

Revocation of licence by court

27. (1) The Gas Regulator may by way of application on notice of motion apply to the High Court for an order suspending or revoking a licence if there exists any ground justifying such suspension or revocation, such as failure of the licensee to carry out the construction, operation or trading activities for which the licence was granted. 50

(2) ukungavumeleki kobandlululo okukhulunywa ngako kwisigatshana (1) kumaqondana nezenzo zabanamalayisense maqondana nemisebenzi yabo ikakhulukazi.

Isikhathi selayisense

23. (1) Noma iyiphi ilayisense ekhishwe ngokwaloMthetho isemthethweni isikhathi esiyiminyaka engu 25 noma lesi sikhathi esibekwe uMlawuli weNqubomgomo yeGesi. 5
- (2) Onelayisense angasifaka isicelo sokuvuselela ilayisense yakhe.
- (3) Isicelo sokuvuselela kumele semukelwe, kodwa uMlawuli weNqubomgomo yeGesi angabeka imibandela emisha noma eyehlukile.
- (4) Onelayisense angevunyelwe ukunika omunye umuntu ilayisense yakhe.

Ukuchitshiyelwa kwelayisense 10

24. (1) UMlawuli weNqubomgomo yeGesi angashintsha, amise, noma asuse noma yimiphi imibandela yelayisense, noma futhi engeze eminye imibandela—
- (a) uma onelayisense efake isicelo;
- (b) ngemvume yonelayisense;
- (c) ngokungayigcini imibandela yelayisense konelayisense; 15
- (d) uma kunesidingo ngenhloso yaloMthetho; noma
- (e) ngokufakwa kwesicelo yinoma ubani othintekayo.
- (2) Inqubo efanele ukulandelwa ukushintsha, ukumisa, ukususa noma ukwengeza noma yimuphi umbandela welayisense injengokubekiwe.

Ukuhoxiswa kwesicelo selayisense 20

25. (1) UMlawuli weNqubomgomo yeGesi angasichitha isicelo salowo ocela ilayisense uma—
- (a) umsebenzi welayisense ungasadingeki;
- (b) uma umsebenzi welayisense unganenisi mnotho; noma
- (c) kukhona umuntu ozimisele ukuthatha amalungelo nezibopho zalowo onelayisense ngokwemibandela nezinhloso zaloMthetho, futhi lowo muntu anikezwe ilayisense entsha. 25
- (2) Onelayisense kumele anikeze uMlawuli weNqubomgomo yeGesi isaziso esibhaliwe okungenani izinyanga ezingu 12 ukuthi usefuna ukuwuyeka umsebenzi.
- (3) Ifomu nendlela ekumele ilandelwe uma kuchithwa ilayisense ngokwesigatshana (1) injengoba ibekiwe. 30

Ukwepulwa komthetho welayisense

26. (1) Uma onelayisense ephula noma ehluleka ukugcina umbandela welayisense noma okubekwe yiloMthetho uMlawuli weNqubomgomo yeGesi angamnikeza isaziso onelayisense atshelwe ukuthi makagcine imbandela yomthetho esikhathini esifanele esibekiwe kwisaziso. 35
- (2) Uma onelayisense ehluleka ukugcina isaziso ngokubekiwe kwisigatshana (1) uMlawuli weNqubomgomo yeGesi angahlala njengomquli wecala, ngokubhekelela isigaba 10, athathe isinqumo futhi anganikeza inhlawulo engeqile kwi R2 000 000,00 ngosuku ngalolo nalolo suku okwepulwe ngalo umthetho noma lokuqhubeka nokungagcini imiyalelo yesaziso. 40
- (3) Umlawuli weNqubomgomo yeGesi kumele abheke ubukhulu bobubi bokungawugcini umthetho ekuthatheni isinqumo senani lenhlawulo.
- (4) Noma ubani othintwa kakhulu yisinqubo sikamahluleli ngokubekiwe kwisigatshana (2) angasidlulisa isinqumo asiyise eNkantolo ePhakeme. 45
- (5) UNgqongqoshe angachibiyela kwiGazethi inani okukhulunywa ngalo kwisigatshana (2) ukuhlangabezana nokwehla kwamandla emali.

Ukuhoxiswa kwelayisense yinkantolo

27. (1) UMlawuli weNqubomgomo yeGesi angafaka isicelo esiyisiphakamiso ngokwakhe eNkantolo ePhakeme afune isinqumo sokumisa noma ukuchitha ilayisense uma kunesizathu esivumela lokho kumisa noma ukuhoxisa, njengokwehluleka konelayisense ukwakha, ukusebenza noma ukuhweba ngokokukhishelwe ilayisense. 50

(2) The court before which an application is made under subsection (1) may grant or refuse the application and may make such order as to costs and maintaining the services of the licensee as it may deem fit.

Registration with Gas Regulator

- 28.** (1) An owner of an operation involving any of the following activities must register the operation with the Gas Regulator: 5
- (a) The production or importation of gas; or
 - (b) an activity referred to in items 1 and 2 of Schedule 1.
- (2) The owner contemplated in subsection (1) must provide the Gas Regulator with such information concerning the activities of the operation as may be prescribed. 10
- (3) Any application for registration in terms of subsection (1) must be submitted in the prescribed form.

CHAPTER IV

GENERAL PROVISIONS

Entry, inspection and gathering of information by Gas Regulator 15

- 29.** (1) For the purposes of this Act, any person authorised thereto in writing by the Gas Regulator may—
- (a) at all reasonable times enter any property on which a licensed activity is taking place and inspect any facility, equipment, machinery, book, account or other document found thereat; and 20
 - (b) require any person to furnish the Gas Regulator with such information as may be necessary for the proper application of this Act.
- (2) The Gas Regulator may require that the accuracy of any information furnished in terms of subsection (1) be verified on oath or by way of a solemn declaration.
- (3) A person authorised by the Gas Regulator as contemplated in subsection (1) must show the authorisation to any person requesting it. 25
- (4) No information obtained by the Gas Regulator in terms of this Act which is of a non-generic, confidential, personal, commercially sensitive or of a proprietary nature may be made public or otherwise disclosed to any person without the permission of the person to whom that information relates, except in terms of an order of the High Court. 30

Voluntary resolution of disputes by Gas Regulator

- 30.** (1) (a) The Gas Regulator may, with the approval of the parties to a dispute, act as mediator or arbitrator in any matter concerning the trading of gas or the rendering of services.
- (b) When acting as arbitrator, the Gas Regulator must issue a decision on the matter. 35
- (2) (a) The Gas Regulator may, on request of the parties involved, appoint a person, suitable to the Gas Regulator and such parties, to act as mediator or arbitrator on behalf of the Gas Regulator in any matter contemplated in subsection (1).
- (b) Any decision of an arbitrator so appointed must be regarded as being the decision of the Gas Regulator. 40
- (3) Any decision taken by the Gas Regulator acting as arbitrator or by an arbitrator contemplated in subsection (2) is binding on the parties to the dispute.

Investigations by Gas Regulator

- 31.** (1) The Gas Regulator must conduct investigations into complaints by—
- (a) customers relating to the supply of gas; 45

(2) Inkantolo leyo okwenziwe kuyo isicelo ngokwesigatshana (1) ingasivumela noma isenqabe isicelo, noma yenze lesinqumo maqondana nezindleko nokugcina esimweni insizakalo yonelayisense ngaleyo ndlela eyoyibona ifanele.

Ukubhalisa kuMlawuli weNqubomgomo yeGesi

28. (1) Umnikazi womsebenzi obandakanya imisebenzi elandelayo kumele abhalise umsebenzi wakhe kuMlawuli weNqubomgomo yeGesi: 5
- (a) Ukukhiqiza noma ukungeniswa ezweni kwegesi; noma
- (b) umsebenzi okukhulunywa ngawo kwindima 1 no 2 kwiSheduli 1.
- (2) Umnikazi okucatshangwa ngaye kwisigatshana (1) kumele anikeze uMlawuli weNqubomgomo yeGesi iminingwane emaqondana nemisebenzi njengokubekiwe. 10
- (3) Noma yisiphi isicelo sokubhalisa ngokwesigatshana (1) kumele sethulwe kwifomu ebekelwe lokho.

ISIAHLUKO IV

IMIHLINZEKO JIKELELE

Ukungena, ukuhlola nokuqoqa imininingwane nguMlawuli weNqubomgomo yeGesi 15

29. (1) Ngenhloso yaloMthetho, noma ubani ogunyaziwe ngokubhalwe phansi nguMlawuli weNqubomgomo yeGesi angakwazi—
- (a) noma yinini ngokufanele angene noma kuyiphi indawo okwenziwa kuyo umsebenzi onelayisense ukuhlola noma yini yokusebenza, impahla yokusebenza, imishini, incwadi, i-akhawunti noma yimuphi omunye umqulu otholakale lapho; futhi 20
- (b) afune ukuthi noma ngubani lapho anikeze uMlawuli weNqubomgomo yeGesi noma yimiphi imininingwane engadingeka ukulandela loMthetho.
- (2) Umlawuli weNqubomgomo yeGesi angadinga ukuthi noma yimiphi imininingwane anikezwe yona ngokwesigaba (1) mayifakazelwe ngokufungelwe noma ngesitatimende esifungelwe. 25
- (3) Umuntu ogunyazwe nguMlawuli weNqubomgomo yeGesi ngokubekiwe kwisigatshana (1) kumele aveze ubufakazi balokho kunoma ubani obucelayo.
- (4) Ayikho imininingwane etholwe nguMlawuli weNqubomgomo yeGesi ngokwaloMthetho engekho jikelele, eyimfihlo, eqondene nomuntu, ezwelayo kwezokuhwebelana noma yomnikazi othize engamane isakazwe emphakathini noma ivezwe kunoma ubani ngaphandle kwemvume yalowo muntu oqondene naleyo mininingwane ngaphandle uma lokho kwenziwa ngokwesinqumo seNkantolo ePhakeme. 30 35

Ukuzikhethelela ukuxazululwa kwengxabano nguMlawuli weNqubomgomo yeGesi

30. (1) (a) Umlawuli weNqubomgomo yeGesi, ngokuvunyelwa amaqembu athintekayo, angaba umlamuli noma umxazululi kunoma yiluphi udaba maqondana nokuhweba kwigesi noma ukunikeza izinsizakalo.
- (b) Ngesikhathi engumlamuli uMlawuli weNqubomgomo yeGesi kumele akhiphe isinqumo odabeni alusingethe. 40
- (2) (a) Umlawuli weNqubomgomo yeGesi, ngokucelwa amaqembu athintekayo, angaqoka umuntu owemukelekayo kuMlawuli weNqubomgomo yeGesi kanjalo nakulawo maqembu, ukuthi abe ngumlamuli noma umxazululi egameni loMlawuli weNqubomgomo yeGesi, kunoma yiluphi udaba olucatshangiwe kwisigatshana (1). 45
- (b) Noma yisiphi isinqumo somlamuli okhethwe ngalendlela kumele sithathwe njengaleso soMlawuli weNqubomgomo yeGesi.
- (3) Noma yisiphi isinqumo esithathwe uMlawuli weNqubomgomo yeGesi ngesikhathi exazulula noma ngumlamuli okucatshangwa ngaye kwisigatshana (2) siyisibopho kumaqembu axabene. 50

Uphenyo nguMlawuli weNqubomgomo yeGesi

31. (1) Umlawuli weNqubomgomo yeGesi, kumele enze uphenyo ngezikhazalo—
- (a) zamakhasimende maqondana nokuphakelwa kwegesi; kanye

- (b) customers relating to unreasonable or excessive prices or tariffs imposed by a licensee; and
- (c) any customer concerning unreasonable differences regarding the supply of gas or gas services by licensees.

(2) Notwithstanding subsection (1), the Gas Regulator may not conduct investigations into disputes concerning breach of contract between a licensee and an eligible customer. 5

(3) A complaint contemplated in subsection (1) must be submitted within the prescribed period and in the prescribed manner and be accompanied by—

- (a) supporting information; and 10
- (b) a description of efforts made to resolve the dispute before resorting to the Gas Regulator.

Expropriation of land by Gas Regulator

32. (1) In pursuit of the objects of this Act, the Gas Regulator may expropriate land, or any right in, over or in respect of land on behalf of a licensee for gas transmission, storage, distribution, liquefaction or re-gasification facilities in accordance with section 25 of the Constitution. 15

(2) The procedure to be followed in giving effect to subsection (1) must be prescribed.

(3) The Gas Regulator may exercise the powers contemplated in subsection (1) only if it is satisfied that— 20

- (a) a licensee is unable to acquire land or a right in, over or in respect of such land by agreement with the owner; and
- (b) the land or any right in, over or in respect of such land is reasonably required by a licensee for gas transmission, storage, distribution, liquefaction or re-gasification facilities which will enhance the Republic's gas infrastructure. 25

Rights of licensee in respect of premises or land belonging to others

33. (1) (a) Subject to subsections (2) and (3), a licensee may lay and construct pipes for the distribution of gas under or over any such street, and may from time to time repair, alter or remove any pipes so laid or constructed within its licenced area of supply.

(b) The licensee is responsible for any restoration necessary as a result of the acts referred to in paragraph (a). 30

(2) Before exercising a power contemplated in subsection (1)(a), a licensee must consult and coordinate with the authority in whose area of jurisdiction the street in question is situated, except in cases of emergency.

(3) A licensee must exercise a power contemplated in subsection (1)(a)— 35

- (a) in accordance with a route and in terms of specifications approved by the authority concerned; and
- (b) except in cases of emergency, under the supervision of the authority concerned.

(4) Any pipe, meter, fitting, work or apparatus belonging to a licensee and lawfully placed or installed above or under any land or upon any premises not in the licensee's possession remain the property of and may be removed by such licensee. 40

(5) Subject to subsection (6) any person authorised thereto in writing by a licensee may at all reasonable times enter any premises to which gas is or has been supplied—

- (a) in order to inspect, repair, replace or alter any pipe, meter, fitting, work and apparatus belonging to such licensee; 45
- (b) the purpose of ascertaining the quantity of gas consumed; or
- (c) where a gas supply is no longer required, for the purpose of removing any pipe, meter, fitting, work and apparatus belonging to such licensee.

(6) Any person entering a premises under subsection (5) must— 50

- (a) except in cases of emergency, make arrangements with the occupant or owner of the premises before entering such premises;
- (b) adhere to all reasonable security measures of the occupant or owner of the premises; and

- (b) zamakhasimende ngokuphathelene namanani angafanele noma intela ebekwe yilowo onelayisense; noma
- (c) zanoma yiliphi ikhasimende ngokuphathelene nomahluko ongafanele ekuphakeleni igesi noma izinsiza yilowo onelayisense.
- (2) Nakuba kunesigatshana (1), uMlawuli weNqubomgomo yeGesi, angelwenze uphenyo maqondana nengxabano yokwepulwa kwesivumelwano phakathi konelayisense nalowo ongase abe ikhasimende. 5
- (3) Isikhalazo okucatshangwa ngaso kwisigatshana (1) kumele sethulwe esikhathini esibekiwe nangokwenqubo ebekiwe sihambisane—
- (a) neminingwane esesekayo; kanye 10
- (b) nencazelo yemizamo eyenziwe ukuzama ukuzalula ingxabano ngaphambi ngokuthintana noMlawuli weNqubomgomo yeGesi.

Ukudliwa komhlaba nguMlawuli weNqubomgomo yeGesi

32. (1) Ukulandela okuhloswe yiloMthetho, uMlawuli weNqubomgomo yeGesi angawudla umhlaba, noma ngabe yiliphi ilungelo, ngokwalowomhlaba egameni lalowo onelayisense ukuthwala, ukugcina noma ukusabalalisa igesi ngokwesigaba 25 soMthethosisekelo. 15
- (2) Inqubo okumele ilandelwe ukugcina imiyalelo yesigatshana (1) kumele ibekwe.
- (3) UMlawuli weNqubomgomo yeGesi angasebenzisa amandla akhe kuphela ngokwesigatshana (1) uma nelisekile ukuthi— 20
- (a) onelayisense akakwazi ukuthola umhlaba noma ilungelo kulowo mhlaba ngokuthi enze isivumelwano nomnikazi; futhi
- (b) umhlaba noma ilungelo kuwo, ngokuphathelene nalowomhlaba lidingwa yilowo onelayisense ngokwemukelekile ukuze kuthunyelwe, kugcinwe, kusatshalaliswe, yeziwe ibe amanzi noma kwenziwe izinsiza zokwenza enye igesi ezothuthukisa inqalasisinda yegesi eRiphabhuliki. 25

Amalungelo abanamalayisense maqondana namageceke noma umhlaba wabanye

33. (1) (a) Ngokuhambisana nesigatshana (2) no 3, onelayisense angabeka noma akhe amapayipi okusabalalisa igesi ngaphansi noma ngaphezulu kwalowo mgwaqo, futhi kungathi njalonzalo akhande, ashintshe noma asuse ipayipi efakiwe noma elakhiwe endaweni anelayisense yokuphakela kuyo. 30
- (b) onelayisense unomsebenzi wanoma yikuphi ukubuyisela okufanelekile ngokwalokho okukhonjwe kwindima (a);
- (2) Ngaphambi kokusebenzisa amandla ngokucatshangwe kusigatshana (1) (a), onelayisense kumele ahlngane futhi abonisane nesiphathimandla, sendawo lapho umgwaqo okukhulunywa ngawo okuyona, ngaphandle uma kunesimo esiphuthumayo. 35
- (3) Onelayisense kumele asebenzise amandla acatshangwe kusigatshana (1)(a)—
- (a) ngokuhambisana nemigudu ngokukhonjwe ngqo yisiphathimandla esiqondene.
- (b) Ngaphandle kokuthi kunesimo esiphuthumayo, ngaphansi kwesandla sesiphathimandla esithintekayo. 40
- (4) Noma yiliphi ipayipi, imitha, okokusebenza kwalowo onelayisense futhi okufakwe ngokusemthethweni ngaphezulu noma ngaphansi komhlaba emagecekeni angenamvume yawo kungokwakhe futhi angakususa lowo onelayisense.
- (5) Ngokulandela isigatshana (6) noma ngabe ngubani ogunyanzisiwe ngumnini layisense ngokubhalwe phansi noma ngabe kusikhathi sini esifanele angangena kunoma ngabe yimaphi amageceke lapho kuhanjiswa noma kwakuhanjiswa khona igesi— 45
- (a) ngenhloso yokuhlola, ukukhanda, ukushintsha noma ukuguqula ipayipi, imitha, ukufakela, okokusebenza noma ngamathuluzi okungawalowo onelayisense; 50
- (b) ngenhloso yokuninisekisa ubuningi begesi esetshenzisiwe; noma.
- (c) lapho ukuhanjiswa kwegesi kungasadingeki, ngenhloso yokususa noma iliphi ipayipi, imitha, okufakelwe, okusetshenziswayo noma amathuluzi okungawalowo onelayisense.
- (6) Noma ngubani ongena emagecekeni ngaphansi kwesigatshana (5) kumele— 55
- (a) Ngaphandle uma kunesimo esiphuthumayo, ahlele nalowo ohlala lapho noma umnikazi wendawo ngaphambi kokungena kuleyo ndawo;
- (b) ahloniphe zonke izindlela zokuphepha zalowo ohlala lapho noma umnikazi wendawo; futhi

- (c) exhibit his or her authorisation at the request of such occupant or owner.

Regulations and rules

- 34.** (1) The Minister may, by notice in the *Gazette*, make regulations regarding—
- (a) ensuring fair administrative action by the Gas Regulator; 5
 - (b) criteria for distribution; 5
 - (c) the qualifying thresholds and other requirements that must be met by a person in order to qualify as an eligible customer and the conditions under which such eligible customer may purchase gas from a supplier or trader; 5
 - (d) the rehabilitation of land used in connection with the transmission, storage, distribution, liquefaction or re-gasification of gas or the trading therein, the provision of security for rehabilitation purposes and the composition and amount of such security; 10
 - (e) the determination of gas specifications; 10
 - (f) the procedure to be followed and fees to be paid in mediation and arbitration proceedings; 15
 - (g) the procedure to be followed at, and the time within which, expropriation proceedings must be conducted; 15
 - (h) the rendering of information to the Gas Regulator; 15
 - (i) price regulation procedures and principles; 15
 - (j) mechanisms to promote historically disadvantaged South Africans; and 20
 - (k) any other matter that may or has to be prescribed, or determined or provided for by regulations in terms of this Act. 20
- (2) Before promulgating regulations contemplated in subsection (1), the Minister must—
- (a) consult with the Gas Regulator; 25
 - (b) invite public comments on such regulations; and 25
 - (c) duly consider the comments. 25
- (3) The Gas Regulator may make rules regarding—
- (a) the procedures to be followed at meetings of the Gas Regulator; 30
 - (b) the keeping of records by the Gas Regulator; 30
 - (c) the form and manner, and contents of licence applications; 30
 - (d) the publishing of licence applications and the contents thereof; 30
 - (e) the form and manner in which objections to licence applications must be lodged and the furnishing thereof to the applicant for his or her response thereto; 35
 - (f) the procedure to be followed in considering licence applications; 35
 - (g) the publishing of information relating to uncommitted capacity by the holders of transmission or storage licences and the publishing of prices for gas supplied to customers other than eligible customers by the holders of distribution licences; 40
 - (h) the procedure to be followed in the variation, suspension or removal or the revocation of licence conditions; 40
 - (i) the form in which registration must be lodged; 40
 - (j) the procedures to be followed in investigations, including the summoning of witnesses and the payment of witness fees; 45
 - (k) the inspection of and enquiry into the construction and operation of any gas facility or any trading in gas; and 45
 - (l) consultation with interested and affected parties. 45

Transitional provisions

- 35.** (1) Any person owning or operating gas facilities or trading in gas prior to the commencement of this Act must, within six months after the commencement, submit to the Gas Regulator an application for a licence in terms of this Act. 50
- (2) (a) The Gas Regulator must grant a licence contemplated in subsection (1), unless

- (c) aveze ukugunyazeka kwakhe lapho ecelwa yilowo ohlala lapho noma umnikazi wendawo.

Inqubomigomo nemithetho

34. (1) Ungqongqoshe angamisa ngesaziso inqubomigomo kwiGazethi maqondana—
- (a) nokuqinisekisa ubuqiniso bezinyathelo kubuphathiswa boMlawuli weNqubomigomo yeGesi; 5
 - (b) nohlelo lokusabalalisa;
 - (c) nemigomo yokuphumelelisa izicelo nezinye izidingongqangi okumele zigcinwe ngumuntu ukuze aphumelele njengekhasimende kanjalo nemi- 10 bandela ikhasimende lelo elingathenga ngayo igesi kumkhiqizi noma umhwebi;
 - (d) nokuvuselelwa komhlaba osetshenziselwa ukuthwala, ukugcina, nokusabalalisa nokwenza igesi amanzi noma ukuyenza igesi futhi noma ukuhwebelana ngayo, izibonelelo zokuphepha ngenhloso yokuvuselelala ukwakhiwa kanye nobukhulu baloko kuphepha; 15
 - (e) nokuhlolwa kwezinhlobo zegesi;
 - (f) nenqubo okumele ilandelwe nenkokhelo okumele yenziwe lapho kulanyulwa noma kuxazululwa;
 - (g) nenqubo ekumele ilandelwe, nesikhathi esinqunyiwe okumele sibe esokudla umhlaba; 20
 - (h) nokudlulisela imininingwane kuMlawuli wenqubomigomo yeGesi;
 - (i) indlela nenqubo yokulawula amanani kanye nommisomigomo;
 - (j) nezindlela zokuphakamisa abantu baseNingizimu Afrika abanomlando wokukhinyabezeka; futhi
 - (k) nanoma yiluphi udaba olungase, noma olufanele ukunqunyelwa, noma lutholwe noma luhlinzekelwe ngenqubomigomo ngokwaloMthetho. 25
- (2) Ngaphambi kokumemezela inqubomigomo ecatshangwe kwisigatshana (1), uNgqongqoshe kumele—
- (a) abonisane noMlawuli weNqubomigomo yeGesi;
 - (b) ameme imibono yomphakathi maqondana naleyo nqubomigomo; futhi 30
 - (c) ayibhekisisise imibono leyo.
- (3) uMlawuli weNqubomigomo yeGesi angabeka imithetho mayelana—
- (a) nezindlela ekumele zilandelwe emihlanganweni yoMlawuli weNqubomigomo wegesi; 35
 - (b) ukugcinwa kwamarekhodi izishicilelo nguMlawuli weNqubomigomo wegesi;
 - (c) isimo nendlela, nokuqukethwe izicelo zamalaysense;
 - (d) ukushicilelwa kwezicelo zamalaysense nalokho okuqukethwe;
 - (e) isimo nendlela okungahlatshwa ngayo izicelo zamalaysense nokungalethwa ngayo nokuzihambisa kulowo ofaka isicelo ukuze akhone ukuziphendulela; 40
 - (f) izindlela ekumele zilandelwe ekubhekeleleni izicelo zamalaysense;
 - (g) ukushicilelwa kwemininingwane emayelana nokungazinikeli kwabanamalaysense okuhambisa noma ukugcina ukushicilela amanani egesi ehanjiswa kumakhasimende ngaphandle kwabangase babe ngamakhasimende ngabanamalaysense okusabalalisa;
 - (h) izindlela ekumele zilandelwe lapho kushintshwashintshwa, kumiswa noma kususwa noma kuhoxiswa imibandela yelaysense; 45
 - (i) ifomu ekumele kubhaliswe ngalo;
 - (j) izindlela ekumele zilandelwe uma kuphenywa, sekuhlangene nokubiza ofakazi nokukhokhela ofakazi;
 - (k) ukuhlolwa nophenyo ngokwakhiwa nokusebenza kwanoma yisiphi isikhungo segesi noma ukuhweba ngegese; futhi 50
 - (l) nokuxhumana nalabo abanentshisekelo nabathintekayo.

Imithetho yesikhashana

35. (1) Noma ngubani ongumnikazi noma osebenza ngezinto zegesi noma ohweba ngegese ngaphambi kokuqala kokusebenza kwaloMthetho kumele, zithi zingakapheli izinyanga eziyisithupha eqalile ukusebenza, afake isicelo selaysense kuMlawuli weNqubomigomo yeGesi ngokwaloMthetho. 55

(2) (a) UMlawuli weNqubomigomo yeGesi kumele ayikhiphe ilaysense ngokubekiwe kwisigatshana (1), ngaphandle uma ethola ukuthi ofake isicelo akakwazi

it finds that the applicant is unable or unwilling to own or operate gas facilities or to trade in gas in a manner consistent with the objectives and provisions of this Act.

(b) Any licence issued in terms of paragraph (a) must for all purposes be regarded as a licence issued in terms of section 19.

Mozambique Gas Pipeline Agreement

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36. (1) In this section, “the agreement” means the Mozambique Gas Pipeline Agreement, as it existed immediately before the date of commencement of this Act, entered into between the Minister, the Minister of Trade and Industry and Sasol Limited concerning the introduction of natural gas by pipeline from the Republic of Mozambique into the Republic.

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(2) Despite anything to the contrary in this Act, the agreement binds the Gas Regulator until 10 years after natural gas is first received from Mozambique.

(3) From the date of the conclusion of the agreement, the terms of the agreement relating to the following matters constitute conditions of a licence issued in terms of section 19:

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- (a) Exclusive rights and periods granted in respect of transmission and distribution of gas;
- (b) third party access to the transmission pipeline from Mozambique and to certain of Sasol’s pipelines;
- (c) prices charged by Sasol for gas;
- (d) Sasol’s obligation to supply customers, distributors and reticulators with gas; and
- (e) administration of the agreement.

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(4) The Gas Regulator must formally issue licences to the entities contemplated in the agreement and may impose such conditions in respect of each licence in terms of this Act as are not contrary to the agreement.

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Short title

37. This Act is called the Gas Act, 2001, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

noma akathandi ukusebenza ngegese noma ahwebe ngokuhambisanayo nenhloso yaloMthetho.

(b) Noma iyiphi ilayisense ekhishwe ngokwesigaba (a) kumele ngokwezinhloso zonke kube ekhishwe ngokwesigaba 19.

IsiVumelwano SePayipi LeGesi e-Mozambique

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36. (1) Kulesigaba, “isivumelwano” sisho isiVumelwano sePayipi leGesi e-Mozambique, njengoba besikhona ngaphambi kosuku lokuqala kokusebenza kwaloMthetho, esenziwe uNgqongqoshe, uNgqongqoshe wezoHwebo neziMboni kanye no-Sasol Limited maqondana nokwethulwa kwepayipi legesi elisuka kwiRiphabhulikhi yase-Mozambique lingena lapha kwiRiphabhulikhi. 10

(2) Nakuba kungaba nokuphikisana kuloMthetho, lesivumelwano siyambophezela uMlawuli weNqubomgomo yeGesi kuze kuphele iminyaka eyi-10 emva kokuthola igesi yemvelo eqhamuka e-Mozambique.

(3) Kusukela osukwini lokwenziwa kwalesivumelwano, imibandela yesivumelwano emaqondana nalokhu okulandelayo, iyimibandela yelayisense ekhishwe ngokwesigaba 19: 15

- (a) Amalungelo akhethekile nezikhathi okunikeziwe ukuthwala nokusabalalisa igesi;
- (b) ukufinyelela kwabanye abantu abangasiyona ingxenye emapayipini lokuthwala elisuka e-Mozambique liye kwamanye amapayipi akwa-Sasol; 20
- (c) amanani akhokhiswa ngu-Sasol ngegese;
- (d) isibopho sika-Sasol sokufakela amakhasimende, abasabalalisi kanye nabathwali begese; kanye
- (e) nokusingathwa kwesivumelwano.

(4) UMlawuli weNqubomgomo yeGesi kumele akhiphe ngokusemthethweni amalayisense awanikeze labo okucatshangwa ngabo kulesivumelwano futhi angabeka imibandela ngaleyo layisense ngokwaloMthetho ngokungaphikisani nesivumelwano. 25

Isihloko efushane

37. LoMthetho ubizwa ngoMthetho weGesi, ka 2001, futhi uqala ukusebenza ngosuku lolo olumiswe uMongameli ngesimemezelo kwiGazethi. 30

SCHEDULE 1**EXEMPTION FROM OBLIGATION TO APPLY FOR AND HOLD A LICENCE****(Section 15(2))**

1. Any person engaged in the transmission of gas for that person's exclusive use.
2. Small biogas projects in rural communities not connected to the national gas pipeline grid.
3. Gas reticulation and any trading activity incidental thereto.
4. Liquefied petroleum gas supplied from a bulk storage tank or cylinder, piped at less than 2 bar gauge and crossing no more than four erf lines between separate property boundaries.

ISHEDULI 1**UKUXOLELWA KWISIBOPHO SOKUFAKA ISICELO NOKUBA
NELAYISENSE****(Isigaba 15(2))**

1. Noma ubani obambe iqhaza ekuthwaleni igesi eyithwalele ukuyisebenzisa yena ngokwakhe. 5
2. imikhankaso ekhona yegesi emiphakathini yasemakhaya engaxhumene nesakhiwo sikazwelonke segesi.
3. Ukuthwalwa kwegesi nokunye ukuhweba ngegese okungase kuhambisane nako. 10
4. Igesi eyenziwe amanzi yepethroliyamu etholakala kwithange noma isilinda eliyigcine ngobuningi, ehanjiswa ngepayipi ngesisindo (bar gauge) esingaphansi kuka 2 futhi enqamula imigqa yeziza engengaphezulu kwemine eminceleni yezakhiwo.

