L.N. 40 of 1986

ENEMALTA ACT, 1977
(ACT NO. XVI OF 1977)

Petroleum (Petrol Stations) Regulations, 1986

IN exercise of the powers conferred by section 39 of the Enemalta Act, 1977, Enemalta, with the approval of the Minister of Parastatal and People's Investments, has made the following regulations:—

Citation.

1. These regulations may be cited as the Petroleum (Petrol Stations) Regulations, 1986.

Interpretation.

2. In these regulations, unless the context otherwise requires —

"Corporation" means the Enemalta Corporation;

"petrol station" means a station which includes one or more stand pumps from which petroleum products are offered for sale to the public.

Licence fee.

3. There shall be paid to Enemalta in respect of a licence referred to in the first column of the Schedule hereto the fee specified in the second column thereto.

Conditions of licence.

4. In such licence Enemalta may impose such conditions and limitations as it may deem appropriate.

Prohibition of transfer of licence.

5. It shall not be lawful for any person who holds such licence to transfer the operation of the licence or the licence itself, whether by sale, lease, lease of the goodwill or by any other title, onerous or gratuitous, or for any other cause, without the prior permission of Enemalta in writing.

Suspension of supplies and withrawal of licence.

6. Where any person contravenes any provisions of the last preceding regulation, the Corporation shall have the right to suspend the supply of its products, as also to withdraw the licence forthwith.

Fee for reinstatement.

7. In any of the cases mentioned in the last preceding regulation, for the resumption of supplies or the reinstatement of the licence, as the case may be, the licensee shall pay to the Corporation a fee of Lm500.

Transfer of licence.

8. (1) A licence may not be transferred by the licensee without the prior approval of Enemalta and against the payment to it of the transfer fee specified in the Schedule to these regulations: Provided that the said transfer fee shall not be payable where the tranferee is the husband or wife or the brother or sister or the first degree descendant or ascendant in the direct line of that licensee.

(2) Applications to the Corporation for the transfer of a licence are to be signed jointly by the licence holder and by the person to whom it is desired to transfer such licence, and are to include full details of the terms and conditions agreed to between the two parties in respect of the transfer.

Purchase of petrol stations by Corporation.

9. Notwithstanding the provisions of regulation 8 of these regulations the Board of Directors of the Corporation may, instead of authorising a licence transfer as requested, offer to take over the petrol

station in respect of which an application for the transfer of a licence has been lodged on the same terms and conditions agreed to between the licence holder and the person to whom it is desired to transfer the licence, and if such offer is not accepted the transfer of the licence may be refused.

Notification of address.

10. It shall be a condition of every licence that the holder thereof shall notify in writing, as early as possible, the Corporation of any change in the place of business or other address of the licensee.

Repeals item D of Schedule to L.N. 18 of 1978.

11. Item "D. Sale of Petroleum" in the Schedule to the Petroleum (Licence Fees) Regulations, 1978, is hereby repealed.

SCHEDULE

(Regulation 3)

First Column	*Second Column*
A. Sale of Petroleum:	
(i) from a stand pump, per pump	Lm1 per annum or part thereof
(ii) other than from a stand pump	Lm5 per annum or part thereof
B. Licence Transfer Fee:	
(i) where the licensee has died or is medically certified to the satisfaction of the Corporation to be permanently incapacitated or has attained 61 years of age and the transfer is to a person other than one of the persons mentioned in regulation 8 (1).	5% of the gross profits on sales of products suppied by the Corporation calculated either (a) on such profits for the last two completed years preceding the date of request for transfer, or (b) on double the yearly average of such profits for the last five completed years preceding such date, whichever is the greater.
(ii) in the case of all other transfers other than those in regulation 8 (1).	10% of the gross profits on sales of products supplied by the Corporation calculated either (a) on such profits for the last two completed years preceding the date of request for transfer, or (b) on double the yearly average of such profits for the last five completed years preceding such date, whichever is the greater.

Ippubblikat mit-Taqsima tat-Taghrif — Kastilja — *Published by the Information Division — Kastilja*
Mitbugh fl-Istamperija tal-Gvern — *Printed at the Government Printing Press*
Prezz 2c — *Price 2c*