

In terms of section 75 of the Customs and Excise Act, 1964, Part 3 of Schedule No. 6 to the said Act is hereby amended, with effect from a date to be determined by the Deputy Minister by notice in the Gazette, to the extent set out in the Schedule hereto.

DR DAVID MASONDO  
DEPUTY MINISTER OF FINANCE

### SCHEDULE

**By the substitution of Note 6 in Part 3 of Schedule No. 6 with the following:**

6. For the purposes of item 670.04 read with the provisions of section 75 (1A) and (4A):

**(a) Definitions**

For the purposes of this Note, except if the context otherwise indicates -

(i) "distillate fuel" means -

(aa) distillate fuel and biodiesel as contemplated in section 37B (1) in respect of which the fuel levy and the Road Accident Fund levy have been paid as prescribed in terms of Part 5A and Part 5B of Schedule No. 1 respectively and which have been duly entered for home consumption or which are deemed to have been duly entered for home consumption, whether or not such distillate fuel and biodiesel have been mixed; and

(bb) excludes the following:

(A) "smokeless diesel" which is a mixture of kerosene and a lubricity agent normally used in underground mines;

(B) any mixture of distillate fuel with kerosene or any other substance except biodiesel; and

(C) any distillate fuel entered for export or ships stores or in terms of any other procedure except for home consumption or on which the levies are not paid as contemplated in paragraph (a)(i)(aa).

(ii) "dry contractor" means a person contracted by a user for the hiring, leasing or chartering of any asset to perform any qualifying activity or for the purpose of performing any qualifying activity in respect of which the distillate fuel is supplied from eligible purchases of the user.

(iii) "eligible purchases" means purchases of distillate fuel by the user -

(aa) from sellers of petroleum products who are listed in the registration profile of the user as sellers of eligible purchases of distillate fuel to that user; and

(bb) which are -

(A) collected by the user, delivered by such sellers, or delivered by transporters who are listed in the registration profile of the user as transporters of eligible purchases of distillate fuel for that user;

(B) dispensed directly for use or stored in storage facilities which are controlled by the user and listed in the registration profile of that user as storage facilities for eligible purchases of distillate fuel by such user;

(C) dispensed directly or from such storage facilities for use by the user or by dry contractors of the user, provided the diesel refund relationships between that user and those dry contractors are listed in the registration profile of such user; and

(D) used by the user or by such dry contractors of the user in the assets which are listed in the registration profile of that user as the assets powered by such eligible purchases of distillate fuel to perform the qualifying activities which are listed in the registration profile of such user and prescribed in this Note.

(iv) "general fuel levy" means the levy contemplated in Notes 6 and 8 of Part 5A of Schedule No. 1 at the rate specified in Note 8(b)(i) for distillate fuel and Note 8(c)(i) for biodiesel respectively of the said Part 5A.

**By the substitution of Note 6 in Part 3 of Schedule No. 6 with the following:**

- (v) "non-eligible purchases" means purchases of distillate fuel by the user -
  - (aa) which do not comply with the requirements for eligible purchases as prescribed in this Note; or
  - (bb) which are
    - (A) obtained under rebate of duty under any item of any Schedule;
    - (B) disposed of in any manner; or
    - (C) lost in any manner.
- (vi) "person" means a -
  - (aa) natural person ordinarily resident in the Republic;
  - (bb) partnership of persons ordinarily resident in the Republic;
  - (cc) joint venture of persons ordinarily resident in the Republic;
  - (dd) unincorporated body of persons ordinarily resident in the Republic; or
  - (ee) legal person registered in the Republic in accordance with the laws of the Republic and which has its place of effective management in the Republic.
- (vii) "registration profile" means the electronic profile which a person must create and maintain in order to be registered as a diesel refund user as contemplated in section 75(1A)(b) and the rules thereto.
- (viii) "section", unless otherwise specified, refers to the relevant section of this Act.
- (ix) "seller" means a person, excluding a user, who -
  - (aa) operates a going concern for the sale of petroleum products;
  - (bb) is licensed as a wholesaler or retailer in terms of the Petroleum Products Act, 1977 (Act No. 120 of 1977);
  - (cc) purchases distillate fuel from manufacturers or wholesalers who are licensed as such in terms of the Petroleum Products Act, 1977 (Act No. 120 of 1977), except in the case of the seller's importation of distillate fuel;
  - (dd) is registered as a seller of eligible purchases of distillate fuel to users as prescribed in rule 75.25.02; and
  - (ee) sells distillate fuel directly to users as end consumers for their own consumption.
- (x) "storage facility" means a fuel tank controlled by the user for safekeeping of eligible purchases of such user, which is limited to a -
  - (aa) distillate fuel tank situated at a fixed geographical location as applicable in agriculture, mining on land, rail freight transport and electricity generation;
  - (bb) distillate fuel bowser and distillate fuel truck as applicable in agriculture and mining on land; and

**By the substitution of Note 6 in Part 3 of Schedule No. 6 with the following:**

(cc) distillate fuel tank which forms an integral part of the structure of a vessel in fishing, offshore mining, offshore shipping and harbour shipping or an integral part of an installation in offshore mining as applicable.

(xi) "user" means a person registered as a diesel refund user as contemplated in section 75(1A)(b) and the rules thereto, which includes any wet contractor so registered and excludes any dry contractor.

(xii) "wet contractor" means a person contracted by a user for the hiring, leasing or chartering of any asset to perform any qualifying activity or for the purpose of performing any qualifying activity in respect of which the distillate fuel is supplied from eligible purchases of the contractor.

**(b) Administrative requirements and source documentation to substantiate refund applications**

(i) The user may apply for a refund only in respect of the eligible purchases of distillate fuel by that user in respect of which the

(aa) original invoice contemplated in section 75(4A)(c) and specified in paragraph (b)(iii); and

(bb) invoices, books, accounts and documents contemplated in section 75(4A)(d) and (e) and specified in paragraph (b)(iv);

have been furnished, completed and kept as prescribed.

(ii) If the user performs more than one category of qualifying activities, or any non-qualifying activity, the user must keep the records referred to in paragraph (b)(i) separately to demonstrate how distillate fuel was obtained, purchased, collected, delivered, stored, dispensed for use, used, disposed of or lost in respect of each category of qualifying activities or any non-qualifying activity.

(iii)

(aa) The user must obtain all eligible purchases through the purchase of such distillate fuel from sellers of petroleum products who are listed in the registration profile of the user as sellers of eligible purchases of distillate fuel to that user.

(bb) For the purposes of section 75(4A)(c), such seller must furnish the user with an original invoice and keep a copy of such invoice reflecting the particulars for each purchase of distillate fuel by that user available for inspection by the Commissioner for a period of five years calculated from the end of the calendar year in which such record was created.

(cc) The original invoice specified in paragraph (b)(iii)(bb) must reflect the

(A) date of the sale;

(B) name, business name (if any) and physical address of the seller;

(C) name, business name (if any) and physical address of the user;

(D) volume in litres of distillate fuel sold; and

(E) total price of the invoiced sale.

(iv)

**By the substitution of Note 6 in Part 3 of Schedule No. 6 with the following:**

- (aa) For the purposes of section 75(4A)(d) and (e), the user must complete such books, accounts and documents and keep such invoices, books, accounts and documents reflecting the particulars prescribed in this Note available for inspection by the Commissioner for a period of five years calculated from the end of the calendar year in which such record was created.
  - (bb) The invoices, books, accounts and documents specified in paragraph (b)(iv)(aa) must include the relevant
    - (A) original invoice prescribed in paragraph (b)(iii);
    - (B) original delivery note prescribed in paragraph (b)(v);
    - (C) storage logbook prescribed in paragraph (b)(vi);
    - (D) usage logbook prescribed in paragraph (b)(vii) or paragraph (c)(viii);
    - (E) source documentation that informed the completion of such logbooks by the user;
    - (F) records on distillate fuel received under rebate of duty under any item of any Schedule;
    - (G) records prescribed in paragraph (b)(viii) on the disposal in any manner of distillate fuel; and
    - (H) records prescribed in paragraph (b)(ix) on the loss in any manner of distillate fuel.
- (v)
- (aa) Eligible purchases of distillate fuel may be collected by the user, delivered by the sellers thereof, or delivered by transporters who are listed in the registration profile of the user as transporters of eligible purchases of distillate fuel for that user.
  - (bb) Such sellers or transporters must furnish the user with an original delivery note and keep a copy of such delivery note reflecting the particulars for each delivery of eligible purchases of distillate fuel for that user available for inspection by the Commissioner for a period of five years calculated from the end of the calendar year in which such record was created.
  - (cc) The original delivery note specified in paragraph (b)(v)(bb) must reflect the
    - (A) date of the delivery;
    - (B) name, business name (if any) and physical address of the transporter;
    - (C) name, business name (if any) and physical address of the seller;
    - (D) name, business name (if any) and physical address of the user;
    - (E) physical address to which the distillate fuel was delivered;
    - (F) volume in litres of distillate fuel delivered;
    - (G) total price charged for the delivery; and
    - (H) vehicle identification number (VIN) of the delivery vehicle or trailer.

**By the substitution of Note 6 in Part 3 of Schedule No. 6 with the following:**

(vi)

- (aa) The user must control the storage facilities for eligible purchases of distillate fuel by that user and must list each such storage facility, together with the identifying features and fuel storage capacity of that storage facility, as well as the physical address of any such storage facility which is situated at a fixed geographical location, in the registration profile of such user.
- (bb) The user must complete a monthly storage logbook in respect of each such storage facility which reflects the particulars of all eligible purchases of distillate fuel received, stored, dispensed, disposed of or lost in any manner during that month.
- (cc) The storage logbook prescribed in paragraph (b)(vi)(bb) must provide at least the information prescribed in the External Policy and the Template for minimum storage logbook requirements which are available on the SARS website at <https://www.sars.gov.za/>

(vii)

- (aa) The user must control the usage of eligible purchases of distillate fuel by that user or by any dry contractor of that user as prescribed in this Note and must list each asset which is powered by such distillate fuel to perform qualifying activities, together with the identifying features, make, model and fuel tank capacity of that asset, as well as the physical address of any such asset which is situated at a fixed geographical location, in the registration profile of such user.
- (bb) The user must complete a monthly usage logbook which reflects the particulars of all eligible purchases of distillate fuel dispensed directly or from any storage facility for use, each manner of application of such distillate fuel, all assets powered by such distillate fuel, and the purpose of each activity performed with such distillate fuel during that month.
- (cc) The usage logbook prescribed in paragraph (b)(vii)(bb) must provide at least the information prescribed in the External Policy and the Template for minimum usage logbook requirements in respect of each category of qualifying activities which are available on the SARS website at <https://www.sars.gov.za/>
- (dd) The user may request permission in writing from the Commissioner for the approval of a simplified usage logbook format, which would reflect less detailed information compared to the prescribed minimum usage logbook requirements referred to in paragraph (b)(vii)(cc), in instances where
  - (A) the level of distillate fuel in the fuel tank of a specified class of asset cannot with reasonable certainty be gauged to determine the fuel use thereof after each application and the user agrees to consistently determine the volume of fuel used in that class of asset through the subsequent refilling thereof, provided the fuel tank of such class of asset is always kept full at the start and refilled at the end of every application;
  - (B) the level of distillate fuel in the fuel tank of a specified class of asset cannot with reasonable certainty be gauged at month end to determine the monthly fuel use thereof and the user agrees to consistently deem the closing balance of fuel at month end for such class of asset to be a full fuel tank;
  - (C) the user consistently employs satellite tracking technology in respect of a specified class of asset in order to populate the proposed alternative logbook solution of such user with automated Global Positioning System (GPS) entries reflecting the accurate geographical location of such class of asset at all times; or
  - (D) the user consistently employs proximity warning or similar technologies in respect of a specified class of asset in order to populate the proposed alternative logbook solution of such user with real time information entries confirming the accurate geographical location of such class of asset at all times.

**By the substitution of Note 6 in Part 3 of Schedule No. 6 with the following:**

(viii)

- (aa) Eligible purchases of distillate fuel which the user disposes of, whether by sale, barter, donation or any other manner, do not qualify for a refund and constitute non-eligible purchases of that user which such user must exclude from any refund application.
- (bb) The user must furnish the recipient of the disposed distillate fuel with an original invoice and keep a copy of such invoice which reflects the particulars of each disposal of distillate fuel in respect of the
  - (A) date of the disposal;
  - (B) name, business name (if any) and physical address of the user;
  - (C) name, business name (if any) and physical address of the recipient;
  - (D) description of the manner of the disposal;
  - (E) volume in litres of distillate fuel disposed;
  - (F) description of compensation received; and
  - (G) value of the compensation received.

(ix)

- (aa) Eligible purchases of distillate fuel which the user loses, whether by accident, theft, leakage or any other manner, do not qualify for a refund and constitute non-eligible purchases of that user which such user must exclude from any refund application.
- (bb) The user must record the loss of distillate fuel and keep a copy of such record reflecting the particulars of each loss of distillate fuel, which must reflect the
  - (A) date the loss was detected;
  - (B) estimated date the loss occurred;
  - (C) locality where the loss occurred;
  - (D) circumstances surrounding the loss;
  - (E) volume in litres of distillate fuel lost;
  - (F) manner in which the volume was calculated;
  - (G) total estimated value of the distillate fuel lost;
  - (H) copy of the police report where applicable; and

**By the substitution of Note 6 in Part 3 of Schedule No. 6 with the following:**

- (l) details of the insurance claim where applicable.
- (x) For the purposes of section 75(1C)(d)(i), the user must furnish a declaration to the Commissioner at such times and in such form and supported by such documents as the Commissioner may determine which reflect the particulars in relation to the purchase and use of distillate fuel by that user concerning any refund granted to such user.
- (c) Agriculture: Refund of levies on eligible purchases of distillate fuel used in agriculture**
  - (i) For the purposes of paragraph (c), unless the context otherwise indicates
    - (aa) "agriculture" means the realisation of any agricultural products for commercial gain on the agricultural property.
    - (bb) "agricultural products" means any farming or forestry products or by-products in their natural state, whether or not packed for marketing, which occur naturally or are brought about for agricultural purposes on the agricultural property.
    - (cc) "agricultural property" means any locality in the Republic where qualifying agricultural activities are undertaken.
    - (dd) "agricultural requirements" means inputs, equipment and vehicles which are essential for the practice of agriculture and the performance of qualifying agricultural activities on the agricultural property.
    - (ee) "crop" means any farming or forestry crop on the agricultural property for the realisation of agricultural products.
    - (ff) "farm animal" means any domesticated or wild animal, whether vertebrate or invertebrate, on the agricultural property for the realisation of agricultural products, and includes all juvenile stages of such an animal.
    - (gg) "heavy vehicle" means a vehicle which has a gross vehicle mass (GVM) equal to or greater than 4.5 tonnes. The GVM of a vehicle is the GVM accepted by the authority which registered the vehicle. Trailers cannot be included in the GVM of a rigid vehicle. For an articulated vehicle, the GVM is the gross combined mass of the prime mover and the semi-trailer.
    - (hh) "qualifying agricultural activities" means those actions which are required for the realisation of any agricultural products on the agricultural property and the transportation of such agricultural products up to the delivery thereof to the nearest market, which are limited to the activities of paragraph (c)(ii) and excludes the activities of paragraph (c)(iii).
    - (ii) "specialised haulage vehicle" means a vehicle which is customised for the exclusive transporting of agricultural products to the market and therefore incapable of carrying any commodity other than agricultural products.
  - (ii) Qualifying agricultural activities are limited to
    - (aa) clearing, preparing and maintaining the agricultural property for use in agriculture.
    - (bb) managing, inspecting and preserving the agricultural property for use in agriculture.
    - (cc) developing and maintaining physical infrastructure on the agricultural property for use in agriculture.
    - (dd) accessing and distributing water on the agricultural property for use in agriculture.
    - (ee) generating and distributing electricity on the agricultural property for use in agriculture.
    - (ff) environmental management of agricultural impact on the agricultural property.

**By the substitution of Note 6 in Part 3 of Schedule No. 6 with the following:**

- (gg) conserving soil, water and biodiversity on the agricultural property.
- (hh) developing and maintaining fire-fighting access roads and firebreaks on the agricultural property.
- (ii) developing and maintaining fire-fighting access roads and firebreaks on the agricultural property.
- (jj) transporting agricultural requirements and labourers on the agricultural property for use in agriculture.
- (kk) planting, cultivating, growing and conserving crops on the agricultural property.
- (ll) harvesting, transporting, storing and preserving crops on the agricultural property.
- (mm) breeding, nurturing, rearing and conserving farm animals on the agricultural property.
- (nn) culling, transporting, storing and preserving farm animal products on the agricultural property.
- (oo) preparing agricultural products for transportation from the agricultural property.
- (pp) transporting agricultural products from the agricultural property up to the delivery thereof to the nearest market.
- (qq) returning a specialised haulage vehicle to the agricultural property from the nearest market delivery of agricultural products.
- (rr) managing waste on the agricultural property as the result of qualifying agricultural activities.
- (iii) Qualifying agricultural activities exclude
  - (aa) transporting agricultural requirements or labourers to or from the agricultural property.
  - (bb) transporting agricultural requirements or labourers between non-adjacent sections of the agricultural property.
  - (cc) maintaining, repairing or refitting agricultural requirements.
  - (dd) trips connected with the maintenance, repair or refit of any vehicle.
  - (ee) altering the natural state of agricultural products beyond the preservation thereof.
  - (ff) any activities related or incidental to such alteration of agricultural products.
  - (gg) transforming agricultural products through any process of manufacture.
  - (hh) any activities related or incidental to such transformation of agricultural products.
  - (ii) transporting of agricultural products from the agricultural property by the purchaser thereof.
  - (jj) transporting of agricultural products from the agricultural property by a wet contractor in any vehicle other than a heavy vehicle.
  - (kk) returning any vehicle other than a specialised haulage vehicle to the agricultural property after transporting agricultural products.
  - (ll) any activities related or incidental to the rendering of housing, accommodation, schooling or education.

**By the substitution of Note 6 in Part 3 of Schedule No. 6 with the following:**

(mm) any activities related or incidental to the rendering of passenger, sport, recreation, hospitality or tourism services.

(iv) The following equipment and vehicles are regarded as dedicated for the performance of predominantly qualifying agricultural activities. When such equipment and vehicles are directly powered by distillate fuel, the logbook requirements of paragraph (c)(viii)(bb) apply.

- (aa) plough
- (bb) tiller
- (cc) harrow
- (dd) ridger
- (ee) planter
- (ff) spreader
- (gg) sprayer
- (hh) blower
- (ii) chainsaw
- (jj) cutter
- (kk) harvester
- (ll) feller
- (mm) logger
- (nn) buncher
- (oo) reaper
- (pp) slasher
- (qq) ripper
- (rr) chopper
- (ss) mulcher
- (tt) destumper
- (uu) chipper
- (vv) hammer mill
- (ww) baler

**By the substitution of Note 6 in Part 3 of Schedule No. 6 with the following:**

- (xx) yarder
- (yy) grapple
- (zz) grab loader
- (aaa) forwarder
- (bbb) skidder
- (ccc) feed mixer
- (v) The extent of the refund in agriculture is 32 per cent of the general fuel levy plus 80 per cent of the Road Accident Fund levy rounded to the nearest cents per litre of distillate fuel used in qualifying agricultural activities.
- (vi) The user may apply for the refund specified in paragraph (c)(v) only in respect of eligible purchases by the user of distillate fuel which was used in qualifying agricultural activities in
  - (aa) equipment and vehicles which are listed in the registration profile of the user for use in qualifying agricultural activities and which are used on the agricultural property listed in the registration profile of the user; and
  - (bb) vehicles which are listed in the registration profile of the user for the transportation of agricultural products from the agricultural property listed in the registration profile of the user up to the delivery thereof to the nearest market.
- (vii) The user must exclude any non-eligible purchases from such refund application and must demonstrate that the conditions specified in paragraph (c)(vi) were met by verifying the refund application through the necessary substantiating source documents prescribed in paragraph (b).
- (viii) the logbook obligations prescribed in paragraph (b)
  - (aa) where the volume of distillate fuel used in any vehicle for transporting agricultural products from the agricultural property and returning to the agricultural property cannot with reasonable certainty be gauged, the volume of distillate fuel so used must be determined based on the average rate of fuel consumption over the total time period or total distance travelled; and
  - (bb) a detailed usage logbook is not required in respect of the distillate fuel used to directly power the equipment and vehicles specified in paragraph (c)(iv) and the volume of distillate fuel so used must be substantiated through a monthly simplified usage logbook that provides at least the information prescribed in the External Policy and the Template for minimum usage logbook requirements in respect of dedicated equipment and vehicles in agriculture which are available on the SARS website at <https://www.sars.gov.za/>
- (ix) Small-scale sugarcane producers with an average production not exceeding 1 800 tons of sugarcane annually and who are incapable of complying with the logbook obligations prescribed in paragraph (b) may arrange for the sugar mills to which the sugarcane of these producers is delivered to act as agents on behalf of such producers on the basis prescribed in paragraph (c)(xi).
- (x) Small-scale forestry producers with an average production not exceeding the total annual turnover threshold for a micro enterprise in the agriculture sector in terms of the National Small Enterprise Act, 1996 (Act No.102 of 1996) and who are incapable of complying with the logbook obligations prescribed in paragraph (b) may arrange for the timber mills to which the forestry products of these producers are delivered to act as agents on behalf of such producers on the basis prescribed in paragraph (c)(xi).

**By the substitution of Note 6 in Part 3 of Schedule No. 6 with the following:**

- (xi) Each sugar mill referred to in paragraph (c)(ix) or timber mill referred to in paragraph (c)(x) who enters into an agency relationship with any small-scale sugarcane producers or small-scale forestry producers specified in those paragraphs respectively must
  - (aa) register as a user and process collective refund applications as an agent on behalf of these producers in consultation with South African Sugar Association (SASA) or Forestry South Africa (FSA) as applicable;
  - (bb) determine the collective refund applications on behalf of these producers by multiplying the tonnage of sugarcane or forestry products of such producers delivered to the mill by the average diesel usage rate specified in paragraph (c)(xi)(cc);
  - (cc) apply the average diesel usage rate as calculated annually by SASA or FSA as applicable, which reflects the average volume of distillate fuel used by these producers and their dry contractors, but excludes the average volume of distillate fuel used by wet contractors of these producers, per tonnage of sugarcane or forestry products of such producers delivered to the mill; and
  - (dd) periodically pass the collective refund payments that are received on behalf of these producers through as part of the price paid per tonnage of sugarcane or forestry products of such producers delivered to the mill.

**(d) Fishing: Refund of levies on eligible purchases of distillate fuel used in fishing**

- (i) For the purposes of paragraph (d), unless the context otherwise indicates
  - (aa) "commercial fishing" means fishing in respect of a commercial fishing permit for any of the species, subject to the allowable commercial catch or total applied effort, or parts of both, determined in terms of the Marine Living Resources Act, 1998 (Act No.18 of 1998).
  - (bb) "commercial fishing permit" means a permit issued to conduct commercial fishing in terms of the Marine Living Resources Act, 1998 (Act No.18 of 1998).
  - (cc) "fish" means the marine living resources of the sea, including any aquatic plant or animal whether piscine or not, and includes their eggs, larvae and all juvenile stages, but does not include sea birds and seals.
  - (dd) "fish aggregating gear" means a floating, submerged or semi-submerged device, whether anchored or not, intended to aggregate fish, including any floating object on which a device has been placed to facilitate its location.
  - (ee) "fishing vessel" means any vessel normally used for fishing and any vessel dedicated to the handling, storing, preserving or processing of fish while at sea which are propelled by inboard engines of which the fuel tanks form an integral part of the structure and includes all gear, equipment, stores, cargo and fuel on board such vessel.
  - (ff) "fish preserving" means the preserving by any method of fish for sale, including the salting, icing, chilling or freezing thereof.
  - (gg) "fish processing" means the processing by any method of fish for sale, including the cutting, dismembering, separating, gutting, cleaning, sorting and lining thereof.
  - (hh) "foreign fishing" means fishing conducted in the waters of the Republic in any fishing vessel other than a local fishing vessel.
- (ii) "local fishing vessel" means any fishing vessel having South African nationality in terms of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) or the Ship Registration Act, 1998 (No. 58 of 1998).
- (jj) "qualifying fishing activities" means those actions which are required within the waters of the Republic for commercial fishing at sea on a local fishing vessel and the transporting of fish at sea up to the time it is first landed, which are limited to the activities of paragraph (d)(ii) and excludes the activities of paragraph (d)(iii).

**By the substitution of Note 6 in Part 3 of Schedule No. 6 with the following:**

- (kk) "recreational fishing" means any fishing done for leisure or sport and not for sale, barter, earnings or gain.
- (ll) "sea" means the water of the sea, as well as the bed of the sea below the low-water mark as defined in the Seashore Act, 1935 (Act No. 21 of 1935), and within the outer limit of -
  - (A) the territorial waters of the Republic as contemplated in section 4 of the Maritime Zones Act, 1994 (Act No. 15 of 1994), including the water and the bed of any tidal river and of any tidal lagoon; and
  - (B) the continental shelf of the Republic as contemplated in section 8 of the Maritime Zones Act, 1994 (Act No. 15 of 1994).
- (mm) "seashore fishing" means any fishing done in the area of sandy, stony, or rocky land bordering and level with the sea between the high-water and low-water marks of the sea as defined in the Seashore Act, 1935 (Act No. 21 of 1935).
- (nn) "subsistence fishing" means any fishing by a natural person who regularly catches fish for consumption personally or by dependants, including the local sale or barter of excess catch from time to time on an unsubstantial scale.
- (oo) "transhipping" means transferring equipment, fuel or cargo from one vessel to another.
- (pp) "waters of the Republic" has the meaning assigned to "sea" in this paragraph.
- (ii) Qualifying fishing activities are limited to -
  - (aa) searching for and locating fish at sea.
  - (bb) placing, searching for and recovering fish aggregating gear at sea.
  - (cc) taking, collecting and gathering a catch of fish at sea.
  - (dd) transhipping a catch of fish between fishing vessels while at sea.
  - (ee) handling, storing, preserving and processing fish while at sea.
  - (ff) transporting fish at sea up to the time it is first landed.
  - (gg) transhipping fuel between fishing vessels while at sea.
  - (hh) transhipping equipment between fishing vessels while at sea.
  - (ii) returning of a fishing vessel from the sea to a port in the Republic.
  - (jj) managing waste on a fishing vessel as the result of qualifying fishing activities.
- (iii) Qualifying fishing activities exclude -
  - (aa) foreign fishing.
  - (bb) seashore fishing.

**By the substitution of Note 6 in Part 3 of Schedule No. 6 with the following:**

- (cc) onshore fishing.
- (dd) recreational fishing.
- (ee) subsistence fishing.
- (ff) onshore handling, storing, preserving or processing of fish.
- (gg) transporting of fish by the purchaser thereof.
- (hh) maintaining, repairing or refitting a vessel or its on-board equipment.
- (ii) trips connected with the maintenance, repair or refit of a vessel.
- (jj) trips which are wholly or partly outside the waters of the Republic.
- (kk) any activities related or incidental to the rendering of housing, accommodation, schooling or education.
- (ll) any activities related or incidental to the rendering of passenger, sport, recreation, hospitality or tourism services.
- (iv) The extent of the refund in fishing is 100 per cent of the general fuel levy plus 100 per cent of the Road Accident Fund levy rounded to the nearest cents per litre of distillate fuel used in qualifying fishing activities.
- (v) The user may apply for the refund specified in paragraph (d)(iv) only in respect of eligible purchases by the user of distillate fuel which was used in qualifying fishing activities in
  - (aa) a local fishing vessel which is nominated on a valid commercial fishing permit for use in commercial fishing and which has a transire as contemplated in the rules for section 7; and
  - (bb) the operating of the equipment used on board that vessel;provided such local fishing vessel, the commercial fishing permit on which it is nominated, and its on-board equipment are listed in the registration profile of the user for use in qualifying fishing activities.
- (vi) The user must exclude any non-eligible purchases from such refund application and must demonstrate that the conditions specified in paragraph (d)(v) were met by verifying the refund application through the necessary substantiating source documents prescribed in paragraph (b).
- (vii) Notwithstanding the logbook obligations prescribed in paragraph (b)
  - (aa) storage logbook records are not required in respect of the storage facility comprised of the distillate fuel tank which forms an integral part of the structure of the fishing vessel, provided the particulars of all eligible purchases of distillate fuel received, stored, dispensed, disposed of or lost in any manner in respect of that storage facility are reflected in the usage logbook records for the fishing vessel on board which such storage facility is located; and
  - (bb) usage logbook records are not required in respect of the on-board equipment referred to in paragraph (d)(v) and the volume of distillate fuel dispensed to and used in such on-board equipment must form a constituent part of the usage logbook records for the fishing vessel on board which such equipment is located.
- (e) **Mining on land: Refund of levies on eligible purchases of distillate fuel used in mining on land**

**By the substitution of Note 6 in Part 3 of Schedule No. 6 with the following:**

- (i) For the purposes of paragraph (e), unless the context otherwise indicates
  - (aa) "environmental management plan" and "environmental management programme" means the plan and programme respectively in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).
  - (bb) "exploration" means the treatment of seismic data and any related activity to define an area on land to be tested with the intention of locating a mineral discovery.
  - (cc) "mineral" means any inorganic substance, whether solid, liquid or gaseous, which occurs naturally in or on the earth or in or under water, which was formed by or subjected to a geological process, and includes sand, stone, rock, gravel, limestone, clay and soil, but excludes water, topsoil and peat.
  - (dd) "mineral deposit" means the alluvial minerals in their raw unprocessed state retrieved after washing, screening and separation in placer mining and the run-of-mine excavated in other forms of surface mining and in underground mining.
  - (ee) "mining" means the practice of locating, determining and recovering for commercial gain mineral deposits at the mining site, but excludes any subsequent processing of such mineral deposits.
  - (ff) "mining authorisation" means the authorisation to mine or produce petroleum which is granted or ceded in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).
  - (gg) "mining requirements" means inputs, equipment and vehicles which are essential for the performance of qualifying mining activities at the mining site.
  - (hh) "mining site" means the area for which a mining authorisation is granted and any incidental surface area of land in respect of a related environmental management plan or environmental management programme.
- (ii) "overburden" means the soil and rock surrounding or containing any mineral deposit.
- (jj) "placer mining" means the recovery of mineral deposits from alluvial sediments through dredging and surface mining methods by which potentially mineral bearing material is excavated and subsequently washed, screened and separated to establish and retrieve the mineral deposit therein.
- (kk) "processing" means any treatment of a mineral deposit beyond those qualifying mining activities that are necessary to retrieve or excavate that mineral deposit from the overburden which surrounds or contains it and to subsequently transport such mineral deposit for stockpiling at the mining site.
- (ll) "prospecting" means intentionally searching for any mineral by means of any method which disturbs the earth, any residue stockpile or any residue deposit in order to trace any mineral therein and to determine the extent thereof.
- (mm) "qualifying mining activities" means those actions which are required for exploration, prospecting, and the subsequent mining and related transportation, stockpiling and rehabilitation at the mining site, which are limited to the activities of paragraph (e)(ii) and excludes the activities of paragraph (e)(iii).
- (nn) "quarry mining" means the type of surface mining by which sand, stone, rock, gravel, limestone, clay and soil (excluding topsoil and peat) is excavated from the ground, and excludes the collection of such minerals from riverbeds.
- (oo) "rehabilitation" means the reclamation at the mining site required by an environmental management plan or environmental management programme until application for a closure certificate in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).
- (pp) "run-of-mine" means the unprocessed mined material which consists of the soil and rock of overburden, minerals, middlings, contamination and impurities.

**By the substitution of Note 6 in Part 3 of Schedule No. 6 with the following:**

- (qq) "surface mining" means the recovery of mineral deposits which are near the surface of the earth through strip mining, open-pit mining, mountaintop removal mining and quarry mining methods by which the mineral deposit is excavated after the removal of the overlying soil and rock.
- (rr) "tailings" means the mined material left over after the separation of the valuable fraction from the uneconomic fraction of the recovered mineral deposit.
- (ss) "underground mining" means the recovery of mineral deposits which are a considerable distance beneath the surface of the earth through drift mining, slope mining, shaft mining and hard rock mining methods by which the mineral deposit is excavated through tunnels while the surface soil and rock is left in place.
- (ii) Qualifying mining activities are limited to
  - (aa) exploration and prospecting for minerals.
  - (bb) clearing, preparing and maintaining the mining site for use in mining.
  - (cc) conserving soil, water and biodiversity at the mining site.
  - (dd) developing and maintaining physical infrastructure at the mining site for use in mining.
  - (ee) accessing and distributing water at the mining site for use in mining.
  - (ff) generating and distributing electricity at the mining site for use in mining.
  - (gg) developing and maintaining transport networks at the mining site for use in mining.
  - (hh) transporting mining requirements and labourers at the mining site for use in mining.
  - (ii) operations essential for the recovery of mineral deposits in placer mining, other forms of surface mining and underground mining.
  - (jj) removing, transporting and stockpiling overburden in mining operations at the mining site.
  - (kk) transporting, stockpiling and conserving the recovered mineral deposits at the mining site.
  - (ll) loading, transporting, stockpiling and returning aggregate discard at the mining site.
  - (mm) loading, transporting, storing, treating and disposing of tailings at the mining site.
  - (nn) managing waste at the mining site as the result of qualifying mining activities.
  - (oo) rehabilitation of mining impact at the mining site.
- (iii) Qualifying mining activities exclude
  - (aa) mining of sand, stone, rock, gravel, limestone, clay and soil (excluding topsoil and peat) through any mining method other than quarry mining.
  - (bb) transporting mining requirements or labourers to or from the mining site.
  - (cc) transporting mining requirements or labourers between non-adjacent sections of the mining site.
  - (dd) maintaining, repairing or refitting mining requirements.

**By the substitution of Note 6 in Part 3 of Schedule No. 6 with the following:**

- (ee) transporting mineral deposits or minerals from the mining site.
- (ff) altering the raw natural state of mineral deposits beyond the conserving thereof.
- (gg) any activities related or incidental to such alteration of mineral deposits.
- (hh) transforming mineral deposits through any processing thereof.
- (ii) any activities related or incidental to such transformation of mineral deposits.
- (jj) enhancing or improving the quality or value of mineral deposits through
  - (A) in the case of placer mining, the sizing, sorting, classifying, polishing, reduction, concentrating, refining, calcining, smelting or gasification of the mineral content or any substance occurring therein; or
  - (B) in the case of other forms of surface mining and underground mining, the winning, extracting, washing, screening, separating, crushing, sizing, sorting, classifying, polishing, reduction, concentrating, refining, calcining, smelting or gasification of the mineral content or any substance occurring therein.
- (kk) any activities related or incidental to such enhancing or improving of mineral deposits.
- (ll) transporting of mineral deposits or minerals by the purchaser thereof.
- (mm) any activities related or incidental to the rendering of housing, accommodation, schooling or education.
- (nn) any activities related or incidental to the rendering of passenger, sport, recreation, hospitality or tourism services.
- (iv) The extent of the refund in mining is 32 per cent of the general fuel levy plus 80 per cent of the Road Accident Fund levy rounded to the nearest cents per litre of distillate fuel used in qualifying mining activities.
- (v) The user may apply for the refund specified in paragraph (e)(iv) only in respect of eligible purchases by the user of distillate fuel which was used in qualifying mining activities in
  - (aa) respect of a mining authorisation which is listed in the registration profile of the user for mining at the mining site listed in the registration profile of the user; and
  - (bb) equipment and vehicles which are listed in the registration profile of the user for use in qualifying mining activities and which are used in exploration, prospecting and in mining at the mining site listed in the registration profile of the user.
- (vi) The user must exclude any non-eligible purchases from such refund application and must demonstrate that the conditions specified in paragraph (e)(v) were met by verifying the refund application through the necessary substantiating source documents prescribed in paragraph (b).
- (vii) Notwithstanding the logbook obligations prescribed in paragraph (b), in the case of underground mining,
  - (aa) where distillate fuel is dispensed from a surface storage facility to sub-surface storage facilities within the underground mine not to be returned to the surface again; and
  - (bb) where all of the equipment and vehicles powered by such distillate fuel are located permanently within the underground mine for use solely within that underground mine; usage logbooks are not required in respect of those equipment and vehicles within that underground mine and the volume of distillate fuel used in such equipment and vehicles within that underground mine must be substantiated through the relevant dispensing entries in the storage logbook records of those sub-surface storage facilities.

**By the substitution of Note 6 in Part 3 of Schedule No. 6 with the following:**

**(f) Offshore mining: Refund of levies on eligible purchases of distillate fuel used in offshore mining**

- (i) For the purposes of paragraph (f), unless the context otherwise indicates
  - (aa) "exploration" means the treatment of seismic data and any related activity to define an area of the sea to be tested with the intention of locating natural resources.
  - (bb) "installation" means any
    - (A) structure, including any floating or submersible platform, constructed or operating upon, beneath or above the sea for the sole purpose of exploration, prospecting or offshore mining;
    - (B) apparatus, including a pipeline, which is used for the sole purpose of transferring any person or substance to or from any such structure;
    - (C) appliance or device which is used for the sole purpose of exploration, prospecting or offshore mining;
    - (D) vessel which is used for the sole purpose of exploration, prospecting or offshore mining; and
    - (E) machinery and equipment which form an integral part of any such structure, apparatus, appliance, device or vessel.
  - (cc) "mining authorisation" means the authorisation to mine or produce petroleum which is granted or ceded in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).
  - (dd) "natural resources" means any inorganic substance, whether solid, liquid or gaseous, which occurs naturally in the bed of the sea or the subsoil thereof, which was formed by or subjected to a geological process, and includes precious stones, metals, minerals, natural oil and natural gas, but excludes water.
  - (ee) "offshore mining" means the recovery for commercial gain of natural resources at its position in an area of the sea through its extraction from the bed of the sea or the subsoil thereof, but excludes any subsequent processing of such natural resources.
  - (ff) "processing" means any treatment of natural resources beyond those qualifying offshore mining activities that are necessary to extract those natural resources from the bed of the sea or the subsoil thereof which surrounds or contains it and to subsequently transport such natural resources up to the time it is first landed.
  - (gg) "prospecting" means intentionally searching for natural resources in an area of the sea by means of any method which disturbs the bed of the sea or the subsoil thereof in order to trace any natural resource therein and to determine the extent thereof.
  - (hh) "qualifying offshore mining activities" means those actions which are required for exploration, prospecting, and the subsequent offshore mining and related transportation, which are limited to the activities of paragraph (f)(ii) and excludes the activities of paragraph (f)(iii).
- (ii) sea means the water of the sea, as well as the bed of the sea and the subsoil thereof below the low-water mark as defined in the Seashore Act, 1935 (Act No. 21 of 1935), and within the outer limit of
  - (A) the territorial waters of the Republic as contemplated in section 4 of the Maritime Zones Act, 1994 (Act No. 15 of 1994), including the water and the bed of any tidal river and of any tidal lagoon; and
  - (B) the continental shelf of the Republic as contemplated in section 8 of the Maritime Zones Act, 1994 (Act No. 15 of 1994).

**By the substitution of Note 6 in Part 3 of Schedule No. 6 with the following:**

- (jj) "vessel" means any vessel which is propelled by inboard engines of which the fuel tanks form an integral part of the structure, and includes all gear, equipment, stores, cargo and fuel on board such vessel.
- (ii) Qualifying offshore mining activities are limited to
  - (aa) exploration and prospecting for natural resources at sea.
  - (bb) generating and distributing electricity on an installation while at sea.
  - (cc) transporting any person or substance to or from an installation while at sea.
  - (dd) return trips after transporting any person or substance to or from an installation while at sea.
  - (ee) operations on an installation essential for the recovery of natural resources in offshore mining.
  - (ff) transferring recovered natural resources from an installation to a vessel while at sea.
  - (gg) handling, storing or preserving recovered natural resources while at sea.
  - (hh) transporting recovered natural resources at sea up to the time it is first landed.
  - (ii) managing waste on an installation as the result of qualifying offshore mining activities.
- (iii) Qualifying offshore mining activities exclude
  - (aa) relocating an installation beyond the existing mining area.
  - (bb) maintaining, repairing or refitting an installation.
  - (cc) trips connected with the maintenance, repair or refit of an installation.
  - (dd) altering the raw natural state of natural resources beyond the conserving thereof.
  - (ee) any activities related or incidental to such alteration of natural resources.
  - (ff) transforming natural resources through any processing thereof.
  - (gg) any activities related or incidental to such transformation of natural resources.
  - (hh) enhancing or improving the quality or value of natural resources through the crushing, sizing, sorting, classifying, polishing, reduction, concentrating, refining, calcining, smelting or gasification thereof or of any substance occurring therein.
  - (ii) any activities related or incidental to such enhancing or improving of natural resources.
  - (jj) onshore handling, storing or preserving of natural resources.
  - (kk) transporting of natural resources by the purchaser thereof.
  - (ll) any activities related or incidental to the rendering of housing, accommodation, schooling or education.

**By the substitution of Note 6 in Part 3 of Schedule No. 6 with the following:**

- (mm) any activities related or incidental to the rendering of passenger, sport, recreation, hospitality or tourism services.
- (iv) The extent of the refund in offshore mining is 100 per cent of the general fuel levy plus 100 per cent of the Road Accident Fund levy rounded to the nearest cents per litre of distillate fuel used in qualifying offshore mining activities.
- (v) The user may apply for the refund specified in paragraph (f)(iv) only in respect of eligible purchases by the user of distillate fuel which was used in qualifying offshore mining activities in
  - (aa) respect of a mining authorisation which is listed in the registration profile of the user for offshore mining;
  - (bb) an installation which is listed in the registration profile of the user for use in qualifying offshore mining activities; and
  - (cc) a vessel which is listed in the registration profile of the user and which is used for the sole purpose of transporting any person or substance to or from any such installation.
- (vi) The user must exclude any non-eligible purchases from such refund application and must demonstrate that the conditions specified in paragraph (f)(v) were met by verifying the refund application through the necessary substantiating source documents prescribed in paragraph (b).
- (vii) Notwithstanding the logbook obligations prescribed in paragraph (b)
  - (aa) storage logbook records are not required in respect of the storage facility comprised of the distillate fuel tank which forms an integral part of an installation or a vessel, provided the particulars of all eligible purchases of distillate fuel received, stored, dispensed, disposed of or lost in any manner in respect of that storage facility are reflected in the usage logbook records for the installation or the vessel on which such storage facility is located; and
  - (bb) usage logbook records are not required in respect of the machinery and equipment referred to in paragraph (f)(i)(bb)(E) and the volume of distillate fuel dispensed to and used in such machinery and equipment must form a constituent part of the usage logbook records for the installation on which such machinery and equipment are located.

**(g) Offshore shipping: Refund of levies on eligible purchases of distillate fuel used in offshore shipping**

- (i) For the purposes of paragraph (g), unless the context otherwise indicates
  - (aa) "coasting vessel" means any vessel designed and used for the conveyance of goods and which conveys goods between the ports in the Republic or between any such port and a port in the common customs area.
  - (bb) "foreign offshore shipping" means offshore shipping conducted in any offshore vessel other than a local offshore vessel.
  - (cc) "local offshore vessel" means any offshore vessel having South African nationality in terms of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) or the Ship Registration Act, 1998 (No. 58 of 1998).
  - (dd) "offshore shipping" means the operation for commercial gain of any coasting vessel and the operation of any other offshore vessel along the coastline of Southern Africa.
  - (ee) "offshore vessel" means any -
    - (A) coasting vessel;
    - (B) vessel owned or chartered by the National Sea Rescue Institute;
    - (C) vessel conducting coastal patrol in support of the marine industry;

**By the substitution of Note 6 in Part 3 of Schedule No. 6 with the following:**

- (D) vessel conducting research in support of the marine industry; and
- (E) vessel employed to service offshore fibre optic telecommunication cables.
- (ff) qualifying offshore shipping activities means those actions which are required for the operation of local offshore vessels in offshore shipping, which are limited to the activities of paragraph (g)(ii) and excludes the activities of paragraph (g)(iii).
- (gg) transshipping means transferring equipment, fuel or cargo from one vessel to another.
- (hh) vessel means any vessel which is propelled by inboard engines of which the fuel tanks form an integral part of the structure, and includes all gear, equipment, stores, cargo and fuel on board such vessel.
- (ii) Qualifying offshore shipping activities are limited to
  - (aa) propulsion of an offshore vessel.
  - (bb) operating any equipment on an offshore vessel.
  - (cc) transshipping fuel between offshore vessels while at sea.
  - (dd) transshipping equipment between offshore vessels while at sea.
  - (ee) transshipping cargo between offshore vessels while at sea.
  - (ff) returning of an offshore vessel to a port in the Republic.
  - (gg) managing waste on an offshore vessel as the result of qualifying offshore shipping activities.
- (iii) Qualifying offshore shipping activities exclude
  - (aa) foreign offshore shipping.
  - (bb) maintaining, repairing or refitting an offshore vessel or its on-board equipment.
  - (cc) trips connected with the maintenance, repair or refit of an offshore vessel.
  - (dd) any onshore activities, including
    - (A) off-loading or stacking cargo by equipment or cranes on land; and
    - (B) operating any containers, stores or warehouses on land.
  - (ee) any activities related or incidental to the rendering of housing, accommodation, schooling or education.
  - (ff) any activities related or incidental to the rendering of passenger, sport, recreation, hospitality or tourism services.
- (iv) The extent of the refund in offshore shipping is 100 per cent of the general fuel levy plus 100 per cent of the Road Accident Fund levy rounded to the nearest cents per litre of distillate fuel used in qualifying offshore shipping activities.

**By the substitution of Note 6 in Part 3 of Schedule No. 6 with the following:**

- (v) The user may apply for the refund specified in paragraph (g)(iv) only in respect of eligible purchases by the user of distillate fuel which was used in qualifying offshore shipping activities in
  - (aa) a local offshore vessel which has a transire as contemplated in the rules for section 7 and section 14; and
  - (bb) the operating of the equipment used on board that vessel;provided such local offshore vessel and its on-board equipment are listed in the registration profile of the user for use in qualifying offshore shipping activities.
- (vi) The user must exclude any non-eligible purchases from such refund application and must demonstrate that the conditions specified in paragraph (g)(v) were met by verifying the refund application through the necessary substantiating source documents prescribed in paragraph (b).
- (vii) Notwithstanding the logbook obligations prescribed in paragraph (b)
  - (aa) storage logbook records are not required in respect of the storage facility comprised of the distillate fuel tank which forms an integral part of the structure of the offshore vessel, provided the particulars of all eligible purchases of distillate fuel received, stored, dispensed, disposed of or lost in any manner in respect of that storage facility are reflected in the usage logbook records for the offshore vessel on board which such storage facility is located; and
  - (bb) usage logbook records are not required in respect of the on-board equipment referred to in paragraph (g)(v) and the volume of distillate fuel dispensed to and used in such on-board equipment must form a constituent part of the usage logbook records for the offshore vessel on board which such equipment is located.

**(h) Harbour shipping: Refund of levies on eligible purchases of distillate fuel used in harbour shipping**

- (i) For the purposes of paragraph (h), unless the context otherwise indicates
  - (aa) "foreign harbour shipping" means harbour shipping conducted in any harbour vessel other than a local harbour vessel.
  - (bb) "local harbour vessel" means any harbour vessel having South African nationality in terms of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) or the Ship Registration Act, 1998 (No. 58 of 1998).
  - (cc) "harbour shipping" means the operation for commercial gain of any harbour vessel whose navigation does not extend beyond the seaward limits of the jurisdiction of the harbour authority of the port in the Republic at which such vessel is employed.
  - (dd) "harbour vessel" means any type of craft or structure, however propelled or moved, which is able to float or be floated and to move or be moved as an entity from one place to another, which is navigated in, on or above water within the confines of a port, and includes all gear, equipment, stores, cargo and fuel on board such vessel. A harbour vessel includes a -
    - (A) tug;
    - (B) dredger;
    - (C) sludge vessel;
    - (D) barge;
    - (E) lighter; and

**By the substitution of Note 6 in Part 3 of Schedule No. 6 with the following:**

- (F) pontoon.
- (ee) qualifying harbour shipping activities means those actions which are required for the operation of local harbour vessels in harbour shipping, which are limited to the activities of paragraph (h)(ii) and excludes the activities of paragraph (h)(iii).
- (ff) "transshipping" means transferring equipment, fuel or cargo from one vessel to another.
- (ii) Qualifying harbour shipping activities are limited to
  - (aa) propulsion of a harbour vessel.
  - (bb) operating any equipment on a harbour vessel.
  - (cc) transshipping fuel between harbour vessels.
  - (dd) transshipping equipment between harbour vessels.
  - (ee) managing waste on a harbour vessel as the result of qualifying harbour shipping activities.
- (iii) Qualifying harbour shipping activities exclude
  - (aa) foreign harbour shipping.
  - (bb) relocating or transporting a harbour vessel between ports.
  - (cc) maintaining, repairing or refitting a harbour vessel or its on-board equipment.
  - (dd) trips connected with the maintenance, repair or refit of a harbour vessel.
  - (ee) any onshore activities, including
    - (A) off-loading or stacking cargo by equipment or cranes on land; and
    - (B) operating any containers, stores or warehouses on land.
  - (ff) any activities related or incidental to the rendering of housing, accommodation, schooling or education.
  - (gg) any activities related or incidental to the rendering of passenger, sport, recreation, hospitality or tourism services.
- (iv) The extent of the refund in harbour shipping is 100 per cent of the Road Accident Fund levy rounded to the nearest cents per litre of distillate fuel used in qualifying harbour shipping activities.
- (v) The user may apply for the refund specified in paragraph (h)(iv) only in respect of eligible purchases by the user of distillate fuel which was used in qualifying harbour shipping activities in
  - (aa) a local harbour vessel; and
  - (bb) the operating of the equipment used on board that vessel;provided such local harbour vessel and its on-board equipment are listed in the registration profile of the user for use in qualifying harbour shipping activities.

**By the substitution of Note 6 in Part 3 of Schedule No. 6 with the following:**

- (vi) The user must exclude any non-eligible purchases from such refund application and must demonstrate that the conditions specified in paragraph (h)(v) were met by verifying the refund application through the necessary substantiating source documents prescribed in paragraph (b).
- (vii) Notwithstanding the logbook obligations prescribed in paragraph (b)
  - (aa) storage logbook records are not required in respect of the storage facility comprised of the distillate fuel tank which forms an integral part of the structure of the harbour vessel, provided the particulars of all eligible purchases of distillate fuel received, stored, dispensed, disposed of or lost in any manner in respect of that storage facility are reflected in the usage logbook records for the harbour vessel on board which such storage facility is located; and
  - (bb) usage logbook records are not required in respect of the on-board equipment referred to in paragraph (h)(v) and the volume of distillate fuel dispensed to and used in such on-board equipment must form a constituent part of the usage logbook records for the harbour vessel on board which such equipment is located.

**(i) Rail freight transport: Refund of levies on eligible purchases of distillate fuel used in rail freight transport**

- (i) For the purposes of paragraph (i), unless the context otherwise indicates
  - (aa) "foreign rail freight transport" means any rail freight transport conducted outside the borders of the Republic.
  - (bb) "freight train" means any individual or group of freight wagons used for the purpose of transporting cargo by rail.
  - (cc) "qualifying rail freight transport activities" means those actions which are required for the operation of rail freight locomotives in rail freight transport, which are limited to the activities of paragraph (i)(ii) and excludes the activities of paragraph (i)(iii).
  - (dd) "rail freight locomotive" means any type of self-propelled, vehicular engine, powered by distillate fuel, which provides the motive power for pulling or pushing a freight train, but excludes any locomotive capable of carrying passengers.
  - (ee) "rail freight transport" means the haulage for commercial gain of a freight train by one or more rail freight locomotives on a public railway within the borders of the Republic for the purpose of transporting cargo all or some of the way between the shipper and the intended destination as part of the logistics chain.
- (ii) Qualifying rail freight transport activities are limited to
  - (aa) propulsion of a rail freight locomotive.
  - (bb) operating any equipment on a rail freight locomotive.
  - (cc) relocating a rail freight locomotive by rail without a freight train.
  - (dd) relocating an empty or partially empty freight train by rail after the delivery of its cargo.
  - (ee) shunting of a rail freight locomotive or a freight wagon to assemble or disassemble a freight train.
  - (ff) managing waste on a rail freight locomotive as the result of qualifying rail freight transport activities.
- (iii) Qualifying rail freight transport activities exclude
  - (aa) foreign rail freight transport.

**By the substitution of Note 6 in Part 3 of Schedule No. 6 with the following:**

- (bb) maintaining, repairing or refitting a rail freight locomotive, its on-board equipment, or a freight wagon.
  - (cc) trips connected with the maintenance, repair or refit of a rail freight locomotive or a freight wagon.
  - (dd) any activities related or incidental to the rendering of housing, accommodation, schooling or education.
  - (ee) any activities related or incidental to the rendering of passenger, sport, recreation, hospitality or tourism services.
  - (iv) The extent of the refund in rail freight transport is 100 per cent of the Road Accident Fund levy rounded to the nearest cents per litre of distillate fuel used in qualifying rail freight transport activities.
  - (v) The user may apply for the refund specified in paragraph (i)(iv) only in respect of eligible purchases by the user of distillate fuel which was used in qualifying rail freight transport activities in
    - (aa) a rail freight locomotive; and
    - (bb) the operating of the equipment used on board that locomotive;provided such rail freight locomotive and its on-board equipment are listed in the registration profile of the user for use in qualifying rail freight transport activities.
  - (vi) The user must exclude any non-eligible purchases from such refund application and must demonstrate that the conditions specified in paragraph (i)(v) were met by verifying the refund application through the necessary substantiating source documents prescribed in paragraph (b).
  - (vii) Notwithstanding the logbook obligations prescribed in paragraph (b), usage logbook records are not required in respect of the on-board equipment referred to in paragraph (i)(v) and the volume of distillate fuel dispensed to and used in such on-board equipment must form a constituent part of the usage logbook records for the rail freight locomotive on board which such equipment is located.
- (j) Electricity generation: Refund of levies on eligible purchases of distillate fuel used in electricity generation**
- (i) For the purposes of paragraph (j), unless the context otherwise indicates
    - (aa) electricity generation means the production and supply for commercial gain of electricity to the national electricity distribution network.
    - (bb) electricity generation plant means an industrial facility for electricity generation which utilises open cycle gas turbine units with a combined capacity exceeding 200 megawatt and which is limited to the electricity generation plants known as
      - (A) Ankerlig Power Station situated at Atlantis;
      - (B) Gourikwa Power Station situated at Mossel Bay;
      - (C) Dedisa Power Station situated at Gqeberha; and
      - (D) Avon Power Station situated at Shakaskraal.
    - (cc) qualifying electricity generation activities means those actions required for the operation of electricity generation plants in electricity generation, which are limited to the activities of paragraph (j)(ii) and excludes the activities of paragraph (j)(iii).

- (ii) Qualifying electricity generation activities are limited to
  - (aa) warming up of an open cycle gas turbine for electricity generation.
  - (bb) working of an open cycle gas turbine for electricity generation.
  - (cc) cooling off of an open cycle gas turbine after electricity generation.
  - (dd) managing waste at an electricity generation plant as the result of qualifying electricity generation activities.
- (iii) managing waste at an electricity generation plant as the result of qualifying electricity generation activities.
  - (aa) maintaining, repairing or refitting an open cycle gas turbine or electricity generation plant.
  - (bb) any activities related or incidental to the maintenance, repair or refit of an open cycle gas turbine or electricity generation plant.
  - (cc) any activities related or incidental to the rendering of housing, accommodation, schooling or education.
  - (dd) any activities related or incidental to the rendering of passenger, sport, recreation, hospitality or tourism services.
- (iv) The extent of the refund in electricity generation is 50 per cent of the general fuel levy plus 100 per cent of the Road Accident Fund levy rounded to the nearest cents per litre of distillate fuel used in qualifying electricity generation activities.
- (v) The user may apply for the refund specified in paragraph (j)(iv) only in respect of eligible purchases by the user of distillate fuel which was used in qualifying electricity generation activities in respect of electricity generation plants which are listed in the registration profile of the user for use in qualifying electricity generation activities.
- (vi) The user must exclude any non-eligible purchases from such refund application and must demonstrate that the conditions specified in paragraph (j)(v) were met by verifying the refund application through the necessary substantiating source documents prescribed in paragraph (b).