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GOVERNMENT NOTICE

DEPARTMENT OF MINERALS AND ENERGY**No. R. 1203****29 November 2006****MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002 (ACT 28
OF 2002)****AMENDMENT OF REGULATIONS**

Under section 107 read with Item 12(4) of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), I, Buyelwa Sonjica, the Minister of Minerals and Energy, hereby make the regulations in the Schedule.

Ms BP Sonjica
Minister of Minerals and Energy

SCHEDULE

DEFINITIONS

1. In these regulations "the Regulations" means the regulations published under Government Notice No. R.527 of 23 April 2004, as amended by Government Notice No. R1288 of 29 October 2004.

Amendment of regulation 82A of the Regulations

2. Regulation 82A is hereby amended—
 - (a) by the substitution for subregulation (1) of the following subregulation:

“(1) Any claim for compensation contemplated in item 12(4) read with item 12(1) to Schedule II of the Act, must be lodged at the office of the Regional Manager in whose region the expropriated property is situated -

 - (a) on or before 30 April 2011 where the claimant has become aware or should reasonably have become aware on or before 30 April 2010 of the said expropriation; and
 - (b) in all other cases, within one year of the date when the claimant has or should reasonably have become aware of such expropriation:

Provided that a Court may, on good cause shown, condone the late lodgement thereof.”

- (b) by the substitution for subregulation (6) of the following subregulation:

“(6) If the Director-General determines that the claim for compensation is valid or the Minister upholds the validity of a claim on appeal, the amount of compensation and the time and manner of payment of such compensation must be -

 - (a) agreed to between the Director-General and the claimant; or
 - (b) where no agreement is reached within 180 days of the date on which the claimant has been informed in writing of the determination of the Director-General that the claim is valid or of the upholding by the Minister of the validity of the claim on appeal, determined by a Court.”

subregulation:

(6A) A claimant may not issue legal proceedings against the Minister in respect of the determination or payment of compensation for an expropriation contemplated in item 12(1) of Schedule II to the Act, unless a claim has been lodged as contemplated in subregulation (1) and

- (a) the claimant has been informed in writing of the determination of the Director-General that the claim is invalid as contemplated in subregulation (4) and the claimant has not appealed the decision of the Director-General as contemplated in subregulation (5); or
- (b) where the claimant has appealed the decision of the Director-General as contemplated in subregulation (5), the claimant has been informed in writing by the Minister of the confirmation of the said decision; or
- (c) the period contemplated in subitem (6)(b) has expired."

(d) by the substitution for subregulation (7) of the following subregulation:

"(7) To the extent that they may be applicable, the provisions of sections 10(4), (5), (7) and (8), 14, 15, 19 and 21 of the Expropriation Act, 1975 (Act No. 63 of 1975) shall apply with the necessary changes to a claim made in terms of item 12(1) to Schedule II of the Act."

3. These regulations shall come into operation on the date of publication thereof.

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