

EXTRAORDINARY



UITGEWONE

THE UNION OF SOUTH AFRICA
Government Gazette

Staatskoerant
VAN DIE UNIE VAN SUID-AFRIKA

PUBLISHED BY AUTHORITY

UITGEGEE OP GESAG

Vol. XCII.]
1061

PRICE 6d.

CAPE TOWN, 15th JUNE, 1933.
KAAPSTAD, 15 JUNIE 1933.

PRYS 6d.

[No. 2121.

House of Assembly
13th June, 1933.

The following Bills, having been introduced into the House of Assembly, are published in accordance with Standing Order No. 160.

DANL. H. VISSER,
Clerk of the House of Assembly.

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Volksraad,
13 Junie 1933.

Die volgende Wetsontwerpe, ingedien in die Volksraad, word gepubliseer ingevolge Art. 160 van die Reglement van Orde.

DANL. H. VISSER,
Klerk van die Volksraad.

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BILL

To amend the Precious and Base Metals Act, 1908 (Transvaal) and other mineral laws in force in the Union, and the Townships Amendment Act, 1908 (Transvaal).

(Introduced by the MINISTER OF MINES.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of definition of "base metals" and "precious metals" in Act 35 of 1908.

1. (1) The definition of the expression "base metals" in section *three* of the Precious and Base Metals Act, 1908 (Transvaal), hereinafter referred to as the principal Act, is hereby deleted and the following new definition substituted therefor:—

"'base metals' shall mean any mineral substance other than precious metals or precious stones as defined in section *one hundred and sixteen* of the Precious Stones Act, 1927 (Act No. 44 of 1927) or water".

(2) The definition of the expression "precious metals" in section *three* of the principal Act is hereby deleted and the following new definition substituted therefor:—

"'precious metals' shall mean—

(a) gold, silver, platinum, iridium and all other metals of the platinoid group and the ores of all the said metals by themselves or in combination with a base metal: Provided that the Minister may, subject to the provisions of section *one hundred and twenty* by notice in the *Gazette*, declare in respect of such combination occurring in any particular locality, if he is satisfied that the base metals therein preponderate in value, that the combination in that locality shall be deemed to be a base metal and thereupon such combination shall be deemed to be a base metal and not a precious metal;

(b) any other metal declared by the Governor-General by proclamation in the *Gazette* to be a precious metal for the purposes of this Act and the regulations made thereunder".

Substitution of section 10 of Act 35 of 1908.

2. Section *ten* of the principal Act is hereby repealed and the following new section substituted therefor:—

"Prospecting 10. (1) Subject to the other provisions of this Chapter, prospecting for precious metals under the authority of a prospecting permit may be carried on—

(a) on all proclaimed Crown land not held under mining title and not reserved from pegging, notwithstanding anything in section *twenty-seven* contained;

(b) on all unproclaimed Crown land in respect of which the exclusive right of prospecting has not accrued to the owner, licensee or lessee of that land under the provisions of section *two* of the Reserved Minerals Development Act, 1926 (Act No. 55 of 1926) or which does not fall under the provisions of section *sixteen* of this Act.

(2) The Minister may, by notice in the *Gazette*, withdraw any Crown land from public prospecting, or he may, by like notice, attach conditions to public prospecting in respect of any particular Crown land, or he may, in respect of Crown land which is not open to public prospecting, grant or call for tenders for the right to prospect, in which case a lease shall be entered into between the Minister and the grantee or successful tenderer, as the case may be, prescribing the conditions under which such prospecting may be carried out.

(3) Where any private land was prior to the first day of January, 1934, thrown open to public prospecting, such land shall as from the first day of July, 1934, be withdrawn from public prospecting.

PAGE 11 A.B. 43-'33. Mineral Law Amendment Bill.

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WETSONTWERP

Tot wysiging van die „Precious and Base Metals Act, 1908” (Transvaal) en van ander in die Unie geldende wette op minerale en van die „Townships Amendment Act, 1908” (Transvaal).

(Ingedien deur die MINISTER VAN MYNWESE.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. (1) Die omskrywing van die uitdrukking „base metals” Wysiging van omskrywing van „base metals” en „precious metals” in Wet 35 van 1908.

in artikel drie van die „Precious and Base Metals Act, 1908” (Transvaal), hieronder die Hoofwet genoem, word hiermee geskrap en deur die volgende nuwe omskrywing vervang:—

„‘base metals’ shall mean any mineral substance other than precious metals or precious stones as defined in section one hundred and sixteen of the Precious Stones Act, 1927 (Act No. 44 of 1927) or water”.

(2) Die omskrywing van die uitdrukking „precious metals” in artikel drie van die Hoofwet word hiermee geskrap en deur die volgende nuwe omskrywing vervang:—

„‘precious metals’ shall mean—

(a) gold, silver, platinum, iridium and all other metals of the platinoid group and the ores of all the said metals by themselves or in combination with a base metal: Provided that the Minister may, subject to the provisions of section one hundred and twenty by notice in the *Gazette*, declare in respect of such combination occurring in any particular locality, if he is satisfied that the base metals therein preponderate in value, that the combination in that locality shall be deemed to be a base metal and thereupon such combination shall be deemed to be a base metal and not a precious metal;

(b) any other metal declared by the Governor-General by proclamation in the *Gazette* to be a precious metal for the purposes of this Act and the regulations made thereunder”.

2. Artikel tien van die Hoofwet word hiermee herroep en deur die volgende nuwe artikel vervang:—

35 „Prospecting on Crown land. 10. (1) Subject to the other provisions of this Chapter, prospecting for precious metals under the authority of a prospecting permit may be carried on—

(a) on all proclaimed Crown land not held under mining title and not reserved from pegging, notwithstanding anything in section twenty-seven contained;

(b) on all unproclaimed Crown land in respect of which the exclusive right of prospecting has not accrued to the owner, licensee or lessee of that land under the provisions of section two of the Reserved Minerals Development Act, 1926 (Act No. 55 of 1926) or which does not fall under the provisions of section sixteen of this Act.

(2) The Minister may, by notice in the *Gazette*, withdraw any Crown land from public prospecting, or he may, by like notice, attach conditions to public prospecting in respect of any particular Crown land, or he may, in respect of Crown land which is not open to public prospecting, grant or call for tenders for the right to prospect, in which case a lease shall be entered into between the Minister and the grantee or successful tenderer, as the case may be, prescribing the conditions under which such prospecting may be carried out.

(3) Where any private land was prior to the first day of January, 1934, thrown open to public prospecting, such land shall as from the first day of July, 1934, be withdrawn from public prospecting.

Insertion of new
section 12bis in
Act 35 of 1908.

3. The following new section is hereby inserted in the principal Act after section *twelve* :

"Prospecting
on private
land.

(4) The withdrawal of any land from public prospecting under this section shall not affect any right accrued by virtue of any lawful discovery of precious or base metals made before the date of such withdrawal, but all further prospecting on such land shall thereupon cease".

(1) Whenever the holder of the mineral rights over any private land intends to permit prospecting under section *eleven* or intends himself to prospect under section *twelve*, he or his nominee, as the case may be, may make application to the Minister for a prospecting and mining lease. Such application shall be considered by the Mining Leases Board established by section *one* of the Transvaal Mining Leases and Mineral Law Amendment Act, 1918 (Act No. 30 of 1918) which may, if it believes that any reef containing precious metal lies at considerable depth below the surface of such land, recommend to the Minister to permit the applicant to select, subject to the Board's approval, and to the provisions of section *twenty* the mining areas to which he would be entitled on discovery of precious metals in terms of that section and to grant a prospecting and mining lease thereover on such conditions as the board may recommend, and the provisions of the said section *twenty* shall thereupon apply.

(2) Notwithstanding anything in sections *eleven* and *twelve* contained, whenever the holder of the mineral rights over any private land does not avail himself of the right of prospecting granted to him thereby, or having availed himself of such right does not carry on or cause to be carried on prospecting on such land to the satisfaction of the Minister, and has failed to comply with a notice caused to be given to him by the Minister, calling upon him within a period of six months adequately to prospect such land, the Minister may, if in the opinion of the Government Mining Engineer, adequate prospecting operations may prove the existence of precious metals in payable quantities on such land, and on such conditions as may be recommended by the Mining Leases Board, grant a prospecting lease or a prospecting and mining lease to any person applying therefor, who can show that his financial resources are adequate for the proper prospecting and development of the precious metals on such land, or he may call for tenders for the right to obtain such a lease, in which case the provisions of sub-sections (2), (3), (4) and (5) of section *three* of the said Act No. 30 of 1918, shall *mutatis mutandis* apply: Provided that the consideration payable to the Government for any such lease shall include a rental for the prospecting period, to be fixed by the Mining Leases Board, the whole of which rental shall be paid over to the holder of the mineral rights, and adequate provision shall be made in any such lease for payment of compensation by the lessee for any surface damage caused by the exercise of his prospecting rights, which shall be assessed by the Mining Leases Board, and paid over to the owner of the land.

(3) Any such lessee shall during the prospecting period and before commencing prospecting operations, take out at the Office of the Mining Commissioner, in accordance with section *fourteen*, a prospecting permit in the form prescribed by regulation for prospecting on private land: Provided that if in the opinion of the Mining Leases Board it is desirable to grant a prospecting and mining lease under sub-section (2) and not a prospecting lease only, then the provisions of sub-section (1) relating to the grant of a mining lease shall apply and in that case a prospecting period shall be fixed in any such lease during which period the rental provided for in sub-section (2) for the benefit of the holder of the mineral rights, shall be paid in lieu of the rent provided for in section

of which act?

5 (4) The withdrawal of any land from public prospecting under this section shall not affect any right accrued by virtue of any lawful discovery of precious or base metals made before the date of such withdrawal, but all further prospecting on such land shall thereupon cease".

3. Die volgende nuwe artikel word hiermee na artikel *twaaif* in die Hoofwet ingevoeg:—

Invoeging van
nuwe artikel 12bis
in Wet 35 van
1908.

10 „Prospect-
ing on
private
land.
15 (1) Whenever the holder of the mineral rights over any private land intends to permit prospecting under section *eleven* or intends himself to prospect under section *twelve*, he or his nominee, as the case may be, may make application to the Minister for a prospecting and mining lease. Such application shall be considered by the Mining Leases Board established by section *one* of the Transvaal Mining Leases and Mineral Law Amendment Act, 1918 (Act No. 30 of 1918) which may, if it believes that any reef containing precious metal lies at considerable depth below the surface of such land, recommend to the Minister to permit the applicant to select, subject to the Board's approval, and to the provisions of section *twenty* the mining areas to which he would be entitled on discovery of precious metals in terms of that section and to grant a prospecting and mining lease thereover on such conditions as the board may recommend, and the provisions of the said section *twenty* shall thereupon apply.

30 (2) Notwithstanding anything in sections *eleven* and *twelve* contained, whenever the holder of the mineral rights over any private land does not avail himself of the right of prospecting granted to him thereby, or having availed himself of such right does not carry on or cause to be carried on prospecting on such land to the satisfaction of the Minister, and has failed to comply with a notice caused to be given to him by the Minister, calling upon him within a period of six months adequately to prospect such land, the Minister may, if in the opinion of the Government Mining Engineer, adequate prospecting operations may prove the existence of precious metals in payable quantities on such land, and on such conditions as may be recommended by the Mining Leases Board, grant a prospecting lease or a prospecting and mining lease to any person applying therefor, who can show that his financial resources are adequate for the proper prospecting and develop-
ment of the precious metals on such land, or he may call for tenders for the right to obtain such a lease, in which case the provisions of sub-sections (2), (3), (4) and (5) of section *three* of the said Act No. 30 of 1918, shall *mutatis mutandis* apply: Provided that the consideration payable to the Government for any such lease shall include a rental for the prospecting period, to be fixed by the Mining Leases Board, the whole of which rental shall be paid over to the holder of the mineral rights, and adequate provision shall be made in any such lease for payment of compensation by the lessee for any surface damage caused by the exercise of his prospecting rights, which shall be assessed by the Mining Leases Board, and paid over to the owner of the land.

65 (3) Any such lessee shall during the prospecting period and before commencing prospecting operations, take out at the Office of the Mining Commissioner, in accordance with section *fourteen*, a prospecting permit in the form prescribed by regulation for prospecting on private land: Provided that if in the opinion of the Mining Leases Board it is desirable to grant a prospecting and mining lease under sub-section (2) and not a prospecting lease only, then the provisions of sub-section (1) relating to the grant of a mining lease shall apply and in that case a prospecting period shall be fixed in any such lease during which period the rental provided for in sub-section (2) for the benefit of the holder of the mineral rights, shall be paid in lieu of the rent provided for in section

twenty, which shall become payable only at the expiration of the prospecting period or any extension thereof approved by the Mining Leases Board.

(4) The grant of a prospecting and mining lease under this section shall be in the absolute discretion of the Minister. 5

(5) Whenever, in the opinion of the Minister, personal service of the notice referred to in sub-section (2) is, for any reason whatever, impracticable, such notice shall be published in the *Gazette*". 10

Amendment of section 15 of Act 35 of 1908.

4. Section *fifteen* of the principal Act is hereby amended—

(a) by the addition, at the end of sub-section (3), of the following words:—

"Provided that the Mining Commissioner may, if he is satisfied that the prospector intends and is in a position adequately to prospect additional prospecting areas required by him, grant him written permission to peg such areas; and provided further that such prospector shall take out a prospecting permit for each additional prospecting area to be pegged under such permission;" and 20

(b) by the addition of the following new sub-section:—

"(4) The Mining Commissioner shall serve upon any prospector who fails to prospect to his satisfaction a notice calling upon him, within a period of one month, adequately to prospect his prospecting area, and on failure to comply with such notice, his prospecting area shall be declared forfeited by the Mining Commissioner, and such area shall not be repegged by the same prospector within a period of twelve months from the date of such forfeiture". 30

Amendment of section 16 of Act 35 of 1908.

5. Section *sixteen* of the principal Act is hereby amended—

(a) by the addition at the end of sub-section (1) of the following words "or on any land upon which prospecting, pegging or digging is prohibited by this Act or any other law: Provided that if any person had the right to prospect at any place which was subsequently converted into a locality referred to in this sub-section, he shall not merely by reason of that conversion be debarred from prospecting at that place;" and 40

(b) by the deletion of sub-section (2) and the substitution therefor of the following new sub-section:—

"(2) A prospecting permit shall not authorize the holder to prospect upon— 45

(a) any land used as a garden, orchard, vineyard, nursery or plantation or on land under cultivation or within one hundred yards of any spring, well, borehole, stream, reservoir, dam, water-course, or waterworks, or within two hundred yards of any building, without the written permission of the owner thereof; 50

(b) any land excluded from the operation of the Reserved Minerals Development Act, 1926 (Act No. 55 of 1926) by section *eighteen* thereof, without the written permission of the Minister; 55

(c) any land which is either used or has been reserved in connection with any scheme of irrigation or in any Crown forest, or which is used or reserved for any Government or public purpose, without the written permission of the Minister; 60

(d) any Crown land which has been withdrawn from public prospecting under the provisions of section *ten* without the written permission of the Minister". 65

Substitution of section 19 of Act 35 of 1908.

6. Section *nineteen* of the principal Act is hereby repealed and the following section substituted therefor:—

"Grant of mining leases to discoverers on Crown land.

19. (1) When a discovery of precious metals on Crown land has been notified in accordance with section *seventeen* and such discovery has been sufficiently developed to satisfy the Minister that it is, or having regard to all the circumstances, may be regarded as a genuine discovery and that there are reasonable grounds for believing that precious metals exist in payable quantities at the place of discovery, the prospector, provided that he has duly complied with the provisions of section *fifteen*, shall be entitled on his application to obtain a mining lease of the prospecting area upon which the discovery was made, or if, in the opinion of the Mining Leases Board, such area is insufficient to form a 80

twenty, which shall become payable only at the expiration of the prospecting period or any extension thereof approved by the Mining Leases Board.

5 (4) The grant of a prospecting and mining lease under this section shall be in the absolute discretion of the Minister.

(5) Whenever, in the opinion of the Minister, personal service of the notice referred to in sub-section (2) is, for any reason whatever, impracticable, such notice shall be published in the *Gazette*."

10 4. Artikel *vyftien* van die Hoofwet word hiermee gewysig—

Wysiging van artikel 15 van Wet 35 van 1908.

(a) deur die volgende woorde aan die end van sub-artikel (3) by te voeg:—

15 „Provided that the Mining Commissioner may, if he is satisfied that the prospector intends and is in a position adequately to prospect additional prospecting areas required by him, grant him written permission to peg such areas; and provided further that such prospector shall take out a prospecting permit for each additional prospecting area to be pegged under such permission;” en

20 (b) deur die volgende nuwe sub-artikel daaraan toe te voeg:—

25 „(4) The Mining Commissioner shall serve upon any prospector who fails to prospect to his satisfaction a notice calling upon him, within a period of one month, adequately to prospect his prospecting area, and on failure to comply with such notice, his prospecting area shall be declared forfeited by the Mining Commissioner, and such area shall not be repegged by the same prospector within a period of twelve months from the date of such forfeiture”.

30 5. Artikel *sestien* van die Hoofwet word hiermee gewysig—

Wysiging van artikel 16 van Wet 35 van 1908.

(i) deur die volgende woorde aan die end van sub-artikel

35 (1) by te voeg: „or on any land upon which prospecting, pegging or digging is prohibited by this Act or any other law: Provided that if any person had the right to prospect at any place which was subsequently converted into a locality referred to in this sub-section, he shall not merely by reason of that conversion be debarred from prospecting at that place;” en

40 (ii) deur sub-artikel (2) te skrap en te vervang deur die volgende nuwe sub-artikel:—

45 „(2) A prospecting permit shall not authorize the holder to prospect upon—

(a) any land used as a garden, orchard, vineyard, nursery or plantation or on land under cultivation or within one hundred yards of any spring, well, borehole, stream, reservoir, dam, water-course, or waterworks, or within two hundred yards of any building, without the written permission of the owner thereof;

50 (b) any land excluded from the operation of the Reserved Minerals Development Act, 1926 (Act No. 55 of 1926) by section *eighteen* thereof, without the written permission of the Minister;

55 (c) any land which is either used or has been reserved in connection with any scheme of irrigation or in any Crown forest, or which is used or reserved for any Government or public purpose, without the written permission of the Minister;

60 (d) any Crown land which has been withdrawn from public prospecting under the provisions of section *ten* without the written permission of the Minister”.

65 6. Artikel *negentien* van die Hoofwet word hiermee herroep en deur die volgende artikel vervang:—

Vervanging van artikel 19 van Wet 35 van 1908.

„Grant of mining leases to discoverers on Crown land.
70 19. (1) When a discovery of precious metals on Crown land has been notified in accordance with section *seventeen* and such discovery has been sufficiently developed to satisfy the Minister that it is, or having regard to all the circumstances, may be regarded as a genuine discovery and that there are reasonable grounds for believing that precious metals exist in payable quantities at the place of discovery, the prospector, provided that he has duly complied with the provisions of section *fifteen*, shall be entitled on his application to obtain a mining lease of the prospecting area upon which the discovery was made, or if, in the opinion of the Mining Leases Board, such area is insufficient to form a
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workable mining proposition, the Minister shall, on the recommendation of the said Board, grant a lease of a larger area : Provided that no lease shall be granted under this section until notice of the intention to grant such lease has been published in the *Gazette*, calling upon any person affected thereby to lodge objections with the Mining Commissioner within thirty days after the date of such publication, which objection shall be heard by the Mining Commissioner on a date to be fixed by him.

(2) The Mining Commissioner shall notify the prospector of the decision of the Minister under sub-section (1) and the prospector shall, within three months of such notification or such longer period as the Mining Commissioner may allow, furnish a diagram or a sketch plan approved by the Mining Commissioner, of the area to be leased as agreed upon, and as soon as possible thereafter, a mining lease shall be executed between the prospector and the Minister, on such conditions as the Minister may determine. Every such lease shall *inter alia* provide for the adequate working of the leased area by the lessee to the satisfaction of the Minister, and for the payment by the registered holder of the lease to the Mining Commissioner of a rent of two shillings and sixpence per morgen per month for every morgen or fraction thereof included in the leased area and if an additional area has been granted to the prospector in accordance with sub-section (1), the lease may further provide for the payment of such share of the profits to the Government in respect of the whole area leased as the Mining Leases Board may recommend.

(3) The share of any profits payable to the State under any such lease shall be on a sliding scale fixed in each case by the Minister on the recommendation of the Mining Leases Board : Provided that the State shall not participate in any profits until the lessee shall first have been allowed in the determination of such profits a capital allowance, equal to seven and one-half per cent. per annum on the amount of unredeemed capital expenditure incurred by the lessee up to the date of the commencement of the production of precious metals, calculated from the last day of the month in which such capital was expended.

(4) The method of calculating the capital allowance referred to in sub-section (3) for the purpose of determining the State's share of the profits shall be in accordance with the illustration set forth in the Fourth Schedule to this Act.

(5) In this section and in the said Schedule capital expenditure shall have the meaning defined in section *twenty-three* of the Income Tax Act, 1925 (Act No. 40 of 1925).

(6) The said capital allowance shall not accrue to the lessee for any period during which he has not carried on mining operations in accordance with the terms of his lease, and shall not apply to any capital expenditure incurred subsequent to the commencement of the production of precious metal.

(7) The capital allowance shall not be taken into account in determining the ratio of profits expressed as a percentage of revenue.

(8) In fixing the aforesaid sliding scale regard shall be paid to all the circumstances under which the precious metals to which the lease relates, were discovered or opened up and the expenditure and risk involved in any such preliminary operation and also to the title under which the mineral rights are held.

(9) The profits of which a share is payable to the State in terms of any mining lease granted under this section, shall be determined in like manner as the taxable income derived from mining operations is determined for the purpose of the law relating to income tax and the share of the profits payable to the State shall be recovered in like manner as the tax on income derived from mining operations is recovered under the said law and all the provisions

workable mining proposition, the Minister shall, on the recommendation of the said Board, grant a lease of a larger area: Provided that no lease shall be granted under this section until notice of the intention to grant such lease has been published in the *Gazette*, calling upon any person affected thereby to lodge objections with the Mining Commissioner within thirty days after the date of such publication, which objection shall be heard by the Mining Commissioner on a date to be fixed by him.

(2) The Mining Commissioner shall notify the prospector of the decision of the Minister under sub-section (1) and the prospector shall, within three months of such notification or such longer period as the Mining Commissioner may allow, furnish a diagram or a sketch plan approved by the Mining Commissioner, of the area to be leased as agreed upon, and as soon as possible thereafter, a mining lease shall be executed between the prospector and the Minister, on such conditions as the Minister may determine. Every such lease shall *inter alia* provide for the adequate working of the leased area by the lessee to the satisfaction of the Minister, and for the payment by the registered holder of the lease to the Mining Commissioner of a rent of two shillings and sixpence per morgen per month for every morgen or fraction thereof included in the leased area and if an additional area has been granted to the prospector in accordance with sub-section (1), the lease may further provide for the payment of such share of the profits to the Government in respect of the whole area leased as the Mining Leases Board may recommend.

(3) The share of any profits payable to the State under any such lease shall be on a sliding scale fixed in each case by the Minister on the recommendation of the Mining Leases Board: Provided that the State shall not participate in any profits until the lessee shall first have been allowed in the determination of such profits a capital allowance, equal to seven and one-half per cent. per annum on the amount of unredeemed capital expenditure incurred by the lessee up to the date of the commencement of the production of precious metals, calculated from the last day of the month in which such capital was expended.

(4) The method of calculating the capital allowance referred to in sub-section (3) for the purpose of determining the State's share of the profits shall be in accordance with the illustration set forth in the Fourth Schedule to this Act.

(5) In this section and in the said Schedule capital expenditure shall have the meaning defined in section *twenty-three* of the Income Tax Act, 1925 (Act No. 40 of 1925).

(6) The said capital allowance shall not accrue to the lessee for any period during which he has not carried on mining operations in accordance with the terms of his lease, and shall not apply to any capital expenditure incurred subsequent to the commencement of the production of precious metal.

(7) The capital allowance shall not be taken into account in determining the ratio of profits expressed as a percentage of revenue.

(8) In fixing the aforesaid sliding scale regard shall be paid to all the circumstances under which the precious metals to which the lease relates, were discovered or opened up and the expenditure and risk involved in any such preliminary operation and also to the title under which the mineral rights are held.

(9) The profits of which a share is payable to the State in terms of any mining lease granted under this section, shall be determined in like manner as the taxable income derived from mining operations is determined for the purpose of the law relating to income tax and the share of the profits payable to the State shall be recovered in like manner as the tax on income derived from mining operations is recovered under the said law and all the provisions

of that law relating to the determination and recovery of Income Tax shall apply *mutatis mutandis* to the determination and recovery of the share of the profits payable to the State under any lease under this section.

(10) No transfer duty and no stamp duty shall be payable in respect of any lease under this section and in respect of any cession of any such lease: Provided that the lessee shall pay to the Government in addition to the State's share of the profits aforesaid a sum equal to one and one-quarter per cent. of such share, which additional sum shall be paid over to the Provincial Revenue Fund of the Transvaal.

(11) Any mining lease granted under this section shall be a mining title for all the purposes of this Act or any other law, and shall be registered as such in the office of the Registrar of Mining Titles.

(12) If any area leased under this section is not being worked to the satisfaction of the Minister, he may, notwithstanding anything contained in section seven of the Transvaal Precious and Base Metals Act, 1908, Amendment Act, 1926 (Act No. 52 of 1926), serve a notice on the lessee calling upon him within a period of six months, adequately to work the leased area, and in the event of non-compliance with such notice, he may increase the rent payable under the lease to a sum not exceeding five hundred pounds per annum payable in advance on the next due date for the payment of the rent, and in the event of non-payment of the increased rent due under the lease, within three months of the due date, the Minister may cancel the lease and evict the lessee.

A copy of any notice served under this section shall be sent to the mortgagee, if any, of the leased area.

(13) In the event of the cancellation of any lease granted under this section or in the event of the abandonment of such lease by the lessee, such cancellation or abandonment shall be notified in the *Gazette*, and the Minister may, on the recommendation of the Mining Leases Board, lease the area in question to any person applying therefor, or he may call for tenders for the right to lease such area, on conditions to be agreed upon between the Minister and the lessee."

Substitution of section 20 of Act 35 of 1908.

7. Section *twenty* of the principal Act is hereby repealed and the following section substituted therefor:—

"Grant of mining leases to holders of mineral rights.

20. (1) Whenever a discovery of precious metals on private land has been notified in accordance with section *seventeen* and such discovery has been sufficiently developed to satisfy the Minister that it is, or having regard to all the circumstances, may be regarded as a genuine discovery, and that there are reasonable grounds for believing that precious metals exist in payable quantities at the place of discovery, the holder of the mineral rights or his nominee or, if the prospecting rights have been leased under sub-section (2) of section *twelve bis*, then the lessee operating under such lease shall be entitled on his application to lease one or more mining areas, of a shape, size and location to be determined by the Minister on the recommendation of the Mining Leases Board, which shall not be less in the aggregate than one-half of the extent of the land which, in the opinion of the Government Mining Engineer, contains minerals in payable quantities.

(2) When the Minister has decided upon any applications for a lease under sub-section (1) the provisions of section *nineteen*, other than those of sub-sections (1) and (12) of that section shall apply: Provided that the rent payable under any such lease shall be five shillings per morgen per month for the first three years, ten shillings per morgen per month for the second three years and fifteen shillings per morgen per month thereafter, one-half of which shall be paid to the owner of the land.

(3) Whenever a mining lease is granted under this section to a lessee of the prospecting rights under section *twelve bis*, such lessee shall pay to the

of that law relating to the determination and recovery of Income Tax shall apply *mutatis mutandis* to the determination and recovery of the share of the profits payable to the State under any lease under this section.

(10) No transfer duty and no stamp duty shall be payable in respect of any lease under this section and in respect of any cession of any such lease: Provided that the lessee shall pay to the Government in addition to the State's share of the profits aforesaid a sum equal to one and one-quarter per cent. of such share, which additional sum shall be paid over to the Provincial Revenue Fund of the Transvaal.

(11) Any mining lease granted under this section shall be a mining title for all the purposes of this Act or any other law, and shall be registered as such in the office of the Registrar of Mining Titles.

(12) If any area leased under this section is not being worked to the satisfaction of the Minister, he may, notwithstanding anything contained in section seven of the Transvaal Precious and Base Metals Act, 1908, Amendment Act, 1926 (Act No. 52 of 1926), serve a notice on the lessee calling upon him within a period of six months, adequately to work the leased area, and in the event of non-compliance with such notice, he may increase the rent payable under the lease to a sum not exceeding five hundred pounds per annum payable in advance on the next due date for the payment of the rent, and in the event of non-payment of the increased rent due under the lease, within three months of the due date, the Minister may cancel the lease and evict the lessee.

A copy of any notice served under this section shall be sent to the mortgagee, if any, of the leased area.

(13) In the event of the cancellation of any lease granted under this section or in the event of the abandonment of such lease by the lessee, such cancellation or abandonment shall be notified in the *Gazette*, and the Minister may, on the recommendation of the Mining Leases Board, lease the area in question to any person applying therefor, or he may call for tenders for the right to lease such area, on conditions to be agreed upon between the Minister and the lessee."

7. Artikel *twintig* van die Hoofwet word hiermee herroep en deur die volgende artikel vervang:—

Vervanging van artikel 20 van Wet 35 van 1908.

„Grant of mining leases to holders of mineral rights.

20. (1) Whenever a discovery of precious metals on private land has been notified in accordance with section *seventeen* and such discovery has been sufficiently developed to satisfy the Minister that it is, or having regard to all the circumstances, may be regarded as a genuine discovery, and that there are reasonable grounds for believing that precious metals exist in payable quantities at the place of discovery, the holder of the mineral rights or his nominee or, if the prospecting rights have been leased under sub-section (2) of section *twelve bis*, then the lessee operating under such lease shall be entitled on his application to lease one or more mining areas, of a shape, size and location to be determined by the Minister on the recommendation of the Mining Leases Board, which shall not be less in the aggregate than one-half of the extent of the land which, in the opinion of the Government Mining Engineer, contains minerals in payable quantities.

(2) When the Minister has decided upon any applications for a lease under sub-section (1) the provisions of section *nineteen*, other than those of sub-sections (1) and (12) of that section shall apply: Provided that the rent payable under any such lease shall be five shillings per morgen per month for the first three years, ten shillings per morgen per month for the second three years and fifteen shillings per morgen per month thereafter, one-half of which shall be paid to the owner of the land.

(3) Whenever a mining lease is granted under this section to a lessee of the prospecting rights under section *twelve bis*, such lessee shall pay to the

- Government for the benefit of the holder of the mineral rights, an amount equal to one-quarter of the share of the profits payable to the Government under any such lease, which payment shall be effected at the same time as payment is made of the Government's share of profits and shall thereupon be paid over to the holder of the mineral rights". 5
- Amendment of section 23 of Act 35 of 1908. 8. Section *twenty-three* of the principal Act is hereby amended by the deletion of the words "working his mijnpacht" in paragraph (d) of sub-section (1), and the substitution therefor of the words "mining on the area leased to him under section *twenty*". 10
- Amendment of section 24 of Act 35 of 1908. 9. Sub-section (5) of section *twenty-four* of the principal Act is hereby deleted and the following sub-section substituted therefor:— 15
- "(5) Where any private land is held by or in trust for a native chief, or a native tribe or community and the mineral rights of such land are held by any other person, all the provisions of sections *twelve bis* and *twenty* shall apply: Provided that one-half the rent of any prospecting lease and of the rent payable in respect of any mining lease granted under any law, shall be payable to the Minister of Native Affairs, and shall be held by him in trust for such chief or tribe or community, and applied to such purposes as they may desire, subject to the approval of the Governor-General". 25
- Insertion of new section 24bis in Act 35 of 1908. 10. The following new section is hereby inserted in the principal Act after section *twenty-four*: 30
- "Owners' surface reservations on mining leases. 24bis. (1) The provisions of sections *twenty-three* and *twenty-four* shall *mutatis mutandis* apply when any mining lease is to be granted in respect of any private land or land referred to in sub-section (5) of section *twenty-four*, notwithstanding that it is not intended to proclaim the land in terms of Chapter IV and the owner or native chief or tribes or community shall be entitled to the surface reservations as in the said sections prescribed in respect of the area to be granted under mining leases, except in so far as the surface of such area may in the opinion of the Government Mining Engineer be required for mining purposes or purposes incidental to mining." 35 40
- Amendment of section 25 of Act 35 of 1908. 11. Section *twenty-five* of the principal Act is hereby amended by the deletion of the word "mijnpacht" wherever it occurs and the substitution therefor of the words "mining lease area". 45
- Insertion of new section 25bis in Act 35 of 1908. 12. The following new section is hereby inserted in the principal Act after section *twenty-five*:— 50
- "Further mining leases may be granted on unproclaimed land. 25bis. Whenever a mining lease has been granted over any portion of any Crown or private land, under the provisions of sections *nineteen* or *twenty* and the Governor-General does not see fit to proclaim such land as a public digging under Chapter IV, he may, notwithstanding anything in any other law contained, grant further mining leases over other portions of such land, subject, to the provisions of section *three* of the Transvaal Mining Leases and Mineral Law Amendment Act, 1918 (Act No. 30 of 1918), and the provisions of that Act relating to mining leases shall apply to any areas leased under this section". 55 60
- Insertion of new section 26bis in Act 35 of 1908. 13. The following new section is hereby inserted in the principal Act after section *twenty-six*:— 65
- "Mijnpacht area deemed to be proclaimed land. 26bis. Any land which at the commencement of this Act was held under mijnpacht brief issued under Law No. 15 of 1898 of the Transvaal or a prior law, and, any area held under a registered mining lease granted under this Act, shall, notwithstanding anything in any law contained, be deemed to be proclaimed land, and on the lapsing of the mijnpacht brief, or mining lease, shall continue to be deemed to be proclaimed land until deproclaimed in terms of section *thirty-one*". 70
- Substitution of section 28 of Act 35 of 1908. 14. Section *twenty-eight* of the principal Act is hereby repealed and the following section substituted therefor:— 75
- "Notice to owner before proclamation or lease of private land. 28. Subject to the provisions of sub-sections (1) and (2) of section *twelve bis*, no private land shall be proclaimed a public digging, and no mining lease shall be granted thereon, until a discovery of precious metals on such land has been notified in accordance with section *seventeen*, nor until the expiry of three months' notice given to the owner of the land and to the holder of the mineral rights 80

Government for the benefit of the holder of the mineral rights, an amount equal to one-quarter of the share of the profits payable to the Government under any such lease, which payment shall be effected at the same time as payment is made of the Government's share of profits and shall thereupon be paid over to the holder of the mineral rights".

8. Artikel *drie-en-twintig* van die Hoofwet word hiermee gewysig deur die woorde „working his mijnpacht” in paragraaf (d) van sub-artikel (1) te skrap en te vervang deur die woorde „mining on the area leased to him under section *twenty*”.

Wysiging van artikel 23 van Wet 35 van 1908.

9. Sub-artikel (5) van artikel *vier-en-twintig* van die Hoofwet word hiermee geskrap en deur die volgende sub-artikel vervang:—

Wysiging van artikel 24 van Wet 35 van 1908.

„(5) Where any private land is held by or in trust for a native chief, or a native tribe or community and the mineral rights of such land are held by any other person, all the provisions of sections *twelve bis* and *twenty* shall apply, provided that one-half the rent of any prospecting lease and of the rent payable in respect of any mining lease granted under any law, shall be payable to the Minister of Native Affairs, and shall be held by him in trust for such chief or tribe or community, and applied to such purposes as they may desire, subject to the approval of the Governor-General”.

10. Die volgende nuwe artikel word hiermee na artikel *vier-en-twintig* in die Hoofwet ingevoeg:—

Invoeging van nuwe artikel 24bis in Wet 35 van 1908.

„Owners' surface reservations on mining leases. 24bis. (1) The provisions of sections *twenty-three* and *twenty-four* shall *mutatis mutandis* apply when any mining lease is to be granted in respect of any private land or land referred to in sub-section (5) of section *twenty-four*, notwithstanding that it is not intended to proclaim the land in terms of Chapter IV and the owner or native chief or tribe or community shall be entitled to the surface reservations as in the said sections prescribed in respect of the area to be granted under mining leases, except in so far as the surface of such area may in the opinion of the Government Mining Engineer be required for mining purposes or purposes incidental to mining.

11. Artikel *vyf-en-twintig* van die Hoofwet word hiermee gewysig deur die woord „mijnpacht”, orals waar dit voorkom, te skrap en te vervang deur die woorde „mining lease area”.

Wysiging van artikel 25 van Wet 35 van 1908.

12. Die volgende nuwe artikel word hiermee na artikel *vyf-en-twintig* in die Hoofwet ingevoeg:—

Invoeging van nuwe artikel 25bis in Wet 35 van 1908.

„Further mining leases may be granted on unproclaimed land. 25bis. Whenever a mining lease has been granted over any portion of any Crown or private land, under the provisions of sections *nineteen* or *twenty* and the Governor-General does not see fit to proclaim such land as a public digging under Chapter IV, he may, notwithstanding anything in any other law contained, grant further mining leases over other portions of such land, subject to the provisions of section *three* of the Transvaal Mining Leases and Mineral Law Amendment Act, 1918 (Act No. 30 of 1918), and the provisions of that Act relating to mining leases shall apply to any areas leased under this section”.

13. Die volgende nuwe artikel word hiermee na artikel *ses-en-twintig* in die Hoofwet ingevoeg:—

Invoeging van nuwe artikel 26bis in Wet 35 van 1908.

„Mijnpacht or leased area deemed to be proclaimed land. 26bis. Any land which at the commencement of this Act was held under mijnpacht brief issued under Law No. 15 of 1898 of the Transvaal or a prior law, and any area held under a registered mining lease granted under this Act, shall, notwithstanding anything in any law contained, be deemed to be proclaimed land, and on the lapsing of the mijnpacht brief, or mining lease, shall continue to be deemed to be proclaimed land until deproclaimed in terms of section *thirty-one*”.

14. Artikel *agt-en-twintig* van die Hoofwet word hiermee herroep en deur die volgende artikel vervang:—

Vervanging van artikel 28 van Wet 35 van 1908.

„Notice to owner before proclamation or lease of private land. 28. Subject to the provisions of sub-sections (1) and (2) of section *twelve bis*, no private land shall be proclaimed a public digging, and no mining lease shall be granted thereon, until a discovery of precious metals on such land has been notified in accordance with section *seventeen*, nor until the expiry of three months' notice given to the owner of the land and to the holder of the mineral rights

thereover, of the intention to proclaim such land or to grant a mining lease thereon: Provided that no such notice need be given to the holder of the mineral rights, if he has acquired the mining rights to which he is entitled under this Act or is the intended mining lessee; and, provided further, that if in the opinion of the Minister personal service of any such notice is for any reason whatever impracticable, such notice shall be published in the *Gazette*".

Insertion of new section 30 *bis* in Act 35 of 1908.

15. The following new section is hereby inserted in the principal Act after section *thirty* :—

"Exemption 30*bis*. (1) The Governor-General may, by proclamation in the *Gazette*, exempt the surface of proclaimed land or of land held under mining title, or from certain any portion of such land, for such period as he may restrictions. deem fit from any or all of the restrictions or conditions imposed upon the use of the surface of such land by the provisions of Chapters IX and X, or the Trading on Mining Ground Regulation Act, 20 1910, of the Transvaal (Act No. 13 of 1910): Provided that no such exemption shall be made if, in the opinion of the Government Mining Engineer, such exemption is likely to interfere with mining; and, provided further, that in exempting any such 25 land from the restrictive provisions of Chapter X or of the said Act No. 13 of 1910, the Governor-General may stipulate that such exemption shall apply only to certain classes of trade or business.

(2) The proclamation exempting any proclaimed 30 land under this section shall state the date from which the exemption shall take effect, and shall specify the restrictions or conditions from which the land shall be exempt.

(3) Before any proclamation is issued under sub- 35 section (1) a notice of intention to issue such proclamation shall be published in four consecutive ordinary issues of the *Gazette*.

(4) In so far as any land has been exempted by the Governor-General, the use of the surface thereof 40 shall, subject to the provisions of this Act, be at the disposal of the owner.

(5) The Governor-General may, by proclamation in the *Gazette*, withdraw any exemption granted under the powers conferred by sub-section (1). 45 Any such withdrawal may be in respect of the whole or of a portion only of the surface exempted or in respect of any or all of the restrictions or conditions from which such surface was exempted.

(6) The powers conferred by sub-section (5) shall 50 be exercised only upon application made to the Minister by a person who requires the land concerned for purposes of mining or purposes incidental to mining, and who has furnished security to the satisfaction of the Minister for the payment of 55 compensation to any person who suffers damage or loss as a result of such mining or incidental operations.

(7) The powers conferred by sub-section (5) shall not be exercised unless it appears from a report by 60 the Government Mining Engineer that the land in question is required for purposes of mining or purposes incidental to mining.

(8) The provisions of sub-section (3) shall, *mutatis mutandis*, apply to any withdrawal under 65 the provisions of sub-section (5) of any exemption granted under the provisions of sub-section (1).

(9) Every person who has suffered any loss as a direct result of the exercise of the powers conferred by sub-section (5) shall be entitled to be paid 70 compensation for such loss by the person at whose instance the powers were exercised. The amount of such compensation shall be determined, in the absence of mutual agreement, by arbitration".

Substitution of section 31 of Act 35 of 1908.

16. Section *thirty-one* of the principal Act is hereby repealed 75 and the following section substituted therefor :—

"Deprocla- 31 (1). Any proclaimed land or any portion thereof may be deproclaimed by the Governor-General by proclamation in the *Gazette*: Provided that the Government Mining Engineer has certified 80 that precious metals are not being found, or are not likely to be found in payable quantities thereon.

thereover, of the intention to proclaim such land or to grant a mining lease thereon: Provided that no such notice need be given to the holder of the mineral rights, if he has acquired the mining rights to which he is entitled under this Act or is the intended mining lessee; and provided further that if in the opinion of the Minister personal service of any such notice is for any reason whatever impracticable, such notice shall be published in the *Gazette*".

15. Die volgende nuwe artikel word hiermee na artikel 30bis in die Hoofwet ingevoeg:—
 „Exemption of the surface of proclaimed land from certain restrictions.

Invoeging van nuwe artikel 30bis in Wet 35 van 1908.

30bis. (1) The Governor-General may, by proclamation in the *Gazette*, exempt the surface of proclaimed land or of land held under mining title, or any portion of such land, for such period as he may deem fit from any or all of the restrictions or conditions imposed upon the use of the surface of such land by the provisions of Chapters IX and X, or the Trading on Mining Ground Regulation Act, 1910, of the Transvaal (Act No. 13 of 1910): Provided that no such exemption shall be made if, in the opinion of the Government Mining Engineer, such exemption is likely to interfere with mining; and provided further that in exempting any such land from the restrictive provisions of Chapter X or of the said Act No. 13 of 1910, the Governor-General may stipulate that such exemption shall apply only to certain classes of trade or business.

(2) The proclamation exempting any proclaimed land under this section shall state the date from which the exemption shall take effect, and shall specify the restrictions or conditions from which the land shall be exempt.

(3) Before any proclamation is issued under sub-section (1) a notice of intention to issue such proclamation shall be published in four consecutive ordinary issues of the *Gazette*.

(4) In so far as any land has been exempted by the Governor-General, the use of the surface thereof shall, subject to the provisions of this Act, be at the disposal of the owner.

(5) The Governor-General may, by proclamation in the *Gazette*, withdraw any exemption granted under the powers conferred by sub-section (1). Any such withdrawal may be in respect of the whole or of a portion only of the surface exempted or in respect of any or all of the restrictions or conditions from which such surface was exempted.

(6) The powers conferred by sub-section (5) shall be exercised only upon application made to the Minister by a person who requires the land concerned for purposes of mining or purposes incidental to mining, and who has furnished security to the satisfaction of the Minister for the payment of compensation to any person who suffers damage or loss as a result of such mining or incidental operations.

(7) The powers conferred by sub-section (5) shall not be exercised unless it appears from a report by the Government Mining Engineer that the land in question is required for purposes of mining or purposes incidental to mining.

(8) The provisions of sub-section (3) shall, *mutatis mutandis*, apply to any withdrawal under the provisions of sub-section (5) of any exemption granted under the provisions of sub-section (1).

(9) Every person who has suffered any loss as a direct result of the exercise of the powers conferred by sub-section (5) shall be entitled to be paid compensation for such loss by the person at whose instance the powers were exercised. The amount of such compensation shall be determined, in the absence of mutual agreement, by arbitration".

16. Artikel een-en-dertig van die Hoofwet word hiermee herroep en deur die volgende artikel vervang:—

Vervanging van artikel 31 van Wet 35 van 1908.

„Deproclamation of public diggings.
 31 (1). Any proclaimed land or any portion thereof may be deproclaimed by the Governor-General by proclamation in the *Gazette*: Provided that the Government Mining Engineer has certified that precious metals are not being found, or are not likely to be found in payable quantities thereon.

(2) Before any proclaimed land is deproclaimed under sub-section (1) a notice of intention to deproclaim such land shall be published in four consecutive ordinary issues of the *Gazette*.

(3) Subject to the provisions of this section, 5 neither deproclamation under sub-section (1) nor exemption under section *thirty bis* shall affect any mining title or the title to any trading, business, residential, or industrial stand, or trading site, or any right or permit acquired under Chapter VIII 10 or IX or under any corresponding provisions of a prior law and existing at the date of the notice of intention to exempt or deproclaim the land: Provided that if, after such exemption or deproclamation, the moneys due in respect of any such 15 right, title or permission become or are nine months in arrear, or any permit is in the opinion of the Minister not being exercised by the holder thereof or is being exercised for purposes other than those for which it was granted, such title, right or permit 20 shall determine and shall forthwith be cancelled by the Mining Commissioner, notwithstanding anything to the contrary contained in Chapter XI; and, provided further, that the owner of the land in question may expropriate any such title, right or 25 permit, not required for purposes incidental to mining or for public purposes, on payment of an amount by way of compensation to be fixed by mutual agreement, or in default of such agreement by arbitration. 30

(4) If any portion of proclaimed land upon which there is a structure of a value of not less than five hundred pounds is used by the Government or the provincial administration or a local authority or a religious association under any provision of this 35 Act or any prior law, the State or such local authority or religious association shall, after the exemption or deproclamation of such land as aforesaid (unless any document authorizing such use or an agreement with the owner of such land limits the period of 40 such use) be entitled to obtain from such owner the transfer of such portion of land, subject to a reservation of the mineral rights on such land to the holder thereof.

(5) The extent of the land to be transferred under 45 sub-section (4) shall not exceed an area reasonably necessary in connection with the use of the aforesaid structure. If the owner of the land in question and the transferee fail to agree on the area to be transferred, such area shall be determined by the 50 Minister.

(6) A certificate signed by the Minister defining the land to be transferred under sub-section (4), naming the transferee and stating that the latter is entitled to obtain transfer of that land by virtue 55 of this section, shall authorize the Registrar of Deeds to pass transfer of such land as if the owner thereof had given a power of attorney for its transfer.

(7) If the owner of the land, a portion whereof 60 is to be transferred in terms of this section, fails to produce the title deed to such land or the holder of any mortgage bond over such land fails to consent to the release of the area to be transferred from the bond, or to produce his bond, the Registrar of Deeds 65 shall nevertheless pass transfer of such portion free from such bond and note the transfer on the duplicate title deed and bond filed in his office and in the appropriate registers: Provided that no further transaction relating to the said land, other than the 70 transferred portion, shall be registered by the Registrar of Deeds, until registration of the transfer has been completed by endorsement thereof on the title deed, for which purpose the Registrar of Deeds is hereby required to impound the said title deed 75 and to make the necessary endorsement thereon whenever it may for any reason be lodged in his office.

(8) All costs of survey and other costs incidental to the passing of a transfer under this section shall 80 be borne by the transferee."

(2) Before any proclaimed land is deproclaimed under sub-section (1) a notice of intention to deproclaim such land shall be published in four consecutive ordinary issues of the *Gazette*.

5 (3) Subject to the provisions of this section, neither deproclamation under sub-section (1) nor exemption under section *thirty bis* shall affect any mining title or the title to any trading, business, residential, or industrial stand, or trading site, or
10 any right or permit acquired under Chapter VIII or IX or under any corresponding provisions of a prior law and existing at the date of the notice of intention to exempt or deproclaim the land: Provided that if, after such exemption or depro-
15 clamation, the moneys due in respect of any such right, title or permission become or are nine months in arrear, or any permit is in the opinion of the Minister not being exercised by the holder thereof or is being exercised for purposes other than those
20 for which it was granted, such title, right or permit shall determine and shall forthwith be cancelled by the Mining Commissioner, notwithstanding any-
25 thing to the contrary contained in Chapter XI; and provided further that the owner of the land in question may expropriate any such title, right or permit, not required for purposes incidental to mining or for public purposes, on payment of an amount by way of compensation to be fixed by mutual agreement, or in default of such agreement
30 by arbitration.

(4) If any portion of proclaimed land upon which there is a structure of a value of not less than five hundred pounds is used by the Government or the
35 provincial administration or a local authority or a religious association under any provision of this Act or any prior law, the State or such local authority or religious association shall, after the exemption or deproclamation of such land as aforesaid (unless any document authorizing such use or an agreement
40 with the owner of such land limits the period of such use) be entitled to obtain from such owner the transfer of such portion of land, subject to a reservation of the mineral rights on such land to the holder thereof.

45 (5) The extent of the land to be transferred under sub-section (4) shall not exceed an area reasonably necessary in connection with the use of the aforesaid structure. If the owner of the land in question and the transferee fail to agree on the area to be
50 transferred, such area shall be determined by the Minister.

(6) A certificate signed by the Minister defining the land to be transferred under sub-section (4), naming the transferee and stating that the latter
55 is entitled to obtain transfer of that land by virtue of this section, shall authorize the Registrar of Deeds to pass transfer of such land as if the owner thereof had given a power of attorney for its transfer.

60 (7) If the owner of the land, a portion whereof is to be transferred in terms of this section, fails to produce the title deed to such land or the holder of any mortgage bond over such land fails to consent to the release of the area to be transferred from the
65 bond, or to produce his bond, the Registrar of Deeds shall nevertheless pass transfer of such portion free from such bond and note the transfer on the duplicate title deed and bond filed in his office and in the appropriate registers: Provided that no further
70 transaction relating to the said land, other than the transferred portion, shall be registered by the Registrar of Deeds, until registration of the transfer has been completed by endorsement thereof on the title deed, for which purpose the Registrar of Deeds
75 is hereby required to impound the said title deed and to make the necessary endorsement thereon whenever it may for any reason be lodged in his office.

80 (8) All costs of survey and other costs incidental to the passing of a transfer under this section shall be borne by the transferee.

Amendment of
section 40 of Act
35 of 1908.

17. Section *forty* of the principal Act is hereby amended—

- (a) by the deletion of sub-section (3) and the substitution thereof of the following sub-section:—

“(3) (a) When ore containing precious metal is being extracted from any claim (not being a claim on an alluvial deposit), the holder of a prospecting licence for such claim shall apply to the Mining Commissioner for the conversion of that licence into a licence to be called a ‘digger’s licence’, in respect of which there shall be paid the sum of twenty shillings per month, as from the first day of the month in which such extraction first took place, whether the claim be situate on Crown or private land.

(b) The holder of a prospecting licence shall forward to the Mining Commissioner, not later than thirty days after the end of each calendar quarter, a statement showing every claim from which he extracted during that quarter either for the first time or for the first time after the re-conversion of such claim to a prospecting claim, ore containing precious metal, and the month during that quarter in which such extraction commenced in any such claim.

(c) If at any time the Mining Commissioner should ascertain that the prospecting licence in respect of any claim from which ore has been extracted has not been converted into a digger’s licence, he shall call upon the licence holder to convert his licence as from the first day of the month in which the ore was first extracted therefrom, and shall not renew any claim licence held by such licence holder until such conversion has been effected.

(d) This sub-section shall not apply to ore which, in the opinion of the Mining Commissioner, has been extracted in the course of the *bona fide* development of any claim”; and

- (b) by the addition thereto of the following new sub-section:—

“(5) Whenever the precious metal contents in any claim held under a digger’s licence have, in the opinion of the Government Mining Engineer, become exhausted or unpayable or if it is for the time inconvenient for the licensee to work such claim, and precious metal is not being won therefrom, the Mining Commissioner shall, on the application of the licensee, convert such digger’s licence into a prospecting licence: Provided that in the event of precious metal being again won from such claim by the licensee, the Mining Commissioner shall re-convert the licence to a digger’s licence”.

Substitution of
section 41 of Act
35 of 1908.

18. Section *forty-one* of the principal Act is hereby repealed and the following section substituted therefor:—

“Reduction of licence moneys, mining rent or mijnpacht dues. 41. (1) Whenever the holder of a mining title has, during the period which elapsed since he last paid the licence moneys, rent or mijnpacht dues payable in respect of such title, incurred any expenditure on work on or in connection with the mining of the land held under such title, which in the opinion of the Mining Commissioner was reasonably necessary and sufficient, the said holder shall when next paying such licence moneys, rent or dues, be entitled to an exemption, to the extent of such expenditure, from payment of that portion of such moneys, rent or dues as would, but for such exemption, accrue to the State.

(2) Where sums of money, which in the opinion of the Mining Commissioner are adequate, have been expended on the mining or development of any land held under mining title and work thereon has been temporarily curtailed or discontinued for reasons which appear to the Mining Commissioner to be sufficient, he may exempt the holder of such title in respect of such period as he may, in the circumstances deem equitable, from the payment of that portion of the licence moneys or rent or mijnpacht dues payable by such holder as would, but for such exemption, accrue to the State, and if any such licence moneys or rent or dues have already been paid in respect of such period the Mining Commissioner may refund to the person who made the payment, so much thereof as accrued to the State: Provided that in no case shall an exemption or

17. Artikel *veertig* van die Hoofwet word hiermee gewysig—

Wysiging van
artikel 40 van
Wet 35 van 1908.

- (i) deur sub-artikel (3) te skrap en te vervang deur die volgende sub-artikel:—

5 „(3) (a) When ore containing precious metal is being extracted from any claim (not being a claim on an alluvial deposit), the holder of a prospecting licence for such claim shall apply to the Mining Commissioner for the conversion of that licence into a licence to be called a 'digger's licence', in respect of which there shall be paid the sum of twenty shillings per month, as from the first day of the month in which such extraction first took place, whether the claim be situate on Crown or private land.

15 (b) The holder of a prospecting licence shall forward to the Mining Commissioner, not later than thirty days after the end of each calendar quarter, a statement showing every claim from which he extracted during that quarter either for the first time or for the first time after the re-conversion of such claim to a prospecting claim, ore containing precious metal, and the month during that quarter in which such extraction commenced in any such claim.

20 (c) If at any time the Mining Commissioner should ascertain that the prospecting licence in respect of any claim from which ore has been extracted has not been converted into a digger's licence, he shall call upon the licence holder to convert his licence as from the first day of the month in which the ore was first extracted therefrom, and shall not renew any claim licence held by such licence holder until such conversion has been effected.

25 (d) This sub-section shall not apply to ore which, in the opinion of the Mining Commissioner, has been extracted in the course of the *bona fide* development of any claim"; en

- 30 (ii) deur die volgende nuwe sub-artikel daaraan toe te voeg:—

35 „(5) Whenever the precious metal contents in any claim held under a digger's licence have, in the opinion of the Government Mining Engineer, become exhausted or unpayable or if it is for the time inconvenient for the licensee to work such claim, and precious metal is not being won therefrom, the Mining Commissioner shall, on the application of the licensee, convert such digger's licence into a prospecting licence: Provided that in the event of precious metal being again won from such claim by the licensee, the Mining Commissioner shall re-convert the licence to a digger's licence”.

50 18. Artikel *een-en-veertig* van die Hoofwet word hiermee herroep en deur die volgende artikel vervang:—

Vervanging van
artikel 41 van
Wet 35 van 1908.

55 „Reduction or refund of licence moneys, mining rent or mijnpacht dues. 41. (1) Whenever the holder of a mining title has, during the period which elapsed since he last paid the licence moneys, rent or mijnpacht dues payable in respect of such title, incurred any expenditure on work on or in connection with the mining of the land held under such title, which in the opinion of the Mining Commissioner was reasonably necessary and sufficient, the said holder shall when next paying such licence moneys, rent or dues, be entitled to an exemption, to the extent of such expenditure, from payment of that portion of such moneys, rent or dues as would, but for such exemption, accrue to the State.

60 (2) Where sums of money, which in the opinion of the Mining Commissioner are adequate, have been expended on the mining or development of any land held under mining title and work thereon has been temporarily curtailed or discontinued for reasons which appear to the Mining Commissioner to be sufficient, he may exempt the holder of such title in respect of such period as he may, in the circumstances deem equitable, from the payment of that portion of the licence moneys or rent or mijnpacht dues payable by such holder as would, but for such exemption, accrue to the State, and if any such licence moneys or rent or dues have already been paid in respect of such period the Mining Commissioner may refund to the person who made the payment, so much thereof as accrued to the State: Provided that in no case shall an exemption or refund be made under

refund be made under this sub-section in respect of a period exceeding six months in any year, except if the reason for the curtailment or discontinuance is sickness.

(3) No exemption or refund shall be granted under this section unless application therefor is made within thirty days after the due date for the renewal of the licence or payment of the rent or mijnpacht dues in question and if exemption is refused, nothing in this section contained shall be construed as relieving the holder of a claim licence from payment of the additional sum prescribed by section *ninety-nine* as applied to claims by section *one hundred* or the fine prescribed by section *one hundred and two* or as preventing lapsing of any rights under a mining title, as a result of non-payment on a prescribed date of any moneys due in respect of such title.

(4) No exemption or refund shall be granted under this section if the holder of the mining title in question is a company, unless the company satisfies the Mining Commissioner that it has not paid to its shareholders by way of dividend, interest, bonus or otherwise any sums exceeding interest at the rate of five per cent. per annum on the paid up share capital of the company.

(5) The Mining Commissioner may call upon any applicant for exemption or refund under this section to produce his books of account or any other documents or records to enable him to satisfy himself that the applicant is entitled to such exemption or remission.

(6) Any interested person who is dissatisfied with any decision of the Mining Commissioner on an application for an exemption or a refund under this section may within ten days after having been informed of such decision appeal therefrom to the Minister who may thereupon confirm or vary the Mining Commissioner's decision as he thinks fit.

Amendment of section 47 of Act 35 of 1908. 19. Section *forty-seven* of the principal Act is hereby amended by the addition thereto of the following new sub-section:

"(9) Any mijnpacht granted under this section may be renewed by the Governor-General from time to time for periods not exceeding five years, which renewal shall be effected by endorsement on the mijnpacht-brief signed by the Minister and by the registered holder thereof".

Amendment of section 52 of Act 35 of 1908. 20. Section *fifty-two* of the principal Act is hereby amended by the deletion of paragraphs (b) and (c) of sub-section (1) and the substitution therefor of the following paragraphs:

"(b) any land reserved under section *twenty-three*, unless such land has been selected by or for the holder of the mineral rights as a mijnpacht or mining lease area;

(c) any locality or place mentioned in sub-section (1) of section *sixteen*, unless any person is by virtue of the proviso to that sub-section, entitled to prospect thereon".

Amendment of section 68 of Act 35 of 1908. 21. Sub-section (5) of section *sixty-eight* of the principal Act is hereby deleted and the following sub-sections substituted therefor:

"(5) Whenever any person has without the permission of the Mining Commissioner erected any structure on land held under mining title, the Mining Commissioner may direct him to remove it, and if it be not removed within a period specified by the Mining Commissioner, the latter may cause it to be removed and may recover the cost of removal from such person.

(6) Any competent court may, on the application of the Mining Commissioner, order the ejectment of any person from any structure referred to in sub-section (5)".

Insertion of new section 68bis in Act 35 of 1908. 22. The following new section is hereby inserted in the principal Act after section *sixty-eight*:

"Transfer of surface right permit by endorsement. 68bis. (1) With the consent of the person to whom any permission to use the surface of proclaimed land has been granted under Chapter IX, or whenever such permission is no longer exercised, the Mining Commissioner may, in his discretion, on the application of any holder of a mining title transfer such permission, by endorsement of the relevant permit, in respect of the whole of such land or in respect of any portion thereof to such applicant for purposes incidental to mining.

this sub-section in respect of a period exceeding six months in any year, except if the reason for the curtailment or discontinuance is sickness.

(3) No exemption or refund shall be granted under this section unless application therefor is made within thirty days after the due date for the renewal of the licence or payment of the rent or mijnpacht dues in question and if exemption is refused, nothing in this section contained shall be construed as relieving the holder of a claim licence from payment of the additional sum prescribed by section *ninety-nine* as applied to claims by section *one hundred* or the fine prescribed by section *one hundred and two* or as preventing lapsing of any rights under a mining title, as a result of non-payment on a prescribed date of any moneys due in respect of such title.

(4) No exemption or refund shall be granted under this section if the holder of the mining title in question is a company, unless the company satisfies the Mining Commissioner that it has not paid to its shareholders by way of dividend, interest, bonus or otherwise any sums exceeding interest at the rate of five per cent. per annum on the paid up share capital of the company.

(5) The Mining Commissioner may call upon any applicant for exemption or refund under this section to produce his books of account or any other documents or records to enable him to satisfy himself that the applicant is entitled to such exemption or remission.

(6) Any interested person who is dissatisfied with any decision of the Mining Commissioner on an application for an exemption or a refund under this section may within ten days after having been informed of such decision appeal therefrom to the Minister who may thereupon confirm or vary the Mining Commissioner's decision as he thinks fit".

40 19. Artikel *sewen-en-veertig* van die Hoofwet word hiermee Wysiging van
gewysig deur die volgende nuwe sub-artikel daaraan toe te artikel 47 van
voeg :— Wet 35 van 1908.

45 „(9) Any mijnpacht granted under this section may be renewed by the Governor-General from time to time for periods not exceeding five years, which renewal shall be effected by endorsement on the mijnpacht-brief signed by the Minister and by the registered holder thereof".

20. Artikel *twee-en-vyftig* van die Hoofwet word hiermee Wysiging van
gewysig deur paragrawe (b) en (c) van sub-artikel (1) te skrap artikel 52 van
50 en te vervang deur die volgende paragrawe : Wet 35 van 1908.

„(b) any land reserved under section *twenty-three*, unless such land has been selected by or for the holder of the mineral rights as a mijnpacht or mining lease area ;

55 (c) any locality or place mentioned in sub-section (1) of section *sixteen*, unless any person is by virtue of the proviso to that sub-section, entitled to prospect thereon".

21. Sub-artikel (5) van artikel *agt-en-sestig* van die Hoofwet Wysiging van
word hiermee geskrap en deur die volgende sub-artikels artikel 68 van
60 vervang :— Wet 35 van 1908.

63 „(5) Whenever any person has without the permission of the Mining Commissioner erected any structure on land held under mining title, the Mining Commissioner may direct him to remove it, and if it be not removed within a period specified by the Mining Commissioner, the latter may cause it to be removed and may recover the cost of removal from such person.

(6) Any competent court may, on the application of the Mining Commissioner, order the ejectment of any person from any structure referred to in sub-section (5)".

70 22. Die volgende nuwe artikel word hiermee na artikel *agt-en-sestig* Invoeging van
in die Hoofwet ingevoeg :— nuwe artikel 68bis
„Transfer of 68bis. (1) With the consent of the person to in Wet 35 van
surface right whom any permission to use the surface of pro- 1908.

75 permit by claimed land has been granted under Chapter IX, or whenever such permission is no longer exercised, the Mining Commissioner may, in his discretion, on the application of any holder of a mining title transfer such permission, by endorsement of the relevant permit, in respect of the whole of such land or in respect of any portion thereof to such applicant for purposes incidental to mining.

(2) Save as is otherwise in this Act provided, a permission to use the surface of proclaimed land or land held under mining title for purposes incidental to mining shall *ipso facto* lapse upon the lapsing of the mining title to which it relates". 5

Substitution of section 72 of Act 35 of 1908.

23. Section *seventy-two* of the principal Act is hereby repealed and the following section substituted therefor:

"Use of pro-claimed land to the confirmation of the Minister, permit the use of the surface of any proclaimed land for 10
for agricul-
ture or
afforestation, agriculture or afforestation: Provided that—

- (a) such permission shall not be granted in the case of private land except upon the written request or with the written consent of the owner and upon conditions to which he agrees; 15
- (b) such permission shall not be granted if, in the opinion of the Government Mining Engineer, the land is required for mining purposes or purposes incidental to mining;
- (c) if in the opinion of the Government Mining 20
Engineer, the land is not immediately required for mining purposes or purposes incidental to mining, but is likely at a later date to be so required, the permission shall contain such provisions for its cancellation as the 25
Mining Commissioner may determine and if any portion of such land is at any time thereafter required for mining or purposes incidental to mining, the permission in so far as it applies to that portion may be cancelled 30
by the Mining Commissioner in accordance with such provisions and without payment of compensation to the holder of the permission;
- (d) if, in the opinion of the Government Mining 35
Engineer, the land is not likely at any time to be required for mining or purposes incidental to mining and such land or any portion thereof is nevertheless thereafter required for such purposes, the permission in so far as it applies to the land so required may be cancelled 40
by the Mining Commissioner, subject to payment by the person requiring the land for those purposes of such compensation to the holder of the permission for any damage which may be caused to any crops or trees 45
thereon or to any improvements made thereon or in connection therewith as shall, in the absence of agreement, be determined by arbitration;
- (e) any open proclaimed land in respect of which 50
permission has been given by the Mining Commissioner under this section shall not be open for prospecting, pegging or digging, but the Governor-General may, at any time thereafter and from time to time, deal with 55
such land in any of the ways mentioned in section *thirty*, and the Minister may permit prospecting thereon and grant mining leases thereon under the provisions of this Act; and the Mining Commissioner may thereupon cancel 60
such permission or so much of it as may be necessary, subject to payment of compensation in terms of paragraph (d).

(2) Any such permission shall include the right to make any improvements reasonably necessary in 65
connection with the use of the land in question, subject to such restrictions as the Mining Commissioner may think fit to impose from time to time.

(3) Whenever permission has been granted to use the surface of any proclaimed land in terms 70
of this section, the Governor-General may nevertheless use or permit its use for any of the purposes mentioned in section *sixty-nine* or *seventy-one*, subject to payment of compensation in terms of paragraph (d) of sub-section (1)". 75

Amendment of section 74 of Act 35 of 1908.

24. Sub-section (1) of section *seventy-four* of the principal Act is hereby amended by the insertion after the word "land" of the words "or to use the surface of any such land for the working or treatment of tailings, slimes, waste rock or other residues or for the cleaning up of the surface of a 80
mine".

(2) Save as is otherwise in this Act provided, a permission to use the surface of proclaimed land or land held under mining title for purposes incidental to mining shall *ipso facto* lapse upon the lapsing of the mining title to which it relates."

23. Artikel twee-en-sewentig van die Hoofwet word hiermee herroep en deur die volgende artikel vervang:—

Vervanging van artikel 72 van Wet 35 van 1908.

„Use of proclaimed land for agriculture or afforestation. 72. (1) The Mining Commissioner may, subject to the confirmation of the Minister, permit the use of the surface of any proclaimed land for agriculture or afforestation: Provided that—

(a) such permission shall not be granted in the case of private land except upon the written request or with the written consent of the owner and upon conditions to which he agrees;

(b) such permission shall not be granted if, in the opinion of the Government Mining Engineer, the land is required for mining purposes or purposes incidental to mining;

(c) if in the opinion of the Government Mining Engineer, the land is not immediately required for mining purposes or purposes incidental to mining, but is likely at a later date to be so required, the permission shall contain such provisions for its cancellation as the Mining Commissioner may determine and if any portion of such land is at any time thereafter required for mining or purposes incidental to mining, the permission in so far as it applies to that portion may be cancelled by the Mining Commissioner in accordance with such provisions and without payment of compensation to the holder of the permission;

(d) if, in the opinion of the Government Mining Engineer, the land is not likely at any time to be required for mining or purposes incidental to mining and such land or any portion thereof is nevertheless thereafter required for such purposes, the permission in so far as it applies to the land so required may be cancelled by the Mining Commissioner, subject to payment by the person requiring the land for those purposes of such compensation to the holder of the permission for any damage which may be caused to any crops or trees thereon or to any improvements made thereon or in connection therewith as shall, in the absence of agreement, be determined by arbitration;

(e) any open proclaimed land in respect of which permission has been given by the Mining Commissioner under this section shall not be open for prospecting, pegging or digging, but the Governor-General may, at any time thereafter and from time to time, deal with such land in any of the ways mentioned in section thirty, and the Minister may permit prospecting thereon and grant mining leases thereon under the provisions of this Act; and the Mining Commissioner may thereupon cancel such permission or so much of it as may be necessary, subject to payment of compensation in terms of paragraph (d).

(2) Any such permission shall include the right to make any improvements reasonably necessary in connection with the use of the land in question, subject to such restrictions as the Mining Commissioner may think fit to impose from time to time.

(3) Whenever permission has been granted to use the surface of any proclaimed land in terms of this section, the Governor-General may nevertheless use or permit its use for any of the purposes mentioned in section sixty-nine or seventy-one, subject to payment of compensation in terms of paragraph (d) of sub-section (1) ”.

24. Sub-artikel (1) van artikel vier-en-sewentig van die Hoofwet word hiermee gewysig deur die volgende woorde na die woord „land” in te voeg: „or to use the surface of any such land for the working or treatment of tailings, slimes, waste rock or other residues or for the cleaning up of the surface of a mine”.

Wysiging van artikel 74 van Wet 35 van 1908.

Insertion of new
section 74bis in
Act 35 of 1908.

25. The following new section is hereby inserted in the principal Act after section *seventy-four* :

“Mortgage or transfer of surface rights. 74bis. Any rights acquired under any permission granted under section *seventy-two*, *seventy-three* or *seventy-four* or under any corresponding provision of a prior law, may be mortgaged or transferred either wholly or in part by the holder thereof; and every such transfer or mortgage shall be registered in accordance with the law governing the registration of mining title”.

Amendment of
section 75 of Act
35 of 1908.

26. Section *seventy-five* of the principal Act is hereby amended by the deletion of sub-section (1) and the substitution thereof of the following sub-section :

“(1) The Mining Commissioner may permit the use of the surface of any proclaimed land for the purpose of brickmaking and limeburning and quarrying and the digging for sand and gravel in accordance with regulations : Provided that—

(a) in the case of private proclaimed land there is produced to him the written consent of the person who has the right to dig for and remove the material in question ; and

(b) in the case of land held under mining title, the Government Mining Engineer has certified that no interference will be caused to the mining of such land ; and

(c) in the case of proclaimed Crown land the permission of the Minister has been obtained to the digging for and removal of the material in question.

Any such permission may include the erection of buildings and structures for such purposes incidental thereto as the Mining Commissioner may approve. Such royalty as may be prescribed by regulation shall, in addition to the fee payable under sub-section (2), be payable in respect of any article sold which was produced with permission granted under paragraph (c) ”.

Substitution of
section 76 of Act
35 of 1908.

27. Section *seventy-six* of the principal Act is hereby repealed and the following section substituted therefor :

“Permit for use of certain buildings on proclaimed land. 76. (1) If any person who claims to have any colour of a right to the use of any building on proclaimed land which is capable of beneficial use, he may apply to the Mining Commissioner for a permit, referred to in sub-section (2).

(2) If the Mining Commissioner is of opinion that the applicant has in fact a colour of a right to the use of the building to which the application relates and that such building is capable of beneficial use, he may issue to the applicant a permit authorizing him and his successors in title to use, for the purposes specified in such permit and upon the conditions stated therein, the said building and so much land surrounding it as is, in the opinion of the Mining Commissioner, reasonably necessary in connection with the use of the building.

(3) Before the Mining Commissioner issues such permit, the applicant shall furnish him with a diagram or, if approved by the Mining Commissioner, with a sketch plan, showing the area in respect whereof the permit is to be issued.

(4) The Mining Commissioner may in his discretion refuse any application for any such permit notwithstanding that the applicant has a colour of a right to the use of the building in question and that the said building is capable of beneficial use : Provided that the applicant may within a period of fourteen days after having been informed of such refusal appeal therefrom to the Minister, who may thereupon dismiss the appeal or direct the Mining Commissioner to issue, subject to the provisions of sub-section (3), a permit referred to in sub-section (2), specifying such use and stating such conditions as the Minister may determine.

(5) Every such permit shall be registered in the Mining Titles Office and the rights thereunder shall be alienable and may be mortgaged, and every transfer and mortgage thereof shall likewise be registered subject to the production of a clearance certificate showing that all municipal rates have been paid up to and including the date of transfer or mortgage : Provided that no transfer or mortgage of the rights under any such permit shall be regis-

25. Die volgende nuwe artikel word hiermee na artikel vier-en-sewentig in die Hoofwet ingevoeg:—

Invoeging van nuwe artikel 74bis in Wet 35 van 1908.

„Mortgage or transfer of surface rights.

74bis. Any rights acquired under any permission granted under section seventy-two, seventy-three or seventy-four or under any corresponding provision of a prior law, may be mortgaged or transferred either wholly or in part by the holder thereof; and every such transfer or mortgage shall be registered in accordance with the law governing the registration of mining title”.

26. Artikel vyf-en-sewentig van die Hoofwet word hiermee gewysig deur sub-artikel (1) te skrap en te vervang deur die volgende sub-artikel:—

Wysiging van artikel 75 van Wet 35 van 1908.

„(1) The Mining Commissioner may permit the use of the surface of any proclaimed land for the purpose of brickmaking and limeburning and quarrying and the digging for sand and gravel in accordance with regulations: Provided that—

(a) in the case of private proclaimed land, there is produced to him the written consent of the person who has the right to dig for and remove the material in question; and

(b) in the case of land held under mining title, the Government Mining Engineer has certified that no interference will be caused to the mining of such land; and

(c) in the case of proclaimed Crown land the permission of the Minister has been obtained to the digging for and removal of the material in question.

Any such permission may include the erection of buildings and structures for such purposes incidental thereto as the Mining Commissioner may approve. Such royalty as may be prescribed by regulation shall, in addition to the fee payable under sub-section (2), be payable in respect of any article sold which was produced with permission granted under paragraph (c)”.

27. Artikel ses-en-sewentig van die Hoofwet word hiermee herroep en deur die volgende artikel vervang:—

Vervanging van artikel 76 van Wet 35 van 1908.

„Permit for use of certain buildings on proclaimed land.

76. (1) If any person who claims to have any colour of a right to the use of any building on proclaimed land which is capable of beneficial use, he may apply to the Mining Commissioner for a permit, referred to in sub-section (2).

(2) If the Mining Commissioner is of opinion that the applicant has in fact a colour of a right to the use of the building to which the application relates and that such building is capable of beneficial use, he may issue to the applicant a permit authorizing him and his successors in title to use, for the purposes specified in such permit and upon the conditions stated therein, the said building and so much land surrounding it as is, in the opinion of the Mining Commissioner, reasonably necessary in connection with the use of the building.

(3) Before the Mining Commissioner issues such permit, the applicant shall furnish him with a diagram or, if approved by the Mining Commissioner, with a sketch plan, showing the area in respect whereof the permit is to be issued.

(4) The Mining Commissioner may in his discretion refuse any application for any such permit notwithstanding that the applicant has a colour of a right to the use of the building in question and that the said building is capable of beneficial use: Provided that the applicant may within a period of fourteen days after having been informed of such refusal appeal therefrom to the Minister, who may thereupon dismiss the appeal or direct the Mining Commissioner to issue, subject to the provisions of sub-section (3), a permit referred to in sub-section (2), specifying such use and stating such conditions as the Minister may determine.

(5) Every such permit shall be registered in the Mining Titles Office and the rights thereunder shall be alienable and may be mortgaged, and every transfer and mortgage thereof shall likewise be registered subject to the production of a clearance certificate showing that all municipal rates have been paid up to and including the date of transfer or mortgage: Provided that no transfer or mortgage of the rights under any such permit shall be regis-

tered unless a diagram of the area to which the permit relates is lodged or has previously been lodged with the Registrar of Mining Titles.

(6) The holder of any such permit shall pay to the Mining Commissioner a rent to be fixed by him which shall thereafter not be varied: Provided that if the building to which such permit relates is situate on private land the Mining Commissioner shall consult the owner of such land before fixing the rent.

(7) The Mining Commissioner shall pay one-half of the rent recovered to the said owner.

(8) Whenever rent due in respect of any such permit is nine months in arrear all rights under the permit shall terminate and the permit shall be cancelled by the Mining Commissioner.

Amendment of section 78 of Act 35 of 1908.

28. Section *seventy-eight* of the principal Act is hereby amended by the addition at the end thereof of the following words: "In granting any application for a stand under this section the Mining Commissioner may attach to the grant such conditions as he may deem necessary, and in particular he may restrict the use of such stand to a particular purpose".

Amendment of section 79 of Act 35 of 1908.

29. Section *seventy-nine* of the principal Act is hereby amended by the addition to sub-section (1) of the following proviso:

"Provided that no such stand shall be granted for the purposes mentioned in paragraph (c) except with the written consent of the owner of such land, and on such conditions as he and the Mining Commissioner may prescribe, and before granting any such stand within the area of jurisdiction of a local authority the Mining Commissioner shall consult that authority as to the suitability of the site for the rendering of municipal services".

Insertion of new section 79bis in Act 35 of 1908.

30. The following new section is hereby inserted in the principal Act after section *seventy-nine*:

"Penalties *79bis* (1) Where a stand has been granted prior to the first day of July, 1934, under section *seventy-eight* or *seventy-nine*, subject to any conditions the use of such stand shall be restricted in accordance with such conditions.

(2) Any person contravening or failing to comply with any condition referred to in sub-section (1) or imposed under section *seventy-eight* or *seventy-nine* shall be guilty of an offence and shall be liable on conviction to the penalties prescribed in section *ninety-six*, and in the event of such a contravention or non-compliance the Mining Commissioner may cancel the licence in respect of the stand in question".

Amendment of section 81 of Act 35 of 1908.

31. Sub-section (2) of section *eighty-one* of the principal Act is hereby deleted and the following sub-section substituted therefor:

"(2) Before a stand licence is issued under this Chapter, the person applying therefor shall lodge with the Mining Commissioner—

(a) a diagram of the stand, if it is situate in a district comprised in Class A referred to in section *seven*; or

(b) a diagram or a sketch plan of the stand as directed by the Mining Commissioner, if the stand is situate in any other district".

Insertion of new section 81bis in Act 35 of 1908.

32. The following new section is hereby inserted in the principal Act after section *eighty-one*:

"Abandonment of stand licences and how certain stands may be dealt with. *81bis* (1) When the holder of a licence for any stand mentioned in section *seventy-seven*, *seventy-eight* or *seventy-nine* gives written notice to the Mining Commissioner that he has abandoned or intends to abandon such stand, the Mining Commissioner may cancel the licence: Provided that if the stand is leased, mortgaged or otherwise encumbered, the consent of all the persons interested in the licence shall be produced before the cancellation is effected.

(2) Any stand, the licence for which has been cancelled under sub-section (1), or any stand which has been put up for sale under section *ninety-nine* or *one hundred and two* but not sold, or which has been cancelled by the Mining Commissioner in accordance with any conditions attached to the grant thereof may be dealt with by the Minister in his discretion in terms of section *ninety-nine* or may be declared by him to have ceased to exist, in which case the land formerly constituting such

tered unless a diagram of the area to which the permit relates is lodged or has previously been lodged with the Registrar of Mining Titles.

(6) The holder of any such permit shall pay to the Mining Commissioner a rent to be fixed by him which shall thereafter not be varied: Provided that if the building to which such permit relates is situate on private land the Mining Commissioner shall consult the owner of such land before fixing the rent.

(7) The Mining Commissioner shall pay one-half of the rent recovered to the said owner.

(8) Whenever rent due in respect of any such permit is nine months in arrear all rights under the permit shall terminate and the permit shall be cancelled by the Mining Commissioner.

28. Artikel *agt-en-sewentig* van die Hoofwet word hiermee gewysig deur die volgende woorde aan die end toe te voeg: „In granting any application for a stand under this section the Mining Commissioner may attach to the grant such conditions as he may deem necessary, and in particular he may restrict the use of such stand to a particular purpose”.

Wysiging van artikel 78 van Wet 35 van 1908.

29. Artikel *neg-en-sewentig* van die Hoofwet word hiermee gewysig deur die volgende voorbehoudsbepaling aan sub-artikel (1) toe te voeg:

Wysiging van artikel 79 van Wet 35 van 1908.

„Provided that no such stand shall be granted for the purposes mentioned in paragraph (c) except with the written consent of the owner of such land, and on such conditions as he and the Mining Commissioner may prescribe, and before granting any such stand within the area of jurisdiction of a local authority the Mining Commissioner shall consult that authority as to the suitability of the site for the rendering of municipal services”.

30. Die volgende nuwe artikel word hiermee na artikel *neg-en-sewentig* in die Hoofwet ingevoeg:—

Invoeging van nuwe artikel 79bis in Wet 35 van 1908.

„Penalties for contravention of condition on which stand is granted. 79bis. (1) Where a stand has been granted prior to the first day of July, 1934, under section *seventy-eight* or *seventy-nine*, subject to any conditions the use of such stand shall be restricted in accordance with such conditions.

(2) Any person contravening or failing to comply with any condition referred to in sub-section (1) or imposed under section *seventy-eight* or *seventy-nine* shall be guilty of an offence and shall be liable on conviction to the penalties prescribed in section *ninety-six*, and in the event of such a contravention or non-compliance the Mining Commissioner may cancel the licence in respect of the stand in question”.

31. Sub-artikel (2) van artikel *een-en-tagtig* van die Hoofwet word hiermee geskrap en deur die volgende sub-artikel vervang:—

Wysiging van artikel 81 van Wet 35 van 1908.

„(2) Before a stand licence is issued under this Chapter, the person applying therefor shall lodge with the Mining Commissioner—

(a) a diagram of the stand, if it is situate in a district comprised in Class A referred to in section *seven*; or
(b) a diagram or a sketch plan of the stand as directed by the Mining Commissioner, if the stand is situate in any other district”.

32. Die volgende nuwe artikel word hiermee na artikel *een-en-tagtig* in die Hoofwet ingevoeg:—

Invoeging van nuwe artikel 81bis in Wet 35 van 1908.

„Abandonment of stand licences and how certain stands may be dealt with. 81bis. (1) When the holder of a licence for any stand mentioned in section *seventy-seven*, *seventy-eight* or *seventy-nine* gives written notice to the Mining Commissioner that he has abandoned or intends to abandon such stand, the Mining Commissioner may cancel the licence: Provided that if the stand is leased, mortgaged or otherwise encumbered, the consent of all the persons interested in the licence shall be produced before the cancellation is effected.

(2) Any stand, the licence for which has been cancelled under sub-section (1), or any stand which has been put up for sale under section *ninety-nine* or *one hundred and two* but not sold, or which has been cancelled by the Mining Commissioner in accordance with any conditions attached to the grant thereof may be dealt with by the Minister in his discretion in terms of section *ninety-nine* or may be declared by him to have ceased to exist, in which case the land formerly constituting such

Amendment of
section 98 of Act
35 of 1908.

stand (unless it is a place referred to in paragraph (a) of sub-section (1) of section *fifty-two*) may be dealt with by the Governor-General in any of the ways provided by section *thirty*: Provided that if the stand is situate on deproclaimed land and the licence therefor has been determined and cancelled under sub-section (4) of section *thirty-one*, it shall be declared by the Minister to have ceased to exist".

33. Section *ninety-eight* of the principal Act is hereby amended—

(a) by the deletion of the words "Any person described in the last preceding section who" in the preamble to sub-section (1) and the substitution thereof of the words "Any person referred to in paragraph (a), (b) or (c) of sub-section (1) of section *ninety-seven*", and

(b) by the addition of the following new sub-paragraph at the end of paragraph (a) of sub-section (1):

"(vi) to the Postmaster-General for the purpose of deposit on behalf of such employee in any savings bank or in any savings club established under the authority of the Postmaster-General, or for investment in any Government stock or fund sold or administered by the Postmaster-General; or".

Amendment of
section 99 of Act
35 of 1908.

34. Sub-section (3) of section *ninety-nine* of the principal Act is hereby amended by the addition thereto of the following proviso:

"Provided that if the Minister is satisfied that any such stand is no longer necessary, he may dispense with such advertisement and sale, and on the expiration of fourteen days' notice served by the Mining Commissioner upon the registered holder of the licence, and upon the registered holder of any mortgage bond over such stand, calling upon them to pay up all arrear licence moneys, together with any additional sums and costs due in connection with such stand licence, the Mining Commissioner may cancel the licence and thereupon such stand shall be deemed to have ceased to exist, and if on proclaimed land may (unless it is a place referred to in paragraph (a) of sub-section (1) of section *fifty-two*) be dealt with by the Governor-General in any of the ways provided by section *thirty*".

Amendment of
section 102 of Act
35 of 1908.

35. Section *one hundred and two* of the principal Act is hereby amended by the insertion, after the words "*ninety-nine*" in the preamble, of the words "(other than the proviso to sub-section (3), which shall be deemed to be inserted at the end of sub-section (3) of this section)".

Amendment of
section 119 of Act
35 of 1908.

36. Section *one hundred and nineteen* of the principal Act is hereby amended:

(a) by the deletion of paragraph (2) and the substitution of the following paragraph:

"(2) the maximum number of claims which may be pegged in accordance with section *thirty-two* shall be one hundred".

(b) by the deletion of all the words after the words "precious metals" in sub-paragraph (b) of paragraph (8) and the substitution thereof of the words: "have been worked in combination with such base metals and that the base metals do not preponderate in value".

Amendment of
section 120 of Act
35 of 1908.

37. Section *one hundred and twenty* of the principal Act is hereby amended by the deletion of all the words preceding the words "the Governor" and the substitution thereof of the following words:

"Whenever in the course of mining any base metal on private land, precious metal is mined in combination with such base metal and the precious metal won or recovered exceeds in net value the base metal won or recovered by twenty-five per cent. over a period of three successive years".

Insertion of new
section 127bis in
Act 35 of 1908.

38. The following new section is hereby inserted in the principal Act after section *one hundred and twenty-seven*:

127bis. (1) Whenever the Minister is satisfied, on the report of the Government Mining Engineer, that any holder of mining title is in danger of having to curtail, suspend, or cease mining operations, the Governor-General may, after notice to the holder of the mining title, and to any mortgagee thereof appoint a commission to enquire into the matter and report thereon to him and the provisions of sub-sections (3), (4) and (5) of the said section shall *mutatis mutandis* apply to such commission.

- stand (unless it is a place referred to in paragraph (a) of sub-section (1) of section *fifty-two*) may be dealt with by the Governor-General in any of the ways provided by section *thirty*: Provided that if the stand is situate on deproclaimed land and the licence therefor has been determined and cancelled under sub-section (4) of section *thirty-one*, it shall be declared by the Minister to have ceased to exist".
- 5
33. Artikel *agt-en-negentig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 98 van Wet 35 van 1908.
- 10
- (a) deur die woorde „Any person described in the last preceding section who” in die aanhef van sub-artikel (1) te skrap en te vervang deur die woorde „Any person referred to in paragraph (a), (b) or (c) of sub-section (1) of section *ninety-seven*”; en
- 15
- (b) deur die volgende nuwe sub-paragraaf aan die end van paragraaf (a) van sub-artikel (1) by te voeg:—
- 20
- „(vi) to the Postmaster-General for the purpose of deposit on behalf of such employee in any savings bank or in any savings club established under the authority of the Postmaster-General, or for investment in any Government stock or fund sold or administered by the Postmaster-General; or”.
24. Sub-artikel (3) van artikel *nege-en-negentig* van die Hoofwet word hiermee gewysig deur die volgende voorbehoudsbepaling daaraan toe te voeg:— Wysiging van artikel 99 van Wet 35 van 1908.
- 25
- „Provided that if the Minister is satisfied that any such stand is no longer necessary, he may dispense with such advertisement and sale, and on the expiration of fourteen days’ notice served by the Mining Commissioner upon the registered holder of the licence, and upon the registered holder of any mortgage bond over such stand, calling upon them to pay up all arrear licence moneys, together with any additional sums and costs due in connection with such stand licence, the Mining Commissioner may cancel the licence and thereupon such stand shall be deemed to have ceased to exist, and if on proclaimed land may (unless it is a place referred to in paragraph (a) of sub-section (1) of section *fifty-two*) be dealt with by the Governor-General in any of the ways provided by section *thirty*”.
- 30
35. Artikel *honderd-en-twee* van die Hoofwet word hiermee gewysig deur invoeging, na die woorde „*ninety-nine*” in die aanhef, van die woorde „(other than the proviso to sub-section (3), which shall be deemed to be inserted at the end of sub-section (3) of this section)”. Wysiging van artikel 102 van Wet 35 van 1908.
- 35
- 45 (3), which shall be deemed to be inserted at the end of sub-section (3) of this section)”. Wysiging van artikel 119 van Wet 35 van 1908.
36. Artikel *honderd-en-negentien* van die Hoofwet word hiermee gewysig—
- 40
- (a) deur paragraaf (2) te skrap en te vervang deur die volgende paragraaf:—
- 50
- „(2) the maximum number of claims which may be pegged in accordance with section *forty-two* shall be one hundred”; en
- 55
- (b) deur al die woorde na die woorde „precious metals” in sub-paragraaf (b) van paragraaf (8) te skrap, en te vervang deur die woorde: „have been worked in combination with such base metals and that the base metals do not preponderate in value”.
- 60
37. Artikel *honderd-en-twintig* van die Hoofwet word hiermee gewysig deur al die woorde wat aan die woorde „the Governor” voorafgaan, te skrap en te vervang deur die volgende woorde:— Wysiging van artikel 120 van Wet 35 van 1908.
- 65
- „Whenever in the course of mining any base metal on private land, precious metal is mined in combination with such base metal and the precious metal won or recovered exceeds in net value the base metal won or recovered by twenty-five per cent. over a period of three successive years”.
- 70
38. Die volgende nuwe artikel word hiermee na artikel *honderd-sewen-en-twintig* in die Hoofwet ingevoeg:— Invoeging van nuwe artikel 127bis in Wet 35 van 1908.
- 75
- 127bis. (1) Whenever the Minister is satisfied, on the report of the Government Mining Engineer, that any holder of mining title is in danger of having to curtail, suspend, or cease mining operations, the Governor-General may, after notice to the holder of the mining title, and to any mortgagee thereof appoint a commission to enquire into the matter and report thereon to him and the provisions of sub-sections (3), (4) and (5) of the said section shall *mutatis mutandis* apply to such commission.
- 80

(2) If after considering the commission's report the Minister is of opinion that curtailment, suspension or cessation of mining operations by the holder of the mining title is in danger of taking place, and that adequate steps can be taken to remove that danger, the Minister may, subject to the approval of the Governor-General, call upon the holder of the mining title by written notice, to carry on mining operations in such a manner as to effect such removal within a period to be fixed in such notice, and if within such period the holder of the mining title fails to carry on mining operations in accordance with the said notice, he shall, notwithstanding anything in this Act or any other law contained, be debarred from exercising any rights held by him under his mining title and the Governor-General may dispose of such rights in the manner provided in sub-section (6) of section *one hundred and twenty-seven* and the provisions of sub-sections (7), (8), (9), (10), (11) and (12) of that section shall thereupon apply.

(3) Whenever the holder of mining title is debarred under this section or under sub-section (6) of section *one hundred and twenty-seven* from exercising his rights held under such title, the Government Mining Engineer and any person authorized by him shall have access to the land to which such title relates and may carry out any work necessary to prevent damage to any mine or works on the said land".

Amendment of section 136 of Act 35 of 1908.

39. Section *one hundred and thirty-six* of the principal Act is hereby amended—

- (a) by the insertion in sub-section (6) after the words "resides upon" of the words "or uses"; and
- (b) by the addition at the end of sub-section (8) of the following words:

"The fact that the property damaged belonged wholly or in part to the accused shall not exonerate him from liability unless it be proved that no person was or could be prejudiced by the damage".

Substitution of section 137 of Act 35 of 1908.

40. Section *one hundred and thirty-seven* of the principal Act is hereby repealed and the following section substituted therefor:

"State land 137. All State land proclaimed a public digging for the mining of precious metals under the provisions of Law No. 15 of 1898 (Transvaal), or of a prior law shall be deemed to have been proclaimed under this Act, upon the first day of January, 1909, a public digging for the mining of base metals".

Substitution of section 138 of Act 35 of 1908.

41. The following section is hereby substituted for the repealed section *one hundred and thirty-eight* of the principal Act:

"Permit to retain and treat tailings, slimes, etc., on lapsed claims. 138. (1) The holder of any mining title who proposes to abandon such title or to allow it to lapse or who has already abandoned such title or allowed it to lapse may, subject to the provisions of this section, obtain a licence to retain possession of and treat or otherwise utilize any tailings, slimes, waste rock or other residues on the land held under such mining title, which were produced therefrom prior to such abandonment or lapsing.

(2) Application for such licence shall be made to the Mining Commissioner who may on receipt of such application and of a fee of twenty shillings, issue a licence in respect thereof for a period of one month. Such licence shall be renewed from time to time by the Mining Commissioner on payment of a further fee of twenty shillings per month.

(3) If, within a period of three months after the abandonment or lapsing of the mining title, no application for a licence in respect of any such residues is made by the former holder of such title, or if such licence having been issued, is not renewed within a period of three months from the date of its expiry, such residues shall be deemed to have been abandoned, and the Mining Commissioner may, on application, issue a licence under this section to any person.

(4) Any licence granted under this section may be transferred as to either the whole or a part of

(2) If after considering the commission's report the Minister is of opinion that curtailment, suspension or cessation of mining operations by the holder of the mining title is in danger of taking place, and that adequate steps can be taken to remove that danger, the Minister may, subject to the approval of the Governor-General, call upon the holder of the mining title by written notice, to carry on mining operations in such a manner as to effect such removal within a period to be fixed in such notice, and if within such period the holder of the mining title fails to carry on mining operations in accordance with the said notice, he shall, notwithstanding anything in this Act or any other law contained, be debarred from exercising any rights held by him under his mining title and the Governor-General may dispose of such rights in the manner provided in sub-section (6) of section *one hundred and twenty-seven* and the provisions of sub-sections (7), (8), (9), (10), (11) and (12) of that section shall thereupon apply.

(3) Whenever the holder of mining title is debarred under this section or under sub-section (6) of section *one hundred and twenty-seven* from exercising his rights held under such title, the Government Mining Engineer and any person authorized by him shall have access to the land to which such title relates and may carry out any work necessary to prevent damage to any mine or works on the said land."

39. Artikel *honderd-ses-en-dertig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 136 van Wet 35 van 1908.

(a) deur in sub-artikel (6) die woorde „or uses" na die woorde „resides upon" in te voeg; en
(b) deur die volgende woorde aan die end van sub-artikel (8) by te voeg:—

„The fact that the property damaged belonged wholly or in part to the accused shall not exonerate him from liability unless it be proved that no person was or could be prejudiced by the damage".

40. Artikel *honderd-sewen-en-dertig* van die Hoofwet word hiermee herroep en deur die volgende artikel vervang:— Vervanging van artikel 137 van Wet 35 van 1908.

137. All State land proclaimed a public digging for the mining of precious metals under the provisions of Law No. 15 of 1898 (Transvaal), or of a prior law shall be deemed to have been proclaimed under this Act, upon the first day of January, 1909, a public digging for the mining of base metals".

41. Die herroepe artikel *honderd-agt-en-dertig* van die Hoofwet word hiermee deur die volgende artikel vervang:— Vervanging van artikel 138 van Wet 35 van 1908.

138. (1) The holder of any mining title who proposes to abandon such title or to allow it to lapse or who has already abandoned such title or allowed it to lapse may, subject to the provisions of this section, obtain a licence to retain possession of and treat or otherwise utilize any tailings, slimes, waste rock or other residues on the land held under such mining title, which were produced therefrom prior to such abandonment or lapsing.

(2) Application for such licence shall be made to the Mining Commissioner who may on receipt of such application and of a fee of twenty shillings, issue a licence in respect thereof for a period of one month. Such licence shall be renewed from time to time by the Mining Commissioner on payment of a further fee of twenty shillings per month.

(3) If, within a period of three months after the abandonment or lapsing of the mining title, no application for a licence in respect of any such residues is made by the former holder of such title, or if such licence having been issued, is not renewed within a period of three months from the date of its expiry, such residues shall be deemed to have been abandoned, and the Mining Commissioner may, on application, issue a licence under this section to any person.

(4) Any licence granted under this section may be transferred as to either the whole or a part of

the residues referred to therein by the holder thereof: Provided that a separate licence shall be obtained for any transfer in respect of any portion of the residues so transferred. Any licence issued under this section and every transfer thereof shall be registered in accordance with the laws governing the registration of mining title.

(5) One-half of the licence fees paid under this section shall be paid to the owner of the land to which the licence relates.

(6) No licence shall be issued under this section if, in the opinion of the Government Mining Engineer, the land upon which such residues are situate is likely to be required for mining purposes or for purposes incidental to mining and no licence issued under this section shall be renewed if the residues held thereunder are not being worked, treated or otherwise utilised to the satisfaction of the Mining Commissioner or unless he is satisfied that there are good and sufficient reasons for such inactivity.

Addition of Fourth Schedule to Act 35 of 1908. 42. The Schedule to this Act is hereby embodied in the principal Act as the Fourth Schedule thereto.

Amendment of section 5 of Act 34 of 1908 (Transvaal). 43. Section *five* of the Townships Amendment Act, 1908 (Transvaal) is hereby amended by the deletion of sub-sections (1), (2) and (3) and the substitution therefor of the following sub-sections:—

“(1) Notwithstanding anything in any other law contained, the Governor-General may, whenever the Minister of Mines considers it in the public interest to do so, cause a township to be established on any proclaimed land as defined in section *three* of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908) or on any land whereon a right to mine, lawfully granted, existed on the first day of January, 1909, notwithstanding that such land is not proclaimed land.

(2) Any such land required for a township shall be reserved by the Governor-General for a township by notice in the *Gazette*.

(3) The Governor-General may attach special conditions to the establishment of any such township for any purposes incidental to mining or to the proper administration of the proclaimed land under any law and as soon as may be after such land has been reserved and the said conditions, if any, decided upon, the Administrator shall be advised thereof, and the township shall thereupon be established and administered, subject to the provisions of this Act, and of the Townships and Town Planning Ordinance, 1931 (Ordinance No. 11 of 1931 Transvaal). ”

Amendment of section 1 of Act 13 of 1910 (Transvaal) as substituted by section 1 of Act 10 of 1924. 44. Sub-section (5) of section *five* of the Trading on Mining Ground Regulation Act, 1910 (Transvaal) is hereby amended—

(a) by the deletion of the words “mining commissioner” in the fourth paragraph of that sub-section and the substitution therefor of the words “Commissioner for Inland Revenue or any person deputed by him for that purpose”;

(b) by the addition of the following new paragraph at the end thereof:

“For the purpose of obtaining full information in respect of such rent the provisions of sections *forty-one* and *forty-two* of the Income Tax Act, 1925 (Act No. 40 of 1925) shall *mutatis mutandis* apply ”.

Amendment of section 1 of Act 19 of 1917. 45. Section *one* of the Sale of Agricultural Produce on certain Mines Act, 1917 (Act No. 19 of 1917) is hereby amended—

(a) by the deletion of the words “and milk” in the definition of “agricultural produce” and the substitution therefor of the words “milk, poultry, eggs, leaf tobacco, honey, home-made bread and home-made pastry”; and

(b) by the deletion of the definition of “licensee” and the substitution of the following definition: “‘licensee’ shall mean any individual to whom a licence has been granted in terms of section *two* of this Act to sell agricultural produce ”.

Amendment of section 2 of Act 19 of 1917. 46. Section *two* of the said Act No. 19 of 1917 is hereby amended—

(i) by the deletion of paragraph (a) and the substitution therefor of the following paragraph:

the residues referred to therein by the holder thereof: Provided that a separate licence shall be obtained for any transfer in respect of any portion of the residues so transferred. Any licence issued under this section and every transfer thereof shall be registered in accordance with the laws governing the registration of mining title.

(5) One-half of the licence fees paid under this section shall be paid to the owner of the land to which the licence relates.

(6) No licence shall be issued under this section if, in the opinion of the Government Mining Engineer, the land upon which such residues are situate is likely to be required for mining purposes or for purposes incidental to mining and no licence issued under this section shall be renewed if the residues held thereunder are not being worked, treated or otherwise utilised to the satisfaction of the Mining Commissioner or unless he is satisfied that there are good and sufficient reasons for such inactivity".

42. Die Bylae tot hierdie Wet word hiermee in die Hoofwet opgeneem as sy Vierde Bylae.

Byvoeging van
Vierde Bylae tot
Wet 35 van 1908.

43. Artikel *vyf* van die „Townships Amendment Act, 1908" (Transvaal) word hiermee gewysig deur sub-artikels (1), (2) en (3) te skrap en te vervang deur die volgende sub-artikels:—

Wysiging van
artikel 5 van
Wet 34 van 1908
(Transvaal).

„(1) Notwithstanding anything in any other law contained, the Governor-General may, whenever the Minister of Mines considers it in the public interest to do so, cause a township to be established on any proclaimed land as defined in section *three* of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908) or on any land whereon a right to mine, lawfully granted, existed on the first day of January, 1909, notwithstanding that such land is not proclaimed land.

(2) Any such land required for a township shall be reserved by the Governor-General for a township by notice in the *Gazette*.

(3) The Governor-General may attach special conditions to the establishment of any such township for any purposes incidental to mining or to the proper administration of the proclaimed land under any law and as soon as may be after such land has been reserved and the said conditions, if any, decided upon, the Administrator shall be advised thereof, and the township shall thereupon be established and administered, subject to the provisions of this Act, and of the Townships and Town Planning Ordinance, 1931 (Ordinance No. 11 of 1931, Transvaal)".

44. Sub-artikel (5) van artikel *vyf* van die „Trading on Mining Ground Regulation Act, 1910" (Transvaal) word hiermee gewysig—

Wysiging van
artikel 1 van
Wet 13 van 1910
(Transvaal) soas
vervang deur
artikel 1 van
Wet 10 van 1924.

(a) deur die woorde „mining commissioner" in die Vierde paragraaf van daardie sub-artikel te skrap en te vervang deur die woorde „Commissioner for Inland Revenue or any person deputed by him for that purpose"; en

(b) deur die volgende nuwe paragraaf aan die end toe te voeg:—

„For the purpose of obtaining full information in respect of such rent the provisions of sections *forty-one* and *forty-two* of the Income Tax Act, 1925 (Act No. 40 of 1925) shall *mutatis mutandis* apply".

45. Artikel *een* van die „Verkoop van Landbouvoortbrengselen op zekere Mijnen Wet, 1917" (Wet No. 19 van 1917) word hiermee gewysig—

Wysiging van
artikel 1 van
Wet 19 van 1917.

(a) deur die woorde „en melk" in die omskrywing van „landbouvoortbrengselen" te skrap en te vervang deur die woorde „melk, pluimvee, eieren, blad-tabak, honing, huisbakken brood en huisbakken koek"; en

(b) deur die omskrywing van „licentiehouders" te skrap en te vervang deur die volgende omskrywing: „betekend „licentiehouders" een individu aan wie ingevolge artikel *twee* van deze Wet een licentie verleend werd om landbouvoortbrengselen te verkopen".

46. Artikel *twee* van voormelde Wet No. 19 van 1917 word hiermee gewysig—

Wysiging van
artikel 2 van
Wet 19 van 1917.

(i) deur paragraaf (a) te skrap en te vervang deur die volgende paragraaf:—

"(a) such licence may only be issued on the recommendation of the Miners' Phthisis Board, established by section *three* of the Miners' Phthisis Acts Consolidation Act, 1925 (Act No. 35 of 1925) to a beneficiary as defined by section *seventy-six* of the said Act, or to a person who on the date when this paragraph comes into operation, is engaged whether on his own behalf or on behalf of a principal in selling agricultural produce by virtue of a licence issued under this Act"; and

(ii) by the deletion of paragraph (f) and the substitution thereof of the following paragraph:—

"(f) every licence shall provide that the sale of agricultural produce thereunder shall be conducted only by or under the personal supervision of the licensee and not by an agent".

Amendment of section 3 of Act 19 of 1917.

47. Section *three* of the said Act No. 19 of 1917 is hereby amended by the addition thereto of the following new sub-sections (2) and (3), the existing section becoming sub-section (1):—

"(2) Every licensee and every employee of a licensee assisting the latter in the sale of agricultural produce shall produce to the manager of any mine where the licensee is authorized by his licence to sell agricultural produce before commencing business operations at that mine and every six months from the date of the licence or from the date of commencement of the employment of such employee, as the case may be, a certificate from the Miners' Phthisis Medical Bureau, which is shown by a signed or stamped photograph of the licensee or employee as the case may be to relate to him, stating that the person mentioned therein is medically fit to sell agricultural produce on a mine.

(3) If such licensee sells agricultural produce at any such mine after having failed to produce such a certificate relating to himself or while employing an assistant at such sale who has failed to produce such a certificate relating to such assistant, as required by sub-section (2), the manager of such mine shall inform the Mining Commissioner and the Minister shall thereupon revoke such licence".

Amendment of section 5 of Act 19 of 1917.

48. Section *five* of the said Act No. 19 of 1917 is hereby amended by the deletion of the words: "or that are not grown or produced by himself or by a member of the combination to which he belongs or in the case of an agent, by his principal".

Amendment of section 6 of Act 19 of 1917.

49. Section *six* of the said Act No. 19 of 1917 is hereby amended—

(i) by the deletion in paragraph (a) of the words "or Ordinance No. 11 thereof of 1914 (Transvaal)" and the substitution thereof of the words "the law relating to shop hours".

(ii) by the deletion of paragraph (b) and the substitution thereof of the following paragraph:—

"(b) the manner in which a licensee or his employees may enter or leave a mine, and the manner in which the business of the licensee may be conducted".

Amendment of section 5 of Act 30 of 1918.

50. (1) Sub-section (3) of section *five* of the Transvaal Mining Leases and Mineral Law Amendment Act, 1918 (Act No. 30 of 1918) and the Second Schedule to that Act are hereby repealed and the following sub-section substituted for the said sub-section:—

"(3) The share of the profits referred to in paragraph (b) of sub-section (1) shall be assessed in like manner as the taxable income derived from mining operations is assessed for the purposes of the law relating to income tax, and such share shall be recovered in like manner as the tax on income derived from mining operations is recovered under the said law, and all the provisions of that law relating to the determination and recovery of income tax shall apply *mutatis mutandis* to the determination and recovery of the share of the profits payable to the State under any lease under this section".

- 5 „(a) zulk een licentie slechts op aanbeveling van de
door artikel *drie* van de Mijnteringwetten Konsoli-
datiewet, 1925 (Wet No. 35 van 1925) ingestelde
Mijnteringraad uitgereikt mag worden aan een
bevoordeelde, zoals omschreven in artikel *zes en*
10 *zeventig* van bedoelde Wet of iemand die op de
dag wanneer deze paragraaf in werking treedt,
zich, hetzij op eigen rekening of op rekening
van een lastgever, bezig houdt met het verkopen
van landbouwvoortbrengselen, krachtens een
ingevolge deze Wet uitgereikte licentie”; en
- (ii) deur paragraaf (*f*) te skrap en te vervang deur die
volgende paragraaf:—
- 15 (*f*) iedere licentie bepalen moet dat landbouwvoort-
brengselen krachtens die licentie slechts door
de licentiehouden of onder zijn persoonlik toe-
zicht en niet door een lasthebber verkocht mogen
worden”.
47. Artikel *drie* van voormelde Wet No. 19 van 1917, word Wysiging van
20 hiermee gewysig deur die volgende nuwe sub-artikels (2) en (3) artikel 3 van
daaraan toe te voeg, waardeur die bestaande artikel sub-artikel Wet 19 van 1917.
(1) word:—
- 25 „(2) Iedere licentiehouden en iedere bediende van een
licentiehouden die laatstbedoelde behulpzaam is bij het
verkopende van landbouwvoortbrengselen, moet aan de
bestuurder van iedere mijn waar de licentiehouden
krachtens zijn licentie gerechtigd is om landbouwvoort-
brengselen te verkopen, alvorens bij die mijn handel te
30 drijven en alle zes maanden vanaf de dagtekening van de
licentie of, al naar het geval, vanaf de dag waarop bedoelde
bediende zijn dienst begonnen is, een certifikaat van
het geneeskundige bureau, vermeld in artikel *tien* van
voormelde Wet No. 35 van 1925, overleggen, dat op
grond van een ondertekend en gestempeld portret van de
35 licentiehouden of bediende, al naar het geval, blijkt op
hem betrekking te hebben, waarin verklaard word,
dat de daarin genoemde persoon geneeskundig geschikt
is om landbouwvoortbrengselen bij een mijn te verkopen.
- (3) Indien zulk een licentiehouden bij zulk een mijn
40 landbouwvoortbrengselen verkoopt nadat hij verzuimd
heeft om zulk een certifikaat dat op hemzelf betrekking
heeft, over te leggen of terwyl hij bij zulk een verkoop
bijgestaan word door een bediende die verzuimd heeft
om een certifikaat dat op die bediende betrekking heeft,
45 over te leggen, volgens voorschrift van sub-artikel (2),
moet de bestuurder van de betrokken mijn de mijnkom-
missaris ervan in kennis stellen en daarop trekt de
Minister de licentie in”.
48. Artikel *vyf* van voormelde Wet No. 19 van 1917 word Wysiging van
50 hiermee gewysig deur die volgende woorde te skrap: „of die artikel 5 van
niet door hemzelf of door een lid van de kombinatie waartoe Wet 19 van 1917.
hij behoort, of in het geval van een agent, door zijn lastgever
verbouwd of voortgebracht zijn”.
49. Artikel *ses* van voormelde Wet No. 19 van 1917 word Wysiging van
55 hiermee gewysig— artikel 6 van
Wet 19 van 1917.
- (i) deur in paragraaf (*a*) die woorde „Ordonantie No. 11
van 1914 (Transvaal)” te skrap en te vervang deur
die woorde „de rechtsbepalingen op winkelluren”; en
- (ii) deur paragraaf (*b*) te skrap en te vervang deur die
60 volgende paragraaf:—
„(*b*) de wijze waarop een licentiehouden of zijn bedien-
den een mijn mogen betreden of verlaten en de
wijze waarop de handel van de licentiehouden
gedreven mag worden”.
50. (1) Sub-artikel (3) van artikel *vyf* van die „Transvaal Wysiging van
65 Mijnverhuring en Minerale Wet Wijzigingswet, 1918” (Wet artikel 5 van
No. 30 van 1918) en die Tweede Bylae tot daardie Wet word Wet 30 van 1918.
hiermee herroep en bedoelde sub-artikel word deur die volgende
sub-artikel vervang:—
- 70 „(3) Het aandeel in de winsten vermeld in paragraaf
(*b*) van sub-artikel (1) word bepaald op dezelfde wijze
waarop de belastbare inkomsten uit het mijnbedrijf
bepaald worden voor de toepassing van de wet op inkomste-
belasting en dat aandeel word ingevorderd op dezelfde
75 wijze waarop de belasting op inkomsten uit het mijnbe-
drijf ingevolge bedoelde wet ingevorderd word en alle
bepalingen van die wet aangaande de bepaling en invor-
dering van inkomstebelasting zijn *mutatis mutandis* van
toepassing op de vaststelling en invordering van het aan
80 de Staat verschuldigde aandeel in die winst krachtens een
huurkontraakt ingevolge dit artikel”.

(2) The provisions of the new sub-section (3) substituted by sub-section (1) of this section shall not apply to any profits payable to the State under any lease granted before the commencement of this Act or to any profits under a lease of an area which is worked in conjunction with an area leased before such commencement, and the profits payable to the State under both such leases shall be determined and recovered in terms of the sub-section and Schedule repealed by sub-section (1).

Repeal of sections 2, 20 and 24 of Act 30 of 1918. 51. Sections *two, twenty and twenty-four* of the said Act No. 30 of 1918, and the First Schedule to that Act are hereby repealed: Provided that the said Schedule shall, notwithstanding its repeal, remain in force for the purpose of calculating payments to holders of mining title out of the profits of a State mine under section *one hundred and twenty-seven* of the principal Act.

Amendment of section 3 of Act 55 of 1926. 52. Sub-section (1) of section *three* of the Reserved Minerals Development Act, 1926 (Act No. 55 of 1926) is hereby amended by the addition at the end thereof of the following further proviso:—

“ Provided further that in the Province of the Transvaal the owner, licensee or lessee or his nominee who has discovered minerals on his holding, shall be entitled as discoverer only to a mining lease of his prospecting area under section *nineteen* of the Precious and Base Metals Act, 1908, of the Transvaal (Act No. 35 of 1908) ”.

Amendment of section 8 of Act 55 of 1926. 53. Section *eight* of the said Act No. 55 of 1926 is hereby amended—

(a) by the deletion in sub-section (1) of the words “ on the scale specified in the First Schedule to the Transvaal Mining Leases and Mineral Law Amendment Act, 1918 (Act No. 30 of 1918) ” and the substitution therefor of the words “ on a sliding scale fixed in each case by the Minister on the recommendation of the Mining Leases Board established by section *one* of the said Act ”; and

(b) by the deletion of the second paragraph of sub-section (1) and the substitution therefor of the following paragraph:—

“ The share of the profits referred to in this section shall be determined in like manner as the taxable income derived from mining operations is determined for the purposes of the law relating to income tax and such share shall be recovered in like manner as the tax upon income derived from mining operations is recovered under that law, and all the provisions of that law relating to the determination and recovery of income tax shall apply *mutatis mutandis* to the determination and recovery of the share of the profits payable to the State under any lease under this section ”;

(c) by the addition of the following new sub-section at the end of the section:—

“ (11) No transfer duty and no stamp duty shall be payable in respect of any lease under section *seven* or in respect of any cession of any such lease: Provided that the lessee shall pay to the Government in addition to the Government's share of the profits aforesaid, a sum equal to one and one quarter per cent. of such share, and if transfer duty would, but for this sub-section, be payable into the revenue fund of the province wherein the land subject to the lease is situate under any law in force in that province, the said additional sum shall be paid over to the revenue fund of that province ”.

Manner of payment of certain licence moneys or rent on mining title in townships.

54. (1) If a mining title as defined in the principal Act embraces two or more pieces of land in a township, and those pieces belong to different persons, any share of licence moneys or rent payable in respect of such mining title which would, but for the provisions of this section, have accrued to such persons under the principal Act or the Transvaal Mining Leases and Mineral Law Amendment Act, 1918 (Act No. 30 of 1918) shall be paid over to the local authority within whose

(2) Die bepalings van die nuwe sub-artikel (3) vervat in sub-artikel (1) van hierdie artikel, is nie van toepassing op winste wat aan die Staat verskuldig is kragtens 'n voor die inwerkingtreding van hierdie Wet aangegane huurkontrak of op die winste kragtens die huur van 'n terrein wat bewerk word tesame met 'n voor daardie inwerkingtreding verhuurde terrein en die winste wat kragtens albei daardie huurkontrakte aan die Staat verskuldig is, word bepaal en ingevorder volgens bedoelde sub-artikel en die Bylae wat deur sub-artikel (1) herroep word.

51. Artikels *twee*, *twintig* en *vier-en-twintig* van voormelde Wet No. 30 van 1918 en die Eerste Bylae tot daardie Wet word hiermee herroep: Met dien verstande dat bedoelde Bylae, niteenstaande sy herroeping, van krag bly tot bepaling van 15 bepaling van betalings aan besitters van myntitels uit die wins uit 'n Staatsmyn kragtens artikel *honderd-seven-en-twintig* van die Hoofwet.

Herroeping van artikels 2, 20 en 24 van Wet 30 van 1918.

52. Sub-artikel (1) van artikel *drie* van die „Wet op Ontginning van Voorbehouden Mineralen, 1926” (Wet No. 55 van 1926) word hiermee gewysig deur die volgende verdere 20 voorbehoudsbepaling daaraan toe te voeg:—

Wysiging van artikel 3 van Wet 55 van 1926.

„Met dien verstande voorts, dat in de provincie Transvaal de eigenaar, licentiehouders of huurder of zijn gemachtigde, die mineralen op zijn hoeve ontdekt heeft, als ontdekker 25 gerechtigd is slechts tot een mijnhuur van zijn prospekter-terrein krachtens artikel *negentien* van de „Precious and Base Metals Act, 1908” van Transvaal (Wet No. 35 van 1908)”.

53. Artikel *agt* van voormelde Wet No. 55 van 1926 word 30 hiermee gewysig—

Wysiging van artikel 8 van Wet 55 van 1926.

(a) deur die woorde „volgens de schaal opgenomen in de Eerste Bijlage van de Transvaal Mijnverhuring en Minerale Wet Wijzigingswet, 1918 (Wet No. 30 van 1918)” te skrap en te vervang deur die woorde „volgens 35 een stijgende schaal voor ieder geval vastgesteld door de Minister, op aanbeveling van de door artikel *een* van bedoelde wet ingestelde Mijnverhuringsraad”; en

(b) deur die tweede sinsnede van sub-artikel (1) te skrap 40 en te vervang deur die volgende sinsnede:—

„Het aandeel in de winst bedoeld in dit artikel, 45 wordt bepaald op dezelfde wijze waarop de belastbare inkomsten uit het mijnbedrijf bepaald worden voor de toepassing van de wet op inkomstebelasting en dat aandeel wordt ingevorderd op dezelfde wijze waarop de belasting op inkomsten uit het mijnbedrijf ingevolge die wet ingevorderd wordt, en alle bepalingen 50 van die wet aangaande de bepaling en invordering van inkomstebelasting zijn *mutatis mutandis* van toepassing op de bepaling en invordering van het aan de Staat verschuldigde aandeel in de winst krachtens een huurkontrak ingevolge dit artikel”; en

(c) deur die volgende nuwe sub-artikel aan die end van 55 die artikel by te voeg:—

„(11) Geen hererechten en geen zegelrechten zijn verschuldigd in verband met een huur ingevolge 60 artikel *zeven* of in verband met een overdracht van zulk een huur: Met dien verstande dat de huurder, benevens voormeld aandeel van de Regering in die winst, aan de Regering moet uitbetalen een som gelijk aan een en een kwart per cent van dat aandeel en indien, afgezien van dit sub-artikel, hererechten 65 zouden moeten betaald worden in het inkomstefonds van de provincie waarin de grond, waarop de huur betrekking heeft, gelegen is, krachtens een in die provincie geldende wet, moet bedoelde bijkomende som overbetaald worden aan het inkomstefonds van 70 die provincie”.

54. (1) Wanneer 'n myntitel, soas in die Hoofwet omskrywe, twee of meer stukke grond in 'n dorp omvat, en daardie 75 stukke grond behoort aan verskillende persone, dan word enige aandeel in lisensiegelde of huur, verskuldig in verband met daardie myntitel, wat afgesien van die bepalings van hierdie artikel, kragtens die Hoofwet of kragtens die „Transvaal Mijnverhuring en Minerale Wet Wijzigings-Wet, 1918” (Wet No. 30 van 1918), aan bedoelde persone sou toekom, uitbetaal aan die plaaslike bestuur binne wie se gebied die dorp geleë

Betalingswyse van sekere lisensiegelde of huur op myntitelgrond in dorpe.

area of jurisdiction such township is situate, or in the absence of any such local authority, to the provincial revenue fund.

(2) The provisions of this section shall be deemed to have come into operation on the first day of January, 1909: Provided that any share of such licence moneys or rent as aforesaid paid to any person before the commencement of this Act, shall be deemed to have been lawfully paid and no other person shall have any claim against the Government in respect of any part of such share.

Short title.

55. This Act shall be known as the Mineral Law Amendment Act, 1934, and shall come into operation on the first day of July, 1934.

Schedule.

(Embodied in Act No. 35 of 1908 (Transvaal) as the Fourth Schedule thereof.)

FOURTH SCHEDULE.

An illustration of the calculation of the capital allowance referred to in section *nineteen* of this Act and its application in determining the division of profits.

It is assumed that the lessee commenced mining operations on the 1st January, 1933, and incurred £1,620,000 in capital expenditure up to the date of commencement of milling on the 1st January, 1938.

FIRST YEAR—1933.			
Month.	Capital Expenditure.	Capital Allowance.	
January	£10,000	£687	
February	10,000	625	
March	10,000	562	
April	10,000	500	
May	10,000	437	
June	10,000	375	
July	10,000	312	
August	10,000	250	
September	10,000	187	
October	10,000	125	
November	10,000	62	
December	10,000	—	
Totals to carry forward ..	£120,000	£4,122	

SECOND YEAR—1934.			
	Capital Expenditure.	Capital Allowance.	
Capital expenditure and capital allowance brought forward	£120,000	£4,122	
7½% p.a. on capital expenditure incurred in the previous year		9,000	
Further capital expenditure and capital allowance :—			
Month.	Capital Expenditure.	Capital Allowance.	
January	£20,000	£1,375	
February	20,000	1,250	
March	20,000	1,125	
April	20,000	1,000	
May	20,000	875	
June	20,000	750	
July	20,000	625	
August	20,000	500	
September	20,000	375	
October	20,000	250	
November	20,000	125	
December	20,000	—	
Totals for the year ..	£240,000	£8,250	
Totals to carry forward	£360,000	£21,372	

THIRD YEAR—1935.			
Brought forward from previous year ..	£360,000	£21,372	
7½% capital allowance on the total capital expenditure to the end of previous year ..		27,000	
Further capital expenditure and capital allowance :—			
Month.	Capital Expenditure.	Capital Allowance.	
January	£30,000	£2,062	
February	30,000	1,875	
March	30,000	1,688	
April	30,000	1,500	
May	30,000	1,312	
June	30,000	1,125	
July	30,000	938	
August	30,000	750	
September	30,000	562	
October	30,000	375	
November	30,000	188	
December	30,000	—	
Totals for the year ..	£360,000	£12,375	
Totals to carry forward	£720,000	£60,747	

is of by ontbreke van so 'n plaaslike bestuur, aan die provinsiale inkomstefonds.

(2) Die bepaling van hierdie artikel word geag op die eerste dag van Januarie 1909 in werking te getree het: Met dien verstande dat 'n aandeel in voormelde lisensiegelde of huur wat voor die inwerkingtreeding van hierdie Wet aan een of ander persoon uitbetaal is, geag word wettig uitbetaal te wees en dat niemand anders 'n aanspraak het teen die Regering vir enige deel van daardie aandeel.

10 55. Hierdie Wet heet die Minerale Wysigingswet, 1934, en Kort titel. tree op die eerste dag van Julie 1934 in werking.

Bylae.

(In Wet No. 35 van 1908 (Transvaal) opgeneem as sy Vierde Bylae.)

FOURTH SCHEDULE.

An illustration of the calculation of the capital allowance referred to in section *nineteen* of this Act and its application in determining the division of profits.

It is assumed that the lessee commenced mining operations on the 1st January, 1933, and incurred £1,620,000 in capital expenditure up to the date of commencement of milling on the 1st January, 1938.

FIRST YEAR—1933.				
Month.	Capital Expenditure.	Capital Allowance.		
January	£10,000	£687		
February	10,000	625		
March	10,000	562		
April	10,000	500		
May	10,000	437		
June	10,000	375		
July	10,000	312		
August	10,000	250		
September	10,000	187		
October	10,000	125		
November	10,000	62		
December	10,000	—		
Totals to carry forward ..	£120,000	£4,122		
SECOND YEAR—1934.				
	Capital Expenditure.	Capital Allowance.		
Capital expenditure and capital allowance brought forward	£120,000	£4,122		
7½% p.a. on capital expenditure incurred in the previous year		9,000		
Further capital expenditure and capital allowance :—				
Month.	Capital Expenditure.	Capital Allowance.		
January	£20,000	£1,375		
February	20,000	1,250		
March	20,000	1,125		
April	20,000	1,000		
May	20,000	875		
June	20,000	750		
July	20,000	625		
August	20,000	500		
September	20,000	375		
October	20,000	250		
November	20,000	125		
December	20,000	—		
Totals for the year ..	£240,000	£8,250	240,000	8,250
Totals to carry forward			£360,000	£21,372
THIRD YEAR—1935.				
Brought forward from previous year	£360,000	£21,372		
7½% capital allowance on the total capital expenditure to the end of previous year. .		27,000		
Further capital expenditure and capital allowance :—				
Month.	Capital Expenditure.	Capital Allowance.		
January	£30,000	£2,062		
February	30,000	1,875		
March	30,000	1,688		
April	30,000	1,500		
May	30,000	1,312		
June	30,000	1,125		
July	30,000	938		
August	30,000	750		
September	30,000	562		
October	30,000	375		
November	30,000	188		
December	30,000	—		
Totals for the year ..	£360,000	£12,375	360,000	12,375
Totals to carry forward			£720,000	£60,747

FOURTH YEAR—1936.

				Capital Expenditure.	Capital Allowance.
Brought forward from previous year ..				£720,000	£60,747
7½% capital allowance on the total capital expenditure to the end of previous year..					54,000
Further capital expenditure and capital allowance :—					
Month.				Capital Expen- diture.	Capital Allow- ance.
January .. ..	..	..	..	£35,000	£2,406
February .. ..	..	..	..	35,000	2,187
March .. ..	..	..	..	35,000	1,969
April .. ..	..	..	..	35,000	1,750
May .. ..	..	..	..	35,000	1,531
June .. ..	..	..	..	35,000	1,312
July .. ..	..	..	..	35,000	1,094
August .. ..	..	..	..	35,000	875
September .. ..	..	..	..	35,000	656
October .. ..	..	..	..	35,000	437
November .. ..	..	..	..	35,000	219
December .. ..	..	..	..	35,000	—
Totals for the year ..	..	..	..	£420,000	14,436
Totals to carry forward				£1,140,000	£129,183

FIFTH YEAR—1937.

Brought forward from previous year ..				£1,140,000	£129,183
7½% capital allowance on the total capital expenditure to the end of previous year..					85,500
Further capital expenditure and capital allowance :—					
Month.				Capital Expen- diture.	Capital Allow- ance.
January .. ..	..	..	..	£40,000	£2,750
February .. ..	..	..	..	40,000	2,500
March .. ..	..	..	..	40,000	2,250
April .. ..	..	..	..	40,000	2,000
May .. ..	..	..	..	40,000	1,750
June .. ..	..	..	..	40,000	1,500
July .. ..	..	..	..	40,000	1,250
August .. ..	..	..	..	40,000	1,000
September .. ..	..	..	..	40,000	750
October .. ..	..	..	..	40,000	500
November .. ..	..	..	..	40,000	250
December .. ..	..	..	..	40,000	—
Totals for the year ..	..	..	..	£480,000	£16,500
Totals at the date of commencement of Milling				£1,620,000	£231,183

FIRST YEAR OF PRODUCTION.

Lease consideration payable.						
Formula in terms of Lease being						
$y = 50 - \frac{1200}{x}$ minimum payment of 10%.						
Revenue for the year .. ..	..	..	..	..	..	£350,000
Expenditure .. ..	..	..	..	..	..	400,000
Working Loss						£50,000
Redemption allowance (life of mine being 20 years from 1.1.38) = $\frac{1620000}{20}$						81,000
Loss to be carried forward						£131,000
Capital expenditure and capital allowance to be carried forward :—						

	Capital Expenditure.	Capital Allowance.
As at date of milling	£1,620,000	£231,183
Capital allowance for 1938 ..		121,500
Capital expenditure redeemed ..	81,000	
To carry forward	£1,539,000	£352,683

SECOND YEAR OF PRODUCTION.

SECOND YEAR OF PRODUCTION.						
Revenue for the year	..	..	..	..	..	£1,000,000
Expenditure	..	..	..	..	£700,000	
Loss brought forward	..	..	..	..	131,000	
Further redemption allowance	..	..	..	..	81,000	912,000
Profit	..	..	..	..	..	£88,000

FOURTH YEAR—1936.

		Capital Expenditure.	Capital Allowance.
Brought forward from previous year ..		£720,000	£60,747
7½% capital allowance on the total capital expenditure to the end of previous year..			54,000
Further capital expenditure and capital allowance :—			
	Month.	Capital Expen- diture.	Capital Allow- ance.
January .. ..	..	£35,000	£2,406
February .. ..	..	35,000	2,187
March .. ..	..	35,000	1,969
April .. ..	..	35,000	1,750
May .. ..	..	35,000	1,531
June .. ..	..	35,000	1,312
July .. ..	..	35,000	1,094
August .. ..	..	35,000	875
September .. ..	..	35,000	656
October .. ..	..	35,000	437
November .. ..	..	35,000	219
December .. ..	..	35,000	—
Totals for the year ..		£420,000	14,436
Totals to carry forward ..		£1,140,000	£129,183

FIFTH YEAR—1937.

Brought forward from previous year ..		£1,140,000	£129,183
7½% capital allowance on the total capital expenditure to the end of previous year..			85,500
Further capital expenditure and capital allowance :—			
	Month.	Capital Expen- diture.	Capital Allow- ance.
January .. ..	..	£40,000	£2,750
February .. ..	..	40,000	2,500
March .. ..	..	40,000	2,250
April .. ..	..	40,000	2,000
May .. ..	..	40,000	1,750
June .. ..	..	40,000	1,500
July .. ..	..	40,000	1,250
August .. ..	..	40,000	1,000
September .. ..	..	40,000	750
October .. ..	..	40,000	500
November .. ..	..	40,000	250
December .. ..	..	40,000	—
Totals for the year ..		£480,000	£16,500
Totals at the date of commencement of Milling		£1,620,000	£231,183

FIRST YEAR OF PRODUCTION.

Lease consideration payable.

Formula in terms of Lease being

$$y = 50 - \frac{1200}{x} \text{ minimum payment of } 10\%.$$

Revenue for the year	£350,000
Expenditure	400,000

Working Loss £50,000

Redemption allowance (life of mine being 20 years from 1.1.38) = $\frac{1620000}{20}$ 81,000

Loss to be carried forward £131,000

Capital expenditure and capital allowance to be carried forward :—

	Capital Expenditure.	Capital Allowance.
As at date of milling	£1,620,000	£231,183
Capital allowance for 1938 ..		121,500
Capital expenditure redeemed ..	81,000	
To carry forward	£1,539,000	£352,683

SECOND YEAR OF PRODUCTION.

Revenue for the year	£1,000,000
Expenditure	£700,000
Loss brought forward	131,000
Further redemption allowance	81,000
Profit	£88,000

	Capital Expenditure.	Capital Allowance.
Unredeemed capital expenditure and capital allowance brought forward	£1,539,000	£352,683
Further capital allowance 7½% on £1,539,000		115,425
Capital expenditure redeemed	81,000	
	£1,458,000	468,108
Less profit as above		88,000
To carry forward		£380,108

THIRD YEAR OF PRODUCTION.

	Capital Expenditure.	Capital Allowance.
Revenue for the year	£2,000,000	
Working expenditure	1,000,000	
Redemption allowance	81,000	1,081,000
Net profit		£919,000
Deduct capital allowance :		
Brought forward	380,108	
Further allowance on £1,458,000	109,350	489,458
Profit in which Government participates		£429,542
Application of formula :		
Gross Revenue	2,000,000	
Profit less redemption	919,000	
$z = 45.95\%$		
$y = 50 - \frac{1200}{45.95} = 24\%$		103,090
Balance to Lessee		£326,452

BILL

To amend the law relating to unlawful games and gambling.

(Introduced by the ACTING MINISTER OF JUSTICE.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

Gambling in clubs.

1. Whenever any person is charged with an offence under any law relating to unlawful games or gambling, and the facts proved would establish the commission of such offence by such person, were it not that certain acts were performed in the premises of a club or a similar association of persons or in premises of which such person was a co-owner or co-lessee, such person shall be deemed to be guilty of such offence, and shall be liable on conviction to the penalties prescribed by any law for that offence.

Short title.

2. This Act shall be known as the Gambling Amendment Act, 1933.

THIRD YEAR OF PRODUCTION.

					Capital Expenditure.	Capital Allowance.
Revenue for the year	..	..	..	..	..	£2,000,000
Working expenditure ..	..	..	..	..	1,000,000	
Redemption allowance	..	..	..	..	81,000	1,081,000
Net profit ..	..	..	..	..	..	£919,000
Deduct capital allowance :						
Brought forward ..	..	..	..	..	380,108	
Further allowance on £1,458,000	..	..	..	..	109,350	489,458
Profit in which Government participates	..	..	..	..	..	£429,542
Application of formula :						
Gross Revenue ..	..	..	..	..	2,000,000	
Profit less redemption ..	..	..	..	..	919,000	
$x = 45 \cdot 95\%$						
$y = 50 - \frac{1200}{45 \cdot 95} = 24\%$	..	..	..	..	..	103,090
Balance to Lessee	..	..	..	..	..	£326,452

WETSONTWERP

Tot wysiging van die wet op onwettige spele en dobbelary.

(*Ingedien deur die* WAARNEMENDE MINISTER VAN JUSTISIE.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

1. Wanneer enige persoon aangekla word weens 'n misdryf
5 ingevolge enige wet op onwettige spele of dobbelary, en die
bewese feite die pleging deur bedoelde persoon van bedoel-
de misdryf sou vasstel, was dit nie dat sekere handelings in
die gebou van 'n klub of 'n soortgelyke vereniging van persone,
10 of in 'n gebou waarvan bedoelde persoon 'n mede-eienaar of
mede-huurder was, verrig was, dan word sodanige persoon geag
skuldig te wees aan bedoelde misdryf, en word hy by skuldig-
bevinding met die deur enige wet vir daardie misdryf bepaalde
strawwe gestraf.
2. Hierdie Wet heet die Dobbelary-Wysigingswet, 1933. Kort titel.

PAGE 410. NO. 130. Proclamation of Portions of Farms Nooitgedacht
No. 405 and Winkelhaak No. 280, Rustenburg.

PAGE 411. NO. 131. Deproclamation of Portion Farm Blaauwboschdrift
No. R. 6. Herbert.



THE UNION OF SOUTH AFRICA Government Gazette

PUBLISHED BY AUTHORITY

Staatskoerant VAN DIE UNIE VAN SUID-AFRIKA

UITGEGEE OP GESAG

VOL. XCII.]

PRICE 6d.

PRETORIA, 16TH JUNE, 1933.
16 JUNIE

PRYS 6d.

[No. 2122.

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