



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

---

REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

*As 'n Nuusblad by die Poskantoor Geregistreer*

*Registered at the Post Office as a Newspaper*

**PRYS (AVB ingesluit) 30c PRICE (GST included)**  
**BUITELANDS 40c ABROAD**  
**POSVRY · POST FREE**

Vol. 201]

KAAPSTAD, 5 MAART 1982

CAPE TOWN, 5 MARCH 1982

[No. 8047

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 338.

5 Maart 1982.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 15 van 1982: Wysigingswet op Edelgesteentes, 1982.

No. 338.

5 March 1982.

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

No. 15 of 1982: Precious Stones Amendment Act, 1982.

Wet No. 15, 1982

WYSIGINGSWET OP EDELGESTEENTES, 1982

**ALGEMENE VERDUIDELIKENDE NOTA:**

**[ ]** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

**WET**

Tot wysiging van die Wet op Edelgesteentes, 1964, ten einde sekere geldê wat kragtens daardie Wet betaalbaar is en die boetes wat vir misdrywe ingevolge daardie Wet opgelê kan word, te verhoog; ander voorsiening te maak met betrekking tot grond waarop nie geprospekteer mag word nie; voorsiening te maak vir die verlening van magtiging aan 'n prospekteerder om op die betrokke grond te delf; sekere verouderde woorde en uitdrukkings te vervang; 'n tydperk vir die aantekening van 'n appèl teen die weiering of intrekking van 'n woon- en werkpermit of die beslissing van 'n kleiminspekteur oor 'n strydpunt of geskil te bepaal; voorsiening te maak dat die volle deel van kleimlisensie- en mynhuurgelde aan grondeienaars oorbetal word; die bedrag van 'n borgakte wat ingedien moet word voordat 'n diamanthandelaarslisensie uitgereik word, te verhoog; die minimum waarde van 'n diamant wat in 'n koop-en-verkoopbrief aangedui en in 'n register van transaksies aangeteken moet word, te verhoog; en voorsiening te maak dat die bevoegdheid van die Minister van Minerale- en Energiesake om te oordeel of 'n myn wat op 'n alluviale delwery ontdek word edelgesteentes in lonende hoeveelhede bevat, nie gedelegeer mag word nie; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 16 Februarie 1982.)

**DAAR WORD BEPAAL** deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van  
artikel 5 van  
Wet 73 van 1964.

1. Artikel 5 van die Wet op Edelgesteentes, 1964 (hieronder die Hoofwet genoem), word hierby gewysig deur in subartikel (2) die woorde „vyf-en-twintig sent” deur die woorde „een 5 rand” te vervang.

Wysiging van  
artikel 6 van  
Wet 73 van 1964.

2. Artikel 6 van die Hoofwet word hierby gewysig deur in subartikel (3) die woorde „vyf-en-twintig sent” deur die woorde „een rand” te vervang.

Wysiging van  
artikel 7 van  
Wet 73 van 1964,  
soos gewysig deur  
artikel 1 van  
Wet 61 van 1980  
en artikel 3 van  
Wet 41 van 1981.

3. Artikel 7 van die Hoofwet word hierby gewysig deur 10 subparagraaf (i) van paragraaf (b) van subartikel (1) deur die volgende subparagraaf te vervang:

„(i) 'n wettiglik gestigte **[lokasie vir kleurlinge of Swartes]** dorp of woongebied.”

Wysiging van  
artikel 10 van  
Wet 73 van 1964.

4. Artikel 10 van die Hoofwet word hierby gewysig deur in 15 subartikel (1) die woorde “tweehonderd rand” deur die woorde “duisend rand” te vervang.

## PRECIOUS STONES AMENDMENT ACT, 1982

Act No. 15, 1982

## GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

# ACT

To amend the Precious Stones Act, 1964, so as to increase certain fees payable under that Act and the fines which may be imposed for offences under that Act; make other provision in regard to land on which prospecting may not be carried on; provide for the granting of permission to a prospector to dig in the land in question; substitute certain obsolete words and expressions; determine a period within which an appeal may be noted against the refusal or cancellation of a residential and work permit or the decision of any claim inspector on any question or dispute; provide that the full share of claim licence moneys and mining lease rentals be paid over to owners of land; increase the amount of a recognizance which shall be lodged before any diamond dealer's licence is issued; increase the minimum value of any diamond which is to be specified in a note of sale and purchase and entered in a register of transactions; and provide that the power of the Minister of Mineral and Energy Affairs to express an opinion whether any mine discovered on any alluvial digging contains precious stones in payable quantities, may not be delegated; and to provide for matters connected therewith.

*(English text signed by the State President.)*  
*(Assented to 16 February 1982.)*

**BE IT ENACTED** by the State President and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 5 of the Precious Stones Act, 1964 (hereinafter referred to as the principal Act), is hereby amended by the substitution in subsection (2) for the words "twenty-five cents" of the words "one rand". Amendment of section 5 of Act 73 of 1964.
2. Section 6 of the principal Act is hereby amended by the substitution in subsection (3) for the words "twenty-five cents" of the words "one rand". Amendment of section 6 of Act 73 of 1964.
- 10 3. Section 7 of the principal Act is hereby amended by the substitution for subparagraph (i) of paragraph (b) of subsection (1) of the following subparagraph:  
 "(i) any lawfully established **[location for coloured persons or Blacks]** township or residential area;" Amendment of section 7 of Act 73 of 1964, as amended by section 1 of Act 61 of 1980 and section 3 of Act 41 of 1981.
- 15 4. Section 10 of the principal Act is hereby amended by the substitution in subsection (1) for the words "two hundred rand" of the words "one thousand rand". Amendment of section 10 of Act 73 of 1964.

## Wet No. 15, 1982

## WYSIGINGSWET OP EDELGESTEENTES, 1982

Wysiging van  
artikel 11 van  
Wet 73 van 1964,  
soos gewysig deur  
artikel 4 van  
Wet 41 van 1981.

5. Artikel 11 van die Hoofwet word hierby gewysig deur in subartikel (3) die woorde „honderd rand” deur die woorde „vyfhonderd rand” te vervang.

Wysiging van  
artikel 12 van  
Wet 73 van 1964.

6. Artikel 12 van die Hoofwet word hierby gewysig deur in subartikel (3) die woorde „tweehonderd rand” deur die woorde „duisend rand” te vervang. 5

Wysiging van  
artikel 13 van  
Wet 73 van 1964,  
soos gewysig deur  
artikel 4 van  
Wet 61 van 1980.

7. Artikel 13 van die Hoofwet word hierby gewysig deur in subartikel (7) die woorde „tweehonderd rand” deur die woorde „duisend rand” te vervang.

Invoeging van  
artikel 13A in  
Wet 73 van 1964.

8. Die volgende artikel word hierby na artikel 13 van die 10  
Hoofwet ingevoeg:

„Vergunning  
aan prospek-  
teerder om in  
sekere om-  
standighede  
te delf.

**13A. (1)** Indien 'n prospekteerder by enige plek edelgesteentes in 'n myn ontdek het wat op natuurlike wyse in die grond voorkom en—

(a) die mynkommissaris nie oortuig is dat daar redelike gronde bestaan om te vermoed dat sodanige edelgesteentes by daardie plek in lonende hoeveelhede aanwesig is om die bestaan van 'n ontdekkersertifikaat te regverdig nie; of

(b) die Staatsmyningenieur van oordeel is dat sodanige edelgesteentes voorkom in 'n afsetting wat te klein is om die proklamering van die betrokke grond tot 'n myn ingevolge artikel 63 te regverdig,

kan die mynkommissaris op aansoek van so 'n prospekteerder en met die goedkeuring van die Minister en onderworpe aan die bedinge en voorwaardes wat die Minister bepaal, aan daardie prospekteerder skriftelike vergunning verleen om na edelgesteentes in die betrokke grond te delf.

(2) 'n Aansoeker om 'n vergunning vermeld in subartikel (1), verstrek aan die mynkommissaris—

(a) die skriftelike toestemming—

(i) in die geval van private grond, van die houer van die reg op edelgesteentes ten opsigte van die grond; of

(ii) in die geval van vervreemde Staatsgrond ten opsigte waarvan die aansoeker die benoemde van die betrokke eienaar of huurder is, van bedoelde eienaar of huurder,

tot die verlening van die vergunning; en

(b) bewys dat die aansoeker—

(i) van so 'n houer of eienaar of huurder, na gelang van die geval, die reg verkry het om oordrag te neem van 'n eienaarsertifikaat waarop so 'n houer, eienaar of huurder geregtig word ten gevolge van delfwerkzaamhede wat op gesag van so 'n vergunning verrig is; en

(ii) in die geval van grond waarvan die eiendomsreg nie by die Staat berus nie en waarvan die aansoeker nie die eienaar of huurder is nie, 'n skriftelike ooreenkoms met die eienaar of huurder van die grond aangaan het in verband met die gebruik van die oppervlakte van die grond of 'n gedeelte daarvan vir doeleindes wat in verband staan met die delfwerkzaamhede wat op gesag van so 'n vergunning verrig staan te word.

## PRECIOUS STONES AMENDMENT ACT, 1982

Act No. 15, 1982

5. Section 11 of the principal Act is hereby amended by the substitution in subsection (3) for the words "one hundred rand" of the words "five hundred rand".
6. Section 12 of the principal Act is hereby amended by the substitution in subsection (3) for the words "two hundred rand" of the words "one thousand rand".
7. Section 13 of the principal Act is hereby amended by the substitution in subsection (7) for the words "two hundred rand" of the words "one thousand rand".
8. The following section is hereby inserted in the principal Act after section 13:
- 13A.** (1) If a prospector has at any place discovered precious stones in a mine occurring naturally in the land and—
- (a) the mining commissioner is not satisfied that there are reasonable grounds for believing that such precious stones exist at the said place in payable quantities to warrant the grant of a discoverer's certificate; or
- (b) the Government Mining Engineer is of the opinion that such precious stones occur in a deposit which is too small to warrant the proclamation of the land in question as a mine
- the mining commissioner may upon application by such prospector and with the approval of the Minister and subject to such terms and conditions as the Minister may determine, grant written permission to such prospector to dig for precious stones in the land in question.
- (2) An applicant for a permission as contemplated in subsection (1), shall furnish the mining commissioner with—
- (a) the written permission—
- (i) in the case of private land, of the holder of the right to precious stones in respect of the land; or
- (ii) in the case of alienated State land in respect of which the applicant is the nominee of the owner or lessee concerned, of such owner or lessee,
- to the granting of such permission; and
- (b) proof that the applicant—
- (i) has acquired from such holder or owner or lessee, as the case may be, the right to take cession of the owner's certificate to which such holder, owner or lessee shall become entitled as a result of digging operations carried out under authority of such a permission; and
- (ii) in the case of land which is not owned by the State and of which the applicant is not the owner or lessee, has entered into a written agreement with the owner or lessee of the land in connection with the use of the surface of the land or any portion thereof for any purposes incidental to the digging operations to be carried out under authority of such permission.

Amendment of  
section 11 of  
Act 73 of 1964,  
as amended by  
section 4 of  
Act 41 of 1981.

Amendment of  
section 12 of  
Act 73 of 1964.

Amendment of  
section 13 of  
Act 73 of 1964,  
as amended by  
section 4 of Act 61  
of 1980.

Insertion of  
section 13A in  
Act 73 of 1964.

"Permission  
to prospec-  
tor to dig  
in certain  
circum-  
stances.

## Wet No. 15, 1982

## WYSIGINGSWET OP EDELGESTEENTES, 1982

- (3) 'n Vergunning wat ingevolge subartikel (1) verleen word, kan, ondanks die bepalings van artikel 9 (5), voorsiening maak vir die betaling aan die Staat deur die houer van die vergunning, van die aandeel in die opbrengs van edelgesteentes wat hy op gesag van die vergunning in die betrokke grond gevind het, of die ander vergoeding, wat die Minister na oorlegpleging met die Staatsmyningengineur bepaal.
- (4) Indien die mynkommissaris as gevolg van delfwerksaamhede wat verrig is op gesag van 'n vergunning verleen ingevolge subartikel (1), oortuig is dat daar redelike gronde bestaan om te vermoed dat edelgesteentes in lonende hoeveelhede by die betrokke plek aanwesig is, reik hy 'n ontdekkersertifikaat kragtens artikel 13 en, in die geval van vervreemde Staatsgrond of private grond, 'n eienaarsertifikaat kragtens artikel 17 uit.
- (5) Die bepalings van hierdie Wet betreffende prospektering is van toepassing op iemand aan wie 'n vergunning ingevolge subartikel (1) verleen is."

Wysiging van  
artikel 14 van  
Wet 73 van 1964,  
soos gewysig deur  
artikel 5 van  
Wet 41 van 1981.

9. Artikel 14 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

- „(2) Ontdekkerskleims—
- (a) wat nie ontgin word nie en ten opsigte waarvan die houer versuim het om te voldoen aan 'n kennisgewing deur die mynkommissaris aan hom bestel waarby hy aangesê word om delfwerksaamhede tot bevrediging van die mynkommissaris te begin of te hervat binne die tydperk (nie minder as een maand nie) in bedoelde kennisgewing vermeld; of
- (b) wat aan iemand anders oorgedra word, is onderhewig aan al die bepalings van hierdie Wet wat in verband met gewone kleims op 'n alluviale delwery geld, en by die vasstelling van die lisensiegelde ten opsigte van daardie kleims betaalbaar, word die getal kleims in die gebied wat die kleims behels, bepaal op die grondslag dat **[, ten opsigte van daardie kleims toegeken—**
- (i) **voor die inwerkingtreding van die Wysigingswet op Edelgesteentes, 1981, elke tweehonderd-en-een vierkante meter of gedeelte daarvan binne die gebied wat die kleims behels; of**
- (ii) **na die inwerkingtreding van genoemde Wysigingswet,]** elke tweehonderd vyf-en-twintig vierkante meter of gedeelte daarvan binne die gebied wat die kleims behels, geag word een kleim uit te maak, ongeag die datum waarop die kleims toegeken is”.

Wysiging van  
artikel 20 van  
Wet 73 van 1964.

10. Artikel 20 van die Hoofwet word hierby gewysig deur in paragraaf (b) van subartikel (10) die woorde „tweehonderd rand” deur die woorde „duisend rand” te vervang.

Wysiging van  
artikel 22 van  
Wet 73 van 1964.

11. Artikel 22 van die Hoofwet word hierby gewysig deur in subartikel (3) die woorde „tweehonderd rand” deur die woorde „duisend rand” te vervang.

Wysiging van  
artikel 27 van  
Wet 73 van 1964,  
soos gewysig deur  
artikel 1 van  
Wet 48 van 1969.

12. Artikel 27 van die Hoofwet word hierby gewysig—
- (a) deur in subartikel (5) die woorde „vyftig sent” deur die woorde „een rand” te vervang; en
- (b) deur in subartikel (7) die woorde „tweehonderd rand” deur die woorde „duisend rand” te vervang.

Wysiging van  
artikel 28 van  
Wet 73 van 1964.

13. Artikel 28 van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (e) van subartikel (1) deur die volgende paragraaf te vervang:

## PRECIOUS STONES AMENDMENT ACT, 1982

Act No. 15, 1982

(3) Any permission granted in terms of subsection (1) may, notwithstanding the provisions of section 9 (5), provide for the payment to the State by the holder of such permission, of such share of the proceeds of any precious stones found by him under authority of the permission in the land concerned or such other consideration as the Minister may determine after consultation with the Government Mining Engineer.

(4) If the mining commissioner is satisfied as a result of digging operations carried out under authority of a permission granted in terms of subsection (1) that there are reasonable grounds for believing that precious stones exist at the place in question in payable quantities, he shall issue a discoverer's certificate under section 13 and, in the case of alienated State land or private land, an owner's certificate under section 17.

(5) The provisions of this Act relating to prospecting shall be applicable to any person to whom a permission has been granted in terms of subsection (1)."

9. Section 14 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 14 of Act 73 of 1964, as amended by section 5 of Act 41 of 1981.

25 "(2) Any discoverer's claims—

(a) which are not being worked and in respect of which the holder has failed to comply with a notice served upon him by the mining commissioner calling upon him to commence or resume digging operations to the satisfaction of the mining commissioner within the period (not being less than one month) specified in such notice; or

(b) which are transferred to any other person, shall be subject to all the provisions of this Act applicable in regard to ordinary claims on an alluvial digging, and for the purpose of determining the licence fees payable in respect of such claims, the number of claims in the area comprising the claims shall be determined on the basis that [in respect of such claims awarded—

40 (i) prior to the commencement of the Precious Stones Amendment Act, 1981, every two hundred and one square metres or portion thereof in the area comprising the claims; or

45 (ii) after the commencement of the said Amendment Act,] every two hundred and twenty-five square metres or portion thereof in the area comprising the claims shall be deemed to constitute one claim, irrespective of the date on which the claims were awarded."

10. Section 20 of the principal Act is hereby amended by the substitution in paragraph (b) of subsection (10) for the words "two hundred rand" of the words "one thousand rand".

Amendment of section 20 of Act 73 of 1964.

11. Section 22 of the principal Act is hereby amended by the substitution in subsection (3) for the words "two hundred rand" of the words "one thousand rand".

Amendment of section 22 of Act 73 of 1964.

55 12. Section 27 of the principal Act is hereby amended—

(a) by the substitution in subsection (5) for the words "fifty cents" of the words "one rand"; and

(b) by the substitution in subsection (7) for the words "two hundred rand" of the words "one thousand rand".

Amendment of section 27 of Act 73 of 1964, as amended by section 1 of Act 48 of 1969.

60 13. Section 28 of the principal Act is hereby amended—

(a) by the substitution for paragraph (e) of subsection (1) of the following paragraph:

Amendment of section 28 of Act 73 of 1964.

## Wet No. 15, 1982

## WYSIGINGSWET OP EDELGESTEENTES, 1982

- „(e) sonder die magtiging van die mynkommissaris 'n **[Swart lokasie of kampong]** woongebied vir Swartes op 'n alluviale delwery besoek het;” en
- (b) deur in paragraaf (f) van subartikel (1) die woorde „honderd rand” deur die woorde „vyfhonderd rand” 5 te vervang.

Wysiging van artikel 30 van Wet 73 van 1964, soos gewysig deur artikel 6 van Wet 41 van 1981.

14. Artikel 30 van die Hoofwet word hierby gewysig—
- (a) deur na subartikel (3) die volgende subartikel in te voeg:
- „(3A) Indien 'n aansoek om 'n woon- en werkpermit 10 geweier word, moet die mynkommissaris of Kommissaris, na gelang van die geval, die aansoeker skriftelik van daardie weiering in kennis stel.”; en
- (b) deur in paragraaf (b) van subartikel (4) die woorde „tweehonderd rand” deur die woorde „duisend 15 rand” te vervang.

Vervanging van artikel 32 van Wet 73 van 1964.

15. Artikel 32 van die Hoofwet word hierby deur die volgende artikel vervang:

„Appel teen weiering of intrekking van woon- en werkpermit. 32. Iemand wie se aansoek om 'n woon- en werkpermit geweier word, of wie se woon- en 20 werkpermit onder die in artikel 31 (1) (a) vermelde omstandighede ingetrek word, het die reg om binne 21 dae vanaf die datum van ontvangs van 'n kennisgewing ingevolge artikel 30 (3A) of 31 (1), na gelang van die geval, appel aan te teken by die 25 Minister, wat die besluit van die mynkommissaris of Kommissaris, na gelang van die geval, om sodanige permit te weier of in te trek, na goeddunke kan bekragtig, tersyde stel of wysig, en die Minister se beslissing is afdoende.”. 30

Wysiging van artikel 33 van Wet 73 van 1964.

16. Artikel 33 van die Hoofwet word hierby gewysig deur in subartikel (2) die woorde „tweehonderd rand” deur die woorde „duisend rand” te vervang.

Wysiging van artikel 34 van Wet 73 van 1964.

17. Artikel 34 van die Hoofwet word hierby gewysig deur in subartikel (2) die woorde „twintig rand” deur die woorde 35 „honderd rand” te vervang.

Wysiging van artikel 35 van Wet 73 van 1964.

18. Artikel 35 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde „vyftig sent” deur die woorde „een rand” te vervang.

Wysiging van artikel 36 van Wet 73 van 1964.

19. Artikel 36 van die Hoofwet word hierby gewysig deur in subartikel (2) die woorde „vyftig rand” deur die woorde „tweehonderd-en-vyftig rand” te vervang. 40

Wysiging van artikel 38 van Wet 73 van 1964, soos gewysig deur artikel 7 van Wet 41 van 1981.

20. Artikel 38 van die Hoofwet word hierby gewysig deur in subartikel (2) die woorde „vyftig sent” deur die woorde „een rand” te vervang. 45

Wysiging van artikel 39 van Wet 73 van 1964.

21. Artikel 39 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde „vyftig sent” deur die woorde „een rand” te vervang.

Wysiging van artikel 44 van Wet 73 van 1964, soos vervang deur artikel 8 van Wet 41 van 1981.

22. Artikel 44 van die Hoofwet word hierby gewysig deur in subartikel (5) die woorde „tweehonderd rand” deur die woorde 50 „duisend rand” te vervang.

## PRECIOUS STONES AMENDMENT ACT, 1982

Act No. 15, 1982

- "(e) has visited a **[Black location or compound]** residential area for Blacks on any alluvial digging without the authority of the mining commissioner;" and
- 5 (b) by the substitution in paragraph (f) of subsection (1) for the words "one hundred rand" of the words "five hundred rand".
14. Section 30 of the principal Act is hereby amended—
- 10 (a) by the insertion of the following subsection after subsection (3):
- "(3A) If an application for a residential and work permit is refused, the mining commissioner or Commissioner, as the case may be, shall notify the applicant in writing of such refusal."; and
- 15 (b) by the substitution in paragraph (b) of subsection (4) for the words "two hundred rand" of the words "one thousand rand".
15. The following section is hereby substituted for section 32 of the principal Act:
- 20 "Appeal against refusal or cancellation of residential and work permit.
- 25 32. Any person whose application for a residential and work permit is refused, or whose residential and work permit is cancelled in the circumstances mentioned in section 31 (1) (a), shall within 21 days as from the date of receipt of any notice in terms of section 30 (3A) or 31 (1), as the case may be, have a right of appeal to the Minister, who may in his discretion confirm, reverse or vary the decision of the mining commissioner or Commissioner, as the case may be, to refuse or cancel such permit, and the decision of the Minister shall be final."
- 30
16. Section 33 of the principal Act is hereby amended by the substitution in subsection (2) for the words "two hundred rand" of the words "one thousand rand".
17. Section 34 of the principal Act is hereby amended by the substitution in subsection (2) for the words "twenty rand" of the words "one hundred rand".
18. Section 35 of the principal Act is hereby amended by the substitution in subsection (1) for the words "fifty cents" of the words "one rand".
- 40 19. Section 36 of the principal Act is hereby amended by the substitution in subsection (2) for the words "fifty rand" of the words "two hundred and fifty rand".
20. Section 38 of the principal Act is hereby amended by the substitution in subsection (2) for the words "fifty cents" of the words "one rand".
- 45
21. Section 39 of the principal Act is hereby amended by the substitution in subsection (1) for the words "fifty cents" of the words "one rand".
22. Section 44 of the principal Act is hereby amended by the substitution in subsection (5) for the words "two hundred rand" of the words "one thousand rand".

Amendment of section 30 of Act 73 of 1964, as amended by section 6 of Act 41 of 1981.

Substitution of section 32 of Act 73 of 1964.

Amendment of section 33 of Act 73 of 1964.

Amendment of section 34 of Act 73 of 1964.

Amendment of section 35 of Act 73 of 1964.

Amendment of section 36 of Act 73 of 1964.

Amendment of section 38 of Act 73 of 1964, as amended by section 7 of Act 41 of 1981.

Amendment of section 39 of Act 73 of 1964.

Amendment of section 44 of Act 73 of 1964, as substituted by section 8 of Act 41 of 1981.

## Wet No. 15, 1982

## WYSIGINGSWET OP EDELGESTEENTES, 1982

Vervanging van  
artikel 45 van  
Wet 73 van 1964.

23. Artikel 45 van die Hoofwet word hierby deur die volgende artikel vervang:

„Kleim-  
lisensiegelde  
word aan  
eienaar van  
grond oorbetaal.

45. (1) Die **[helfte van die]** lisensiegelde deur die mynkommissaris ontvang vir die uitreiking of her-  
nuwing van kleimlisensies ten opsigte van grond 5  
waarvan die eiendomsreg nie by the Staat berus nie,  
word deur die mynkommissaris aan die eienaar van  
die grond oorbetaal: Met dien verstande dat indien  
iemand anders as bedoelde eienaar ingevolge 'n akte  
wat in die gepaste aktekantoor geregistreer is, ge-  
regtig is om **[genoemde aandeel in die]** bedoelde  
lisensiegelde te ontvang, **[bedoelde aandeel]** die lisen-  
siegelde deur die mynkommissaris aan so iemand  
oorbetaal moet word.

(2) Wanneer grond wat as 'n alluviale delwery 15  
geproklameer is of waarop kleims gehou word, aan  
iemand oorgedra word en die oordrag tot gevolg  
het dat die reg om die **[halwe aandeel in die]**  
lisensiegelde ten opsigte van kleims op bedoelde  
grond te ontvang by die oordragnemer berus, moet 20  
die oordragnemer die mynkommissaris skriftelik van  
die oordrag in kennis stel, by gebreke waarvan die  
oordragnemer geen eis teen die Staat het ten opsigte  
van enige **[aandeel in]** lisensiegelde wat voor die  
datum van ontvangs van so 'n kennisgewing deur die 25  
mynkommissaris aan die oordraggewer oorbetaal is  
nie.”.

Wysiging van  
artikel 48 van  
Wet 73 van 1964.

24. Artikel 48 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te 30  
vervang:

„(1) (a) Indien 'n strydpunt of geskil ontstaan  
omtrent 'n reg van weg of enige ander aangeleent-  
heid in verband met die ontginning van kleims of  
die grense of eiendomsreg van 'n kleim of die  
posisie van enige penne of bakens of die gebiede 35  
(as daar is) wat vir enige van die in artikel 56  
vermelde doeleindes uitgehou is, word daardie  
strydpunt of geskil verwys na die kleiminspekteur  
**[wie se beslissing onderworpe is aan 'n reg van  
appèl na die mynkommissaris wat of self die appèl  
beslis of twee delwers ontbied om saam met hom 'n  
raad te vorm om die appèl aan te hoor en te beslis,  
en die beslissing van die mynkommissaris of so 'n  
raad, na gelang van die geval, is afdoende]** vir sy  
beslissing. 45

(b) Die kleiminspekteur moet so spoedig doenlik  
elkeen wat by die strydpunt of geskil betrokke is  
skriftelik van sy beslissing verwittig.

(c) Iemand in paragraaf (a) vermeld wat hom veron-  
reg ag deur die beslissing van die kleiminspek- 50  
teur kan binne 21 dae vanaf die datum waarop hy  
van die beslissing verwittig is na die mynkommis-  
saris appelleer, wat die appèl of self kan aanhoor  
en beslis of twee delwers kan ontbied om saam  
met hom 'n raad te vorm om die appèl aan te hoor  
en te beslis, en die beslissing van die mynkommis- 55  
saris of so 'n raad, na gelang van die geval, is af-  
doende.”; en

(b) deur in subartikel (3) die woorde „vyftig rand” deur  
die woorde „tweehonderd-en-vyftig rand” te vervang.

Wysiging van  
artikel 49 van  
Wet 73 van 1964.

25. Artikel 49 van die Hoofwet word hierby gewysig deur in 60  
subartikel (1) die woorde „tweehonderd rand” deur die woorde  
„duisend rand” te vervang.

Wysiging van  
artikel 50 van  
Wet 73 van 1964.

26. Artikel 50 van die Hoofwet word hierby gewysig deur in  
subartikel (2) die woorde „honderd rand” deur die woorde  
„vyfhonderd rand” te vervang. 65

## PRECIOUS STONES AMENDMENT ACT, 1982

Act No. 15, 1982

23. The following section is hereby substituted for section 45 of the principal Act:

Substitution of section 45 of Act 73 of 1964.

“Claim licence moneys to be paid over to owner of land.

45. (1) **[One half of the]** ~~The~~ licence moneys received by the mining commissioner for the issue or renewal of claim licences in respect of land the ownership of which is not vested in the State shall be paid over by the mining commissioner to the owner of the land: Provided that if any person other than such owner is in terms of any deed registered in the appropriate deeds office entitled to receive **[the said share of the]** ~~such~~ licence moneys, **[such share]** ~~the licence moneys~~ shall be paid over by the mining commissioner to that person.

(2) Whenever any land proclaimed as an alluvial digging or on which claims are held is transferred to any person and such transfer has the effect of vesting in the transferee the right to receive the **[one-half share of the]** licence moneys in respect of claims on such land, the transferee shall in writing notify the mining commissioner of the transfer, failing which the transferee shall have no claim against the State in respect of any **[share of]** licence moneys paid to the transferor prior to the date of receipt by the mining commissioner of such notification.”

24. Section 48 of the principal Act is hereby amended—

Amendment of section 48 of Act 73 of 1964.

(a) by the substitution for subsection (1) of the following subsection:

“(1) (a) If any question or dispute arises in regard to any right of way or any other matter connected with the working of claims or the boundaries or ownership of any claim or the position of any pegs or beacons or the areas (if any) reserved for any of the purposes mentioned in section 56, such question or dispute shall be referred to the claim inspector **[whose decision shall be subject to a right of appeal to the mining commissioner who may either himself decide any such appeal or summon two diggers to form with him a board for the hearing and decision thereof, and the decision of the mining commissioner or such board, as the case may be, shall be final]** for his decision.

(b) The claim inspector shall as soon as practicable in writing notify every person concerned in the question or dispute of his decision.

(c) Any person referred to in paragraph (a) who considers himself aggrieved by the decision of the claim inspector may within 21 days as from the date on which he was notified of the decision, appeal to the mining commissioner, who may either himself hear and decide any such appeal or may summon two diggers to form with him a board for the hearing and decision thereof, and the decision of the mining commissioner or such board, as the case may be, shall be final.”; and

(b) by the substitution in subsection (3) for the words “fifty rand” of the words “two hundred and fifty rand”.

25. Section 49 of the principal Act is hereby amended by the substitution in subsection (1) for the words “two hundred rand” of the words “one thousand rand”.

Amendment of section 49 of Act 73 of 1964.

26. Section 50 of the principal Act is hereby amended by the substitution in subsection (2) for the words “one hundred rand” of the words “five hundred rand”.

Amendment of section 50 of Act 73 of 1964.

## Wet No. 15, 1982

## WYSIGINGSWET OP EDELGESTEENTES, 1982

Wysiging van  
artikel 52 van  
Wet 73 van 1964,  
soos gewysig deur  
artikel 10 van  
Wet 41 van 1981.

27. Artikel 52 van die Hoofwet word hierby gewysig—  
(a) deur subartikel (3) deur die volgende subartikel te  
vervang:  
„(3) Sodanige huurgeld is vooruitbetaalbaar vir  
tydperke van minstens een en hoogstens twaalf 5  
maande, en **[die helfte van bedoelde]** huurgeld ontvang  
ten opsigte van grond in subartikel (2) (d) (i) bedoel,  
word deur die mynkommissaris oorbetaal op die wyse  
by artikel 45 (1) bepaal asof die betrokke bedrag **[’n  
aandeel in]** lisensiegelde is waarna in **[laasgenoemde]** 10  
**subartikel]** artikel 45 (1) verwys word.”; en  
(b) deur subartikel (8) te skrap.

Wysiging van  
artikel 53 van  
Wet 73 van 1964,  
soos gewysig deur  
artikel 11 van  
Wet 41 van 1981.

28. Artikel 53 van die Hoofwet word hierby gewysig deur in  
paragraaf (b) van subartikel (3) die woorde „tweehonderd rand” 15  
deur die woorde „duisend rand” te vervang.

Wysiging van  
artikel 55 van  
Wet 73 van 1964.

29. Artikel 55 van die Hoofwet word hierby gewysig deur  
subartikel (2) deur die volgende subartikel te vervang:  
„(2) Elke persoon wat in verband met delfwerkzaamhede  
by so ’n houer in diens is, en die afhanklikes van so ’n  
persoon, is geregtig om sonder betaling in die woongebied 20  
**[lokasie of kampong]** vir blankes, kleurlinge of Swartes, na  
gelang van die geval, wat ingevolge gemelde artikel  
uitgesoek en uitgehou is, te woon.”.

Wysiging van  
artikel 56 van  
Wet 73 van 1964.

30. Artikel 56 van die Hoofwet word hierby gewysig deur in  
subartikel (1) die woorde wat die eerste voorbehoudsbepaling 25  
vooraangaan deur die volgende woorde te vervang:  
„(1) Die mynkommissaris het die reg om sonder betaling  
terreine van die vereiste grootte op ’n alluviale delwery uit  
te soek en van afpenning uit te hou vir openbare geboue,  
skole, plekke vir godsdiensoefening, hospitale, poli- 30  
siekasernes, Staatskantore, **[Swart lokasies of kampongs]**  
landingstroke, **[woon-,]** handels-, ontspannings- of sanitêre  
doeleindes of begraafplase of bewoning deur blankes,  
kleurlinge of Swartes, na gelang van die geval, of vir watter  
ander doel ook al wat met die delwery in verband staan:”. 35

Wysiging van  
artikel 58 van  
Wet 73 van 1964.

31. Artikel 58 van die Hoofwet word hierby gewysig deur in  
subartikel (1) die woorde „vyftig rand” deur die woorde  
„tweehonderd-en-vyftig rand” te vervang.

Wysiging van  
artikel 75 van  
Wet 73 van 1964,  
soos gewysig deur  
artikel 13 van  
Wet 41 van 1981.

32. Artikel 75 van die Hoofwet word hierby gewysig deur in  
subartikel (2) die woorde „duisend rand” deur die woorde 40  
„vyfduisend rand” te vervang.

Wysiging van  
artikel 77 van  
Wet 73 van 1964,  
soos gewysig deur  
artikel 14 van  
Wet 41 van  
1981.

33. Artikel 77 van die Hoofwet word hierby gewysig deur in  
subartikel (6) die woorde „tien rand” deur die woorde „vyftig  
rand” te vervang.

Wysiging van  
artikel 84 van  
Wet 73 van 1964,  
soos gewysig deur  
artikel 16 van  
Wet 41 van 1981.

34. Artikel 84 van die Hoofwet word hierby gewysig deur in 45  
subartikel (3) die woorde „tienduiseend rand” deur die woorde  
„vyftigduisend rand” te vervang.

Wysiging van  
artikel 86 van  
Wet 73 van 1964,  
soos gewysig deur  
artikel 5 van  
Wet 61 van 1980.

35. Artikel 86 van die Hoofwet word hierby gewysig—  
(a) deur in subparagraaf (ii) van paragraaf (a) van sub-  
artikel (5) die woorde „duisend rand” deur die woorde 50  
„vyfduisend rand” te vervang; en  
(b) deur in paragraaf (a) van subartikel (6) die woorde  
„sestig rand” en „twintig rand” deur onderskeidelik  
die woorde „driehonderd rand” en „honderd rand” te  
vervang. 55

## PRECIOUS STONES AMENDMENT ACT, 1982

## Act No. 15, 1982

27. Section 52 of the principal Act is hereby amended—  
 (a) by the substitution for subsection (3) of the following subsection:  
 “(3) Any such rent shall be payable in advance for periods of not less than one and not more than twelve months, and **[one- half of such]** rent received in respect of land mentioned in subsection (2) (d) (i) shall be disposed of by the mining commissioner in the manner provided by section 45 (1) as if the amount in question were **[a share of]** licence moneys referred to in **[the last-mentioned subsection]** section 45 (1).”; and  
 (b) by the deletion of subsection (8).
28. Section 53 of the principal Act is hereby amended by the substitution in paragraph (b) of subsection (3) for the words “two hundred rand” of the words “one thousand rand”.
29. Section 55 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:  
 “(2) Every person employed by such holder in digging operations, and the dependants of any such person, shall be entitled to reside without payment in the residential area **[location or compound]** for white or coloured persons or Blacks, as the case may be, selected and reserved under the said section.”
30. Section 56 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding the first proviso of the following words:  
 “(1) The mining commissioner shall have the right without payment to select and reserve from pegging on any alluvial digging, sites of such size as may be necessary for public buildings, schools, places of worship, hospitals, police barracks, Government offices, **[Black locations or compounds,]** landing strips, **[residential,]** trading, recreation or sanitary purposes or burial grounds or occupation by white or coloured persons or Blacks, as the case may be, or for any purpose whatever connected with the digging.”
31. Section 58 of the principal Act is hereby amended by the substitution in subsection (1) for the words “fifty rand” of the words “two hundred and fifty rand”.
32. Section 75 of the principal Act is hereby amended by the substitution in subsection (2) for the words “one thousand rand” of the words “five thousand rand”.
33. Section 77 of the principal Act is hereby amended by the substitution in subsection (6) for the words “ten rand” of the words “fifty rand”.
34. Section 84 of the principal Act is hereby amended by the substitution in subsection (3) for the words “ten thousand rand” of the words “fifty thousand rand”.
35. Section 86 of the principal Act is hereby amended—  
 (a) by the substitution in subparagraph (ii) of paragraph (a) of subsection (5) for the words “one thousand rand” of the words “five thousand rand”; and  
 (b) by the substitution in paragraph (a) of subsection (6) for the words “sixty rand” and “twenty rand” of the words “three hundred rand” and “one hundred rand”, respectively.

Amendment of section 52 of Act 73 of 1964, as amended by section 10 of Act 41 of 1981.

Amendment of section 53 of Act 73 of 1964, as amended by section 11 of Act 41 of 1981.

Amendment of section 55 of Act 73 of 1964.

Amendment of section 56 of Act 73 of 1964.

Amendment of section 58 of Act 73 of 1964.

Amendment of section 75 of Act 73 of 1964, as amended by section 13 of Act 41 of 1981.

Amendment of section 77 of Act 73 of 1964, as amended by section 14 of Act 41 of 1981.

Amendment of section 84 of Act 73 of 1964, as amended by section 16 of Act 41 of 1981.

Amendment of section 86 of Act 73 of 1964, as amended by section 5 of Act 61 of 1980.

## Wet No. 15, 1982

## WYSIGINGSWET OP EDELGESTEENTES, 1982

Wysiging van  
artikel 89 van  
Wet 73 van 1964.

36. Artikel 89 van die Hoofwet word hierby gewysig deur in subartikel (4) die woorde „duisend rand” deur die woorde „vyfduisend rand” te vervang.

Wysiging van  
artikel 90 van  
Wet 73 van 1964.

37. Artikel 90 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde „duisend rand” deur die woorde „vyfduisend rand” te vervang. 5

Wysiging van  
artikel 91 van  
Wet 73 van 1964.

38. Artikel 91 van die Hoofwet word hierby gewysig deur in subartikel (2) die woorde „tweeënduisend rand” deur die woorde „tienduiseend rand” te vervang.

Wysiging van  
artikel 92 van  
Wet 73 van 1964,  
soos gewysig deur  
artikel 18 van  
Wet 41 van 1981.

39. Artikel 92 van die Hoofwet word hierby gewysig deur in subartikel (3) die woorde „tien rand” deur die woorde „vyftig rand” te vervang.

Wysiging van  
artikel 93 van  
Wet 73 van 1964,  
soos gewysig deur  
artikel 19 van  
Wet 41 van 1981.

40. Artikel 93 van die Hoofwet word hierby gewysig deur in subartikel (9) die woorde „tweehonderd rand” en „vyfhonderd rand” deur onderskeidelik die woorde „duisend rand” en „tweeënduisend vyfhonderd rand” te vervang. 15

Wysiging van  
artikel 96 van  
Wet 73 van 1964,  
soos gewysig deur  
artikel 6 van  
Wet 61 van 1980  
en artikel 20 van  
Wet 41 van 1981.

41. Artikel 96 van die Hoofwet word hierby gewysig deur in subparagraaf (ii) van paragraaf (d) van subartikel (2) die woorde „tweehonderd rand” deur die woorde „duisend rand” te vervang. 20

Wysiging van  
artikel 97 van  
Wet 73 van 1964,  
soos gewysig deur  
artikel 21 van  
Wet 41 van 1981.

42. Artikel 97 van die Hoofwet word hierby gewysig deur in subparagraaf (ii) van paragraaf (b) van subartikel (1) die woorde „tweehonderd rand” deur die woorde „duisend rand” te vervang.

Wysiging van  
artikel 101 van  
Wet 73 van  
1964.

43. Artikel 101 van die Hoofwet word hierby gewysig deur in paragraaf (b) van subartikel (1) die woorde „honderd rand” deur die woorde „vyfhonderd rand” te vervang. 25

Wysiging van  
artikel 113 van  
Wet 73 van 1964,  
soos gewysig deur  
artikel 24 van  
Wet 41 van 1981.

44. Artikel 113 van die Hoofwet word hierby gewysig deur in subartikel (3) die woorde „vyftig rand” deur die woorde „tweehonderd-en-vyftig rand” te vervang. 30

Wysiging van  
artikel 115 van  
Wet 73 van 1964.

45. Artikel 115 van die Hoofwet word hierby gewysig deur in subartikel (2) die woorde „vyftig rand” deur die woorde „tweehonderd-en-vyftig rand” te vervang.

Wysiging van  
artikel 118 van  
Wet 73 van 1964.

46. Artikel 118 van die Hoofwet word hierby gewysig deur in paragraaf (b) van subartikel (4) die woorde „tweehonderd rand” deur die woorde „duisend rand” te vervang. 35

Wysiging van  
artikel 122 van  
Wet 73 van 1964,  
soos vervang deur  
artikel 25 van  
Wet 41 van 1981.

47. Artikel 122 van die Hoofwet word hierby gewysig deur na die uitdrukking „66 (1),” die uitdrukking „83 (1),” in te voeg.

Wysiging van  
artikel 123 van  
Wet 73 van 1964,  
soos gewysig deur  
artikel 2 van  
Wet 16 van 1975.

48. Artikel 123 van die Hoofwet word hierby gewysig deur in subartikel (3) die woorde „tweehonderd rand” deur die woorde „duisend rand” te vervang. 40

Wysiging van  
artikel 124 van  
Wet 73 van 1964.

49. Artikel 124 van die Hoofwet word hierby gewysig—  
(a) deur in subartikels (1), (3), (4), (5), (6) en (8) die woorde „tweehonderd rand” deur die woorde „duisend rand” te vervang; 45

## PRECIOUS STONES AMENDMENT ACT, 1982

## Act No. 15, 1982

36. Section 89 of the principal Act is hereby amended by the substitution in subsection (4) for the words "one thousand rand" of the words "five thousand rand". Amendment of section 89 of Act 73 of 1964.
37. Section 90 of the principal Act is hereby amended by the substitution in subsection (1) for the words "one thousand rand" of the words "five thousand rand". Amendment of section 90 of Act 73 of 1964.
38. Section 91 of the principal Act is hereby amended by the substitution in subsection (2) for the words "two thousand rand" of the words "ten thousand rand". Amendment of section 91 of Act 73 of 1964.
- 10 39. Section 92 of the principal Act is hereby amended by the substitution in subsection (3) for the words "ten rand" of the words "fifty rand". Amendment of section 92 of Act 73 of 1964, as amended by section 18 of Act 41 of 1981.
40. Section 93 of the principal Act is hereby amended by the substitution in subsection (9) for the words "two hundred rand" and "five hundred rand" of the words "one thousand rand" and "two thousand five hundred rand", respectively. Amendment of section 93 of Act 73 of 1964, as amended by section 19 of Act 41 of 1981.
- 15 41. Section 96 of the principal Act is hereby amended by the substitution in subparagraph (ii) of paragraph (d) of subsection (2) for the words "two hundred rand" of the words "one 20 thousand rand". Amendment of section 96 of Act 73 of 1964, as amended by section 6 of Act 61 of 1980 and section 20 of Act 41 of 1981.
42. Section 97 of the principal Act is hereby amended by the substitution in subparagraph (ii) of paragraph (b) of subsection (1) for the words "two hundred rand" of the words "one thousand rand". Amendment of section 97 of Act 73 of 1964, as amended by section 21 of Act 41 of 1981.
- 25 43. Section 101 of the principal Act is hereby amended by the substitution in paragraph (b) of subsection (1) for the words "one hundred rand" of the words "five hundred rand". Amendment of section 101 of Act 73 of 1964.
44. Section 113 of the principal Act is hereby amended by the substitution in subsection (3) for the words "fifty rand" of the 30 words "two hundred and fifty rand". Amendment of section 113 of Act 73 of 1964, as amended by section 24 of Act 41 of 1981.
45. Section 115 of the principal Act is hereby amended by the substitution in subsection (2) for the words "fifty rand" of the words "two hundred and fifty rand". Amendment of section 115 of Act 73 of 1964.
46. Section 118 of the principal Act is hereby amended by the substitution in paragraph (b) of subsection (4) for the words 35 "two hundred rand" of the words "one thousand rand". Amendment of section 118 of Act 73 of 1964.
47. Section 122 of the principal Act is hereby amended by the insertion after the expression "66 (1)," of the expression "83 (1)". Amendment of section 122 of Act 73 of 1964, as substituted by section 25 of Act 41 of 1981.
- 40 48. Section 123 of the principal Act is hereby amended by the substitution in subsection (3) for the words "two hundred rand" of the words "one thousand rand". Amendment of section 123 of Act 73 of 1964, as amended by section 2 of Act 16 of 1975.
- 45 49. Section 124 of the principal Act is hereby amended— Amendment of section 124 of Act 73 of 1964.  
 (a) by the substitution in subsections (1), (3), (4), (5), (6) and (8) for the words "two hundred rand" of the words "one thousand rand";

## Wet No. 15, 1982

## WYSIGINGSWET OP EDELGESTEENTES, 1982

- (b) deur in subartikels (7) en (10) die woorde „honderd rand” deur die woorde „vyfhonderd rand” te vervang; en
- (c) deur in subartikel (9) die woorde „tweeduisend rand” deur die woorde „tienduisend rand” te vervang. 5

Wysiging van  
artikel 125 van  
Wet 73 van 1964.

**50.** Artikel 125 van die Hoofwet word hierby gewysig deur in subartikel (3) die woorde „tweehonderd rand” deur die woorde „duisend rand” te vervang.

Kort titel  
en inwerkingtre-  
ding.

**51.** Hierdie Wet heet die Wysigingswet op Edelgesteentes, 1982, en tree in werking op 'n datum wat die Staatspresident by 10 proklamasie in die *Staatskoerant* bepaal.

## PRECIOUS STONES AMENDMENT ACT, 1982

Act No. 15, 1982

- (b) by the substitution in subsections (7) and (10) for the words "one hundred rand" of the words "five hundred rand"; and
- 5 (c) by the substitution in subsection (9) for the words "two thousand rand" of the words "ten thousand rand".

50. Section 125 of the principal Act is hereby amended by the substitution in subsection (3) for the words "two hundred rand" of the words "one thousand rand".

Amendment of  
section 125 of  
Act 73 of 1964.

51. This Act shall be called the Precious Stones Amendment Act, 1982, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Short title  
and commence-  
ment.

