



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1295.

25 Junie 1986

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

No. 62 van 1986: Wysigingswet op Edelgesteentes, 1986.

No. 1295.

25 June 1986

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

No. 62 of 1986: Precious Stones Amendment Act, 1986.

Wet No. 62, 1986

WYSIGINGSWET OP EDELGESTEENTES, 1986

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings 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 verouderde woorde te skrap of te vervang; voorsiening te maak dat huurgelde wat betaalbaar is ten opsigte van prospekterhure wat oor Kleurlinggebiede toegeken is, aan die betrokke bestuursrade oorbetaal word; die oordrag van prospekterhure moontlik te maak; die horisontale afstand vanaf sekere waterwerke waaronder of waarbinne nie geprospekter mag word nie, te verleng; die bevoegdheid om aan iemand toestemming te verleen om Staatsgrond te betree, tot die mynkommissaris te beperk; die hoof van die diamantafdeling in sekere bepalings deur die Kommissaris van die Suid-Afrikaanse Polisie te vervang; die beperkings op persone aan wie delwersertifikate uitgereik mag word, op te hef; die bevoegdheid om aan iemand 'n woon- en werkpermit uit te reik of dit in te trek, tot die mynkommissaris te beperk; die vereiste dat die mynkommissaris die hoof van die diamantafdeling moet raadpleeg voordat hy 'n delwersertifikaat of 'n woon- en werkpermit uitreik, te skrap; die getal kleims wat by wyse van afpenning en oordrag verkry kan word, te vermeerder; voorsiening te maak dat daar nie binne 'n sekere afstand van geproklameerde en openbare paaie op 'n alluviale delwery gedelf mag word nie; die voorwaardes waarop oppervlakteregte verleen en gehou word vir doeleindes wat met delwery in verband staan, uit te brei; die bevoegdheid om aan iemand 'n waspermit uit te reik, aan die mynkommissaris te verleen; en voorsiening te maak vir die oordrag van sy werksaamhede of pligte en die delegering van sy bevoegdhede deur die mynkommissaris; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 18 Junie 1986.)*

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

Wysiging van artikel 1 van Wet 73 van 1964, soos gewysig deur artikel 1 van Wet 41 van 1981.

1. Artikel 1 van die Wet op Edelgesteentes, 1964 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur die omskrywing van "blanke" te skrap; 5
- (b) deur die omskrywing van "hoof van die diamantafdeling" te skrap;
- (c) deur die omskrywing van "kleurling" te skrap; en
- (d) deur die omskrywing van "Swarte" te skrap.

Wysiging van artikel 4 van Wet 73 van 1964, soos gewysig deur artikel 2 van Wet 41 van 1981.

2. Artikel 4 van die Hoofwet word hierby gewysig— 10

- (a) deur in subartikel (2) subparagraaf (vi) van paragraaf (a) deur die volgende subparagraaf te vervang:

"(vi) die betaling aan die **[Staat]** mynkommissaris deur

PRECIOUS STONES AMENDMENT ACT, 1986

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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 delete or replace certain obsolete words; to provide that rent payable in respect of prospecting leases granted over Coloured areas, be paid over to the relative boards of management; to provide for the transfer of prospecting leases; to extend the horizontal distance from certain waterworks under or within which prospecting may not be conducted; to limit to the mining commissioner the power to grant permission to any person to enter upon State land; to replace the head of the diamond branch with the Commissioner of the South African Police in certain provisions; to abolish the restrictions on persons to whom diggers' certificates may be issued; to limit to the mining commissioner the power to issue a residential and work permit to any person or to cancel it; to delete the requirement that the mining commissioner shall consult the chief of the diamond branch before he issues a digger's certificate or a residential and work permit; to increase the number of claims which may be acquired by means of pegging and transfer; to provide that digging operations may not be conducted within a certain distance of proclaimed and public roads on an alluvial digging; to extend the conditions on which surface rights are granted and held for purposes connected with digging operations; to grant the power to issue a washing permit to any person to the mining commissioner; and to make provision for the assignment of his functions or duties and the delegation of his powers by the mining commissioner; and to make provision for matters connected therewith.

(English text signed by the State President.)
(Assented to 18 June 1986.)

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

1. Section 1 of the Precious Stones Act, 1964 (hereinafter referred to as the principal Act), is hereby amended—
- 5 (a) by the deletion of the definition of “Black”;
(b) by the deletion of the definition of “chief of the diamond branch”;
(c) by the deletion of the definition of “coloured person”;
and
10 (d) by the deletion of the definition of “white person”.
2. Section 4 of the principal Act is hereby amended—
- (a) by the substitution in subsection (2) for subparagraph (vi) of paragraph (a) of the following subparagraph:
“(vi) the payment by the holder of the lease to the
15 [State] mining commissioner of a rent to be fixed
- Amendment of section 1 of Act 73 of 1964, as amended by section 1 of Act 41 of 1981.
- Amendment of section 4 of Act 73 of 1964, as amended by section 2 of Act 41 of 1981.

die houer van die huur, van 'n huurgeld wat die Minister na oorleg met die raad bepaal en wat, indien die huur betrekking het op grond in 'n raadsgebied soos omskryf in artikel 1 van die Wet op Landelike Kleurlinggebiede, 1979 (Wet No. 1 van 1979), van die Verteenwoordigende Kleurlingraad van die Republiek van Suid-Afrika, deur die mynkommissaris oorbetaal moet word aan die bestuursraad kragtens daardie Wet vir bedoelde gebied ingestel of, indien so 'n raad nie vir bedoelde gebied ingestel is nie, aan die Direkteur-generaal: Administrasie: Raad van Verteenwoordigers, vir inbetaling in die Staatsinkomstefonds;";

- (b) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang: 15
- “(b) kan onder meer voorsiening maak vir die betaling aan die **[Staat]** mynkommissaris deur die houer van die huur, van die aandeel in die opbrengs van edelgesteentes deur hom in die loop van prospekterwerkzaamhede op die betrokke grond gevind, wat die Minister na oorlegpleging met die raad bepaal.”; 20
- (c) deur subartikel (3) deur die volgende subartikel te vervang: 25
- “(3) Behalwe met die voorafgaande goedkeuring van die Minister word die regte en verpligtinge ingevolge so 'n huur **[mag]** nie geheel en al of gedeeltelik deur die houer van die huur gesedeer of oorgedra **[word]** nie, en indien 'n sessie of oordrag aldus goedgekeur word, word die huur dienooreenkomstig deur die mynkommissaris geëndosseer: Met dien verstande dat indien so 'n huur betrekking het op grond binne 'n raadsgebied soos omskryf in artikel 1 van die Wet op Landelike Kleurlinggebiede, 1979 (Wet No. 1 van 1979), van die Verteenwoordigende Kleurlingraad van die Republiek van Suid-Afrika, die Minister van Plaaslike Bestuur, Behuising en Landbou: Administrasie: Raad van Verteenwoordigers se skriftelike toestemming tot sodanige sessie of oordrag ook verkry word.”; en 30 35
- (d) deur paragraaf (c) van subartikel (5) deur die volgende paragraaf te vervang: 40
- “(c) Iemand wat 'n lid van die **[Volksraad]** Parlement, die Presidentsraad of 'n provinsiale raad is, mag nie lid van so 'n komitee wees nie, en iemand wat regstreeks of onregstreeks belang het in 'n maatskappy of vennootskap wat kragtens hierdie artikel 'n tender ingedien het of om 'n prospekterhuur aansoek gedoen het, mag nie 'n lid wees van so 'n komitee aangestel ten opsigte van die grond waarop die tender of aansoek betrekking het nie.”. 45 50

Wysiging van artikel 7 van Wet 73 van 1964, soos gewysig deur artikel 1 van Wet 61 van 1980, artikel 3 van Wet 41 van 1981 en artikel 3 van Wet 15 van 1982.

3. Artikel 7 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang: 55
- “(d) in of op grond (behalwe grond ten opsigte waarvan die bepalinge van paragraaf (b) van toepassing is) wat as 'n tuin, vrugteboord, wingerd, kwekery of plantasie gebruik word of andersins onder verbouing is, of onder of binne 'n horisontale afstand van **[vyf-en-negentig]** honderd meter van 'n fontein, put, boorgat, opgaardam, dam, waterloop, waterwerk of dipbak, behalwe met toestemming van die eienaar daarvan of van die Minister;”;

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by the Minister after consultation with the board, and which shall, if the lease relates to land in any board area as defined in section 1 of the Rural Coloured Areas Law, 1979 (Law No. 1 of 1979), of the Coloured Persons Representative Council of the Republic of South Africa, be paid over by the mining commissioner to the board of management established under the said Law for such area or, if such a board has not been established for such area, to the Director-General: Administration: House of Representatives, for payment into the State Revenue Fund.”;

(b) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

“(b) may provide *inter alia* for the payment by the holder of the lease to the **[State] mining commissioner** of such share of the proceeds of any precious stones found by him in the course of prospecting operations on the land in question, as the Minister may after consultation with the board determine.”;

(c) by the substitution for subsection (3) of the following subsection:

“(3) Except with the prior approval of the Minister the rights and obligations under any such lease shall not be ceded or transferred either wholly or in part by the holder of the lease, and if any cession or transfer is so approved the lease shall be endorsed by the mining commissioner accordingly: Provided that if such a lease relates to land within any board area as defined in section 1 of the Rural Coloured Areas Law, 1979 (Law No. 1 of 1979), of the Coloured Persons Representative Council of the Republic of South Africa, the written consent of the Minister of Local Government, Housing and Agriculture: Administration: House of Representatives shall also be obtained for such session or transfer.”; and

(d) by the substitution for paragraph (c) of subsection (5) of the following paragraph:

“(c) No person who is a member of **[the House of Assembly] Parliament, the President's Council** or a provincial council shall be a member of any such committee, and no person who has any direct or indirect interest in any company or partnership which has submitted a tender or has applied for a prospecting lease under this section, shall be a member of any such committee appointed in respect of the land to which such tender or application relates.”.

3. Section 7 of the principal Act is hereby amended—

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

“(d) in or on any land (not being land in respect of which the provisions of paragraph (b) apply) used as a garden, orchard, vineyard, nursery or plantation or which is otherwise under cultivation, or under or within a horizontal distance of **[ninety-five] one hundred metres** of any spring, well, borehole, reservoir, dam, watercourse, waterworks or dipping-tank, without the consent of the owner thereof or of the Minister.”;

Amendment of section 7 of Act 73 of 1964, as amended by section 1 of Act 61 of 1980, section 3 of Act 41 of 1981 and section 3 of Act 15 of 1982.

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- (b) deur paragraaf (f) van subartikel (1) te skrap; en
 (c) deur die volgende paragraaf by subartikel (1) te voeg:
 “(j) in, op of onder grond binne ’n raadsgebied soos omskryf in artikel 1 van die Wet op Landelike Kleurlinggebiede, 1979 (Wet No. 1 van 1979), van die Verteenwoordigende Kleurlingraad van die Republiek van Suid-Afrika, behalwe met die skriftelike toestemming van die Minister van Plaaslike Bestuur, Behuising en Landbou: Administrasie: Raad van Verteenwoordigers, en met inagneming van die voorwaardes wat hy mag oplê.”

Wysiging van artikel 9 van Wet 73 van 1964, soos gewysig deur artikel 3 van Wet 61 van 1980.

4. Artikel 9 van die Hoofwet word hierby gewysig deur subartikel (4) te skrap.

Wysiging van artikel 10 van Wet 73 van 1964, soos gewysig deur artikel 4 van Wet 15 van 1982.

5. Artikel 10 van die Hoofwet word hierby gewysig deur paragraaf (e) van subartikel (1) deur die volgende paragraaf te vervang: 15

- “(e) sonder skriftelike toestemming van die mynkommissaris [of ’n lid van die Suid-Afrikaanse Polisie met die rang van sersant of ’n hoër rang,] Staatsgrond betree waarop hy nie geregtig is om te prospekteer of wat hy 20 nie geregtig is om te betree nie.”

Wysiging van artikel 11 van Wet 73 van 1964, soos gewysig deur artikel 4 van Wet 41 van 1981 en artikel 5 van Wet 15 van 1982.

6. Artikel 11 van die Hoofwet word hierby gewysig deur subartikel (2) te skrap.

Wysiging van artikel 27 van Wet 73 van 1964, soos gewysig deur artikel 1 van Wet 48 van 1969 en artikel 12 van Wet 15 van 1982.

7. Artikel 27 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) van subartikel (3) te skrap; en 25
 (b) deur paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:
 “(b) homself oortuig dat die aansoeker van goeie karakter is en ’n geskikte persoon is om so ’n sertifikaat te hou [en— 30
 (i) geregistreer is of geregtig is om geregistreer te word as ’n kieser by ’n verkiesing van lede van die Volksraad; of
 (ii) indien hy nie aldus geregistreer is of geregtig is om geregistreer te word nie en in die provinsie Kaap 35 die Goeie Hoop aansoek doen, dat hy geregistreer is of die reg het om geregistreer te word as ’n kieser by ’n verkiesing in bedoelde provinsie van lede van die Verteenwoordigende Kleurlingraad van die Republiek van Suid-Afrika]; en” 40

Wysiging van artikel 28 van Wet 73 van 1964, soos gewysig deur artikel 13 van Wet 15 van 1982.

8. Artikel 28 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (e) van subartikel (1) te skrap; en
 (b) deur subartikel (2) deur die volgende subartikel te vervang:
 “(2) Wanneer ’n aansoek om ’n delwersertifikaat 45 deur die mynkommissaris onder die in subartikel (1) vermelde omstandighede geweier word, of wanneer ’n delwersertifikaat deur die mynkommissaris ingetrek word, moet hy die aansoeker om of houder van die sertifikaat skriftelik van daardie weiering of intrekking in kennis stel en ’n afskrif van bedoelde kennisgewing deurstuur aan die [hoof van die diamantafdeling] Kommissaris van die Suid-Afrikaanse Polisie en aan elke mynkommissaris in wie se ampsgebied alluviale delwe- 55 rye geleë is.”

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- (b) by the deletion of paragraph (f) of subsection (1); and
 (c) by the addition to subsection (1) of the following paragraph:

5 “(j) in, on or under land within any board area as
 defined in section 1 of the Rural Coloured Areas
 Law, 1979 (Law No. 1 of 1979), of the Coloured
 Persons Representative Council of the Republic of
 10 South Africa, except with the written consent of
 the Minister of Local Government, Housing and
 Agriculture: Administration: House of Represen-
 tatives, and with the observance of the conditions
 which he may impose.”

4. Section 9 of the principal Act is hereby amended by the deletion of subsection (4).

Amendment of
 section 9 of
 Act 73 of 1964,
 as amended by
 section 3 of
 Act 61 of 1980.

- 15 5. Section 10 of the principal Act is hereby amended by the substitution for paragraph (e) of subsection (1) of the following paragraph:

20 “(e) without the permission in writing of the mining commissioner [or of a member of the South African Police holding a rank of or above the rank of sergeant] enters upon State land upon which he is not entitled to prospect or to enter.”

Amendment of
 section 10 of
 Act 73 of 1964,
 as amended by
 section 4 of
 Act 15 of 1982.

6. Section 11 of the principal Act is hereby amended by the deletion of subsection (2).

Amendment of
 section 11 of
 Act 73 of 1964,
 as amended by
 section 4 of
 Act 41 of 1981
 and section 5 of
 Act 15 of 1982.

- 25 7. Section 27 of the principal Act is hereby amended—

- (a) by the deletion of paragraph (a) of subsection (3); and
 (b) by the substitution for paragraph (b) of subsection (3) of the following paragraph:

30 “(b) satisfy himself that the applicant is of good character and is a fit and proper person to hold such certificate [and—
 (i) is enrolled or entitled to be enrolled as a voter at any election of members of the House of Assembly;
 or
 35 (ii) if he is not so enrolled or entitled to be enrolled and applies in the province of the Cape of Good Hope, that he is registered or has the right to be registered as a voter at any election in the said province of members of the Coloured Persons Representative Council of the Republic of South Africa]; and”

Amendment of
 section 27 of
 Act 73 of 1964,
 as amended by
 section 1 of
 Act 48 of 1969 and
 section 12 of
 Act 15 of 1982.

8. Section 28 of the principal Act is hereby amended—

- (a) by the deletion of paragraph (e) of subsection (1); and
 (b) by the substitution for subsection (2) of the following subsection:

45 “(2) Whenever an application for a digger’s certificate is refused by the mining commissioner in the circumstances mentioned in subsection (1), or whenever a digger’s certificate is cancelled by the mining commissioner, he shall in writing give notice to the applicant for or the holder of such certificate of such refusal or cancellation and shall transmit a copy of such notice to the [chief of the diamond branch] Commissioner of the South African Police and to every mining commissioner in whose area of jurisdiction alluvial diggings are situated.”

Amendment of
 section 28 of
 Act 73 of 1964,
 as amended by
 section 13 of
 Act 15 of 1982.

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Wysiging van
artikel 30 van
Wet 73 van 1964,
soos gewysig deur
artikel 6 van
Wet 41 van 1981
en artikel 14 van
Wet 15 van 1982.

9. Artikel 30 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) ten opsigte van die eggenote (met inbegrip **[, in die geval van 'n Swarte,]** van 'n vrouspersoon wat permanent as sy eggenote saam met hom woon) of 'n afhanklike nie bo die ouderdom van agtien jaar nie, van die houer van 'n delwersertifikaat of woon- en werkpermit wat by hom inwoon; of”;

- (b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) 'n Woon- en werkpermit kan op aansoek uitgereik word **[, in die geval van 'n blanke of 'n kleurling,]** deur die mynkommissaris **[, of, in die geval van 'n Swarte, deur die Kommissaris,]** wat regsbevoegdheid het in die gebied waarin die alluviale delwery of kleim geleë is waarop die aansoeker voornemens is om te werk of te woon.”;

- (c) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Voordat 'n woon- en werkpermit uitgereik word, moet die mynkommissaris **[of die Kommissaris, na gelang van die geval,]** homself daarvan oortuig dat die aansoeker om so 'n permit van goeie karakter is en dat dit sy opregte voorneme is om te werk of dat dit vir hom nodig is om op die betrokke alluviale delwery of kleim te woon **[, en indien die aansoeker 'n blanke of 'n kleurling is, moet die mynkommissaris die hoof van die diamantafdeling raadpleeg].**”;

- (d) deur subartikel (3A) deur die volgende subartikel te vervang:

“(3A) Indien 'n aansoek om 'n woon- en werkpermit geweier word, moet die mynkommissaris **[of Kommissaris, na gelang van die geval,]** die aansoeker skriftelik van daardie weiering in kennis stel.”; en

- (e) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Ondanks die bepalinge van subartikel (1), kan die mynkommissaris, na oorlegpleging met die **[hoof van die diamantafdeling]** Kommissaris van die Suid-Afrikaanse Polisie, skriftelike toestemming aan enigiemand verleen om op 'n alluviale delwery of kleim te werk of te woon vir 'n tydperk van hoogstens drie maande in die toestemming vermeld, en kan hy die toestemming te eniger tyd na goeiddunke intrek.”.

Wysiging van
artikel 31 van
Wet 73 van 1964.

10. Artikel 31 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“'n Woon- en werkpermit kan na skriftelike kennisgewing van minstens een maand ingetrek word **[, in die geval van 'n blanke of 'n kleurling,]** deur die mynkommissaris **[of, in die geval van 'n Swarte, deur die Kommissaris]**—”; en

- (b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Wanneer 'n woon- en werkpermit onder die in paragraaf (a) van subartikel (1) bedoelde omstandighede ingetrek word, stel die mynkommissaris **[of die betrokke Kommissaris]** die **[hoof van die diamantafdeling]** Kommissaris van die Suid-Afrikaanse Polisie en elke mynkommissaris in wie se ampsgebied alluviale delwerye geleë is van daardie intrekking in kennis.”.

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9. Section 30 of the principal Act is hereby amended—

Amendment of
section 30 of
Act 73 of 1964,
as amended by
section 6 of
Act 41 of 1981 and
section 14 of
Act 15 of 1982.

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

5 “(a) in respect of the wife (including **[in the case of a Black]** any woman permanently residing with him as his wife) or any dependant not over the age of eighteen years of the holder of a digger’s certificate or residential and work permit who resides with him; or”;

- 10 (b) by the substitution for subsection (2) of the following subsection:

15 “(2) A residential and work permit may upon application be issued **[, in the case of a white person or a coloured person,]** by the mining commissioner **[, or, in the case of a Black, by the Commissioner,]** having jurisdiction in the area in which the alluvial digging or claim on which the applicant proposes to work or reside is situated.”;

- 20 (c) by the substitution for subsection (3) of the following subsection:

25 “(3) Before issuing a residential and work permit the mining commissioner **[or the Commissioner, as the case may be,]** shall satisfy himself that the applicant for such permit is of good character and that he genuinely intends to work or that it is necessary for him to reside on the alluvial digging or claim in question **[, and, if the applicant is a white person or a coloured person, the mining commissioner shall consult the chief of the diamond branch].**”;

- 30 (d) by the substitution for subsection (3A) of the following subsection:

35 “(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

- (e) by the substitution for subsection (5) of the following subsection:

40 “(5) Notwithstanding the provisions of subsection (1), the mining commissioner may, after consultation with the **[chief of the diamond branch] Commissioner of the South African Police**, grant written permission to any person to work or reside on an alluvial digging or claim for such period, not exceeding three months, as may be stated in the permission, and may at any time
45 in his discretion withdraw the permission.”.

10. Section 31 of the principal Act is hereby amended—

Amendment of
section 31 of
Act 73 of 1964.

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

50 “A residential and work permit may after written notice of not less than one month be cancelled **[, in the case of a white person or a coloured person,]** by the mining commissioner **[or, in the case of a Black, by the Commissioner]**—”; and

- 55 (b) by the substitution for subsection (2) of the following subsection:

60 “(2) When a residential and work permit is cancelled in the circumstances mentioned in paragraph (a) of subsection (1), the mining commissioner **[or the Commissioner concerned]** shall notify the **[chief of the diamond branch] Commissioner of the South African Police** and every mining commissioner in whose area of jurisdiction alluvial diggings are situated of such cancellation.”.

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Vervanging van artikel 32 van Wet 73 van 1964, soos vervang deur artikel 15 van Wet 15 van 1982.

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

"Appel teen weiering of intrekking van woon- en werkpermit. 5
32. Iemand wie se aansoek om 'n woon- en 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 Minister, wat die besluit van die mynkommissaris **[of Kommissaris, na 10 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."

Wysiging van artikel 34 van Wet 73 van 1964, soos gewysig deur artikel 17 van Wet 15 van 1982.

12. Artikel 34 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: 15

"(1) Niemand wat in die Republiek of in 'n gebied wat aan die Republiek grens, aan 'n misdryf ingevolge 'n wet op die voorkoming van onwettige handel in of onwettige besit van edelgesteentes skuldig bevind is **[of wie se delwersertifikaat of diamanthandelaarslisensie ingetrek is, of wie se 20 woon- en werkpermit onder die in artikel 31 (1) (a) vermelde omstandighede ingetrek is]**, mag te eniger tyd binne 'n tydperk van vyftien jaar na die datum van bedoelde skuldigbevinding **[of intrekking]** op 'n alluviale delwery of grond waarop na of vir edelgesteentes geprospekteer of gedelf 25 word of in 'n myn werk of dit besoek nie, behalwe met skriftelike toestemming van die mynkommissaris, wat slegs na oorlegpleging met die **[hoof van die diamantafdeling] Kommissaris van die Suid-Afrikaanse Polisie** verleen word: Met dien verstande dat die bepalings van hierdie artikel nie 30 so uitgelê word dat dit die regte van die eienaar of huurder van grond om op sy grond te woon of om daarop enige ander werk as prospekteer- of delfwerksaamhede te verrig, op enige wyse raak nie."

Wysiging van artikel 35 van Wet 73 van 1964, soos gewysig deur artikel 18 van Wet 15 van 1982.

13. Artikel 35 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang: 35

"(4) Behoudens die bepalings van artikels 43 en 44 mag niemand te eniger tyd op 'n enkele alluviale delwery meer as **[ses] twaalf** kleims hou wat hy ingevolge subartikel (1) van hierdie artikel afgepen het nie." 40

Vervanging van artikel 40 van Wet 73 van 1964.

14. Artikel 40 van die Hoofwet word hierby deur die volgende artikel vervang:

"Getal kleims 40. Behalwe met skriftelike toestemming van die Minister, en onderworpe aan die voorwaardes wat hy goetvind, is geen houer van 'n delwersertifikaat ge- 45 regtig om ten opsigte van 'n bepaalde alluviale delwery meer as **[twaalf] vier-en-twintig** kleims by wyse van oordrag te verkry nie: Met dien verstande dat in die geval van kleims wat in 'n rivierbedding geleë is, die mynkommissaris aan so 'n houer skriftelike ver- 50 gunning kan verleen om 'n groter getal sodanige kleims aldus te verkry: Met dien verstande voorts dat enigiemand al die kleims wat kragtens 'n ontdekker- of eienaarsertifikaat gehou word, by wyse van oordrag kan verkry." 55

Vervanging van artikel 46 van Wet 73 van 1964, soos gewysig deur artikel 9 van Wet 41 van 1981.

15. Artikel 46 van die Hoofwet word hierby deur die volgende artikel vervang:

"Paaie op alluviale delwerye word nie afgepen nie. 46. (1) Alle geproklameerde en openbare paaie op 'n alluviale delwery, tesame met die grond binne tien meter aan elke kant van so 'n pad, is uitgehou van 60 die afpenning van kleims.

(2) 'n Kleimlisensie word nie geag die houer daarvan te magtig om delfwerk te verrig nie onder of binne sodanige horisontale afstand van die paaie in sub-

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11. The following section is hereby substituted for section 32 of the principal Act:

Substitution of section 32 of Act 73 of 1964, as substituted by section 15 of Act 15 of 1982.

“Appeal against refusal or cancellation of residential and work permit.”
 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.”

12. Section 34 of the principal Act is hereby amended by the 15 substitution for subsection (1) of the following subsection:

Amendment of section 34 of Act 73 of 1964, as amended by section 17 of Act 15 of 1982.

“(1) No person who has been convicted in the Republic or in any territory adjacent to the Republic of an offence against any law for the prevention of illicit dealing in or illicit possession of precious stones **[or whose digger’s certificate or diamond dealer’s licence has been cancelled or whose residential and work permit has been cancelled in the circumstances mentioned in section 31 (1) (a)],** shall at any time within a period of fifteen years after the date of such conviction **[or cancellation]** work upon or visit any alluvial digging or any land on which prospecting or digging for precious stones is taking place or any mine, except with the written permission of the mining commissioner, which shall be granted only after consultation with the **[chief of the diamond branch]** Commissioner of the South African Police:
 Provided that nothing in this section contained shall be construed as affecting in any way the rights of the owner or lessee of any land to reside on his land or to perform thereon any work not being prospecting or digging operations.”

13. Section 35 of the principal Act is hereby amended by the 35 substitution for subsection (4) of the following subsection:

Amendment of section 35 of Act 73 of 1964, as amended by section 18 of Act 15 of 1982.

“(4) Subject to the provisions of sections 43 and 44, no person shall at any time on any one alluvial digging hold more than **[six]** twelve claims pegged by him in terms of subsection (1) of this section.”

40 14. The following section is hereby substituted for section 40 of the principal Act:

Substitution of section 40 of Act 73 of 1964.

“Number of claims which may be acquired by transfer.”
 40. Except with the written consent of the Minister, and on such conditions as he may deem fit, no holder of a digger’s certificate shall be entitled, in respect of any one alluvial digging, to acquire by transfer more than **[twelve]** twenty-four claims: Provided that in the case of claims situated in a river bed the mining commissioner may grant to any such holder permission in writing so to acquire a greater number of such claims: Provided further that any person may by transfer acquire all the claims held under any discoverer’s or owner’s certificate.”

15. The following section is hereby substituted for section 46 of the principal Act:

Substitution of section 46 of Act 73 of 1964, as amended by section 9 of Act 41 of 1981.

“Roads on alluvial diggings not open to pegging.”
 46. (1) All proclaimed and public roads on an alluvial digging together with an area of ten metres on either side of any such road are reserved from pegging of claims.
 (2) A claim licence shall not be deemed to authorize the holder thereof to conduct digging operations under or within such horizontal distance of the roads

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artikel (1) bedoel soos bepaal in die Wet op Myne en Bedrywe, 1956 (Wet No. 27 van 1956), en die regulasies daarkragtens uitgevaardig, behalwe met die skriftelike toestemming van die inspekteur van myne in daardie Wet bedoel.”

5

Wysiging van artikel 49 van Wet 73 van 1964, soos gewysig deur artikel 25 van Wet 15 van 1982.

16. Artikel 49 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Behoudens die voorgaande bepalings van hierdie artikel, is iemand wat nie die houer van ’n delwersertifikaat is nie en wat ’n kleim in vennootskap met die houer van daardie kleim ontgin, of wat in stryd met die bepalings van hierdie artikel deel in die opbrengs van ’n kleim of die winste verkry uit die ontginning van ’n kleim, aan ’n misdryf skuldig en by skuldigbevinding strafbaar met die in subartikel (1) vermelde straf, en bowendien kan die hof wat hom skuldig bevind enige woon- en werkpermit kanselleer wat deur hom gehou word, of, indien dit nie aldus gekanselleer word nie, kan die mynkommissaris **[of die Kommissaris, na gelang eersgenoemde of laasgenoemde dit uitgereik het,]** dit kanselleer.”; en

- (b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Die mynkommissaris kan na oorlegpleging met die **[hoof van die diamantafdeling]** Kommissaris van die Suid-Afrikaanse Polisie, en op die voorwaardes wat hy goedvind, skriftelike toestemming aan ’n houer van ’n kleim verleen om met enigiemand ’n vennootskap aan te gaan met die doel om op dié kleim te delf.”

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Wysiging van artikel 55 van Wet 73 van 1964, soos gewysig deur artikel 29 van Wet 15 van 1982.

17. 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 **[vir blankes, kleurlinge of Swartes, na gelang van die geval,]** wat ingevolge gemelde artikel uitgesoek en uitgehou is, te woon.”

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Wysiging van artikel 56 van Wet 73 van 1964, soos gewysig deur artikel 30 van Wet 15 van 1982.

18. Artikel 56 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde wat die eerste voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

“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, polisiekasernes, Staatskantore, landingstroke, handels-, ontspannings-, woon- of sanitêre doeleindes of begraaftplase **[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.”

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Wysiging van artikel 57 van Wet 73 van 1964.

19. Artikel 57 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Sodanige oppervlakteregte word verleen en gehou op die voorwaardes wat die regulasies voorskryf en onderworpe aan die bepalings van die Wet op Myne en Bedrywe, 1956 (Wet No. 27 van 1956), en die regulasies daarkragtens uitgevaardig.”

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mentioned in subsection (1) as laid down in the Mines and Works Act, 1956 (Act No. 27 of 1956), and the regulations made thereunder, except with the written consent of the inspector of mines referred to in that Act.”.

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16. Section 49 of the principal Act is hereby amended—

Amendment of section 49 of Act 73 of 1964, as amended by section 25 of Act 15 of 1982.

- (a) by the substitution for subsection (2) of the following subsection:

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“(2) Subject to the foregoing provisions of this section, any person who is not the holder of a digger’s certificate and who works a claim in partnership with the holder of the claim, or who in contravention of the provisions of this section participates in the proceeds of a claim or the profits derived from the working of a claim, shall be guilty of an offence and liable on conviction to the penalty mentioned in subsection (1) and in addition any residential and work permit held by him may be cancelled by the court convicting him or, if it is not so cancelled, **[by] the mining commissioner [or the Commissioner, according to whether it was issued by the former or the latter] may cancel it.**”; and

15

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- (b) by the substitution for subsection (3) of the following subsection:

25

“(3) The mining commissioner may after consultation with the **[chief of the diamond branch] Commissioner of the South African Police**, and on such conditions as he may deem fit, grant written permission to any holder of a claim to enter into a partnership with any person for the purpose of carrying on digging operations on such claim.”.

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17. Section 55 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 55 of Act 73 of 1964, as amended by section 29 of Act 15 of 1982.

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“(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 **[for white or coloured persons or Blacks, as the case may be,] selected and reserved under the said section.**”.

40

18. 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:

Amendment of section 56 of Act 73 of 1964, as amended by section 30 of Act 15 of 1982.

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“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, landing strips, trading, recreation, **residential** 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.”.

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19. Section 57 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 57 of Act 73 of 1964.

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“(2) Such surface rights shall be granted and held on such conditions as may be prescribed by regulation and subject to the provisions of the Mines and Works Act, 1956 (Act No. 27 of 1956), and the regulations made thereunder.”.

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Vervanging van
artikel 89 van
Wet 73 van 1964,
soos gewysig deur
artikel 36 van
Wet 15 van 1982.

20. Artikel 89 van die Hoofwet word hierby deur die volgende artikel vervang:

"Permit om
puin wat
gekoop of
verkry is,
te was.

89. (1) [**'n Houer van 'n gangbare delwersertifikaat (behalwe 'n delwersertifikaat wat slegs prospektering dek) of van 'n woon- en werkpermit kan**] **Niemand** 5
mag puin wat hy gekoop of wettig verkry het, was, behandel of sorteer ten einde ruwe of ongeslypte diamante daaruit te haal **nie, [mits] tensy** hy die houer is van 'n waspermit in die by regulasie voorgeskrewe vorm wat ten opsigte van die betrokke landdrosdistrik aan hom uitgereik is deur die **[hoof van die diamantafdeling of iemand deur hom aangewys] myn-** 10
kommissaris.

(2) [**'n Permit ingevolge subartikel (1) kan na goed-dunke verleen of geweier word deur die owerheid wat bevoeg is om dit uit te reik, en 'n permit wat verleen word, moet die tydperk (twaalf maande nie te bowe gaande nie) aandui waarvoor dit verleen word**] **Voor-** 15
dat 'n permit kragtens subartikel (1) uitgereik word, moet die mynkommissaris homself daarvan oortuig dat die aansoeker om so 'n permit van goeie karakter is, en 'n permit wat aldus uitgereik word, moet die 20
tydperk (twaalf maande nie te bowe gaande nie) aandui waarvoor dit uitgereik word.

[(3) **Geen ruwe of ongeslypte diamant deur die houer van 'n waspermit uit puin gehaal, mag verkoop of van die hand gesit word nie, tensy bedoelde houer—**

(a) 'n plegtige verklaring afgelê het en voorgelê het aan die hoof van die diamantafdeling of iemand deur hom aangewys, ten effekte dat dié diamant werklik deur hom gehaal is uit puin wat hy gekoop of wettiglik verkry het, en met vermelding van die prys of vergoeding, as daar is, vir die puin betaal en van die getal vrage daarvan wat 35
gewas, behandel of gesorteer is; en

(b) 'n permit ingevolge paragraaf (b) van subartikel (1) van artikel *agt-en-tagtig* verkry het wat hom magtig om bedoelde diamant te verkoop of van die hand te sit. 40

(4) [(3) Iemand wat, tensy hy andersins ingevolge hierdie Wet daartoe gemagtig is, [—

(a)] puin wat hy gekoop of verkry het, was, behandel of sorteer sonder dat hy in besit is van 'n geldige permit kragtens subartikel (1) aan hom verleen 45
[; of

(b) 'n ruwe of ongeslypte diamant wat uit aldus gekoopte of verkreeë puin gehaal is, verkoop of op ander wyse van die hand sit sonder dat hy in besit is van die permit in paragraaf (b) van subartikel (3) bedoel], 50

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfduisend rand.

(4) 'n Houer van 'n waspermit is geregtig op die 55
opbrengs van diamante deur hom gevind in die loop van *bona fide*-waswerksaamhede wat hy op gesag van daardie permit verrig.

(5) Alle waswerksaamhede ingevolge magtiging by waspermit verleen, geskied onder die beheer en regstreekse toesig van die houer van daardie permit of 'n deur hom skriftelik aangestelde persoon wat die houer is van 'n gangbare delwersertifikaat of 'n woon- en werkpermit." 60

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20. The following section is hereby substituted for section 89 of the principal Act:

Substitution of section 89 of Act 73 of 1964, as amended by section 36 of Act 15 of 1982.

5 "Permit to wash debris bought or acquired.

89. (1) **[Any holder of a current digger's certificate (other than a digger's certificate available for prospecting purposes only) or of a residential and work permit may]** No person shall wash, treat or sort any debris bought or lawfully acquired by him, with a view to the recovery of rough or uncut diamonds therefrom, **[provided]** unless he is the holder of a washing permit, in the form prescribed by regulation, issued to him in respect of the magisterial district in question by the **[chief of the diamond branch or a person designated by him]** mining commissioner.

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15 (2) **[The grant or refusal of any permit under subsection (1) shall be in the discretion of the issuing authority, and any permit granted shall reflect the period (not being more than twelve months) for which it is granted]** Before issuing a permit under subsection (1) the mining commissioner shall satisfy himself that the applicant for such permit is of good character, and any permit so issued shall reflect the period (not being more than twelve months) for which it is issued.

20
25 **[(3) No rough or uncut diamond recovered from debris by the holder of a washing permit shall be sold or disposed of unless such holder has—**

30 (a) **made and submitted to the chief of the diamond branch or the person designated by him a solemn declaration to the effect that such diamond was actually recovered by him from debris bought or lawfully acquired by him and setting forth the price or consideration, if any, paid for the debris and the number of loads thereof washed, treated or sorted; and**

35 (b) **obtained a permit under paragraph (b) of subsection (1) of section eighty-eight authorizing him to sell or dispose of such diamond.**

(4) **[(3) Any person who, unless otherwise authorized thereto under this Act, [—**

40 (a) **washes, treats or sorts any debris bought or acquired by him without being in possession of a valid permit granted to him under subsection (1) [; or**

45 (b) **sells or otherwise disposes of any rough or uncut diamond recovered from debris so bought or acquired without being in possession of the permit mentioned in paragraph (b) of subsection (3)],**

shall be guilty of an offence and liable on conviction to a fine not exceeding five thousand rand.

50 (4) **Any holder of a washing permit is entitled to the proceeds of any precious stones found by him in the course of bona fide washing operations under the authority of such permit.**

55 (5) **All washing operations under the authority of a washing permit shall be carried on under the control and direct charge of the holder of such permit or some person appointed by him in writing who is the holder of a current digger's certificate or of a residential and work permit."**

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Invoeging van artikel 122A in Wet 73 van 1964.

21. Die volgende artikel word hierby na artikel 122 in die Hoofwet ingevoeg:

“Reëlins vir verrigting van sekere werksaamhede of pligte en delegering van bevoegdheide deur mynkommissaris.

122A. Die mynkommissaris kan met die goedkeuring van die Direkteur-generaal: Mineraal- en Energiesake—

- (a) die reëlins wat hy nodig of wenslik ag, tref met 'n ander Staatsdepartement of 'n instelling, organisasie, owerheid of ampsbekleider om namens hom enige werksaamheid of plig te verrig wat in-gevolge hierdie Wet deur die mynkommissaris verrig moet word; en
- (b) 'n bevoegdheid deur hierdie Wet aan hom verleen skriftelik aan 'n ander beampte in die Staatsdiens deleger: Met dien verstande dat die mynkommissaris nie ontdoen is van 'n bevoegdheid wat aldus gedelegeer is nie, en 'n beslissing deur sodanige ander beampte geneem by die uit-oefening van 'n bevoegdheid wat aldus gedelegeer is, kan intrek of wysig.”.

Kort titel en inwerkingtreding.

22. Hierdie Wet heet die Wysigingswet op Edelgesteentes, 20 1986, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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21. The following section is hereby inserted in the principal Act after section 122:

Insertion of section 122A in Act 73 of 1964.

5 "Arrangements for performance of certain functions or duties and delegation of powers by mining commissioner.

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122A. The mining commissioner may with the approval of the Director-General: Mineral and Energy Affairs—

- (a) make such arrangements as he may deem necessary or desirable, with any other Government department or any institution, organization, authority or office-bearer to undertake on his behalf the performance of any function or duty which in terms of this Act is to be performed by the mining commissioner; and
- (b) in writing delegate any power conferred upon him by this Act to any other officer in the Public Service: Provided that the mining commissioner shall not be divested of any power so delegated and may set aside or amend any decision taken by such officer in the exercise of any power so delegated."

20 22. This Act shall be called the Precious Stones Amendment Act, 1986, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Short title and commencement.

