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GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1327.

6 Julie 1988

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

No. 77 van 1988: Wysigingswet op die Aanvullende Wet op die Mineralewette, 1988.

No. 1327.

6 July 1988

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

No. 77 of 1988: Mineral Laws Supplementary Act Amendment Act, 1988.

Wet No. 77, 1988

WYSIGINGSWET OP DIE AANVULLENDE WET OP DIE
MINERAALWETTE, 1988**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 Aanvullende Wet op die Mineraalwette, 1975, ten einde die omskrywing van "Minister" te vervang; die koop of verkryging van grond onder sekere omstandighede verder te reël; en voorsiening te maak vir die betaling van vergoeding onder sekere omstandighede; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 23 Junie 1988.)

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

Wysiging van artikel 1 van Wet 10 van 1975, soos gewysig deur artikel 1 van Wet 23 van 1981

1. Artikel 1 van die Aanvullende Wet op die Mineraalwette, 1975, word hierby 5 gewysig deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:

“Minister” die Minister van **[Mineraal- en Energiesake]** Ekonomiese Sake en Tegnologie”.

Vervanging van artikel 6 van Wet 10 van 1975, soos gewysig deur artikel 93 van Wet 10 van 1975 en artikel 5 van Wet 23 van 1981

2. Artikel 6 van die Aanvullende Wet op die Mineraalwette, 1975, word hierby deur die volgende artikel vervang:

“**Verkryging of koop van sekere grond en betaling van vergoeding onder sekere omstandighede** 15

6. (1) (a) Indien die Minister, nadat skriftelike vertoë aan hom gerig is deur die eienaar van private grond of deur 'n persoon wat **[ingevolge 'n wetsbepaling]** geregtig is om op daardie grond te myn en **[voornemens of besig]** wat besig of voornemens is om op daardie grond te myn vir 'n onedele mineraal, en na die ondersoek wat die 20 Minister nodig ag, en na oorlegpleging met die Minister van Landbou, oortuig is—

(i) dat die gebruik of die voorgename gebruik van daardie grond, of 'n gedeelte daarvan, deur daardie persoon vir die myn vir onedele minerale of vir doeleindes wat daarmee in verband 25 staan, die behoorlike gebruik van daardie grond of daardie gedeelte vir boerderydoeleindes verhoed of belemmer, of waarskynlik sal verhoed of belemmer; of

(ii) dat 'n gedeelte van daardie grond wat nie deur daardie persoon vir myndoelindes of doeleindes wat daarmee in verband staan, 30

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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 Mineral Laws Supplementary Act, 1975, so as to substitute the definition of "Minister"; to further regulate the purchase or acquisition of land under certain circumstances; and to provide for the payment of compensation under certain circumstances; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 23 June 1988.)*

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

Amendment of section 1 of Act 10 of 1975, as amended by section 1 of Act 23 of 1981

1. Section 1 of the Mineral Laws Supplementary Act, 1975, is hereby amended by the substitution for the definition of "Minister" of the following definition:

"'Minister' means the Minister of **[Mineral and Energy Affairs]** Economic Affairs and Technology;"

Substitution of section 6 of Act 10 of 1975, as amended by section 93 of Act 63 of 1975 and section 5 of Act 23 of 1981

2. The following section is hereby substituted for section 6 of the Mineral Laws Supplementary Act, 1975:

"Acquisition or purchase of certain land and payment of compensation in certain circumstances"

6. (1) (a) If the Minister, after representations in writing have been made to him by the owner of any private land or by any person who is **[in terms of any law]** entitled to mine on that land and who mines or intends to mine on that land for any base mineral, and after such investigations as the Minister may deem necessary, and after consultation with the Minister of Agriculture, is satisfied—

- (i) that the use or intended use of such land, or any portion thereof, by such person for the mining of base minerals or purposes incidental thereto, prevents or hinders or is likely to prevent or hinder the proper use of such land or such portion for farming purposes; or
- (ii) that any portion of such land which is not being used or is not likely to be used by such person for mining purposes or

gebruik word nie of waarskynlik nie aldus deur hom gebruik sal word nie, 'n onekonomiese boerdery-eenheid is of waarskynlik sal word,

moet hy **[tensy hy of die Direkteur-generaal deur daardie eienaar in kennis gestel is soos in paragraaf (d) beoog]** daardie eienaar en daardie persoon skriftelik dienoreenkomstig in kennis stel, en daarop word daar, behoudens die bepalings van **[daardie]** paragraaf (d), met uitsluiting van enigiemand anders, 'n reg in die Staat gevestig om daardie grond, of die gedeelte daarvan wat die Minister bepaal, te verkry. 10

(b) Indien die Minister nie oortuig is soos beoog in paragraaf (a) (i) of (ii) nie, moet hy daardie eienaar en daardie persoon skriftelik dienoreenkomstig in kennis stel.

(c) 'n Afskrif van vertoë wat ingevolge **[subartikel (1)]** paragraaf (a) gerig is, moet, indien daardie vertoë deur die eienaar van die betrokke grond gerig is, deur daardie eienaar aan die persoon wat aldus geregtig is om op daardie grond te myn, bestel word of, indien daardie vertoë deur daardie persoon gerig is, deur daardie persoon aan daardie eienaar bestel word. 15

(d) Ondanks die bepalings van paragraaf (a), word geen reg om grond te verkry **[word]** uit hoofde van 'n kennisgewing kragtens gemelde paragraaf **[(a)]** in die Staat gevestig nie indien **[die eienaar van daardie grond, na aanleiding van vertoë in daardie paragraaf bedoel en voordat hy so 'n kennisgewing ontvang het]** die Minister of die Direkteur-generaal binne drie maande na die datum van daardie kennisgewing skriftelik in kennis gestel **[het]** is— 25

(i) deur die eienaar van daardie grond dat hy die eiendom van daardie grond wil behou ongeag die **[mate waarin]** wyse waarop daardie grond deur die in daardie paragraaf bedoelde persoon vir myndoelindes of doeleindes wat daarmee in verband staan, versteur, beskadig of gebruik word of waarskynlik versteur, beskadig of gebruik sal word; of 30

(ii) deur daardie eienaar en daardie persoon dat hulle 'n ooreenkoms met mekaar aangegaan het vir die betaling van vergoeding vir skade wat veroorsaak is of waarskynlik veroorsaak sal word as gevolg van mynbedrywighede of bedrywighede wat daarmee in verband staan op daardie grond. 35

(dA) Indien die Minister oortuig is, na oorweging van enige skriftelike vertoë aan hom gerig deur 'n eienaar bedoel in paragraaf (d) (i), en na die ondersoek wat die Minister nodig ag— 40

(i) dat die eienaar skade gely het of waarskynlik sal ly as gevolg van—

(aa) grondversteuring of -versakking wat veroorsaak is deur mynbedrywighede vir 'n onedele mineraal of bedrywighede wat in verband staan met daardie mynbedrywighede; of 45

(bb) enige versperring op grond opgerig deur enige persoon wat geregtig is om op daardie grond te myn en besig of voornemens is om op daardie grond vir 'n onedele mineraal te myn; en

(ii) dat die eienaar alle redelike pogings aangewend het om 'n skikking met die ander persoon vir die betaling van vergoeding vir die skade in subparagraaf (i) bedoel, aan te gaan, moet hy, behoudens die bepalings van paragraaf (dB), daardie persoon skriftelik gelas om 'n skikking met die eienaar aan te gaan vir die betaling van vergoeding vir daardie skade. 55

(dB) Die eienaar van die betrokke grond mag nie verdere vergoeding kragtens paragraaf (dA) verhaal nie—

(i) ten opsigte van enige skade wat gely is of waarskynlik gely sal word as gevolg van grondversteuring of -versakking in paragraaf (dA) (i) (aa) beoog indien vergoeding vir daardie grondversteuring of -versakking alreeds aan die eienaar of sy regsvoorganger betaal is: Met dien verstande dat hierdie verbod nie 60

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purposes incidental thereto, is or is likely to become an uneconomic farming unit,

he shall **[unless he or the Director-General has been notified by such owner as contemplated in paragraph (d)]** in writing notify such owner and such person accordingly, and thereupon there shall be vested, subject to the provisions of **[that] paragraph (d), [be vested]** in the State a right, to the exclusion of any other person, to acquire such land, or such portion thereof as the Minister may determine.

(b) If the Minister is not satisfied as contemplated in paragraph (a) (i) or (ii), he shall in writing notify such **[person] owner** and such **[owner] person** accordingly.

(c) A copy of any representations made in terms of paragraph (a) shall, if such representations are made by the owner of the land in question, be served by such owner on the person so entitled to mine on such land or, if such representations are made by such person, be served by such person on such owner.

(d) Notwithstanding the provisions of paragraph (a), no right to acquire any land shall be vested in the State by virtue of any notification under the said paragraph [(a) if the owner of such land has, in response to any representations referred to in that paragraph and before the receipt by him of any such notification notified] if the Minister or the Director-General within three months after the date of that notification has been notified in writing—

(i) by the owner of that land that he desires to retain the ownership of such land irrespective of the [extent to] way in which such land is or is likely to be disturbed or damaged by, or used for, mining purposes or purposes incidental thereto by the person referred to in that paragraph; or

(ii) by that owner and that person that they have entered into an agreement with one another for the payment of compensation for damage caused or likely to be caused as a result of mining operations or operations incidental thereto on that land.

(dA) If the Minister is satisfied, after considering any written representations made to him by an owner referred to in paragraph (d) (i), and after making the investigations the Minister deems necessary—

(i) that the owner has suffered or is likely to suffer damage as a result of—

(aa) disturbance or subsidence of the land caused by mining operations for any base mineral or operations incidental to those mining operations; or

(bb) any obstruction established on the land by any person entitled to mine on that land and who mines or intends to mine on that land for any base mineral; and

(ii) that the owner has made all reasonable efforts to negotiate a settlement with the other person for the payment of compensation for the damage referred to in subparagraph (i),

he shall, subject to the provisions of paragraph (dB), in writing direct that other person to negotiate a settlement with the owner for the payment of compensation for that damage.

(dB) The owner of the land in question shall not be entitled to recover any further compensation under paragraph (dA)—

(i) in respect of any damage suffered or likely to be suffered as a result of disturbance or subsidence contemplated in paragraph (dA) (i) (aa), if compensation for that disturbance or subsidence has been paid to the owner or his predecessor in title: Provided that this prohibition shall not preclude the owner of

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die eienaar van die grond belet om skadevergoeding ten opsigte van enige verdere versteurings of versakkings te verhaal nie; of

- (ii) ten opsigte van enige skade gelyk as gevolg van enige versperring in paragraaf (dA) (i) (bb) beoog, indien—

(aa) die reg om 'n versperring op te rig, verkry is deur 'n voorbehoud van regte op die tydstip waarop die mineraal-regte van die eiendom van die grond geskei is; of

(bb) die reg om 'n versperring op te rig, deur 'n serwituut of andersins verkry is deur die persoon wat geregtig is om op die grond te myn.

- (e) Die Minister moet die persoon in paragraaf (a) bedoel, skriftelik in kennis stel van 'n kennisgewing kragtens paragraaf (d) deur die Minister of die Direkteur-generaal van die betrokke eienaar ontvang.

- (f) Indien die eienaar van die betrokke grond die Minister of die Direkteur-generaal in kennis gestel het soos in paragraaf (d) beoog, of indien 'n skikking na 'n lasgewing soos in paragraaf (dA) beoog, aangegaan is, is nóg daardie eienaar of 'n latere eienaar van daardie grond, nóg 'n persoon wat 'n belang in daardie grond het of verkry, geregtig om, terwyl die in paragraaf (a) of (dA) bedoelde persoon, of sy opvolger in titel, die reg het om op daardie grond vir die betrokke onedele mineraal te myn, by 'n hof aansoek te doen om 'n bevel **[waardeur]** om enigiets ingevolge 'n skikking ingevolge paragraaf (d) of (dA) toegelaat, te verbied en daardeur laasgenoemde persoon of sy benoemde **[verbied word]** te belet om op daardie grond met die myn vir daardie onedele mineraal of werksaamhede wat daarmee in verband staan, te begin of voort te gaan.

- (g) 'n Eienaar—

- (i) wat die Minister of die Direkteur-generaal in kennis gestel het soos in paragraaf (d) beoog; of
- (ii) wat onderskeidelik 'n ooreenkoms aangegaan of 'n skikking aangegaan het bedoel in paragraaf (d) (ii) of (dA); of
- (iii) ten gunste van wie vergoeding deur arbitrasie kragtens subartikel (3) toegestaan is,

moet binne een maand vanaf die datum van die kennisgewing, ooreenkoms of skikking, na gelang van die geval, sy titelbewys ten opsigte van die betrokke grond aan die Direkteur-generaal voorlê om aan die registrateur gestuur te word, wat daarop die endossement en in die gepaste registers die inskrywings moet aanbring wat hy nodig ag ten einde die uitwerking van die bepalings van paragraaf (f) ten opsigte van daardie grond weer te gee, en indien bedoelde eienaar versuim om genoemde titelbewys binne bedoelde tydperk aldus voor te lê, moet die registrateur nogtans bedoelde inskrywings op die skriftelike versoek van die Direkteur-generaal aanbring en bedoelde endossement aanbring indien die titelbewys te eniger tyd om die een of ander rede by hom ingedien word.

(2) Indien die Minister van Landbou **[en Visserye]** van mening is dat grond ten opsigte waarvan daar ingevolge subartikel (1) (a) 'n reg in die Staat gevestig is—

- (a) deur die Staat verkry moet word, word daardie grond geag vir openbare doeleindes benodig te word, en daarop is die bepalings van die Onteieningswet, 1975, *mutatis mutandis* van toepassing in verband met sodanige verkryging; of
- (b) nie deur die Staat verkry moet word nie, verval daardie reg, en daarop **[kan]** moet die Minister 'n kennisgewing laat bestel aan die persoon bedoel in subartikel (1) (a) waardeur hy gelas word om daardie grond te koop en oordrag daarvan te neem.

(3) Indien 'n persoon aan wie 'n kennisgewing bedoel in subartikel (2) (b) bestel is en die eienaar van die betrokke grond nie in staat is om oor die koopprys van daardie grond ooreen te kom nie, of indien daardie persoon en daardie eienaar, na 'n lasgewing van die Minister, nie 'n skikking vir vergoeding beoog in subartikel (1) (dA) kan bereik nie,

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the land from recovering compensation in respect of any further disturbances or subsidences; or

(ii) in respect of any damage suffered as a result of any obstruction contemplated in paragraph (dA) (i) (bb) if—

(aa) the right to establish the obstruction was acquired by means of a reservation of rights at the time when the mineral rights were severed from the ownership of the land; or

(bb) the right to establish the obstruction was acquired by the person entitled to mine on that land by servitude or otherwise.

(e) The Minister shall in writing notify the person referred to in paragraph (a) of any notification under paragraph (d) received by the Minister or the Director-General from the owner concerned.

(f) If the owner of the land in question has notified the Minister or the Director-General as contemplated in paragraph (d), or if a settlement resulting from a directive as contemplated in paragraph (dA) has been negotiated, neither such owner or any subsequent owner of that land, nor any person who has or may acquire any interest in that land, shall, while the person referred to in paragraph (a) or (dA) or his successor in title is entitled to mine on that land for the base mineral in question, be entitled to apply to any court for an order prohibiting anything permitted in a settlement in terms of paragraph (d) or (dA) and thereby preventing the last-mentioned person or his nominee from commencing or continuing on that land with mining for such base mineral or operations incidental thereto.

(g) An owner—

(i) who has notified the Minister or the Director-General as contemplated in paragraph (d); or

(ii) who has entered into an agreement or negotiated a settlement referred to in paragraph (d) (ii) or (dA), respectively; or

(iii) in whose favour compensation has been granted by arbitration under subsection (3),

shall within a period of one month from the date of the notification, agreement or settlement, as the case may be, submit his title deed in respect of the land in question to the Director-General for transmission to the registrar, who shall make such endorsement thereon and such entries in the appropriate registers as he may deem necessary in order to reflect the effect of the provisions of paragraph (f) with regard to that land, and if such owner fails to submit the said title deed within such period, the registrar shall nevertheless make such entries at the written request of the Director-General and make such endorsement if the title deed is at any time lodged with him for any reason.

(2) If the Minister of Agriculture **[and Fisheries]** is of the opinion that any land in respect of which a right has been vested in the State in terms of subsection (1) (a)—

(a) should be acquired by the State, such land shall be deemed to be required for public purposes, and thereupon the provisions of the Expropriation Act, 1975, shall apply *mutatis mutandis* in connection with such acquisition; or

(b) should not be acquired by the State, such right shall lapse, and thereupon the Minister **[may]** shall cause to be served upon the person referred to in subsection (1) (a) a notice directing him to purchase and take transfer of such land.

(3) If any person upon whom a notice referred to in subsection (2) (b) has been served and the owner of the land in question are unable to agree on the purchase price of such land, or if that person and that owner, after a directive from the Minister, are unable to negotiate a settlement for

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word daardie koopprys of daardie vergoeding deur arbitrasie ingevolge die Wet op Arbitrasie, 1965 (Wet No. 42 van 1965), bepaal: Met dien verstande dat—

- (a) by die berekening van daardie koopprys of daardie vergoeding, na gelang van die geval, die bepalings van artikel 12 van die Onteiningswet, 1975 (Wet No. 63 van 1975), *mutatis mutandis* van toepassing is asof daar 'n onteining van eiendom of die neem van 'n reg, onderskeidelik, plaasgevind het; en
- (b) by die berekening van daardie vergoeding—
 - (i) enige rehabilitasie wat op daardie grond gedoen is of gedoen sal 10 word; en
 - (ii) enige vergoeding wat daardie persoon of sy regsvoorganger aan daardie eienaar of sy regsvoorganger betaal het of onderneem het om te betaal, in ag geneem moet word. 15
- (4) (a) Indien 'n persoon aan wie 'n lasgewing bedoel in subartikel (1) (dA) of aan wie 'n kennisgewing bedoel in subartikel (2) (b) bestel is, versuim om binne 'n tydperk van drie maande—
 - (i) vanaf die datum van daardie lasgewing of daardie kennisgewing; of 20
 - (ii) indien 'n geskil oor die vergoeding vir die betrokke skade of oor die koopprys van die betrokke grond na arbitrasie verwys is, vanaf die datum waarop die vergoeding of die koopprys van die betrokke grond deur arbitrasie bepaal is, 'n skriftelike ooreenkoms met die eienaar van daardie grond **[vir die 25 koop daarvan]** aan te gaan vir die betaling van vergoeding of vir die koop van daardie grond, kan die Minister, indien hy oortuig is dat daardie versuim te wyte is aan die toedoen van daardie persoon, daardie persoon skriftelik verbied om, tot tyd en wyl die Minister anders bepaal, met mynwerksaamhede op daardie grond te begin of 30 voort te gaan.
- (b) Die Minister kan die tydperk van drie maande bedoel in paragraaf (a) verleng indien hy oortuig is dat 'n verlenging geregverdig is.
- (5) 'n Persoon wat 'n verbod wat kragtens subartikel (4) op hom gelê is, oortree, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 35 'n boete van hoogstens **[twintig rand]** R100 vir elke dag waarop hy daardie verbod oortree.
- (6) (a) Ondanks andersluidende wetsbepalings maar sonder om afbreuk aan die bepalings van subartikel (1) (f) te doen, is niemand ten opsigte van grond in verband waarmee daar vertoë bedoel in 40 subartikel (1) gerig is, geregtig om gedurende die tydperk van nege maande wat volg op die datum waarop daardie vertoë gerig is, by 'n hof aansoek te doen om 'n bevel waardeur 'n persoon wat die reg het om op daardie grond vir die betrokke onedele mineraal te myn, verbied word om op daardie grond met die myn vir daardie onedele 45 mineraal of werksaamhede wat daarmee in verband staan, te begin of voort te gaan nie, tensy die Minister voor die verstryking van daardie tydperk die eienaar en die persoon bedoel in subartikel (1) ooreenkomstig die bepalings van paragraaf (b) van daardie subartikel in kennis gestel het of daardie persoon ooreenkomstig die 50 bepalings van paragraaf (e) van daardie subartikel in kennis gestel het.
- (b) Geen bevel in paragraaf (a) bedoel, word deur 'n hof ten opsigte van aldus bedoelde grond toegestaan nie indien die persoon wat geregtig is om op daardie grond vir die betrokke onedele mineraal te myn, 55 sekerheid ten genoeë van die griffier van die hof gestel het, ter dekking van verlies of skade wat deur die persoon wat om die bevel aansoek doen, gely sal word of waarskynlik gely sal word as gevolg van die myn vir daardie onedele mineraal, of werksaamhede wat daarmee in verband staan, deur die soos voormeld geregtigde 60 persoon of sy benoemde op daardie grond.
- (7) Die koste verbonde aan die oordrag van grond ten opsigte waarvan 'n kennisgewing bedoel in subartikel (2) (b) bestel is, word betaal deur die persoon aan wie daardie kennisgewing bestel is.

compensation as contemplated in subsection (1) (dA), such purchase price or such compensation shall be determined by arbitration in terms of the Arbitration Act, 1965 (Act No. 42 of 1965): Provided that—

(a) in determining such purchase price or such compensation, as the case may be, the provisions of section 12 of the Expropriation Act, 1975 (Act No. 63 of 1975), shall *mutatis mutandis* apply as if an expropriation of property or the taking of a right, respectively, has taken place; and

(b) in determining that compensation due regard shall be had to—

(i) any rehabilitation that has been or shall be undertaken on such land; and

(ii) any compensation which that person or any predecessor in title has paid to or undertaken to pay to that owner or any predecessor in title to that owner.

(4) (a) If any person upon whom a directive referred to in subsection (1) (dA) or upon whom a notice referred to in subsection (2) (b) has been served, fails to enter into an agreement in writing with the owner of the land in question for the payment of compensation or for the purchase of such land, within a period of three months—

(i) from the date of such directive or such notice; or

(ii) if a dispute as to the compensation for the damages in question or as to the purchase price of such land has been referred to arbitration, from the date on which the compensation or the purchase price of such land was determined by arbitration,

the Minister may, if he is satisfied that such failure is due to default on the part of such person, prohibit such person in writing from commencing or continuing with mining operations on such land until such time as the Minister may determine otherwise.

(b) The Minister may extend the period of three months referred to in paragraph (a) if he is satisfied that an extension is justified.

(5) Any person who contravenes any prohibition imposed upon him under subsection (4), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding [twenty rand] R100 for every day upon which he contravenes such prohibition.

(6) (a) Notwithstanding anything to the contrary contained in any law, but without any derogation from the provisions of subsection (1) (f), no person shall, in respect of land in connection with which representations referred to in subsection (1) have been made, be entitled during the period of nine months following upon the date on which such representations have been made, to apply to any court for an order prohibiting any person entitled to mine on such land for the base mineral in question from commencing or continuing on such land with mining for such base mineral or operations incidental thereto, unless the Minister has before the expiration of that period notified the owner and the person referred to in subsection (1) in accordance with the provisions of paragraph (b) of that subsection or notified that person in accordance with the provisions of paragraph (e) of that subsection.

(b) No order referred to in paragraph (a) shall be granted by any court in respect of the land so referred to if the person entitled to mine on such land for the base mineral in question has given security, to the satisfaction of the registrar of the court, to cover any loss or damage that the person applying for the order will suffer or is likely to suffer as a result of mining for that base mineral, or operations incidental thereto, on such land by the person entitled as aforesaid or his nominee.

(7) Costs incidental to the transfer of any land in respect of which a notice referred to in subsection (2) (b) has been served, shall be paid by the person upon whom such notice was served.

Wet No. 77, 1988

WYSIGINGSWET OP DIE AANVULLENDE WET OP DIE
MINERAALWETTE, 1988

(8) In hierdie artikel beteken—

(a) 'grond' nie ook 'n reg op minerale nie; en

(b) 'versperring' enige onroerende saak op grond vir mynbedrywighede of bedrywighede wat daarmee in verband staan opgerig deur 'n persoon wat geregtig is om op die grond te myn, en ook enige dam of stortplek van slyk, klip of enige ander afvalproduk veroorsaak in die loop van die mynbedrywighede op die grond." 5

Wysiging van lang titel van Wet 10 van 1975, soos vervang deur artikel 7 van Wet 23 van 1981

3. Die lang titel van die Aanvullende Wet op die Mineraalwette, 1975, word 10 hierby gewysig deur die woorde "Minister van Mineraal- en Energiesake" deur die woorde "Minister van Ekonomiese Sake en Tegnologie" te vervang.

Kort titel

4. Hierdie Wet heet die Wysigingswet op die Aanvullende Wet op die Mineraalwette, 1988. 15

MINERAL LAWS SUPPLEMENTARY ACT AMENDMENT ACT, 1988

Act No. 77, 1988

(8) In this section—

(a) 'land' does not include any right to minerals; and

5 (b) 'obstruction' means any immovable property established on land for mining operations or operations incidental thereto by the person entitled to mine on the land, and includes a dam, or dump of tailings, rock or any other residue produced in the course of mining operations on that land."

Amendment of long title of Act 10 of 1975, as substituted by section 7 of Act 23 of 1981

10 3. The long title of the Mineral Laws Supplementary Act, 1975, is hereby amended by the substitution for the words "Minister of Mineral and Energy Affairs" of the words "Minister of Economic Affairs and Technology".

Short title

4. This Act shall be called the Mineral Laws Supplementary Act Amendment Act, 1988.

