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STAATSKOERANT

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STATE PRESIDENT'S OFFICE

No. 1199.

16 July 1993

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

No. 103 of 1993: Minerals Amendment Act, 1993.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1199.

16 Julie 1993

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

No. 103 van 1993: Mineraalwysigingswet, 1993.

GENERAL EXPLANATORY NOTE:

- 【 Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.
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ACT

To amend the Minerals Act, 1991, so as to insert certain definitions and to replace or delete others; to further regulate the responsibility for the administration of the said Act; to provide for the furnishing of certain particulars about the ability of an applicant for a prospecting permit to rehabilitate surface disturbances that may be caused by his intended prospecting operations; to further regulate the period within which the holder of a prospecting permit may apply for a renewal thereof; to empower the regional director to suspend mining operations pending rectifying steps to be taken in respect of rehabilitation measures or the suspension or cancellation of a permit, permission or authorization by the Minister; to provide for the granting of consent for the removal of minerals found in the course of prospecting operations on land in respect of which the holder of the mineral right or an undivided share therein cannot be readily traced or where any person entitled to such right or undivided share therein by virtue of intestate succession or any testamentary disposition has not obtained cession thereof and a period of not less than two years has expired from the date on which he became so entitled; to provide for the investigation of geological formations by the State; to provide that certain approval for the division of the right to any mineral or minerals or an increase in the number of holders of undivided shares in such right shall only be required if the right concerned has been severed from the ownership of the land concerned or is about to be so severed by the registration of a deed; to extend certain powers of the regional mining engineer in relation to safety and health to any officer authorized thereto by the Director-General; to further regulate the enquiring into the cause of accidents at mines and works; to further regulate the appointment of a manager at a mine or works; to subject the use of prescribed equipment to the issue of a permit and the requirements and conditions set or determined by the regional director and the regional mining engineer; to provide for adequate provision being made for the rehabilitation of a mining area within a certain period before mining operations are ceased; to empower the regional director to grant certain exemption or temporary authorization or to approve or effect amendments to environmental management programmes; to provide for consultation with each department charged with the administration of any law which relates to a matter affecting the environment before a decision regarding such a matter is taken; to provide that the Director-General may in certain circumstances require an environmental impact assessment; to provide that the registrar of deeds shall make a certain endorsement on a title deed under certain circumstances; to insert a transitional provision in relation to the granting of a mining lease for natural oil; to provide for the collection and payment by the Mining Commissioner of certain moneys to the owner of land comprising an alluvial digging or proclaimed land in so far as the continuation of mining rights is concerned; to provide in the transitional provisions for cases where the State is the holder of an undivided share in the right to a mineral in relation to prospecting and digging agreements; to authorize the Director-General to authorize officers of the Department to enter upon land to perform certain

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeningen aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeningen aan.
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WET

Tot wysiging van die Mineraalwet, 1991, ten einde sekere woordomskrywings in te voeg en ander te vervang of te skrap; die verantwoordelikheid vir die administrasie van genoemde Wet verder te reël; voorsiening te maak vir die verskaffing van sekere besonderhede oor die vermoë van 'n aansoeker om 'n prospekteerpermit om oppervlakversteurings te rehabiliteer wat deur sy voorgename prospekteerwerksaamhede veroorsaak mag word; die tydperk waarbinne die houer van 'n prospekteerpermit om 'n hernuwing daarvan aansoek kan doen verder te reël; die streekdirekteur te magtig om mynwerksaamhede op te skort hangende regstellende stappe wat gedoen moet word ten opsigte van rehabilitasie-maatreëls of die opskorting of intrekking van 'n permit, vergunning of magtiging deur die Minister; voorsiening te maak vir die verlening van toestemming vir die verwydering van minerale wat in die loop van prospekteerwerksaamhede gevind word op grond ten opsigte waarvan die houer van die mineraalreg of 'n onverdeelde aandeel daarin nie geredelik opgespoor kan word nie of waar enige persoon wat op sodanige reg of 'n onverdeelde aandeel daarin geregtig is uit hoofde van die intestate erfreg of 'n testamentêre beskikking nie sessie daarvan verkry het nie en 'n tydperk van minstens twee jaar verstryk het vanaf die datum waarop hy aldus geregtig geword het; voorsiening te maak vir die ondersoek van geologiese formasies deur die Staat; voorsiening te maak dat sekere goedkeuring vir die verdeling van die reg op 'n mineraal of minerale of 'n vermeerdering van die aantal houers van onverdeelde aandele in sodanige reg slegs vereis word indien die betrokke reg van die eiendom van die betrokke grond geskei is of by registrasie van 'n akte geskei staan te word; sekere bevoegdhede van die streekmyningingenieur met betrekking tot veiligheid en gesondheid uit te brei na enige beampete deur die Direkteur-generaal daartoe gemagtig; die ondersoek van die oorsaak van ongelukke by myne en bedrywe verder te reël; die aanstelling van 'n bestuurder by 'n myn of bedryf verder te reël; die gebruik van voorgeskrewe toerusting onderhewig te maak aan die uitreiking van 'n permit en die vereistes en voorwaardes wat deur die streekdirekteur en die streekmyningingenieur gestel of bepaal mag word; voorsiening te maak dat voldoende voorsiening binne 'n sekere tydperk voordat mynbouwerksaamhede gestaak word, gemaak word vir die rehabilitasie van 'n mynterrein; die streekdirekteur te magtig om sekere vrystelling of tydelike magtiging te verleen of om wysigings aan omgewingsbestuursprogramme goed te keur of aan te bring; voorsiening te maak vir oorlegpleging met elke departement wat belas is met die uitvoering van 'n wet wat betrekking het op 'n aangeleenthed wat die omgewing raak voordat 'n besluit betreffende so 'n aangeleenthed geneem word; voorsiening te maak dat die Direkteur-generaal in sekere omstandighede 'n omgewingsinvloedstudie kan vereis; voorsiening te maak dat die registerieur van aktes in sekere omstandighede 'n sekere endossement op 'n titelakte moet aanbring; 'n oorgangsbeplaling met betrekking tot die toekenning van 'n mynhuur vir aardolie in te voeg; voorsiening te maak vir die invordering en oorbetaling deur die Mynkommissaris van sekere gelde aan die eienaar van grond wat 'n alluviale delwery of geproklameerde grond uitmaak sover dit die voortbestaan van mynregte betref; voorsiening te maak in die oorgangsbeplatings vir gevalle waar die Staat die houer is van 'n onverdeelde aandeel in die reg op 'n mineraal met betrekking tot prospekteer- en delffooreen-

functions for the purposes of the said Act; to criminalize certain conduct; to authorize any Minister who may exercise any power under the said Act to delegate that power; and to further empower the Minister to make regulations; to repeal certain obsolete laws; and to provide for matters in connection therewith.

*(English text signed by the Acting State President.)
(Assented to 28 June 1993.)*

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

Amendment of section 1 of Act 50 of 1991

1. Section 1 of the Minerals Act, 1991 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the deletion of the definitions of “boiler”, “chair lift”, “elevator” and “winding plant”;
 - (b) by the insertion after the definition of “Department” of the following definition:
“‘department’ means a department referred to in section 6 of the Public Service Act, 1984 (Act No. 111 of 1984);”
 - (c) by the substitution for the definition of “mining area” of the following definition:
“‘mining area’ means the area comprising the subject of any prospecting permit or mining authorization, including—
(a) any adjacent surface of land;
(b) any non-adjacent surface of land, if it is connected to such area by means of any road, railway line, power line, pipe line, cableway or conveyor belt; and
(c) any surface of land on which such road, railway line, power line, pipe line, cableway or conveyor belt is located,
under the control of the holder of such permit or authorization and which he is entitled to use in connection with the operations performed or to be performed under such permit or authorization;
 - (d) by the substitution for the definition of “Minister” of the following definition:
“‘Minister’ means the Minister of Mineral and Energy Affairs [and Public Enterprises];”;
 - (e) by the insertion after the definition of “officer” of the following definition:
“‘offshore installation’ means an offshore structure or a vessel used at sea in connection with prospecting for or mining of minerals and on which persons are normally present;”;
 - (f) by the substitution for the definition of “serious bodily harm” of the following definition:
“‘serious bodily harm’ means any injury which is likely to be fatal or which results [in the loss of a joint or in permanent disability] in a person being permanently disabled to perform his normal or similar work;”;
 - (g) by the substitution for the definition of “this Act” of the following definition:
“‘this Act’ includes the regulations and any condition to which any permit, licence, permission, consent, exemption, approval, notice, [or] authorization, environmental management programme or directive issued, given, [or] granted or approved or deemed to be issued, given, [or] granted or approved in terms of this Act, is subject;”; and
 - (h) by the insertion after the definition of “this Act” of the following definitions:

komste; die Direkteur-generaal te magtig om beamptes van die Departement te magtig om grond te betree om sekere werksaamhede te verrig by die toepassing van genoemde Wet; sekere gedrag strafbaar te stel; 'n Minister wat 'n bevoegdheid kragtens genoemde Wet kan uitoefen, te magtig om daardie bevoegdheid te deleger; en die Minister verder te magtig om regulasies uit te vaardig; om sekere uitgediende wette te herroep; en om voorsiening te maak vir aangeleenthede wat daarvan in verband staan.

*(Engelse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 28 Junie 1993.)*

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

Wysiging van artikel 1 van Wet 50 van 1991

1. Artikel 1 van die Mineraalwet, 1991 (hieronder die Hoofwet genoem),
5 word hierby gewysig—
- (a) deur die volgende omskrywing na die omskrywing van "aantekening" in te voeg:
10 "'aflandige installasie' 'n aflandige struktuur of 'n vaartuig wat ter see gebruik word in verband met die prospekteer na of ontginning van minerale en waarop persone normaalweg teenwoordig is;";
 - (b) deur die volgende omskrywing na die omskrywing van "bestuurder" in te voeg:
15 "'bogrond' daardie laag grond wat die aarde bedek en wat 'n gesikte omgewing bied vir die ontkieming van saad, die indringing van water toelaat, 'n bron is van mikro-organismes, plantvoedsel en in sommige gevalle saad, en van 'n diepte van 0,5 meter of enige ander diepte soos deur die streekdirekteur vir elke mynterrein bepaal mag word;";
 - (c) deur die volgende omskrywing na die omskrywing van "Departement" in te voeg:
20 "'departement' 'n departement bedoel in artikel 6 van die Staatsdienswet, 1984 (Wet No. 111 van 1984);";
 - (d) deur die volgende omskrywing na die omskrywing van "Direkteur-generaal" in te voeg:
25 "'dorps- of stadsgebied' 'n dorp soos omskryf in artikel 102(1) van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937);";
 - (e) deur die omskrywing van "ernstige liggaamlike letsel" deur die volgende omskrywing te vervang:
30 "'ernstige liggaamlike letsel' 'n besering wat waarskynlik noodlottig kan wees of **[wat verlies van 'n lit of 'n permanente ongeskiktheid]** tot gevolg het dat 'n persoon permanent ongeskik is om sy normale of soortgelyke werk te verrig;";
 - (f) deur die omskrywing van "hierdie Wet" deur die volgende omskrywing te vervang:
35 "'hierdie Wet' ook die regulasies en enige voorwaarde waaraan enige permit, lisensie, vergunning, toestemming, vrystelling, goedkeuring, kennisgewing, **[of]** magtiging, omgewingsbestuursprogram of voorskrifte ingevolge hierdie Wet uitgereik, gegee, **[of]** verleen of goedgekeur of geag uitgereik, gegee, **[of]** verleen of goedgekeur te wees, onderworpe is;";
 - (g) deur die omskrywings van "hyser", "hysinstallasie", "stoelhyser" en "stoomketel" te skrap;
 - (h) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:
45 "'Minister' die Minister van Mineraal- en Energiesake **[en Openbare Ondernemings];**";
 - (i) deur die omskrywing van "mynterrein" deur die volgende omskrywing te vervang:

“topsoil means that layer of soil covering the earth and which provides a suitable environment for the germination of seed, allows the penetration of water, is a source of micro-organisms, plant nutrients and in some cases seed, and of a depth of 0,5 metre or any other depth as may be determined by the regional director for each mining area;

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‘township or urban area’ means a township as defined in section 102(1) of the Deeds Registries Act, 1937 (Act No. 47 of 1937);”.

Substitution of section 2 of Act 50 of 1991

2. The following section is hereby substituted for section 2 of the principal Act: 10

“Administration of Act

2. (1) This Act shall be administered under the control of the Minister in accordance with the instructions and directives [and under the control of the Minister, by] of the Director-General [and] by regional directors.

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(2) The application of the provisions of this Act in respect of safety and health shall be done [after consultation with and] under the direction and subject to the instructions of a deputy director-general, who shall be a certificated mine manager or a certificated mechanical and electrical engineer (mines) and who shall be known as Government Mining Engineer and whose primary functions shall be supervision and control over safety, health and related matters at any mine or works.”.

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Substitution of section 4 of Act 50 of 1991

3. The following section is hereby substituted for section 4 of the principal Act: 25

“Appointment and functions of regional directors

4. The Minister shall, in respect of each region referred to in section 3, appoint an officer in the service of the Department with the necessary experience and qualifications as regional director to exercise the powers and perform the duties conferred upon or assigned to him by or in terms of this Act or any other law and to carry out or comply with the instructions and directives of the [Minister and] Director-General.”.

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Amendment of section 6 of Act 50 of 1991

4. Section 6 of the principal Act is hereby amended—

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(a) by the deletion in subsection (2) of the word “and” at the end of paragraph (a);

(b) by the insertion in subsection (2) of the word “and” at the end of paragraph (b);

(c) by the addition to subsection (2) of the following paragraph:

“(c) particulars about the applicant’s ability to make the necessary provision to rehabilitate disturbances of the surface which may be caused by his intended prospecting operations;”; and

(d) by the substitution for subsection (4) of the following subsection:

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“(4) Any prospecting permit shall be issued for a period of 12 months or such longer period as the regional director may determine and the holder thereof may, from time to time, [within] at least one month prior to the expiration of the period for which such permit has been issued or renewed, on written application to

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“ ‘mynterrein’ die terrein wat die onderwerp van ’n prospekteer-permit of ontginningsmagtiging uitmaak, met inbegrip van—
 (a) enige aangrensende grondoppervlak;
 (b) enige nie-aangrensende grondoppervlak, indien dit aan sodanige terrein verbind is deur middel van ’n pad, spoorlyn, kraglyn, pyplyn, kabelspoer of vervoerband; en
 (c) enige grondoppervlak waarop sodanige pad, spoorlyn, kraglyn, pyplyn, kabelspoer of vervoerband geleë is,
 waарoor die houer van so ’n permit of magtiging beheer het en wat hy geregtig is om te gebruik in verband met die werksaamhede wat kragtens so ’n permit of magtiging verrig word of verrig staan te word.”.

Vervanging van artikel 2 van Wet 50 van 1991

2. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

15 **“Administrasie van Wet”**

2. (1) Hierdie Wet word onder die beheer van die Minister ooreenkomsdig die opdragte en voorskrifte [en onder die beheer van die Minister, deur] van die Direkteur-generaal [en] deur streekdirektore geadministreer.

20 (2) Die toepassing van die bepalings van hierdie Wet ten opsigte van veiligheid en gesondheid word gedoen [na oorlegpleging met en] onder leiding en onderworpe aan die opdragte van ’n adjunk-direkteur-generaal wat ’n gediplomeerde mynbestuurder of gediplomeerde werktuigmindige en elektrotegniese ingenieur (myne) is en bekend staan as Staatsmyningenieur en wie se primêre werksaamhede [toesighouding] toesig en beheer oor veiligheids-, gesondheids- en verwante aangeleenthede by enige myn of bedryf is.”.

Vervanging van artikel 4 van Wet 50 van 1991

3. Artikel 4 van die Hoofwet word hierby deur die volgende artikel vervang:

30 **“Aanstelling en werksaamhede van streekdirekteure”**

4. Die Minister moet ten opsigte van elke streek bedoel in artikel 3, ’n beampte in diens van die Departement met die nodige ondervinding en kwalifikasies as streekdirekteur aanstel om die bevoegdhede uit te oefen en die pligte te verrig wat by of ingevolge hierdie Wet of enige ander wetsbepaling aan hom verleen of opgedra word en om die opdragte en voorskrifte van die [Minister en] Direkteur-generaal uit te voer of na te kom.”.

Wysiging van artikel 6 van Wet 50 van 1991

4. Artikel 6 van die Hoofwet word hierby gewysig—

40 (a) deur in subartikel (2) die woord “en” aan die einde van paragraaf (a) te skrap;

(b) deur in subartikel (2) die woord “en” aan die einde van paragraaf (b) in te voeg;

45 (c) deur die volgende paragraaf by subartikel (2) te voeg:
 “(c) besonderhede omtrent die aansoeker se vermoë om die nodige voorsiening te maak om oppervlakversteurings te rehabiliteer wat deur sy voorgenome prospekteerwerksaam-

hede veroorsaak mag word,”; en

50 (d) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) ’n Prospekteerpermit word vir ’n tydperk van 12 maande of dié langer tydperk wat die streekdirekteur mag bepaal, uitgereik en die houer daarvan kan, van tyd tot tyd, [binne] minstens een maand voor die verstryking van die tydperk waarvoor sodanige permit uitgereik of hernieu is, op skriftelike aansoek by die

the regional director concerned and on payment of the prescribed application fee, obtain a renewal of such permit for a period of 12 months or such longer period as the regional director may determine, if the regional director is satisfied with the manner in which such holder rehabilitates surface disturbances caused by his prospecting operations on the land concerned.”.

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Amendment of section 14 of Act 50 of 1991

5. Section 14 of the principal Act is hereby amended—

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

“(2) Before any permit, permission or authorization referred to in subsection (1) is so suspended or cancelled, and subject to subsection (4), the regional director concerned shall serve a written notice on the holder thereof ordering him to comply with the relevant provisions or take such rectifying steps as the Minister may require, within a period specified in the notice.”; and

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(b) by the addition of the following subsection:

“(4) If a regional director is of the opinion that a contravention or failure referred to in the proviso to subsection (1) has occurred or is occurring, he may order that the operations being conducted under the permit, permission or authorization concerned be suspended until such rectifying steps have been taken as may be required by him or until the Minister has suspended or cancelled such permit, permission or authorization in terms of the proviso to subsection (1).”.

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Amendment of section 17 of Act 50 of 1991

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6. Section 17 of the principal Act is hereby amended—

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

“(i) grant the consent to—

(aa) prospect required by section 6(1)(b) in respect of such mineral and land to such applicant; and

(bb) remove any such mineral found in the course of prospecting operations in or on such land and to dispose thereof required by section 8(1), to such applicant subject to such terms and conditions, including compensation, as may be agreed upon between such applicant and the Director-General; or”; and

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

“(3) Upon the receipt of the compensation, if any, referred to in subsection (1)(i)(bb) or after the registration of any cession as contemplated in subsection (2), the Director-General shall dispose of that compensation or the amount, if any, referred to in subsection (1)(ii), if the right concerned or share therein—

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(a) is subject to a registered mortgage bond, by paying the amount of the outstanding mortgage debt to the mortgagee, and by paying the balance of that compensation or the first-mentioned amount, if any; or

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(b) is not subject to a registered mortgage bond, by paying that compensation or such amount, to the Master of the Supreme Court within whose area of jurisdiction the land concerned is situated.”.

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Substitution of section 18 of Act 50 of 1991

7. The following section is hereby substituted for section 18 of the principal Act:

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betrokke streekdirekteur en by betaling van die voorgeskrewe aansoekgeld, 'n hernuwing van so 'n permit verkry vir 'n tydperk van 12 maande of dié langer tydperk wat die streekdirekteur mag bepaal, indien die streekdirekteur tevreden is met die wyse waarvolgens sodanige houer oppervlakversteurings rehabiliteer wat deur sy prospekteerwerksaamhede op die betrokke grond veroorsaak is.".

Wysiging van artikel 14 van Wet 50 van 1991

5. Artikel 14 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (2) deur die volgende subartikel te vervang:
- “(2) Voordat 'n in subartikel (1) bedoelde permit, vergunning of magtiging aldus opgeskort of ingetrek word, en behoudens subartikel (4), bestel die betrokke streekdirekteur 'n skriftelike kennisgewing aan die houer daarvan waarby hy beveel word om binne 'n in die kennisgewing vermelde tydperk die toepaslike bepalings na te kom of dié regstellende stappe te doen wat deur die Minister vereis mag word.”; en
- (b) deur die volgende subartikel by te voeg:
- “(4) Indien 'n streekdirekteur van oordeel is dat 'n oortreding of versuim bedoel in die voorbehoudsbepaling by subartikel (1) plaasgevind het of plaasvind, kan hy beveel dat die werksaamhede wat kragtens die betrokke permit, vergunning of magtiging verrig word, opgeskort word tot tyd en wyl dié regstellende stappe gedoen is wat deur hom vereis mag word of totdat die Minister ingevolge die voorbehoudsbepaling by subartikel (1) sodanige permit, vergunning of magtiging opgeskort of ingetrek het.”.

Wysiging van artikel 17 van Wet 50 van 1991

6. Artikel 17 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (i) van subartikel (1) deur die volgende paragraaf te vervang:
- “(i) die toestemming om—
(aa) te prospekteer vereis deur artikel 6(1)(b), ten opsigte van sodanige mineraal en grond aan sodanige aansoeker verleen; en
(bb) enige sodanige mineraal wat hy in of op sodanige grond vind in die loop van prospekteerwerksaamhede, te verwyder en daaroor te beskik, vereis deur artikel 8(1), aan sodanige aansoeker verleen onderworpe aan die bedinge en voorwaardes, met inbegrip van vergoeding, waarop tussen so 'n aansoeker en die Direkteur-generaal ooreengekom mag word; of”; en
- (b) deur subartikel (3) deur die volgende subartikel te vervang:
- “(3) By ontvangs van die vergoeding in subartikel (1)(i)(bb) bedoel, as daar is, of na registrasie van 'n sessie soos beoog in subartikel (2), beskik die Direkteur-generaal oor daardie vergoeding of die bedrag, as daar is, in subartikel (1)(ii) bedoel, indien die betrokke reg of aandeel daarin—
(a) aan 'n geregistreerde verband onderworpe is, deur die bedrag van die uitstaande verbandskuld aan die verbandhouer te betaal en die saldo van daardie vergoeding of eersgenoemde bedrag, as daar is; of
(b) nie aan 'n geregistreerde verband onderworpe is nie, deur daardie vergoeding of sodanige bedrag, aan die Meester van die Hoogereghof binne wie se reggebied die betrokke grond geleë is, te betaal.”.

55 Vervanging van artikel 18 van Wet 50 van 1991

7. Artikel 18 van die Hoofwet word hierby deur die volgende artikel vervang:

"Special investigation regarding presence, nature and extent of minerals or geological formations in or on land"

18. (1) Notwithstanding anything to the contrary contained in this Act in relation to the issuing of a prospecting permit, the Minister may, if in his opinion it is necessary in the national interest, [and upon 5
30 days' prior written notice to the owner of the land concerned and the holder of a prospecting permit or mining authorization concerned and the sole holder of or all the holders of undivided shares in the right to the mineral concerned in respect of such land,] cause any investigation to be conducted [by the State] on any [such] land to establish if any 10
[such] mineral or geological formation occurs in or on such land, and if so, to establish the nature and extent thereof.

(2) Compensation as may be [determined] agreed upon by the parties concerned or, in the absence of such agreement, determined by arbitration in accordance with the Arbitration Act, 1965 (Act No. 42 of 1965), or by any competent court if the person concerned prefers the last-mentioned procedure, shall be payable by the Minister [shall be paid by him] in respect of any proven damage to any person as a result of any investigation contemplated in subsection (1). 15

(3) (a) No investigation shall take place under this section prior to 20
the expiration of a period of 30 days after publication in the *Gazette* of a notice of the intention to conduct such investigation.

(b) No entering upon land shall take place under this section before reasonable steps have been taken to notify the owner or occupier or person in control of such land of the intention so to enter upon such land. 25

(c) No investigation involving prospecting shall take place under this section before reasonable steps have been taken to notify the holder of the right to the mineral concerned of the intention to conduct such investigation.". 30

Amendment of section 20 of Act 50 of 1991

8. Section 20 of the principal Act is hereby amended by the substitution in subsection (1) for the words following paragraph (b) of the following words:

"and if such right has been severed from the ownership of the land concerned or is about to be so severed upon the registration of such deed, shall be registered by the registrar of deeds concerned, unless the Director-General has under subsection (3) in writing approved such division or increase.". 35

Amendment of section 26 of Act 50 of 1991

9. Section 26 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (7) of the following 40
paragraph:

"(a) Any member of the mine safety committee and any alternate member to such member who is not in the full-time service of the State shall be appointed for a period not exceeding three years on such conditions and at such remuneration, allowances, subsidies and other benefits as may be determined by the Minister with the concurrence of the Minister of [Finance] State Expenditure."; and 45

(b) by the substitution for paragraph (a) of subsection (9) of the following paragraph:

"(a) The Minister may, after consultation with the Director-General, on such conditions and at such remuneration, allowances, subsidies and other benefits as may be determined by him with the concurrence of the Minister of [Finance] State Expenditure, appoint one or more persons with specialized knowledge to advise the mine safety committee, the Director-General or any other 50
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"Spesiale ondersoek betreffende aanwesigheid, aard en omvang van minerale of geologiese formasies in of op grond"

18. (1) Ondanks enige andersluidende bepalings van hierdie Wet met betrekking tot die uitreiking van 'n prospekteerpermit, kan die Minister, indien dit volgens sy oordeel in die nasionale belang nodig is, [en na 30 dae voorafgaande skriftelike kennisgewing aan die eienaar van die betrokke grond en die betrokke houer van 'n prospekteerpermit of ontginningsmagtiging en die alleenhouer van of al die houers van onverdeelde aandele in die reg op die betrokke mineraal ten opsigte van sodanige grond] enige ondersoek [deur die Staat] op [sodanige] enige grond laat instel ten einde te bepaal of [sodanige] enige mineraal of geologiese formasie in of op sodanige grond voorkom, en indien wel, die aard en omvang daarvan te bepaal.
- (2) Vergoeding soos deur die betrokke partye ooreengekom of, by ontstentenis van sodanige ooreenkoms, by arbitrasie ooreenkomstig die Wet op Arbitrasie, 1965 (Wet No. 42 van 1965), bepaal of deur 'n bevoegde hof indien die betrokke persoon laasgenoemde procedure verkies, is deur die Minister [bepaal mag word, is deur hom] betaalbaar ten opsigte van bewese skade wat as gevolg van 'n in subartikel (1) beoogde ondersoek aan iemand berokken word.
- (3) (a) Geen ondersoek geskied kragtens hierdie artikel nie voor die verstryking van 'n tydperk van 30 dae na publikasie van 'n kennisgewing in die *Staatskoerant* van die voorneme om sodanige ondersoek in te stel.
- (b) Geen betreding van grond geskied kragtens hierdie artikel nie voordat redelike stappe gedoen is om die eienaar of okkuperer of persoon in beheer van sodanige grond in kennis te stel van die voorneme om sodanige grond aldus te betree.
- (c) Geen ondersoek wat prospektering behels, geskied kragtens hierdie artikel nie voordat redelike stappe gedoen is om die houer van die reg op die betrokke mineraal in kennis te stel van die voorneme om sodanige ondersoek in te stel.".

Wysiging van artikel 20 van Wet 50 van 1991

8. Artikel 20 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde wat op paragraaf (b) volg deur die volgende woorde te vervang:
- "en indien sodanige reg van die eiendom van die betrokke grond geskei is of by registrasie van sodanige akte aldus geskei staan te word, deur die betrokke registeraar van aktes geregistreer nie, tensy die Direkteur-generaal kragtens subartikel (3) sodanige verdeling of vermeerdering skriftelik goedgekeur het."

Wysiging van artikel 26 van Wet 50 van 1991

9. Artikel 26 van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (a) van subartikel (7) deur die volgende paragraaf te vervang:
- 45 "(a) 'n Lid van die mynveiligheidskomitee en 'n plaasvervangende lid van so 'n lid wat nie in die voltydse diens van die Staat is nie word vir 'n tydperk van hoogstens drie jaar aangestel op die voorwaardes en teen die besoldiging, toelaes, subsidies en ander voordele wat deur die Minister met die instemming van die Minister van [Finansies] Staatsbesteding bepaal mag word."; en
- 50 (b) deur paragraaf (a) van subartikel (9) deur die volgende paragraaf te vervang:
- 55 "(a) Die Minister kan, na oorlegpleging met die Direkteur-generaal, op die voorwaardes en teen die besoldiging, toelaes, subsidies en ander voordele wat deur hom met die instemming van die Minister van [Finansies] Staatsbesteding bepaal mag word, een of meer persone met gespesialiseerde kennis aanstel om die mynveiligheidskomitee, die Direkteur-generaal of enige ander in

officer referred to in this Act, on any matter with which the mine safety committee, the Director-General or such other officer has to deal in terms of this Act.”.

Amendment of section 27 of Act 50 of 1991

10. Section 27 of the principal Act is hereby amended—

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

“If a regional mining engineer or an officer authorized by the Director-General believes that any practice or any other thing at a mine or works may cause bodily harm to any person or be injurious to his health or constitute a danger to his safety in any manner, such regional mining engineer or officer may—”; and

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

“(3) Any order given under subsection (1)(b) shall take effect from the time fixed by the regional mining engineer or officer concerned and shall remain in force until set aside by the regional director or until the instructions of the regional mining engineer or officer have been complied with.”.

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Amendment of section 28 of Act 50 of 1991

11. Section 28 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) (a) If any accident causing the death of or serious bodily harm to any person occurs at a mine or works, an inquiry into the cause of such accident shall be held by a regional mining engineer or other officer designated by the Director-General or the Government Mining Engineer.

(b) If any prescribed accident, [other than] excluding that referred to in paragraph (a), any contravention or suspected contravention of or any failure or suspected failure to comply with any provision of this Act or any occurrence in connection with safety or health conditions occurs at any mine or works, an inquiry may be held into any such matter by a regional mining engineer or other officer designated by the Director-General or the Government Mining Engineer.

(c) The regional director may cause any prescribed accident other than those referred to in paragraphs (a) and (b) to be enquired into in the prescribed manner.”.

Amendment of section 31 of Act 50 of 1991

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

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

“(1) Subject to subsection (4A), the owner of any mine which is being worked or of any works shall—

(a) appoint [a manager] one or more managers, whose functions, duties and responsibilities shall not overlap, and who shall—”;

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

“(b) supply such manager or managers with sufficient funds and means in order to enable him or them to properly fulfil his or their responsibilities referred to in paragraph (a).”; and

- (c) by the insertion after subsection (4) of the following subsection:

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hierdie Wet bedoelde beampte van advies te dien oor enige aangeleentheid waarmee die mynveiligheidskomitee, die Direkteur-generaal of sodanige ander beampte ingevolge hierdie Wet moet handel.”.

5 Wysiging van artikel 27 van Wet 50 van 1991

10. Artikel 27 van die Hoofwet word hierby gewysig—

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

“Indien 'n streekmyningenieur of 'n deur die Direkteur-generaal gemagtigde beampte van mening is dat enige gebruik of enigiets anders by 'n myn of bedryf liggaamlike letsel aan iemand kan veroorsaak of nadelig vir sy gesondheid kan wees of op enige wyse 'n gevaar vir sy veiligheid inhoud, kan so 'n streekmyningenieur of beampte—”; en

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

“(3) 'n Bevel kragtens subartikel (1)(b) gegee, tree in werking op 'n tydstip deur die betrokke streekmyningenieur of beampte bepaal en bly van krag totdat dit deur die streekdirekteur tersyde gestel is of totdat daar aan die opdragte van die streekmyningenieur of beampte voldoen is.”.

Wysiging van artikel 28 van Wet 50 van 1991

11. Artikel 28 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) (a) Indien 'n ongeluk waardeur die dood van of ernstige liggaamlike letsel aan iemand veroorsaak is by 'n myn of bedryf plaasvind, moet ondersoek na die oorsaak van sodanige ongeluk ingestel word deur 'n streekmyningenieur of 'n ander beampte deur die Direkteur-generaal of die Staatsmyningenieur aangewys.

- 25 (b) Indien 'n [ander] voorgeskrewe ongeluk, [as] uitgesonderd dié in paragraaf (a) bedoel, 'n oortreding of vermoedelike oortreding van of 'n versuim of vermoedelike versuim om te voldoen aan 'n bepaling van hierdie Wet of 'n voorval in verband met veiligheids- of gesondheidstoestande by 'n myn of bedryf plaasvind, kan ondersoek na so 'n aangeleentheid deur 'n streekmyningenieur of 'n ander beampte deur die Direkteur-generaal of die Staatsmyningenieur aangewys, ingestel word.

30 (c) Die streekdirekteur kan enige ander voorgeskrewe ongeluk as dié in paragrawe (a) en (b) bedoel op die voorgeskrewe wyse laat ondersoek.”.

40 Wysiging van artikel 31 van Wet 50 van 1991

12. Artikel 31 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) die uitdrukkings wat subparagraph (i) van paragraaf (a) voorafgaan deur die volgende uitdrukkings te vervang:

“(1) Behoudens subartikel (4A) moet die eienaar van 'n myn wat gewerk of bewerk word of van 'n bedryf [moet]

- 45 (a) [n bestuurder] een of meer bestuurders aanstel, wie se werkzaamhede, pligte en verantwoordelikhede nie mag oorvleuel nie, en wat—”;

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

“(b) so 'n bestuurder of bestuurders van voldoende fondse en middele voorsien ten einde hom of hulle in staat te stel om sy of hulle verantwoordelikhede bedoel in paragraaf (a) behoorlik uit te voer.”; en

- 55 (c) deur na subartikel (4) die volgende subartikel in te voeg:

“(4A) Unless the owner referred to in subsection (1) appoints a manager, he shall himself be deemed to be responsible for the performance or carrying out of all functions and duties required of a manager by this Act.”.

Substitution of section 33 of Act 50 of 1991

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13. The following section is hereby substituted for section 33 of the principal Act:

“Permits for use of certain machinery and installations at mines and works

33. (1) No person shall make use of any [winding plant, elevator, chair lift or boiler] prescribed machinery or offshore installations at a mine or works unless a prescribed permit for the use thereof has been issued by the regional director concerned subject to such conditions and requirements as he may deem necessary in the interest of safety and health after [it has] they have been inspected and tested by a regional mining engineer and found suitable for use: Provided that such regional mining engineer may, after he has inspected, tested and found such [winding plant, elevator, chair lift or boiler] machinery or offshore installations suitable for use, grant temporary permission for [its] the use thereof subject to such conditions and requirements as he may deem necessary in the interest of safety and health.

(2) [The operation of any winding plant, elevator, chair lift or boiler at a mine or works] A permit issued in terms of subsection (1) may be suspended by a regional mining engineer subject to such conditions and instructions as he may deem necessary in the interest of safety and health and the regional director concerned may, on the recommendation of such regional mining engineer, by written notice cancel or amend any such permit [issued in terms of subsection (1)].”.

Amendment of section 38 of Act 50 of 1991

14. Section 38 of the principal Act is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):

“(2) (a) If the regional director is of the opinion that having regard to the known and disclosed mineral reserves of any mine, that mine is likely to cease mining operations within a period of five years, he shall in writing give notice accordingly to the owner of that mine and such owner shall not dispose of any of his assets in relation to that mine without a certificate furnished by the regional director to the effect that the necessary steps have been taken or adequate provision has been made for the rehabilitation of the mining area concerned.

(b) Any certificate contemplated in paragraph (a) may be furnished in general terms or in respect of specified assets and may be made subject to such conditions as the regional director may determine.”.

Substitution of section 39 of Act 50 of 1991

15. The following section is hereby substituted for section 39 of the principal Act:

“Environmental management programme

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39. (1) [A layout plan and rehabilitation] An environmental management programme in respect of the surface of land concerned in any prospecting or mining operations or such intended operations, shall be submitted by the holder of the prospecting permit or mining authorization concerned to the regional director concerned for his approval [before any such operations are commenced with] and, subject to subsection (4), no such operations shall be commenced with before obtaining any such approval.

“(4A) Tensy die eienaar in subartikel (1) bedoel ’n bestuurder aanstel, word hyself geag verantwoordelik te wees vir die verrigting of uitvoering van alle werksaamhede en pligte van ’n bestuurder deur hierdie Wet vereis.”.

5 Vervanging van artikel 33 van Wet 50 van 1991

13. Artikel 33 van die Hoofwet word hierby deur die volgende artikel vervang:

“Permitte vir gebruik van sekere masjinerie en installasies by myne en bedrywe

10 **33. (1) Niemand mag [’n hysinstallasie, hyser, stoelhyser of stoomketel] by ’n myn of bedryf van enige voorgeskrewe masjinerie of aflandige installasies gebruik maak nie tensy ’n voorgeskrewe permit vir die gebruik daarvan deur die betrokke streekdirekteur uitgereik is onderworpe aan die voorwaardes en vereistes wat hy in belang van veiligheid en gesondheid nodig ag nadat dit geïnspekteer, getoets en vir gebruik geskik bevind is deur ’n streekmyningingenieur: Met dien verstande dat so ’n streekmyningingenieur, nadat hy sodanige [hysinstallasie, hyser, stoelhyser of stoomketel] masjinerie of aflandige installasies geïnspekteer, getoets en vir gebruik geskik bevind het, tydelik vergunning vir die gebruik daarvan kan verleen onderworpe aan die voorwaardes en vereistes wat hy in belang van veiligheid en gesondheid nodig ag.**

15 **(2) [Die werking van ’n hysinstallasie, hyser, stoelhyser of stoomketel by ’n myn of bedryf] ’n Permit ingevolge subartikel (1) uitgereik, kan deur ’n streekmyningingenieur opgeskort word onderworpe aan die voorwaardes en opdragte wat hy in belang van veiligheid en gesondheid nodig ag, en die betrokke streekdirekteur kan, op aanbeveling van so ’n streekmyningingenieur, so ’n permit [ingevolge subartikel (1) uitgereik,] by skriftelike kennisgewing intrek of wysig.”.**

Wysiging van artikel 38 van Wet 50 van 1991

30 **14. Artikel 38 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word:**

35 **“(2) (a) Indien die streekdirekteur van oordeel is dat dit met die oog op die bekende en blootgelegde mineraalreserwes van ’n myn waarskynlik is dat daardie myn binne ’n tydperk van vyf jaar mynbouwersaamhede sal staak, gee hy dienooreenkomsdig skriftelik kennis aan die eienaar van daardie myn en mag sodanige eienaar geen van sy bates met betrekking tot daardie myn vervaar nie, sonder ’n sertifikaat deur die streekdirekteur verstrek ten effekte dat die nodige stappe gedoen of voldoende voorsiening gemaak is vir die rehabiliterasie van die betrokke mynterrein.**

40 **(b) ’n Sertifikaat in paragraaf (a) beoog, kan in die algemeen of ten opsigte van vermelde bates verstrek word en kan onderworpe gestel word aan die voorwaardes wat die streekdirekteur mag bepaal.”.**

Vervanging van artikel 39 van Wet 50 van 1991

45 **15. Artikel 39 van die Hoofwet word hierby deur die volgende artikel vervang:**

45 **“Omgewingsbestuursprogram**

50 **39. (1) ’n [Uitlegplan en rehabiliterasieprogram] Omgewingsbestuursprogram ten opsigte van die oppervlak van grond betrokke by prospekteer- of mynwersaamhede of sodanige voorgenome werksaamhede, moet deur die betrokkehouer van die prospekteerpermit of ontginningsmagtiging aan die betrokke streekdirekteur vir sy goedkeuring voorgelê word [voordat daar met sodanige werksaamhede ’n aanvang gemaak word] en, behoudens subartikel (4), word daar nie met sodanige werksaamhede ’n aanvang gemaak nie voor die verkryging van so ’n goedkeuring.**

- (2) The regional director may—
- (a) on application in writing and subject to such conditions as may be determined by him, exempt the holder of any prospecting permit or mining authorization from one or more of the provisions of subsection (1) or grant an extension of time within which to comply with any such provision; 5
 - (b) approve [of] an amended [layout plan or rehabilitation] environmental management programme on such conditions as may be determined by him; or
 - (c) without application being made therefor, but after consultation with such holder, amend any approved environmental management programme. 10
- (3) Before the regional director—
- (a) approves any [layout plan and rehabilitation] environmental management programme referred to in subsection (1) or any amended [layout plan or rehabilitation] environmental management programme referred to in subsection [(2)] (2)(b); or 15
 - (b) grants any exemption or extension of time under subsection [(2)] (2)(a) or any temporary authorization under subsection (4); or
 - (c) effects an amendment under subsection (2)(c), 20
- he shall consult as to that with [the officers designated for that purpose by the Minister of Agriculture and the Minister of Environment Affairs, respectively] each department charged with the administration of any law which relates to any matter affecting the environment.
- (4) The regional director may, pending the approval of the environmental management programme referred to in subsection (1), grant temporary authorization that the prospecting or mining operations concerned may be commenced with, subject to such conditions as may be determined by him. 25
- (5) (a) The Director-General may, pending the approval of an environmental management programme referred to in subsection (1), require that an environmental impact assessment be carried out in respect of the intended prospecting or mining operations by a professional body designated by the Director-General. 30
- (b) Any costs in respect of an environmental impact assessment referred to in paragraph (a) shall be borne by the holder of the prospecting permit or mining authorization referred to in subsection (1).". 35

Amendment of section 42 of Act 50 of 1991

- 16.** Section 42 of the principal Act is hereby amended—
- (a) by the substitution in subsection (1) for the words following subparagraph (iii) of paragraph (i) of the following words: “shall, within a period of one month from the date of such notification, agreement or settlement or granting of compensation, as the case may be, submit his title deed in respect of the land concerned to the Director-General for transmission to the registrar of deeds concerned, 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 paragraph (h) or (j), as the case may be, in respect of such land, and if such owner fails to submit the said title deed within such period, the registrar concerned 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.”; and 45
 - (b) by the addition to subsection (1) of the following paragraph: “(j) If the owner of any land being land contemplated in paragraph (a) and any person who is entitled to mine on such land and who mines or intends to mine on such land for any mineral have entered into an agreement with each other for the payment of compensation for damage caused or likely to be caused as a result 50 55

- (2) Die streekdirekteur kan—
 5 (a) op skriftelike aansoek en onderworpe aan die voorwaardes wat deur hom bepaal mag word, die houer van 'n prospekteerpermit of ontginningsmagtiging van een of meer van die bepalings van subartikel (1) vrystel of uitstel verleen vir die nakoming van enige sodanige bepaling;
 10 (b) 'n gewysigde **[uitlegplan of rehabilitasieprogram]** omgewings-bestuursprogram goedkeur op die voorwaardes wat deur hom bepaal mag word; of
 15 (c) sonder dat daarom aansoek gedoen word, maar na oorlegpleging met sodanige houer, 'n goedgekeurde omgewingsbestuurs-program wysig.
 (3) Voordat die streekdirekteur—
 20 (a) 'n **[uitlegplan en rehabilitasieprogram]** omgewingsbestuursprogram bedoel in subartikel (1) of 'n gewysigde **[uitlegplan of rehabilitasieprogram]** omgewingsbestuursprogram bedoel in subartikel **[(2)](2)(b)** goedkeur; of
 25 (b) 'n vrystelling of uitstel kragtens subartikel **[(2)](2)(a)** of 'n tydelike magtiging kragtens subartikel (4) verleen; of
 (c) 'n wysiging kragtens subartikel (2)(c) aanbring,
 moet hy met **[die beampies wat onderskeidelik deur die Minister van Landbou en die Minister van Omgewingsake vir dié doel aangewys is,]** elke departement wat belas is met die administrasie van 'n wet wat betrekking het op 'n aangeleentheid wat die omgewing raak, daaromtrent oorleg pleeg.
 30 (4) Die streekdirekteur kan, hangende die goedkeuring van die omgewingsbestuursprogram bedoel in subartikel (1), tydelik magtiging verleen dat met die betrokke prospekteer- of mynwerksaamhede 'n aanvang gemaak word onderworpe aan die voorwaardes wat deur hom bepaal mag word.
 35 (5) (a) Die Direkteur-generaal kan, hangende die goedkeuring van 'n omgewingsbestuursprogram bedoel in subartikel (1), vereis dat 'n omgewingsinvloedstudie ten opsigte van die voorgenome prospekteer- of mynwerksaamhede deur 'n professionele liggaam deur die Direkteur-generaal aangewys, uitgevoer word.
 (b) Enige koste ten opsigte van 'n omgewingsinvloedstudie bedoel in paragraaf (a) moet deur die houer van die prospekteerpermit of ontginningsmagtiging bedoel in subartikel (1) gedra word.”.

Wysiging van artikel 42 van Wet 50 van 1991

- 40 16. Artikel 42 van die Hoofwet word hierby gewysig—
 (a) deur in subartikel (1) die woorde wat op subparagraph (iii) van paragraaf (i) volg deur die volgende woorde te vervang:
 45 “moet binne 'n tydperk van een maand vanaf die datum van sodanige kennisgwing, ooreenkoms of skikking of toestaan van vergoeding, na gelang van die geval, sy titelbewys ten opsigte van die betrokke grond aan die Direkteur-generaal voorlê om aan die betrokke registrator van aktes 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 paragraaf (h) of (j), na gelang van die geval, ten opsigte van sodanige grond weer te gee, en indien sodanige eienaar versuim om genoemde titelbewys binne sodanige tydperk aldus voor te lê, moet die betrokke registrator nogtans sodanige inskrywings op die skriftelike versoek van die Direkteur-generaal aanbring en sodanige endossement aanbring indien die titelbewys te eniger tyd om die een of ander rede by hom ingedien word.”; en
 55 (b) deur die volgende paragraaf by subartikel (1) te voeg:
 “(j) Indien die eienaar van enige grond synde grond in paragraaf (a) beoog en 'n persoon wat geregtig is om op sodanige grond te myn en wat besig of voornemens is om op sodanige grond vir 'n mineraal te myn 'n ooreenkoms met mekaar aangegaan het vir die betaling van vergoeding vir skade wat veroorsaak is of waarskynlik

of mining operations or operations in connection therewith on such land then, notwithstanding that such agreement has been entered into without any representations having been made to the Minister as contemplated in paragraph (a), such agreement shall be deemed for the purposes of paragraph (i) to be an agreement referred to in paragraph (d)(ii).".

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Amendment of section 44 of Act 50 of 1991

17. Section 44 of the principal Act is hereby amended by the addition of the following subsection:

"(8) (a) The provisions of the Mining Rights Act, 1967, in relation to the granting of a mining lease for natural oil in terms of section 25(1)(g) of the said Act and any other matter in connection therewith shall, notwithstanding the repeal of the said Act by section 68(1), remain in force until the last existing prospecting lease granted in terms of section 14 mentioned in subsection (1)(a)(ii) has lapsed in accordance with subsection (1)(b)."

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(b) Any mining right granted or acquired by virtue of paragraph (a) or any share in such right shall, notwithstanding the repeal of the Mining Rights Act, 1967, by section 68(1), remain in force subject to the terms and conditions under which it was granted or acquired or deemed to have been granted or acquired and which are contained in the document or documents concerned.

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(c) The provisions of section 47(1)(f) and (2) shall apply *mutatis mutandis* to a mining right referred to in paragraph (b).

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(d) Notwithstanding anything to the contrary contained in any law, agreement, authorization or approval, no mining right referred to in paragraph (b) shall be ceded, transferred, let, sublet, tributed, subdivided, amended or mortgaged, either wholly or as to a part or parts, without the approval of the Minister granted in terms of this paragraph.

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(e) For the purposes of this Act the holder of any mining right referred to in paragraph (b) or his successor in title shall, in relation to such mining right, be deemed to be the holder of—

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(i) the right to the mineral concerned in respect of the land concerned; and
(ii) a mining authorization.”.

Amendment of section 45 of Act 50 of 1991

18. (1) Section 45 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

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"(4) The provisions of the Precious Stones Act, 1964, and the Mining Rights Act, 1967, in relation to the collection and payment by the Mining Commissioner of moneys to the owner of land comprising an alluvial digging or proclaimed land referred to in subsection (1), as well as to the owner of such land which was deproclaimed prior to the commencement of this Act, or any other person to whom it may accrue, and the settlement of disputes, shall, notwithstanding the repeal of the said Acts by section 68(1), for the purposes of this section and [section] sections 47 and 48, remain in force for a period of two years.”.

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(2) Subsection (1) shall be deemed to have commenced on 1 January 1992. 45

Amendment of section 47 of Act 50 of 1991

19. Section 47 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for subparagraph (iii) of paragraph (a) of the following subparagraph:

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"(iii) in terms of section 13, 13A, 17, 21, 52, 68, 74, 89 or 126(2) of the said Precious Stones Act, 1964, excluding any right referred to in subsection (5)(a) and (b) of this section;”;

(b) by the substitution in subsection (1) for subparagraph (vi) of paragraph (a) of the following subparagraph:

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"(vi) in terms of section 59, 68, 75, 83, 88, 93(4) (as far as it relates to a right to dig or to mine granted or acquired under section 75

veroorsaak sal word as gevolg van mynwerksaamhede of werksaamhede wat daarmee in verband staan op sodanige grond dan, ongeag dat sodanige ooreenkoms aangegaan is sonder dat enige vertoë aan die Minister gerig is soos in paragraaf (a) beoog, word sodanige ooreenkoms by die toepassing van paragraaf (i) geag 'n ooreenkoms te wees in paragraaf (d)(ii) bedoel.”.

Wysiging van artikel 44 van Wet 50 van 1991

17. Artikel 44 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

- 10 “(8) (a) Die bepalings van die Wet op Mynregte, 1967, met betrekking tot die toekenning van 'n mynhuur vir aardolie ingevolge artikel 25(1)(g) van genoemde Wet en enige ander aangeleentheid in verband daarmee bly, ondanks die herroeping van genoemde Wet by artikel 68(1), van krag totdat die laaste bestaande prospekteerhuur toegeken ingevolge artikel 14 gemeld in subartikel (1)(a)(ii) ooreenkomstig subartikel (1)(b) verval het.
- 15 (b) 'n Mynreg toegeken, verleen of verkry uit hoofde van paragraaf (a) of 'n aandeel in so 'n reg bly, ondanks die herroeping van die Wet op Mynregte, 1967, by artikel 68(1), van krag onderworpe aan die bedinge en voorwaardes waaronder dit toegeken, verleen of verkry is of geag word toegeken, verleen of verkry te wees en wat in die betrokke dokument of dokumente vervat is.
- 20 (c) Die bepalings van artikel 47(1)(f) en (2) is *mutatis mutandis* van toepassing op 'n mynreg in paragraaf (b) bedoel.
- 25 (d) Ondanks enige andersluidende wetsbepaling, ooreenkoms, magtiging of goedkeuring word 'n mynreg in paragraaf (b) bedoel nie sonder die goedkeuring van die Minister ingevolge hierdie paragraaf verleen, óf in sy geheel óf wat betref 'n deel of dele, gesedeer, oorgedra, verhuur, onderverhuur, om 'n deel ontgin, onderverdeel, gewysig of met verband beswaar nie.
- 30 (e) Die houer van 'n mynreg in paragraaf (b) bedoel of sy opvolger in titel word met betrekking tot so 'n mynreg by die toepassing van hierdie Wet geag die houer van—
- 35 (i) die reg op die betrokke mineraal ten opsigte van die betrokke grond te wees; en
- (ii) 'n ontginningsmagtiging te wees.”.

35 Wysiging van artikel 45 van Wet 50 van 1991

18. (1) Artikel 45 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

- 40 “(4) Die bepalings van die Wet op Edelgestentes, 1964, en die Wet op Mynregte, 1967, met betrekking tot die invordering en oorbetaling deur die Myntekommisaris van gelde aan die eienaar van grond wat 'n alluviale delwery of geproklameerde grond bedoel in subartikel (1) uitmaak, asook aan die eienaar van sodanige grond wat voor die inwerktingreding van hierdie Wet gedeproklameer is of enige ander persoon aan wie dit mag toekom, en die beslegting van geskille, bly, ondanks die herroeping van genoemde Wette by artikel 68(1), by die toepassing van hierdie artikel en [artikel] artikels 47 en 48, van krag vir 'n tydperk van twee jaar.”.
- 45 (2) Subartikel (1) word geag op 1 Januarie 1992 in werking te getree het.

Wysiging van artikel 47 van Wet 50 van 1991

19. Artikel 47 van die Hoofwet word hierby gewysig—

- 50 (a) deur in subartikel (1) subparagraaf (iii) van paragraaf (a) deur die volgende subparagraaf te vervang:
- “(iii) ingevolge artikel 13, 13A, 17, 21, 52, 68, 74, 89 of 126(2) van genoemde Wet op Edelgestentes, 1964, uitgesonderd enige reg bedoel in subartikel (5)(a) en (b) van hierdie artikel;”;
- 55 (b) deur in subartikel (1) subparagraaf (vi) van paragraaf (a) deur die volgende subparagraaf te vervang:
- “(vi) ingevolge artikel 59, 68, 75, 83, 88, 93(4) (vir sover dit betrekking het op 'n reg om te delf of te myn verleen of verkry

- of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908), of the Transvaal), 144(1)(e), 160, 161 or 188(2) of the said Mining Rights Act, 1967, excluding any right referred to in subsection (5)(c) of this section;"; 5
- (c) by the substitution in subsection (1) for paragraph (b) of the following paragraph: 5
- "(b) Any mining right which could be ceded, transferred, let, sublet, tributed, subdivided, amended or mortgaged wholly or as to a part or parts immediately prior to the commencement of this Act, may be so dealt with, and such dealing shall be registered in the 10 Mining Titles Office if it could be so registered immediately prior to the commencement of this Act.";
- (d) by the substitution in subsection (1) for paragraph (h) of the following paragraph: 15
- "(h) Any exemption from the payment of transfer duty or stamp duty in respect of any mining right or in respect of a cession thereof contained in any condition on which such mining right was granted or acquired or deemed to have been granted or acquired, shall lapse upon the expiration of the period referred to in paragraph (c)."; and
- (e) by the substitution in subsection (5) for paragraphs (a) up to and including (i) and the words in between, of the following paragraphs and words: 20
- "(a) section 20 of the Precious Stones Act, 1964, or a corresponding provision of a prior law;
- (b) section 35 of the Precious Stones Act, 1964, or a corresponding provision of a prior law; or 25
- (c) section 48 read with section 56 of the Mining Rights Act, 1967, or a corresponding provision of a prior law,
- [or a corresponding provision of a prior law.]** and which was in force immediately prior to the commencement of this Act: Provided that such right granted or acquired in terms of a provision referred to in— 30
- (i) paragraph (a) in respect of which the State is the holder of the right to the mineral concerned or an undivided share therein";

Amendment of section 51 of Act 50 of 1991

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20. Section 51 of the principal Act is hereby amended—

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

"(1) In order to enable a person to exercise any power or perform any duty conferred or imposed by or under this Act or any other law on [a] such person [authorized in writing by] or to perform any function in the application of any provision of this Act, the Director-General may authorize such person [may] in writing to enter without any warrant, at any time, without prior notice, **[enter]** upon any land or place, including any offshore installation, vehicle, vessel or aircraft, which may be necessary for the proper exercising of such power or the performance of such duty or function.";

- (b) by the substitution for paragraphs (c) and (d) of subsection (2) of the following paragraphs:

"(c) examine and deal in any manner as he may deem fit with any portion of the land, place, offshore installation, vehicle, vessel or aircraft so referred to or any mineral, machinery, book, record, document, object, article, plan or drawing kept, displayed or used on such land or at or in such place, offshore installation, vehicle, vessel or aircraft; and

(d) enquire generally into any accident or condition on such land or at or in such place or offshore installation"; and 55

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

"(3) Any person requested thereto by any authorized person referred to in subsection (1), shall accompany him **[or]** and provide

kragtens artikel 75 van die 'Precious and Base Metals Act, 1908' (Wet No. 35 van 1908), van Transvaal), 144(1)(e), 160, 161 of 188(2) van genoemde Wet op Mynregte, 1967, uitgesonder enige reg bedoel in subartikel (5)(c) van hierdie artikel:".

35 Wysiging van artikel 51 van Wet 50 van 1991

20. Artikel 51 van die Hoofwet word hierby gewysig—

- 40 (a) deur subartikel (1) deur die volgende subartikel te vervang:
“(1) Ten einde 'n persoon in staat te stel om 'n bevoegdheid uit te oefen of plig te verrig wat by of kragtens hierdie Wet of enige ander wetsbepaling aan so 'n persoon verleen of opgedra word **[aan 'n deur]** of om 'n werksaamheid te verrig by die toepassing van 'n bepaling van hierdie Wet kan die Direkteur-generaal so 'n persoon skriftelik **[gemagtigde persoon, kan so 'n persoon]** magtig om sonder 'n lasbrief, te eniger tyd, sonder vooraf kennisgewing, enige grond of plek, met inbegrip van 'n aflandige installasie, voertuig, vaartuig of vliegtuig **[betree]** te betree wat nodig mag wees vir die behoorlike uitoefening van sodanige bevoegdheid of die verrigting van sodanige plig of werksaamheid.";

45 (b) deur paragrawe (c) en (d) van subartikel (2) deur die volgende paragrawe te vervang:

50 “(c) enige deel van die aldus bedoelde grond, plek, aflandige installasie, voertuig, vaartuig of vliegtuig, of enige mineraal, masjinerie, boek, aantekening, dokument, voorwerp, artikel, plan of tekening wat op sodanige grond of by of in sodanige plek, aflandige installasie, voertuig, vaartuig of vliegtuig gehou, vertoon of gebruik word, te ondersoek en op enige wyse na sy goeddunke daarmee te handel; en

55 (d) enige ongeluk of toestand op sodanige grond of by of in sodanige plek of aflandige installasie in die algemeen te ondersoek.”; en

60 (c) deur subartikel (3) deur die volgende subartikel te vervang:
“(3) Iemand wat deur 'n gemagtigde persoon bedoel in subar-

him with the necessary assistance in order to enable him to exercise his powers or to perform his duties or functions conferred or imposed on him by or under this Act or any other law.”.

Amendment of section 60 of Act 50 of 1991

21. Section 60 of the principal Act is hereby amended—

- (a) by the substitution for subparagraph (i) of paragraph (a) of the following subparagraph:
 - “(i) section 5(2), 8(1), 31(1), (3) or (4), 37(a), **[38]** 38(1), 39(1), 40, 41(2), 42(5), 52 or 54;”;
- (b) by the substitution for subparagraph (iii) of paragraph (a) of the following subparagraph:
 - “(iii) section 19(1) or (2), 29(4)(b), 30(b), (c), (d), (e) or (f), **[38(2)(a)]**, 58 or 59;”;
- (c) by the substitution for subparagraph (i) of paragraph (b) of the following subparagraph:
 - “(i) any direction, notice, suspension, order, instruction or condition issued, given or determined under section 22(1), 23(1), 27(1) or (5), 33(2), **[or]** 34(2) or 38(2)(b);”; and
- (d) by the addition of the following subsection, the existing section becoming subsection (1):

(2) Any person who contravenes or fails to comply with a provision of this Act, a regulation or any condition, notice, order, instruction, prohibition, authorization, permission, consent, exemption, certificate or document determined, given, issued, promulgated or granted by or under this Act by the Director-General, the Government Mining Engineer, a regional director, a regional mining engineer or any other officer in the service of the Department duly authorized thereto *ex officio* or by the Director-General shall, if any such contravention or failure is not declared an offence elsewhere, be guilty of an offence.

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Amendment of section 61 of Act 50 of 1991

22. Section 61 of the principal Act is hereby amended by the substitution in subsection (1) for paragraphs (a) up to and including (j) of the following paragraphs:

- “(a) in the case of an offence referred to in section **[60(a)(i) or 60(b)(i) or (ii)]** 60(1)(a)(i) or (b)(i) or (ii), to a fine **[not exceeding R5 000]** or to imprisonment for a period not exceeding one year or to both **[such]** a fine and such imprisonment, and to a further fine not exceeding R1 000 or to further imprisonment not exceeding five days per day for every day upon which he so contravened the provision concerned or failed to comply therewith: Provided that the period of such further imprisonment shall not exceed six months;
- (b) in the case of an offence referred to in section **[60(a)(ii)]** 60(1)(a)(ii), to a fine **[not exceeding R10 000]** or to imprisonment for a period not exceeding two years or to both **[such]** a fine and such imprisonment, and to a further fine not exceeding R2 000 or to further imprisonment not exceeding 10 days per day for every day upon which he so contravened the provision concerned or failed to comply therewith: Provided that the period of such further imprisonment shall not exceed one year;
- (c) in the case of an offence referred to in section **[60(a)(iii)]** 60(1)(a)(iii), to a fine **[not exceeding R10 000]** or to imprisonment for a period not exceeding two years or to both **[such]** a fine and such imprisonment;
- (d) in the case of an offence referred to in section **[60(a)(iv)]** 60(1)(a)(iv), to a fine **[not exceeding R5 000]** or to imprisonment for a period not exceeding one year or to both **[such]** a fine and such imprisonment;

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5 artikel (1) daartoe versoek word, moet hom vergesel **[of]** en aan hom die nodige hulp verleen ten einde hom in staat te stel om sy bevoegdhede, **[of]** pligte of werksaamhede by of kragtens hierdie Wet of enige ander wetsbepaling aan hom verleen of opgedra, uit te oefen of te verrig.”.

Wysiging van artikel 60 van Wet 50 van 1991

21. Artikel 60 van die Hoofwet word hierby gewysig—

- (a) deur subparagraph (i) van paragraaf (a) deur die volgende subparagraph te vervang:
 - 10 “(i) artikel 5(2), 8(1), 31(1), (3) of (4), 37(a), **[38]** 38(1), 39(1), 40, 41(2), 42(5), 52 of 54;”;
 - (b) deur subparagraph (iii) van paragraaf (a) deur die volgende subparagraph te vervang:
 - 15 “(iii) artikel 19(1) of (2), 29(4)(b), 30(b), (c), (d), (e) of (f), 38(2)(a), 58 of 59;”;
 - (c) deur subparagraph (i) van paragraaf (b) deur die volgende subparagraph te vervang:
 - 20 “(i) 'n lasgewing, kennisgewing, opskorting, bevel, opdrag of voorwaarde uitgereik, gegee of bepaal kragtens artikel 22(1), 23(1), 27(1) of (5), 33(2), **[of]** 34(2) of 38(2)(b);”; en
 - (d) deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word:
 - 25 “(2) Iemand wat 'n bepaling van hierdie Wet, 'n regulasie of enige voorwaarde, kennisgewing, bevel, opdrag, verbod, magting, vergunning, toestemming, vrystelling, sertifikaat of dokument by of kragtens hierdie Wet bepaal, gegee, uitgereik, uitgevaardig of verleen deur die Direkteur-generaal, die Staatsmyningenieur, 'n streekdirekteur, 'n streekmyningenieur of enige ander beampie in die diens van die Departement wat *ex officio* of deur die Direkteur-generaal behoorlik daartoe gemagtig is, oortree of versuim om daaraan te voldoen, is, indien so 'n oortreding of versuim nie elders tot 'n misdryf verklaar word nie, aan 'n misdryf skuldig.”.

Wysiging van artikel 61 van Wet 50 van 1991

- 22.** Artikel 61 van die Hoofwet word hierby gewysig deur in subartikel (1) 35 paragrawe (a) tot en met (j) deur die volgende paragrawe te vervang:
- (a) in die geval van 'n misdryf in artikel **[60(a)(i) of 60(b)(i) of (ii)]** 40 60(1)(a)(i) of (b)(i) of (ii) bedoel, met 'n boete **[van hoogstens R5 000]** of met gevengenisstraf vir 'n tydperk van hoogstens een jaar of met sowel **[sodanige]** 'n boete as sodanige gevengenisstraf, en met 'n verdere boete van hoogstens R1 000 of met verdere gevengenisstraf van hoogstens vyf dae per dag vir elke dag waarop hy die betrokke bepaling aldus oortree het of versuum het om daaraan te voldoen: Met dien verstande dat die tydperk van sodanige verdere gevengenisstraf nie ses maande oorskry nie;
 - (b) in die geval van 'n misdryf in artikel **[60(a)(ii)]** 60(1)(a)(ii) bedoel, met 'n boete **[van hoogstens R10 000]** of met gevengenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel **[sodanige]** 'n boete as sodanige gevengenisstraf, en met 'n verdere boete van hoogstens R2 000 of met verdere gevengenisstraf van hoogstens 10 dae per dag vir elke dag waarop hy die betrokke bepaling aldus oortree het of versuim het om daaraan te voldoen: Met dien verstande dat die tydperk van sodanige verdere gevengenisstraf nie een jaar oorskry nie;
 - (c) in die geval van 'n misdryf in artikel **[60(a)(iii)]** 60(1)(a)(iii) bedoel, met 'n boete **[van hoogstens R10 000]** of met gevengenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel **[sodanige]** 'n boete as sodanige gevengenisstraf;
 - (d) in die geval van 'n misdryf in artikel **[60(a)(iv)]** 60(1)(a)(iv) bedoel, met 'n boete **[van hoogstens R5 000]** of met gevengenisstraf vir 'n tydperk van hoogstens een jaar of met sowel **[sodanige]** 'n boete as sodanige gevengenisstraf;

- (e) in the case of an offence referred to in section [60(a)(v)] 60(1)(a)(v) or 63(5), to a fine [not exceeding R2 500] or to imprisonment for a period not exceeding six months or to both [such] a fine and such imprisonment, and to a further fine not exceeding R200 or to further imprisonment not exceeding one day per day for every day upon which he so contravened the provision concerned or failed to comply therewith: Provided that the period of such further imprisonment shall not exceed 90 days; 5
- (f) in the case of an offence referred to in section [60(a)(vi)] 60(1)(a)(vi), to a fine [not exceeding R15 000] or to imprisonment for a period not exceeding three years or to both [such] a fine and such imprisonment; 10
- (g) in the case of an offence referred to in section [60(a)(vii)] 60(1)(a)(vii), to the penalty that may be imposed in law for perjury;
- (h) in the case of an offence referred to in section [60(a)(viii)] 60(1)(a)(viii), to the penalty applicable to a similar offence in a magistrate's court; 15
- (i) in the case of an offence referred to in section [60(b)(iii)] 60(1)(b)(iii), to a fine [not exceeding R50 000] or to imprisonment for a period not exceeding 10 years or to both [such] a fine and such imprisonment; or 20
- (j) in the case of any conviction of an offence in terms of any provision of this Act for which no penalty is expressly determined, to a fine [not exceeding R2 500] or to imprisonment for a period not exceeding six months or to both [such] a fine and such imprisonment.". 25

Amendment of section 62 of Act 50 of 1991

23. Section 62 of the principal Act is hereby amended by the addition of the following subsection:

“(5) Subject to subsection (1), a Minister who may or shall exercise any power conferred upon him by this Act, may delegate such power to an officer in the service of the department for which that Minister is responsible.”. 30

Amendment of section 63 of Act 50 of 1991

24. Section 63 of the principal Act is hereby amended—

- (a) by the substitution for paragraphs (a) and (b) of subsection (1) of the following paragraphs: 35
- “(a) the safety and health [and welfare] of persons concerned in mines and works and safety standards, codes of practice and the provision of protective clothing, equipment and facilities in connection with safety and health [and welfare];
- (b) discipline and orderly operations at mines and works, disciplinary measures which may be taken by a manager and the functions of peace officers; 40
- (bA) the conditions on which equipment, structures, surface of land and water sources may be undermined, the prohibition on or restriction of the erection of equipment and structures and the use of the surface of land and water sources in the vicinity of the working places of a mine;”; 45
- (b) by the substitution for paragraph (d) of subsection (1) of the following paragraph: 50
- “(d) (i) the conservation of the environment at or in the vicinity of any mine or works;
- (ii) the management of the impact of any mining operations on the environment at or in the vicinity of any mine or works;
- (iii) the rehabilitation of disturbances of the surface of land where such disturbances are connected to prospecting or mining operations; 55

- 5 (e) in die geval van 'n misdryf in artikel **[60(a)(v)]** **60(1)(a)(v)** of 63(5) bedoel, met 'n boete **[van hoogstens R2 500]** of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel **[sodanige]** 'n boete as sodanige gevangenisstraf, en met 'n verdere boete van hoogstens R200 of met verdere gevangenisstraf van hoogstens een dag per dag vir elke dag waarop hy die betrokke bepaling aldus oortree het of versuim het om daaraan te voldoen: Met dien verstande dat die tydperk van sodanige verdere gevangenisstraf nie 90 dae oorskry nie;
- 10 (f) in die geval van 'n misdryf in artikel **[60(a)(vi)]** **60(1)(a)(vi)** bedoel, met 'n boete **[van hoogstens R15 000]** of met gevangenisstraf vir 'n tydperk van hoogstens drie jaar of met sowel **[sodanige]** 'n boete as sodanige gevangenisstraf;
- 15 (g) in die geval van 'n misdryf in artikel **[60(a)(vii)]** **60(1)(a)(vii)** bedoel, met die straf wat regtens vir meineed opgelê kan word;
- (h) in die geval van 'n misdryf in artikel **[60(a)(viii)]** **60(1)(a)(viii)** bedoel, met die straf wat vir 'n soortgelyke misdryf in 'n landdroshof van toepassing is;
- 20 (i) in die geval van 'n misdryf in artikel **[60(b)(iii)]** **60(1)(b)(iii)** bedoel, met 'n boete **[van hoogstens R50 000]** of met gevangenisstraf vir 'n tydperk van hoogstens 10 jaar of met sowel **[sodanige]** 'n boete as sodanige gevangenisstraf; of
- 25 (j) in die geval van 'n skuldigbevinding aan 'n misdryf ingevolge 'n bepaling van hierdie Wet waarvoor geen uitdruklike straf bepaal is nie, met 'n boete **[van hoogstens R2 500]** of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel **[sodanige]** 'n boete as sodanige gevangenisstraf.”.

Wysiging van artikel 62 van Wet 50 van 1991

- 30 23. Artikel 62 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:
- “**(5)** Behoudens subartikel (1) kan 'n Minister wat 'n bevoegdheid by hierdie Wet aan hom verleen, kan of moet uitoefen, so 'n bevoegdheid aan 'n beampte in die diens van die departement waarvoor daardie Minister verantwoordelik is, deleer.”.

Wysiging van artikel 63 van Wet 50 van 1991

- 35 24. Artikel 63 van die Hoofwet word hierby gewysig—
- (a) deur paragrawe (a) en (b) van subartikel (1) deur die volgende paragrawe te vervang:
- “(a) die veiligheid en gesondheid **[en welsyn]** van persone betrokke by myne en bedrywe en veiligheidstandaarde, praktykkodes en die verskaffing van beskermende klere, toerusting en geriewe in verband met veiligheid en gesondheid **[en welsyn]**;
- 40 (b) dissipline en ordelike werksaamhede by myne en bedrywe, tugstappe wat deur 'n bestuurder gedoen mag word en die werksaamhede van vredesbeamptes;
- 45 (bA) die voorwaardes waarop toerusting, strukture, grondoppervlak en waterbronne ondermyn kan word, die verbod op of beperking van die oprigting van toerusting en strukture en die gebruik van die grondoppervlak en waterbronne in die omgewing van die werkplekke van 'n myn;”;
- 50 (b) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:
- “(d) (i) die bewaring van die omgewing by of in die omgewing van enige myn of bedryf;
- 55 (ii) die bestuur van die invloed van enige mynbouwerksaamhede op die omgewing by of in die omgewing van enige myn of bedryf;
- (iii) die rehabilisatie van versteurings van die grondoppervlak, waar sodanige versteurings met prospekteer- of mynwerksaamhede in verband staan;

- (iv) the prevention, control and combating of pollution of the air, land, sea or other water, including ground water, where such pollution is connected to prospecting or mining operations; 5
- (v) pecuniary provision by the holder of a prospecting permit or mining authorization for the carrying out of an environmental management programme; 10
- (vi) the establishment of accounts in connection with the carrying out of an environmental management programme and the control of such accounts by the Department; 15
- (vii) the assumption by the State of responsibility or co-responsibility for obligations originating from regulations made under subparagraphs (i), (ii), (iii) and (iv) of this paragraph; and
- (viii) the monitoring and auditing of environmental management programmes;”;
- (c) by the substitution for paragraph (f) of subsection (1) of the following paragraph:
- “(f) qualifications for employment in **[specified]** occupations determined by the Minister, conditions for acceptance as a candidate for examinations, the issuing of certificates of competency in respect of **[specified]** such occupations, and the powers, duties, functions and responsibilities of persons employed at mines and works and of the owners thereof;”; 20 25
- (d) by the substitution for paragraph (l) of subsection (1) of the following paragraph:
- “(l) the manner of reporting of prescribed accidents at mines and works, the keeping of records in relation to such accidents and the provision of ambulances and medical aid in the event of such accidents;”; 30
- (e) by the substitution for paragraphs (p) and (q) of subsection (1) of the following paragraphs:
- “(p) the form, conditions, issuing, renewal, abandonment, suspension or cancellation of any environmental management programme, permit, licence, certificate, permission, receipt, authorization or other document which may or shall be issued, granted, approved, required or renewed in terms of this Act; 35
- (q) the form of any register, record, notice, **[or]** sketch plan or information which may or shall be kept, given, published or submitted in terms of or for the purposes of this Act;”; 40
- (f) by the substitution for paragraphs (u) and (v) of subsection (1) of the following paragraphs:
- “(u) the establishment of one or more accounts with a view to the funding of research and surveys regarding, and for the promotion of, **[industrial]** safety and health at mines and works and the control of such accounts by the Department; 45
- (v) the payment of levies based on a safety risk, by mines and works for research and surveys regarding, and for the promotion of, **[industrial]** safety and health at mines and works; 50
- (vA) (i) the establishment, constitution, powers, duties and functions of one or more committees to advise the Minister, the Director-General or any other officer referred to in

- (iv) die voorkoming, beheer en bekamping van besoedeling van die lug, grond, see- of ander water, met inbegrip van grondwater, waar sodanige besoedeling met prospekteer- of mynwerksaamhede in verband staan;
- 5 (v) geldelike voorsiening deur die houer van 'n prospekteerpermit of ontginningsmagtiging vir die uitvoering van 'n omgewingsbestuursprogram;
- (vi) die instelling van rekenings in verband met die uitvoering van 'n omgewingsbestuursprogram en die beheer deur die Departement oor sodanige rekenings;
- 10 (vii) die aanvaarding deur die Staat van verantwoordelikheid of medeverantwoordelikheid vir verpligte wat ontstaan uit regulasies uitgevaardig kragtens subparagrawe (i), (ii), (iii) en (iv) van hierdie paragraaf; en
- 15 (viii) die monitering en ouditering van omgewingsbestuursprogramme;";
- (c) deur paragraaf (f) van subartikel (1) deur die volgende paragraaf te vervang:
- 20 " (f) kwalifikasies vir indiensneming in **[bepaalde]** beroepe wat die Minister bepaal, voorwaardes vir aanvaarding as 'n kandidaat vir eksamens, die uitreiking van bevoegdheidserifikate ten opsigte van **[bepaalde]** sodanige beroepe en die bevoegdhede, pligte, werksaamhede en verantwoordelikhede van persone werksaam by myne en bedrywe en van die eienaars daarvan;";
- (d) deur paragraaf (l) van subartikel (1) deur die volgende paragraaf te vervang:
- 25 " (l) die wyse van aanmelding van voorgeskrewe ongelukke wat by myne en bedrywe plaasvind, die hou van aantekeninge met betrekking tot sodanige ongelukke en die voorsiening van ambulanse en geneeskundige hulp in geval van sodanige ongelukke;"
- (e) deur paragrawe (p) en (q) van subartikel (1) deur die volgende paragrawe te vervang:
- 30 " (p) die vorm, voorwaardes, uitreiking, hernuwing, opsegging, opskorting of intrekking van enige omgewingsbestuursprogram, permit, lisensie, sertifikaat, vergunning, kwitansie, magtiging of ander dokument wat ingevolge hierdie Wet uitgereik, verleen, goedgekeur, vereis of hernieu kan of moet word;
- 35 (q) die vorm van enige register, aantekening, kennisgewing, **[of]** sketskaart of inligting wat ingevolge of vir die doeleindes van hierdie Wet gehou, gegee, gepubliseer of ingedien kan of moet word;"
- (f) deur paragrawe (u) en (v) van subartikel (1) deur die volgende paragrawe te vervang:
- 40 " (u) die instelling van een of meer rekenings met die oog op die fundering van navorsing en opnames betreffende, en vir die bevordering van, **[bedryfsveiligheid]** veiligheid en gesondheid by myne en bedrywe en die beheer deur die Departement oor sodanige rekenings;
- (v) die betaling van heffings gegrond op 'n veiligheidsrisiko deur myne en bedrywe vir navorsing en opnames betreffende, en vir die bevordering van, **[bedryfsveiligheid]** veiligheid en gesondheid by myne en bedrywe;
- 45 (vA) (i) die instelling, samestelling, bevoegdhede, pligte en werksaamhede van een of meer komitees om die Minister, die Direkteur-generaal of enige ander in hierdie Wet bedoelde beampete te adviseer, en die aangeleenthede waar-
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- this Act, and the matters about which they shall so advise the Minister, Director-General or the said officer; 5
- (ii) the remuneration and allowances which may be paid to members of such a committee who are not in the full-time service of the State;
 - (iii) the qualifications for appointment as, the terms of office of, and the vacation of their offices by, members or temporary members of such a committee, and the filling of casual vacancies in such a committee; 10
 - (iv) the appointment of a chairman or an acting chairman of such a committee;
 - (v) the convening of, the procedure at and the quorum for meetings of such a committee, and the manner in which decisions shall be taken by such a committee; 15
 - (vi) the designation of persons in the service of the Department to perform the work connected to the performance of the functions of such a committee;";
- (g) by the substitution for subsection (2) of the following subsection: 20
- “(2) No regulation relating to State revenue or expenditure or to any health matter shall be made by the Minister except with the concurrence of the Minister of Finance or the Minister of State Expenditure or after consultation with the Minister [of] for National Health and [Population Development] Welfare, respectively.”; and
- (h) by the deletion of subsection (4). 25

Substitution of expression in Act 50 of 1991

25. The principal Act is hereby amended by the substitution for the expression “rehabilitation programme” wherever it occurs in the principal Act of the expression “environmental management programme.”.

Repeal of Act 12 of 1991

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26. The Mining Rights Amendment Act, 1991 (Act No. 12 of 1991), is hereby repealed.

Repeal of Act 13 of 1991

27. The Mines and Works Amendment Act, 1991 (Act No. 13 of 1991), is hereby repealed. 35

Short title and commencement

28. This Act shall be called the Minerals Amendment Act, 1993, and shall, subject to section 18(2), come into operation on a date fixed by the State President by proclamation in the *Gazette*.

- oor hulle die Minister, Direkteur-generaal of bedoelde beampete aldus moet adviseer;
- (ii) die besoldiging en toelaes wat aan lede van so 'n komitee wat nie in die voltydse diens van die Staat is nie, betaal kan word;
- (iii) die kwalifikasies vir aanstelling as, die ampstermy van en die ontruiming van hul amp as, lede of tydelike lede van so 'n komitee, en die vul van toevallige vakatures in so 'n komitee;
- (iv) die aanstelling van 'n voorsitter of 'n waarnemende voorsitter van so 'n komitee;
- (v) die byeenroeping van, die prosedure by en die kworum vir vergaderings van so 'n komitee, en die wyse waarop besluite deur so 'n komitee geneem moet word;
- (vi) die aanwysing van persone in die diens van die Departement om die werk verbonde aan die verrigting van die werksaamhede van so 'n komitee te verrig;";
- (g) deur subartikel (2) deur die volgende subartikel te vervang;
- "(2) Geen regulasie wat betrekking het op Staatsinkomste of -uitgawe of op 'n gesondheidsaangeleentheid word deur die Minister uitgevaardig behalwe, onderskeidelik, met die instemming van die Minister van Finansies of die Minister van Staatsbesteding of na oorlegpleging met die Minister [van] vir Nasionale Gesondheid en [Bevolkingsontwikkeling] Welsyn nie."; en
- (h) deur subartikel (4) te skrap.

Vervanging van uitdrukking in Wet 50 van 1991

25. Die Hoofwet word hierby gewysig deur die uitdrukking "rehabilitasieprogram" waar dit ook al in die Hoofwet voorkom deur die uitdrukking "omgewingsbestuursprogram" te vervang.

30 Herroeping van Wet 12 van 1991

26. Die Wysigingswet op Mynregte, 1991 (Wet No. 12 van 1991), word hierby herroep.

Herroeping van Wet 13 van 1991

27. Die Wysigingswet op Myne en Bedrywe, 1991 (Wet No. 13 van 1991), word hierby herroep.

Kort titel en inwerkingtreding

28. Hierdie Wet heet die Mineraalwysigingswet, 1993, en tree, behoudens die bepalings van artikel 18(2), in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

