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DEPARTMENT OF THE PRIME MINISTER

No. 992.

23 May 1980.

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

No. 60 of 1980: Mining Titles Registration Amendment Act, 1980.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 992.

23 Mei 1980.

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

No. 60 van 1980: Wysigingswet op die Registrasie van Myntitels, 1980.

Wet No. 60, 1980

WYSIGINGSWET OP DIE REGISTRASIE VAN MYNTITELS, 1980

ALGEMENE VERDUIDELIKENDE NOTA:

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

Tot wysiging van die Wet op die Registrasie van Myntitels, 1967, ten einde „benoemingsooreenkoms” nader te omskryf; die pligte van die Registrateur van Myntitels met betrekking tot die registrasie van 'n sessie, hernuwing, verandering, opseggung of kansellasie van 'n benoemingsooreenkoms nader te bepaal; en die stappe in verband met en volgende op die registrasie van 'n sessie, hernuwing, verandering, opseggung of kansellasie van 'n geregistreerde benoemingsooreenkoms verder te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 5 Mei 1980.)

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

Wysiging van artikel 1 van Wet 16 van 1967.

1. Artikel 1 van die Wet op die Registrasie van Myntitels, 1967 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing van „benoemingsooreenkoms” deur die volgende omskrywing te vervang: 5

„,benoemingsooreenkoms’ ‘n notariële akte **[bedoel]**—

(a) bedoel in artikel 19 van die Wet op Mynregte, 1967 (Wet No. 20 van 1967), of in 'n ooreenstemmende 10 bepaling van 'n vorige wet; of

(b) waarin 'n reg bedoel in artikel 8 van die Wet op Edelgesteentes, 1964 (Wet No. 73 van 1964), of in 'n ooreenstemmende bepaling van 'n vorige wet, 15 beliggaam is

[of in 'n ooreenstemmende bepaling van 'n vorige wet];”.

Wysiging van artikel 5 van Wet 16 van 1967.

2. Artikel 5 van die Hoofwet word hierby gewysig deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang: 20

,,(d) benoemingsooreenkomste en **[sessies daarvan en]** enige sessie, hernuwing, verandering, opseggung of kansellasie van **[so 'n ooreenkoms]** 'n geregistreerde benoemingsooreenkoms registreer;”.

Vervanging van artikel 48 van Wet 16 van 1967.

3. Artikel 48 van die Hoofwet word hierby deur die volgende artikel vervang: 25

„Registrasie van benoemings-ooreenkomste en aangeleent- 48. (1) 'n Applikant om die registrasie van 'n benoemingsooreenkoms of 'n sessie **[daarvan], hernuwing, verandering, opseggung of kansellasie van 'n geregistreerde benoemingsooreenkoms,** stuur aan die registrateur— 30

MINING TITLES REGISTRATION AMENDMENT ACT, 1980

Act No. 60, 1980

GENERAL EXPLANATORY NOTE:

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

To amend the Mining Titles Registration Act, 1967, so as to further define "nomination agreement"; to further define the duties of the Registrar of Mining Titles with regard to the registration of any cession, renewal, modification, abandonment or cancellation of a nomination agreement; and to further regulate the procedures in connection with and following upon the registration of any cession, renewal, modification, abandonment or cancellation of a registered nomination agreement; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 5 May 1980.)

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

1. Section 1 of the Mining Titles Registration Act, 1967 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "nomination agreement" of the following definition:

"'nomination agreement' means a notarial deed [such as is referred to]—

10 (a) referred to in section 19 of the Mining Rights Act, 1967 (Act No. 20 of 1967), or in a corresponding provision of a prior law; or

15 (b) in which a right referred to in section 8 of the Precious Stones Act, 1964 (Act No. 73 of 1964), or in a corresponding provision of a prior law, is embodied

[or in a corresponding provision of a prior law];".

Amendment of
section 1 of
Act 16 of 1967.

2. Section 5 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:

20 "(d) register nomination agreements and [cessions thereof and] any cession, renewal, modification, abandonment or cancellation of [any such] a registered nomination agreement;".

Amendment of
section 5 of
Act 16 of 1967.

25 3. The following section is hereby substituted for section 48 of the principal Act:

"Registration of nomination agreements and matters relating to

48. (1) An applicant for the registration of any nomination agreement or any cession [thereof], renewal, modification, abandonment or cancellation of a registered nomination agreement, shall forward to the registrar—

Substitution of
section 48 of
Act 16 of 1967.

Wet No. 60, 1980

WYSIGINGSWET OP DIE REGISTRASIE VAN MYNTITELS, 1980

hede wat
met
sodanige
ooreenkoms
in verband
staan.

- (a) 'n ondertekende oorspronklike eksemplaar van **【die】 eersgenoemde** ooreenkoms of **die akte** waarin **die sessie, hernuwing, verandering, opsegging of kansellasie van 'n geregistreerde benoemingsooreenkoms** beliggaam is, na gelang van die geval, tesame met drie verdere oorspronklike eksemplare of kopieë **【daarvan】 van** daardie ooreenkoms of akte, na gelang van die geval, deur 'n notaris as huis gesertifiseer; en
- (b) **【in die geval van 'n benoemingsooreenkoms】 behoudens die bepalings van subartikel (2), die titelbewys van die betrokke grond.**

(2) **【Wanneer die registrator so 'n ooreenkoms geregistreer het, stuur hy 'n afskrif van die ooreenkoms tesame met die titelbewys van die betrokke grond aan die registrator van aktes vir die gebied waarin die grond geleë is, wat die ooreenkoms teen die titelbewys van die betrokke grond en in die gepaste registers moet aanteken】**
Die registrator kan, indien die applikant, om 'n rede wat vir die registrator aanvaarbaar is, nie die titelbewys van die betrokke grond kan verkry nie in die geval van 'n aansoek om die registrasie van 'n sessie, hernuwing, verandering, opsegging of kansellasie van 'n geregistreerde benoemingsooreenkoms, 25 die applikant van die bepalings van subartikel (1) (b) vrystel.

(3) **【Wanneer 'n geregistreerde benoemingsooreenkoms opgesè of gerojeer is, is die bepalings van subartikel (2) *mutatis mutandis* van toepassing 30 in verband met die registrasie van sodanige opsegging of rojering】** Wanneer die registrator 'n benoemingsooreenkoms of 'n sessie, hernuwing, verandering, opsegging of kansellasie van 'n geregistreerde benoemingsooreenkoms geregistreer het, stuur 35 hy aan die registrator van aktes vir die gebied waarin die betrokke grond geleë is—

- (a) 'n afskrif van eersgenoemde ooreenkoms of die akte in subartikel (1) (a) bedoel, na gelang van die geval; en
- (b) die titelbewys van die betrokke grond of, waar die registrator ingevolge subartikel (2) die applikant van die bepalings van subartikel (1) (b) vrygestel het, 'n sertifikaat te dien effekte deur die registrator uitgereik.

(4) Na ontvangs van die stukke bedoel in subartikel (3), moet genoemde registrator van aktes die betrokke benoemingsooreenkoms of die sessie, hernuwing, verandering, opsegging of kansellasie van 'n geregistreerde benoemingsooreenkoms, na gelang van die geval, in sy stukke aanteken en moet hy ook daardie benoemingsooreenkoms of, waar die registrator nie ingevolge subartikel (2) die applikant van die bepalings van subartikel (1) (b) vrygestel het nie, daardie sessie, hernuwing, verandering, opsegging of kansellasie van 'n geregistreerde benoemingsooreenkoms, na gelang van die geval, teen die titelbewys van die betrokke grond aanteken.

(5) Waar die registrator ingevolge subartikel (2) die applikant van die bepalings van subartikel (1) (b) vrygestel het en 'n sertifikaat ingevolge subartikel (3) (b) uitgereik het, regstreer die betrokke registrator van aktes geen verdere transaksies met betrekking tot die grond alvorens die toepaslike sessie, hernuwing, verandering, opsegging of kansellasie van 'n geregistreerde benoemingsooreenkoms teen die titelbewys van daardie grond aanteken is nie.”.

Kort titel.

4. Hierdie Wet heet die Wysigingswet op die Registrasie van Myntitels, 1980.

MINING TITLES REGISTRATION AMENDMENT ACT, 1980

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- such agreements.
- (a) a signed original of the first-mentioned agreement or the deed in which the cession, renewal, modification, abandonment or cancellation of a registered nomination agreement is embodied, as the case may be, together with three further originals or copies **[thereof]** of that agreement or deed, as the case may be, certified as true by a notary public; and
- (b) **[in the case of a nomination agreement]** subject to the provisions of subsection (2), the title deed of the land in question.
- (2) **[Whenever the registrar has registered any such agreement, he shall forward a copy of the agreement, together with the title deed of the land in question, to the registrar of deeds for the area in which the land is situated, who shall note the agreement against the title deed of the land in question and in the appropriate registers.]** The registrar may, if the applicant, for a reason acceptable to the registrar, is unable to obtain the title deed of the land in question in the case of an application for the registration of any cession, renewal, modification, abandonment or cancellation of a registered nomination agreement, exempt the applicant from the provisions of subsection (1) (b).
- (3) **[Whenever any registered nomination agreement has been abandoned or cancelled, the provisions of subsection (2) shall mutatis mutandis apply in connection with the registration of such abandonment or cancellation.]** Whenever the registrar has registered any nomination agreement or any cession, renewal, modification, abandonment or cancellation of a registered nomination agreement, he shall forward to the registrar of deeds for the area in which the land in question is situated—
- (a) a copy of the first-mentioned agreement or the deed referred to in subsection (1) (a), as the case may be; and
- (b) the title deed of the land in question or, where the registrar has in terms of subsection (2) exempted the applicant from the provisions of subsection (1) (b), a certificate to that effect issued by the registrar.
- (4) After receipt of the documents referred to in subsection (3), the said registrar of deeds shall note the nomination agreement in question or the cession, renewal, modification, abandonment or cancellation of a registered nomination agreement, as the case may be, in his records and shall also note that nomination agreement or, where the registrar has not in terms of subsection (2) exempted the applicant from the provisions of subsection (1) (b), that cession, renewal, modification, abandonment or cancellation of a registered nomination agreement, as the case may be, against the title deed of the land in question.
- (5) Where the registrar has in terms of subsection (2) exempted the applicant from the provisions of subsection (1) (b) and has issued a certificate in terms of subsection (3) (b), the registrar of deeds concerned shall register no further transactions relating to the land until the relevant cession, renewal, modification, abandonment or cancellation of a registered nomination agreement has been noted against the title deed of that land.”.

- 65 4. This Act shall be called the Mining Titles Registration Amendment Act, 1980.

Short title.

