

**REPUBLIC OF SOUTH AFRICA
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**Cape Town,
Kaapstad,**

21 April 2009

No. 32151

THE PRESIDENCY

No. 437

21 April 2009

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

No. 49 of 2008: Mineral and Petroleum Resources Development Amendment Act, 2008.

MO-PRESIDENTE

No. 437

21 April 2009

Mo go tsebiswa gore Mo-Presidente o dumetse molao o latelago, wona o tla gatiswa e le tsebiso ya kakaretso:—

Nmr. 49 ya 2008: Molaophetošo wa Tšweletšo ya Methopo ya Diminerale le Petroleamo wa 2008.

Act No. 49, 2009

MINERAL AND PETROLEUM RESOURCES
DEVELOPMENT AMENDMENT ACT, 2008**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.

(English text signed by the President.)
(Assented to 19 April 2009.)

ACT

To amend the Mineral and Petroleum Resources Development Act, 2002, so as to make the Minister the responsible authority for implementing environmental matters in terms of the National Environmental Management Act, 1998 and specific environmental legislation as it relates to prospecting, mining, exploration, production and related activities or activities incidental thereto on a prospecting, mining, exploration or production area; to align the Mineral and Petroleum Resources Development Act with the National Environmental Management Act, 1998 in order to provide for one environmental management system; to remove ambiguities in certain definitions; to add functions to the Regional Mining Development and Environmental Committee; to amend the transitional arrangements so as to further afford statutory protection to certain existing old order rights; and to provide for matters connected therewith.

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

Amendment of section 1 of Act 28 of 2002

1. Section 1 of the Mineral and Petroleum Resources Development Act, 2002 Act (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the insertion before the definition of “block” of the following definition: “beneficiation”, in relation to any mineral resource, means the following—

- | | |
|---|--|
| <p>(a) primary stage, which includes any process of the winning, recovering, extracting, concentrating, refining, calcining, classifying, crushing, screening, washing, reduction, smelting or gasification thereof;</p> <p>(b) secondary stage, which includes any action of converting a concentrate or mineral resource into an intermediate product;</p> <p>(c) tertiary stage, which includes any action of further converting that product into a refined product suitable for purchase by minerals-based industries and enterprises; and</p> | <div style="border-left: 1px solid black; padding-left: 10px;"> <p>10</p> <p>15</p> </div> |
|---|--|

TSEBIŠO YA TLHALOŠOKAKARETŠO:

[] Mantšu ao a ngwetšwego ka mongwalo wo mokoto ka gare ga mašakana a khutlonne a bontšha tšeo di tlogetšwego ka go ditlhalošo tša bjale.

**Mantšu ao a thaletšwego ka mothaladi wo moso a bontšha tšeo
di tsentswego ka go di tlhalošo tša ga bjale.**

(English text signed by the President.)
(Assented to 19 April 2009.)

MOLAO

Go fetola Molao wa Tšwetšopele ya Methopo ya Diminerale le Petroleamo, 2002, go fa Tona maikarabelo a go diragatša melao ya tšwetšopele ya meepeo ya selete le tikologo go ya ka Molao wa Bosetšhaba wa Taolo ya Tikologo 1998, (le melao yeo e ikgethilego ya taolo ya tikologo yeo e lego mabapi le tokelo ya go nyaka diepša, tokelo ya go epa, tokelo ya tšwetšo, tokelo ya go dira hlohlomišo, gore Molao wa Tšwetšopele ya Methopo ya Diminerale le Petroleamo, 2002 o sepedišane le Molao wa Bosetšhaba wa Taolo ya Tikologo 1998, gore go be le tsepidišo e tee ya taolo ya tikologo, go fediša dithalošo tše dintši tšeo di fapanego go marco a mangwe; go oketša mešomo ya Komiti ya Tšwetšopele ya Meepeo ya Selete le Tikologo; go fetola dipeakanyo tša phetolelo go kgontšha tšhireletšo ya mmušo go ditokelo tša peakanyo ya kgale tšeo di sa lego gona ga bjale; go kgontšha merero yeo e lego mabapi le seo.

OBEILWE MOLAONG ke Palamente ya Rephabliki ya Afrika Borwa, ka mokgwa wo o latelago:

Phetolo ya karolo ya 1 ya Molao wa 28 wa 2002

1. Karolo ya 1 ya Molao wa Tšwetšopele ya Methopo ya Dimincrale le Petroleamo, 2002, (morago ga mo o tla bišwa gore ke Molao wa hlogo), e a fetolwa—

(a) ka go tsenya pele ga dithalošo tša “ploko” mo dithalošong tšeo di latelago:
 “**‘kholego’** e ra, mabapi le mothopo ofe goba ofe wa minerale, e ra tšeo
 di latelago:

(a) legato la mathomo, leo le akaretšago tshcpetšo cfe goba efc ya go atlega, go hwetša, go epa, go kgoboketša, go sefa, go tšhuma, magoro, go šila, go senka, go hlatswa, go hlaola, go tološa goba go fiša ka kgase; 10

(b) legato la bobedi, leo le akaretšago modiro ofe goba ofe wa go fetolela mkgobo goba mothopo wa diminera le ka go setšweletšwa sa magareng;

(c) legato la boraro, leo le akaretšago modiro wa go fetoleta go ya pele setšweletšwa seo, ka go setšweletšwa seo se hlwekišitšwego seo se loketšego go ka rekwa ke diintaseteri le dikgwebo tšeo di šomago ka dimincrala:

- (d) final stage, which is the action of producing properly processed, cut, polished or manufactured products or articles from minerals accepted in the industry and trade as fully and finally processed or manufactured and value added products or articles;”;
- (b) by the substitution in the definition of ‘broad based economic empowerment’ for sub-paragraph (b) (vi) of the following sub-paragraph—
“(vi) the socio-economic development of communities immediately hosting, affected by ~~[the of]~~ supplying labour to operations; and” and
- (c) by the substitution for the definition of ‘community’ of the following definition:
“‘community’ means a group of historically disadvantaged persons with interest or rights in a particular area of land on which the members have or exercise communal rights in terms of an agreement, custom or law: Provided that, where as a consequence of the provisions of this act, negotiations or consultations with the community is required, the community shall include the members or part of the community directly affect by mining on land occupied by such members or part of the community;”;
- (d) by the insertion before the definition of “day” of the following definition:
“‘Council for Geoscience’ means the Council established by the Geoscience Act, 1993 (Act No. 100 of 1993);”;
- (e) by the substitution for the definition of ‘day’ of the following definition:
“‘day’ means a calendar day excluding a Saturday, Sunday or public holiday and when any particular number of days are prescribed for the performance of any act, those days must be reckoned by excluding the first and including the last day, **[unless the last day falls on a Saturday, a Sunday or any public holiday, in which case the number of days must be reckoned by excluding the first day and also any such Saturday, Sunday or public holiday,]**”;
- (f) by the insertion after the definition of the “Director-General” of the following definition:
“‘effective date’ means the date on which the relevant permit is issued or the relevant right is executed;
- (g) by the insertion after the definition of environment of the following definitions:
“‘**environmental authorisation**’ has the meaning assigned to it in section 1 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- (h) by the deletion of the definition of ‘environmental management plan’,
(i) by the deletion of the definition of ‘environmental management programme’,
(j) by the substitution for the definition of ‘exclusionary act’ of the following definition:
“‘exclusionary act’ means any act or practice which impedes or prevents any person from entering into or actively participating in the mineral and **[mining]** petroleum industry, or entering into or actively participating in any market connected with **[that]** the mineral and petroleum industries **[industry]**, or from making progress within such industry or market;”;
- (k) by the deletion of the definition of “financial provision”;
- (l) by the substitution for paragraph (c) of the definition of ‘historically disadvantaged persons’ of the following paragraph:
(c) **[any]** a juristic person, other than an association, **[in]** which—
(i) is managed and controlled by a person contemplated in paragraph (a) and that the persons collectively or as a group own and control a majority of the issued share capital or members’ interest, and are able to control the majority of the members’ vote; or
(ii) is a subsidiary, as defined in section 1(e) of the Companies Act, 1973, as a juristic person who is a historically disadvantaged person by virtue of the provisions of paragraph (c)(i);”;

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- (d) legato la mafelelo, leo e lego modiro wa go tšweletša tšeo di s'omilwego ka tshwanelo, tšeo di segilwego, di phadimišitšwego goba tšeo di tšweleditšwego, le ditšweletšwa goba ditlabelo tšeo di nago le boleng;”;
- (b) ka go bea legatong tlhalošo yeo e nabilego ya ‘matlafatšo ya bathobaso go tša ekonomi’ go temana ya (b)(vi) ya temana ye e latelago—
“(iv) Go hloma ka tšhoganyetšo thlabollo ya setšhaba go tša ekonomi le bobotlana, e angwa ke kabo ya mešomo go lenaneo ; le”
- (c) ka bea legatong tlhalošo ya ‘setšhaba’ ya tlhalošo ye e atelago:
“**‘setšhaba’** batho bao peleng ba bego ba gateletšwe go ya ka histori, bao ba nago le dikgahlego le ditokelo mo lefelong le le rileng la bodulo, go ya ka kwano, ditumelo goba molao: Ge fela ditlamorago tša molao go nyakega ditherišano goba dikgokagano le setšhaba, setšhaba se tla akaretša maloko goba karolo ya setšhaba yeo e amegago thwii ke meepo mo nageng yeo maloko ao go karolo ya setšhaba e dulago go yona;”
- (d) ka go bea legatong tlhalošo ya “letšatši” ya tlhalošo ye e latelago:
“**‘Khansele ya Tšeosaentshe’** e ra Khansele yeo e hlomilwego ka Molao wa Tšeosaentshe’, 1993 (Molao wa 100 wa 1993);”;
- (e) ka go bea legatong la tlhalošo ya ‘letšatši’ ya ditlhalošo tšeo di latelago:
“**‘letšatši’** e ra letšatši la khalentara go sa akaretšwe Mokibelo, Lamorena goba matšatši a maikhutšo a setšhaba le ge palo ya matšatši a itšeng a beilwe go diragatša modiro ofe goba ofe, matšatši ao a swanetše go balwa ka go se akaretše letšatši la mathomo mme gwa akaretšwa la mafelelo; [ntle le ge letšatši la mafelelo e le Mokibelo, Lamorena goba letšatši lefe goba lefe la maikhutšo la setšhaba, mo palo ya matšatši e swanetšego go balwa ka go se akaretše letšatši la mathomo le Mokibelo woo, Lamorena goba letšatši la maikhutšo.]”;
- (f) ka go tsenya ditlhalošo tšeo di latelago morago ga tlhalošo ya Molaodi Pharephare ye e latelago:
“**‘letšatši phethagatšo’** ke letšatši leo ka lona go abelwago tumelelo ya maleba goba tokelo ya maleba e fiwago;
- (g) ka go bea legatong la tlhalošo ya tikologo’ ya ditlhalošo tše di latelago:
“**‘taolo ya tša tikologo’** e na le tlhalošo yeo e ifilwego mo go karolol ya Molao wa Taolo ya tša Tikologo wa Bosetšhaba, 1998 (Molao 107 wa 1998);”;
- (h) ka go phumula tlhalošo ya ‘leano la taolo ya tikologo’;
- (i) ka go phumula tlhalošo ya ‘lenaneo la taolo ya tikologo’;
- (j) ka go bea legatong la tlhalošo ya ‘molao wa go se akaretše’ ditlhalošo tše di latelago:
“**‘molao wa go se akaretše’** o ra molao ofe goba ofe goba tiragatšo yeo e thibelago goba e paledišago motho ofe goba ofe go tsena ka gare ga, goba go tšea karolo ka go minerale le [go epa] intasetering ya petroleamo, goba go tsena ka gare, goba go tšea karolo ka go mmara ofe goba ofe wo o kgolaganego le [gore] diintaseteri tša diminera le petroleamo [intaseteri], goba go gatela pele ka go intaseteri goba mebaraka yeo;”;
- (k) ka go phumula “tlhalošo ya kabo ya ditšhelete”;
- (l) ka go bea legatong la temana ya (c) tlhalošo ya ‘batho bao ba bego ba hlokišwa menyetla’ ka tlhalošo ye e latelago:
“(c) [ofe goba ofe] motho wa semolao, ntle le lekgotla, [ka go] leo le:
(i) laolwago ke motho yo a hlalošwago ka go temana ya (a) wo e lego wa mohlakanelwa goba sehlopha sa batho bao ba nago le, gomme ba laola merero ye mentši, gomme ba hwetša kabelo ya tšhelete goba mašokotšo, gomme ba kgona go laola diboutu tše ntši tša maloko; goba
(ii) e le lekala go ya ka tlhalošo ya karolo ya 1(e) ya Molao wa Dikhamphani, 1973 (Molao wa 61 wa 1973), bjalo ka motho wa mmušo yo a ilego a hlokišwa menyetla peleng ka ditlhalošo tša temana ya (c)(i);”

(m) by the substitution for the definition of 'mine' of the following definition:

“ ‘mine’ means, when—

(a) used as a noun—

(i) any excavation in the earth, including any portion under the sea or under other water or in any residue deposit, as well as any borehole, whether being worked or not, made for the purpose of searching for or winning a mineral;

(ii) any other place where a mineral resource is being extracted, including the mining area and all buildings, structures, machinery, residue stockpiles, access roads or objects situated on such area and which are used or intended to be used in connection with such searching, winning or extraction or processing of such mineral resource; and

(b) used as a verb, in the mining of any mineral, in or under the earth, water or any residue deposit, whether by underground or open working or otherwise and includes any operation or activity incidental thereto, in, on or under the relevant mining area;”;

(n) by the substitution for the definition of 'mining area' of the following definition:

“mining area; —

(a) in relation to a mining right or a mining permit, means the area on which the extraction of any mineral has been authorised and for which that right or permit is granted;

(b) in relation to any environmental, health, social and labour matter and any residual, latent or other impact thereto, including—

(i) **[adjacent surface of land or any non-adjacent surface land]** any land or surface adjacent or non-adjacent to the area as contemplated in subsection (i) but upon which related or incidental operations are being undertaken;

(ii) **[area connected to such area by means of any road, railway line, power line, cable way or conveyor belt]** any surface of land on which such road, railway line, powerline, pipe line, cableway or conveyor belt is located, under the control of the holder of such a mining right or a mining permit and which such holder is entitled to use in connection with the operations performed or to be performed under such right or permit; and

(iii) all buildings, structures, machinery, residue stockpiles, or objects situated on or in the area as contemplated in subsections (ii)(a) and (ii)(b).”;

(o) by the substitution for the definition of “Mining Titles Office” of the following definition:

“**[Mining Titles Office] Mineral and Petroleum Titles Registration Office’ means the [Mining Titles Office] Mineral and Petroleum Titles Registration Office** contemplated in section 2 of the Mining Titles Registration Act, 1967 (Act No. 16 of 1967);”;

(p) by the insertion after the definition of ‘Minister’ of the following definition:

“ ‘National Environmental Management Act, 1998’ means the National Environmental Management Act, 1998 (Act No. 107 of 1998);”

(q) by the insertion after the definition of “owner” of the following definition:

“ ‘owner of works’ has the meaning contemplated in paragraph (b) of the definition of “owner” in section 102 of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996);”;

(r) by the substitution for the definition of “reconnaissance operation” of the following definition:

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(m) ka go bea legatong la tlhalešo ya 'go epa' ditlhalešo tšeo di latelago:

“‘go epa’, ge—

(a) e šomišwa bjalo ka leina, e ra—

(i) go epa go gongwe le go gongwe mo lefaseng, go akaretšwa seripa sefe goba sefe ka tlase ga lewatle goba ka tlase ga meetse a mangwe goba ka gare ga mokgobo ofe goba ofe wo o ikgobokedišego, ga mmogo le moepo wa mohuta ofe goba ofe, o ka ba o šomišwe goba e se wa šongwa, wo o dirilwego ka mabaka a go nyaka goba go thopa minerale; 5

(ii) lefelong lefe goba lefe leo mothopo wa diminerale o epšago, go akaretšwa lefelo la moepo le meago ka moka, dihangwa, metšhene, mokgobo wa didirišwa tšeo di sa hlwego di šoma, ditsela tša go ya fao le dilo tšeo di lego lefelong leo tšeo di s’omišwago goba tšeo di sa tlilego go šomišwa mabapi le go nyaka, go hwetša le go epa goba go tšwelletša mothopo woo wa minerale; le 10

(b) ge e šomišwa bjalo ka lediri, go ra go epa ga diminerale dife goba dife, ka godimo goba ka tlase ga lefase, meetse goba mokgobo ofe goba ofe wa dilahlwa, e ka ba mešomo ya go šoma ka tlase ga lefase goba ka godimo goba ka mokgwa wo mongwe ka gare, ka godimo goba ka tlase ga lefelo leo le amegago la moepo”; 15 20

(n) ka go bea legatong la tlhalešo ya 'lefelo la moepo' ka tlhalešo yeo e latelago:

“‘lefelo la moepo’

(a) mabapi le tokelo ya go epa goba tumelelo ya go epa, e ra lefelo leo go lona kepo ya minerale efe goba efe e dumeletšwego gomme tokelo le tumelelo ya seo e filwe; 25

(b) mabapi le morero ofe goba ofe wa tša tikologo, maphelo, leago le tša mešomo le mašaledi ao a kgobetšwego goba ditlamorago [tša seo]mo lefelong, mme go akaretšwa—

(i) [naga yeo bapanego goba naga efe goba efe yeo e sego ya bapana] naga efe goba efe goba bogodimo bjo bo bapilego goba bjo bo sa bapanago le lefelo blale ka ge e akantšwe ka go (i) yeo e lego gore ditiragalo tšeo di tswalanago goba di diregago ka sewelo di a phethagatšwa; 30

(ii) [lefelo leo le kgolaganego le lefelo leo ka tsela, seporo, megala ya mohlagase, tsela ya kheibole goba lepanta la go sepela; le] bogodimo bja naga mo go nago le tsela, seporo, mogala wa mohlagase, phaephe, tsela ya kheibole goba lepanta la go sepela, yeo e lego ka tlase ga taolo ya mong wa tokelo ya go epa goba tumelelo ya go epa mme e le gore mong wa laesense yeo o na le matla a go e šomiša mabapi le mediro yeo e diragatšwago ka tlase ga tokelo goba tumelelo yeo; le 35 40

(iii) meago ka moka, dihangwa, metšhene, mekgobo ya dilahlwa, goba dilo tšeo di lego go, goba ka gare ga lefelo leo le hlalošwago ka go temana ya (b)(i) le (ii)”; 45

(o) ka go bea legatong la tlhalešo ya 'Kantoro ya Dithaetlele tša Meepo' ka tlhalešo yeo e latelago:

“[Kantoro ya Dithaetlele tša Meepo] Kantoro ya Boingwadišo bja Dithaetlele tša Diminerale le Petroleamo’ [Kantoro ya Dithaetlele tša Meepo] e ra Kantoro ya Boingwadišo bja Dithaetlele tša Diminerale le Petroleamo bjoo bo hlalošwago ka go karolo ya 2 ya Molao wa Ngwadišo ya Dithaetlele tša Kepo, 1967 (Molao wa Nomoro ya 16 wa 1967);”; 50

(p) ka go tsenya morago ga tlhalešo ya 'Tona' ditlhalešo tšeo di latelago:

“‘Molao wa Taolo ya Bosetšhaba ya Tikologo, 1998’ o ra Molao wa Taolo ya Bosetšhaba ya Tikologo, (Molao wa 107 wa 1998);” 55

(q) ka go bea legatong la tlhalešo ya 'mong' ka tlhalešo yeo e latelago:

“‘mong wa mešomo o na hlalološo yeo e akantšwego go temana ya (b) ya hlalošo ya “mong” ya karolo ya 102 ya Molao wa Meepo wa tša Maphelo le Tšhireletšo wa 1996 (Molao wa nomoro ya 29 wa 1996);” 60

(r) Ka go bea legatong la tlhalešo ya “tiro ya go tlhohlomiša” ya tlhalešo ye e Latelago:

- “ ‘reconnaissance operation’ means any operation carried out for or in connection with the search for a mineral or petroleum by geological, geophysical and photo geological surveys and includes any remote sensing techniques, but does not include any prospecting or exploration operation other than acquisition and processing of new seismic data;”;
- (s) by the insertion after the definition of ‘retention permit’ of the following definitions:
- “ ‘Registrar’ means the registrar of deeds as defined in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937);”;
- (t) by the substitution for the definition of ‘residue deposit’ of the following definition:
- “ ‘residue deposit’ means any residue stockpile remaining at the termination, cancellation or expiry of a prospecting right, mining right, mining permit, exploration right [or], production right or an old order right;”;
- (u) by the substitution for the definition of ‘residue stockpile’ of the following definition:
- “ ‘residue stockpile’ means any debris, discard, tailings, slimes, screening, slurry, waste rock, foundry sand, beneficiation plant waste, ash or any other product derived from or incidental to a mining operation and which is stockpiled, stored or accumulated for potential re-use, or which is disposed of, by the holder of a mining right, mining permit [or], production right or an old order right;”.

Amendment of section 2 of Act 28 of 2002

2. Section 2 of the principal Act is hereby amended by the substitution for paragraphs (d) and (e) the following paragraphs respectively,—
- “(d) substantially and meaningfully expand opportunities for historically disadvantaged persons, including women and communities, to enter into and actively participate in the mineral and petroleum industries and to benefit from the exploitation of the nation’s mineral and petroleum resources;
- (e) promote economic growth and mineral and petroleum resources development in the Republic, particularly development of downstream industries through provision of feedstock, and development of mining and petroleum inputs industries;”.

Amendment of section 3 of Act 28 of 2002

3. Section 3 of the principal Act is hereby amended—
- (a) by the substitution in subsection (2) for paragraph (b) of the following paragraph:
- “(b) in consultation with the Minister of Finance, [determine] prescribe and levy, any fee [or consideration] payable in terms of [any relevant Act of Parliament.] this Act;”;
- (b) by the addition of the following subsection:
- “(4) The State royalty must be determined and levied by the Minister of Finance in terms of an Act of Parliament.”.

Amendment of section 5 of Act 28 of 2002

4. Section 5 of the principal Act is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection:
- “(1) A prospecting right, mining right, exploration right or production right granted in terms of this Act and registered in terms of the Mining Titles Registration Act, 1967, (Act No. 16 of 1967), is a limited real right in respect of the mineral or petroleum and the land to which such right relates.”;
- (b) by the substitution in subsection (3) for paragraph (a) of the following paragraph:

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“**mešomo ya tlhahlobo**” e ra mošomo ofe goba ofe wo o dirwago mabapi le go nyakwa ga minerale goba petroleamo ka tlhahlobo ya tlhamego ya naga, sebopego sa naga le diswantšho tša naga mme e akaretša mekgwa efe goba efe ya go bonela/kwela pele, fela ga e akaretše mešomo ya dinyakišišo le diteko ntle le go no kgoboketša le go šoma ka datha ya dikgonagalo tša tšhikinyego ya lefase”; 5

- (s) ka go tsenya morago ga tlhalošo ya ‘Tumelelo ya go swara’ ditlhalošo tseo di latelago:

“**Mongwadiši**” e ra mongwadiši wa boingwadišo bja bong bjalo ka ge go hlalošitšwe ka go karolo ya 102 ya Molao wa Boingwadišo bja Bong, 1937 (Molao wa 47 wa 1937)”; le 10

- (t) ka go bea legato tlhalošo ya ‘kgoboko ya mašaledi’ ‘tlhalošo ye e latelago:

“**kgoboko ya mašaledi**” e ra mokgobo ofe goba ofe wa mašaledi wo o s’alago ka nako ya phedišo, phumulo goba mafelelo a nako ya tumelelo ya go go dira diteko, tokelo ya go epa, tumelelo ya go epa tokelo ya go tlhohlomiša [goba], tokelo ya go tšweletša goba tokelo ya molao wa kgale;”; 15

- (u) Ka go bea legato tlhalošo ya ‘mokgobo wa mašaledi’ ya tlhalošo ye e latelago:

“**mokgobo wa mašaledi**” e ra magogodi, matlakala, diretse, tšhilafalo, maswikana ao a lahlilwego, santa, matlakala a dimela, melora goba ditšweletšwa dife goba dife tseo di tšwago ditirong tša meepo ebile di dirile mekgobo, di bolokilwe kgobokeleditšwe go tlo šomišwa gape goba di lahlwago, ke mong wa tumelelo ya go epa, tumelelo ya go epa [goba] tumelelo ya go tšweletša goba tokelo ya molao wa kgale;”. 20

Phetolo ya karolo ya 2 ya Molao wa 28 wa 2002

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2. Karolo ya 2 ya Molao wa hlogo e a fetolwa ka go bea legatong la temana ya (d) le (e) ka go karolo ya 2 temana yeo e latelago:

“(d) ka tshwanelo ya maleba ya go godiša dikgoba tša batho bao ba bego ba phaetšwe thoko historing yeo e fctilego, go akaretšwa basadi, go tsenela le go tšea karolo ka go diintaseteri tša minerale le petroleamo le gona go holega ka go dikopo tša setšhaba tša methopo ya minerale le petroleamo”. 30

- (e) Go tšwetša pele kgolo ya ekonomi le kgolo ya ditšweletšwa tša diminerale le petroleamo ka Afrika Borwa, kudu kgolo ya diintasteri tseo di hlwekišago le go phatlalatša ka go fana ka dirafša, le kgodišo ya diintasteri tseo di tlhabelago ka tša meepo le petroleamo;”. 35

Phetolo ya karolo ya 3 ya Molao wa 28 wa 2002

3. Karolo ya 3 ya Molao-mogolo o a fetolwa—

- (a) ka go bea legatong la temana ya (b) ka go temana ya ka tlase ya (2) ka temana yeo e latelago:

“(b) ka go ikopanya le Tona ya tša Ditšhelete, go bea le go lefiša tšhelete efe goba efe [goba go ela hloko] yeo e lefšago go ya ka [Molao ofe goba ofe wo o lebanego wa Palamente.] Molao wo”; le 40

- (b) ka go tsenya karolwana ya ka tlase yeo e latelago:

“(4) Dipoclo tša Mmušo di swanetše go bewa mme tša lefišwa ke Tona ya tša Ditšhelete go ya ka Molao wa Palamente.”. 45

Phetolo ya karolo ya 5 ya Molao wa 28 wa 2002

4. Karolo ya 5 ya Molao-mogolo o a fetolwa—

- (a) ka go bea legatong la karolo ya ka tlase ya (1) ka karolo ya ka tlase yeo e latelago:

“(1) Tokelo ya go dira diteko, tokelo ya go epa, tokelo ya dinyakišišo goba tokelo ya tšweletšo yeo e filwego go ya ka Mining Titles Registration Act, Molao wa, 1967 (Molao 16 wa 1967), ke tokelo yeo e nago le mapheko mabapi le minerale goba petroleamo le naga yeo tokelo e lego mabapi le yona.”; le 50

- (b) ka go bea legatong temana ya (a) ya karolo ya ka tlase ya (3) ka temana yeo e latelago: 55

- “(a) enter the land to which such right relates together with his or her employees, and [may] bring onto that land any plant, machinery or equipment and build, construct or lay down any surface, underground or under sea infrastructure which may be required for the purpose[s] of prospecting, mining, exploration or production, as the case may be;”;
- (c) by the insertion in subsection (3) after paragraph (c) of the following paragraph:
“(cA) subject to section 59B of the Diamonds Act, 1986 (Act No. 56 of 1986), (in the case of diamond) remove and dispose of any diamond found during the course of mining operations;” and
- (d) by the deletion of subsection (4).

Insertion of section 5A of Act 28 of 2002

5. The following section is hereby inserted in the principal Act after section 5:

“Prohibition relating to illegal act

5A. No person may prospect for or remove, mine, conduct technical co-operation operations, reconnaissance operations, explore for and produce any mineral or petroleum or commence with any work incidental thereto on any area without—

- (a) an environmental authorisation;
- (b) a reconnaissance permission, prospecting right, permission to remove, mining right, mining permit, retention permit, technical co-operation permit, reconnaissance permit, exploration right or production right, as the case may be; and
- (c) giving the landowner or lawful occupier of the land in question at least 21 days written notice.”.

Amendment of section 9 of Act 28 of 2002

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

- (a) by the substitution in subsection (1) for paragraph (b) of the following paragraph:
“(b) different [dates] days must be dealt with in order of receipt.”; and
- (b) by the substitution for subsection (2) of the following subsection:
“(2) When the Minister considers applications received on the same [date] day he or she must give preference to applications from historically disadvantaged persons.”.

Amendment of section 10 of Act 28 of 2002

7. Section 10 of the principal Act is hereby amended by substitution in subsection (1) for paragraph (a) of the following paragraph:

- “(a) make known that an application for a prospecting right, mining right or mining permit has been [received] accepted in respect of the land in question; and”.

Amendment of section 11 of Act 28 of 2002

8. Section 11 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:
“(1) A prospecting right or mining right or an interest in any such right, or any interest in a [company or] close corporation or unlisted company or any controlling interest in a listed company (which corporations or companies hold a prospecting right or mining right or an interest in any such right), may not be ceded, transferred, let, sublet, assigned alienated or otherwise disposed of without prior written of the Minister. [, except in the case of changed of controlling interest in listed companies]”;

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- “(a) tsena ka go naga yeo e lego mabapi le tokelo ga mmogo le bašomi ba gagwe, le [a ka] tliša mo nageng yeo semela sefe goba sefe, metšhene goba ditlabele mme a ka aga, a hlama goba a aga godimo, ka tlase ga lefase goba ka tlase ga lewatle ditlabeletšwa tšeo di ka nyakegago mo mabakeng a go dira diteko, go epa, go nyakišiša goba go tšweletša, bjalo ka mo go ka bago ka gona;”;
- (c) ka go tsenya morago ga temana ya (c) temana ya ka tlase ya 3 ka temana yeo e latelago
- “(cA) go ya ka karolo ya 59B ya Molao wa Ditaemane wa, 1986 (Molao wa 56 wa 1986), mo mabakeng a ditaemane, go tloša le go timeletša ditaemane tšeo nakong ya mediro ya go epa;”;
- (d) Ka go phumulwa ga karolwana ya (4).

Ka go tsenywa ga karolo 5A ya molao 28 wa 2002

5. Go tsenywa ga karolo ye e latelago mo go molao-mogolo morago ga karolo ya bohloano

“Kganetšo ya tirišo mpe ya molao

- 5A. Ga go motho yoo a ka nyakago diepšane goba a tloša, a epa goba a dira mešomo ya tirišo ya bothekniki, mešomo ya tekolo, a hlhlomiša a be a tšweletša seepšane sefe goba sefe goba petroleumo goba a thoma ka mošomo ofe goba ofe godimo ga lefelo la go nyaka diepšane goba lefelo la go epa ntle le—
- (a) lenaneo la tshepedišo ya tikologo leo le dumeletšwego, le
- (b) tumelelo ya go dira tekolo, tekolo ya go nyaka diepšane tumelelo ya go tloša tokelo ya go epa, tumelelo ya go epa, tumelelo ya tirišano ya bothekniki, tumelelo ya go dira tekolo ya go hlhlomiša goba tekolo ya tšweletšo go ya ka moo go tla bego go nyakega; le
- (c) go tsebiša mong wa mabu goba motho yoo a dutšego mabung ao ka semolao pele ga matšatši a 21.”

Phetolo ya karolo ya 9 ya Molao wa 28 wa 2002

6. Karolo ya 9 ya Molao-mogolo e a fetolwa—
- (a) ka go bea legatong la ‘[neng]’ ka ‘matšatši’ mo lentšu le bonagalago, ka go temana ya (b) ya karolo ya ka tlase ya 9(1); le
- (b) Ka go tsenya legatong ga karolwana (2) ya karolwana ye e latelang
- “(2) Ge tona e dira sephetho ka dikgopelo tšeo di humanwego ka letšatši le tee, o swanetše go thoma ka diphetogo tša batho ba go ba le histori ya go se holege.”.

Phetolo ya karolo ya 10 ya Molao 28 wa 2002

7. Karolo ya 10 ya Molao-mogolo e a fetolwa ka go bea legatong la ‘[go temana ya (a) ya karolo ya ka tlase ya 10(1)].
- (a) Go tsebišwe gore dikgopelo tša tokelo ya go kopola, tokelo ya go epagoba tumelelo ya go epa e [amogetšwe] e amogelelegile go šetšwa naga yeo e amegago; le.”.

Phetolo ya karolo ya 11 ya Molao 28 wa 2002

8. Karolo ya 11 ya Molao-mogolo e a fetolwa—
- (a) ka go bea legatong la karolo ya ka tlase ya (1) ya karolo ya ka tlase yeo e latelago:
- “(1) Tokelo ya go dira diteko goba tokelo ya go epa goba kgahlego ka go ye nngwe ya ditokelo tšeo, goba taolo kgahlego ka go [khamphani goba] khoporeišene goba khamphani yeo e sa ngwadišwego goba eo e nago le pušo kgahlego mo khamphaning yeo e ngwadišitšego (e eleng gore Khamphani ya gona goba khoporeišene ya gona ena le tokelo ya go epa goba kgahlego) ntle le tumelelo yeo e ngwadilwego ya Tona ka tlase ga ditaalo le mabaka ao Tona a tlogo a bea, [ntle le ge go na le diphetogo tša kgahlego ya taolo ka go dikhamphani tšeo di ngwadilwego]”; le

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

“(4) Any transfer, cession, letting, subletting, alienation, encumbrance by mortgage or variation of a prospecting right or mining right, as the case may be, contemplated in this section must be lodged for the registration at the **[Mining Titles Office]** Mineral and Petroleum Titles Registration Office within **[30]** 60 days of the relevant **[action]** transaction.”; and

(c) by the addition of the following subsection:

“(5) Any cession, transfer, letting, subletting, assignment, alienation or disposal of prospecting or mining right or an interest in a corporation or company made in contravention of subsection 1 is void.”.

Amendment of section 13 of Act 28 of 2002

9. Section 13 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for paragraph (c) of the following paragraph: 15

“(c) together with the prescribed non-refundable application fee.”; and

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

“(3) If the application does not comply with the requirements of this section, the Regional Manager must reject the application and notify the applicant in writing **[of that fact]** within 14 days of the receipt of the application **[and return the application to the applicant]** with written reasons for such decision.”.

Amendment of section 14 of Act 28 of 2002

10. Section 14 of the principal Act is hereby amended:

(a) by the substitution for subsection (3) of the following subsection— 25

“(3) If the Minister refuses to grant a reconnaissance permission, the Minister must, within 30 days of the decision, **[in writing]** notify the applicant in writing with reasons for [the] such decision.”; and

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

“(4) The reconnaissance permission is valid for **[two years]** one year and is not renewable.”.

Substitution of section 15 of Act 28 of 2002

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

“Rights and obligations of holder of reconnaissance permission

15. (1) A reconnaissance permission entitles the holder, **[on production of the reconnaissance permission and after consulting the landowner or lawful occupier thereof]** after giving written notice to the landowner or the lawful occupier of the land at least 14 days before the day such holder will enter the land to which such permission relates, to enter the land concerned for the purposes of conducting reconnaissance operations. 35 40

(2) A reconnaissance permission does not entitle the holder to—

(a) conduct any prospecting or mining operations for any mineral in or on the land in question; or;

(b) any exclusive right to apply for or be granted a prospecting right **[or]**, mining right or mining permit in respect of the land to which such reconnaissance permission relates.”.

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- (b) ka go engwa legatong la karolo ya ka tlase ya (4) ka karolo yeo e latelago:
“(4) Neelano efe goba efe, kemišo, khirišo, karolelano, tlhokomologo, motekeitši goba diphetogo tša tokelo ya diteko le ya go epa, bjalo ka ge go ka ba ka gona, ka mo go hlalošwago ka go karolo ye, di swanetše go ngwadišwa go **[kantoro ya Mining Titles] Kantoro ya Dithaetlele tša Minerale le Petrolcamo** mo matšatšing a **[30] 60** a tiragalo ya kwano ya maleba.”; le 5
- (c) ka go oketšwa ga karolwana ye e latelago:
“(5) neelano efe goba efe, kemišo, khirišo, karolelano, tlhokomologo, motekeitši goba diphetogo tša tokelo ya diteko le ya go epa, bjalo ka ge go ka ba ka gona yeo e dirilwego kgahlanong le karolwana ya pele ga e dumelelwe.”. 10

Phetolo ya karolo ya 13 ya Molao 28 wa 2002

9. Karolo ya 13 ya Molao-mogolo e a fetolwa—
- (a) ka go engwa legatong la temana ya (c) ya karolo ya ka tlase ya (1) ke temana yeo e latelago: 15
“(c) ga mmogo le tšhelete ya **kgopelo** yeo e beilwego yeo e sa lefelwego morago.”; le
- (b) ka go engwa legatong la karolo ya ka tlase ya (3) ke karolo ya ka tlase yeo e latelago: 20
“(3) Ge kgopelo e sa kgotsofatše dinyakwa tša karolo ye, Molaodi wa Selete o swanetše go **ganetša kgopelo mme** a tsebiše mkgopedi ka go ngwala **[ka ga lebaka leo]** mo matšatšing a 14 a go hwetša kgopelo yeo, **mme a fe mabaka a sephetho seo [le go bušetša kgopelo go mkgopedi]**.” 25

Phetolo ya karolo ya 14 ya Molao 28 wa 2002

10. Karolo ya 14 ya Molao-mogolo e a fetolwa—
- (a) ka go engwa legatong la karolo ya ka tlase ya (3) ke karolo ya ka tlase yeo e latelago: 30
“(3) Ge Tona a gana go fana ka tumelelo ya tlhahlobo, Tona o swanetše gore, mo matšatšing a 30 a go tšewa ga sephetho, a tsebiše mkgopedi **ka go ngwala, a efa mabaka a sephetho**”; le
- (b) ka go engwa legatong la karolo ya ka tlase ya (4) ke karolo ya ka tlase yeo e latelago: 35
“(4) Tumelelo ya diteko e šoma mengwaga ye **[mebedi] ngwaga o tee** mme ga e mpshafatšwe”.

Phetolo ya karolo ya 15 ya Molao 28 wa 2002

11. Karolo ya 15 ya Molao wa hlogo e a fetolwa—
- (a) ka go engwa legatong la karolo ya ka tlase ya (1) ke karolo ya ka tlase yeo e latelago: 40

“Ditokelo le maikarabelo a moswari wa tumelelo ya tekolo

15. (1) Tumelelo ya diteko e dumelela mong wa tokelo go tsena ka gare ga naga, **[ge a bontšha tumelelo ya go dira diteko morago ga go ikopanya le mong wa naga goba modudi wa fao wa semolao] morago ga go fa mong wa naga goba modudi tsebišo** mo matšatšing a 14 **pele ga letšatši leo mong wa tokelo a ka tsenago ka nageng yeo tokelo e lego mabapi le yona** ka tšweletšo ya mabaka a go dira mediro ya diteko”; le 45
- (2) Tumelelo ya go dira diteko ga e dumelele mong go—
- “(a) dira diteko goba mediro ya go epa ya minerale ofe goba ofe **godimo ga naga yeo e amegago; goba**”; 50
- “(b) goba tokelo yeo e ikgethago ya go kgopela goba go fiwa tokelo ya go dira diteko, goba tokelo ya go epa goba tumelelo ya go epa mabapi le naga yeo dinyakišišo tšeo di lego mabapi le tumelelo.”.

Amendment of section 16 of Act 28 of 2002

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

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

“Any person who wishes to apply to the Minister for a prospecting right must simultaneously apply for an environmental authorisation and must lodge the application—”;
- (b) by the substitution for subsection (2) of the following subsection:

“(2) The Regional Manager must accept an application for a prospecting right if—

 - (a) the requirements contemplated in subsection (1) are met; **[and]**
 - (b) no other person holds a prospecting right, mining right, mining permit or retention permit for the same mineral and land; **and**
 - (c) no prior application for a prospecting right, mining right, mining permit or retention permit has been accepted for the same mineral on the same land and which remains to be granted or refused.”;
- (c) by the substitution for subsection (3) of the following subsection—

“(3) If the application does not comply with the requirements of this section, the Regional Manager must notify the applicant in writing within 14 days of the receipt of the application **[of that fact and return the application to the applicant].**”;
- (d) by the substitution for subsection (4) of the following subsection:

“(4) If the Regional Manager accepts the application, the Regional Manager must within 14 days from the date of acceptance, notify the applicant in writing—

 - (a) to submit **[an environmental management plan]** relevant environmental reports required in terms of Chapter 5 of the National Environmental Management Act, 1998 within 60 days of the date of notice; and
 - (b) **[to notify in writing and consult with the land owner or lawful occupier and any other affected party and submit the result of the consultation within 30 days from the date of the notice] to consult in the prescribed manner with the landowner, lawful occupier and any interested and affected party and include the result of the consultation in the relevant environmental reports;**”;
- (e) by the deletion of subsection 6.

Amendment of section 17 of Act 28 of 2002

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

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

“**[Subject to subsection (4), the]** The Minister must within 30 days of receipt of the application from the Regional Manager, grant a prospecting right if—”;
- (b) by the substitution in subsection (1) for paragraph (c) of the following paragraph:

“(c) the prospecting will not result in unacceptable pollution, ecological degradation or damage to the environment and an environmental authorisation is issued;”;
- (c) by the addition to subsection (1) of the following paragraph:

“(f) in respect of prescribed minerals the applicant has given effect to the objects referred to in section 2(d).”;
- (d) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

“The Minister must, within 30 days of receipt of the application from the Regional Manager, refuse to grant a prospecting right if—”;

Phetolo ya karolo ya 16 ya Molao 28 wa 2002**12. Karolo ya 16 ya Molao-mogolo e a fetolwa—**

- (a) ka go tsenya legatong la karolo ya ka tlase ya (2) ke karolo ya (a) yeo e latelago:
 “Motho ofe goba ofe yoo a nyakago go dira kgopelo go Tona mabapi le tokelo ya go nyaka diepišane le kgopelo ya tumelelo ya go diriša tikologo o swanetše go iša dikgopelo tšeo ka nako e tee.” 5
- (b) ka go tsenya legatong la karolo ya ka tlase ya (2) ke karolo yeo e latelago:
 “(2) Molaodi wa Selete o swanetše go dumelela kgopelo ya tokelo ya go dira diteko ge— 10
 (a) dinyakwa tšeo di hlalošwago ka go karolo ya ka tlase ya (1) di phethagaditšwe; [le]
 (b) ga go motho yo a nago le tokelo ya go dira diteko, tokelo ya go epa, tumelelo ya go epa goba tumelelo ya go swara tokelo ya minerale wa go swana ofe goba ofe mo nageng yona yeo; le 15
 (c) ga go kgopelo ya pele yeo e sa letetšego go dumelelwa goba go ganetšwa, yeo e dumetšwego go tokelo ya go dira diteko, tokelo ya go epa, tumelelo ya go epa goba tumelelo ya go swara tumelelo e amogetšwe ka minerale woo mo nageng yona yeo e ka fiwago goba ya ganetšwa”; 20
- (c) ka go ema legatong la karolo ya ka tlase ya (3) ke karolo ya ka tlase yeo e latelago:
 “(3) Ge kgopelo e sa kgotsofatše dinyakwa tša karolo ye, Molaodi wa Selete o swanetše, go gana kgopelo mme a tsebiše mkgopedi ka go ngwala mo matšatšing a 14 a go amogela kgopelo, [ka ga ntlha yeo] ka go fa mabaka ka ga sephetho seo [mme a bušetše kgopelo yeo go mkgopedi].”; 25
- (d) ka go engwa legatong la karolo ya ka tlase ya (4) ke karolo ya ka tlase yeo e latelago:
 “(4) Ge Molaodi wa Selete a dumela kgopelo, Molaodi wa Selete o swanetše go tloga ka letšatši la tumelelo, go tsebiša mkgopedi ka go ngwala mo matšatšing a 14. 30
 (a) go hlagiša [diraporoto tša tikologo] tšeo di nyakegago mabapi le karolo ya 5 ya Molao wa Bosetšhaba wa Taolo ya Tikologo 1998 mo matšatšing a 60 go tloga letšatšing la tsebišo eo; le 35
 (b) go tsebiša le go rerišana ka tsela yeo e swanetšego le mong wa mubu goba modudi wa semolao le go akaretšwa ga dipoelo tša ditherišano mo raportong ya tirišo ya Tikologo; [le lehlakore le lengwe lefe goba lefe leo le amegago mme a hlagiša dipoelo tša kopano mo matšatšing a 30 go tloga letšatšing la tsebišo]”; le 40
- (e) ka go phumula karolo ya ka tlase ya (6).

Phetolo ya karolo ya 17 ya Molao 28 wa 2002**13. Karolo ya 17 ya Molao wa hlogo e a fetolwa—**

- (a) ka go engwa legatong la karolo ya ka tlase ya (1) ke karolo yeo e latelago:
 “[Go ya ka karolo ya ka tlase ya (4),] Tona o swanetše gore mo matšatšing a 30 morago ga go hwetša kgopelo go tšwa go Molaodi wa Selete a fane ka tokelo ya go dira diteko ge—”; 45
- (b) ka go engwa legatong la temana ya (c) karolo ya ka tlase (1) ke temana yeo e latelago:
 “(c) diteko ga se tša swanela go hlola tšhilafatšo yeo e sa amogelego, go gwahlafatša ga ntikodiko ya phedišano ya tlhago goba tshenyoy tikologo tumelclo ya tikologo e filwe;”; 50
- (c) ka go tsenya ka go karolo ya ka tlase ya (1) temana yeo e latelago:
 “(f) mabapi le dimineral e tšeo di beilwego, mkgopedi o diragaditše dikganetšo tšeo di hlalošitšwego ka go karolo ya 2(d).”; 55
- (d) ka go engwa legatong la temana ya (a) karolo ya ka tlase ya (2) ke temana yeo e latelago
 Tona o swanetše gore mo matšatšing a 30 morago ga go hwetša kgopelo go tšwa go Molaodi wa Selete a gane go fana ka tokelo ya go dira diteko ge—”; 60

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- (e) by the substitution in subsection (2) for paragraph (b) of the following paragraph:
- “(b) the granting of such right will[—
- (i) **result in an exclusionary act;**
- (ii) **prevent fair competition; or**
- (iii) **result in the concentration of the mineral resources in question under the control of the applicant]**
- result in the concentration of the mineral resources in question under the control of the applicant and their associated companies with the possible limitation of equitable access to mineral resources.”;
- (f) by the insertion after subsection (4) of the following subsection:
- “(4A) If the application relates to land occupied by a community, the Minister may impose such conditions as are necessary to promote the rights and interests of the community, including conditions requiring the participation of the community.”;
- (g) by the substitution for subsection (5) of the following subsection:
- “(5) A prospecting right granted in terms of subsection (1) comes into effect on the effective date.”.

Amendment of section 18 of Act 28 of 2002

14. Section 18 of the principal Act is hereby amended—
- (a) by the substitution in subsection (2) for paragraph (c) of the following paragraph:
- “(c) be accompanied by a report reflecting the extent of compliance with the **[requirements of the approved environmental management programme, the rehabilitation to be completed; the estimated cost thereof]** conditions of the environmental authorisation; and”;
- (b) by the addition to subsection (2)) of the following paragraph:
- “(e) a certificate issued by the Council for Geoscience that all prospecting information as prescribed has been submitted.”; and
- (c) by the substitution in subsection (3) for paragraph (c) of the following paragraph:
- “(c) **[requirements of the approved environmental management plan]** compliance with the conditions of the environmental authorisation.”.

Amendment of section 19 of Act 28 of 2002

15. Section 19 of the principal Act is hereby amended—
- (a) by the substitution in subsection (2) for paragraph (a) of the following paragraph:
- “(a) lodge such right for registration at the **[Mining Titles Office within 30 days of the date on which the right—**
- (i) **become effective in terms of section 23(5); or**
- (ii) **is renewed in terms of section 24(3)]** Mineral and Petroleum Titles Registration Office within 60 days after the right has become effective;”;
- (b) by the substitution in subsection (2) for paragraph (e) of the following paragraph:
- “(e) comply with **[the requirements of the approved environmental management programme]** the conditions of the environmental authorisation;”;
- (c) by the substitution in subsection (2) for paragraph (g) of the following paragraph:
- “(g) subject to section 20 and in terms of any relevant law, pay the State royalties in respect of any mineral removed and disposed of during the course of prospecting operations.”; and
- (d) by the addition to subsection (2) after paragraph (g) of the following paragraph:
- “(h) submit progress reports and data of prospecting operations to the Regional Manager within 30 days from the date of submission thereof to the Council for Geoscience.”.

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- (e) ka go engwa legatong la temana ya (b) karolo ya ka tlase (2) ke temana yeo e latelago:
 “(b) go fana ka tokelo ye bjalo go tla[—
 (i) **hlola tiragalo ya go kgethologanya;**
 (ii) **thibela phenkgišano ya mmakgonthc; goba** 5
 (iii) **hlola tsenelelo ya methopo ya diminerae ye e amegago ka fase ga taolo ya modiradikgopelo]**
dipoelo tša mokgobo wa ditokelo tšeo di filwego tša ka tlase ga taolo ya mokgopedi le dikhampani tšeo di amanago le mokgopedi, tšeo di ka dirago gore go se be le tekatekano ya hwetšagalo ya dimenerale.”; 10
- (f) ka go tsenya ka go karolo ya ka tlase ya (4) ya temana yeo e latelago:
 “(4A) Ge kgopelo e amana le lefase leo le dulwago ke setšhaba Tona a ka fana ka melawana ya go godiša ditokelo le dikgablego tša setšhaba go akarctšwa le melawana yeo setšhaba se ka tšca karolo go yona.”
- (g) ka go bea legatong la temana ya ka tlase ya (5) temana yeo e latelago: 15
 “(5) Tumelelo ya tokelo ya diteko go ya ka temana ya ka tlase ya (1) e thoma go šoma ka letšatši leo ka lona tokelo e diragaditše.”

Phetolo ya karolo ya 18 ya Molao 28 wa 2002

14. Karolo ya 18 ya Molao wa hlogo e a fetolwa—
- (a) ka go bea legatong la temana ya (c) ya karolo ya ka tlase ya (2) temana yeo e latelago: 20
 “(c) go hlagišwe mmogo le pegu yeo e bontšhago magomo a go latela melawana ya tumelelo ya Tikologo [**dinyakwa tša lenaneo la taolo ya tokologo leo le dumeletšwego, tsošološo e swanetše go feleletšwa; kakanyo ya ditshenyagalelo go fihla fao] maemo a** 25
maatla a tikologo; le”;
- (b) ka go tsenya go karolo ya ka tlase ya (2) temana yeo e latelago:
 “(e) go hlagišwe setifikeiti seo se filwego ke Khansale ya Tšeosense seo se hlalošago gore tshedimošo ka moka ya diteko yeo e beilwego e filwe.”; le 30
- (c) ka go bea legatong la temana ya (c) ya karolo ya ka tlase ya (3) temana yeo e latelago:
 “(c) [**dinyakwa tša lenaneo la tshepedišo ya tikologo leo le dumeletšwego]** go latelwa ga melawana ya Tikologo.

Phetolo ya karolo ya 19 ya Molao 28 wa 2002

15. Karolo 19 ya Molao wa hlogo e a fetolwa—
- (a) ka go bea legatong la temana ya (a) ya karolo ya ka tlase ya (2) ditemana yeo e latelago: 40
 “(a) go ngwadiša tokelo yeo ka go [**Kantoro ya Dithaetlele tša go Epa] [mo matšatšing a 30 a letšatši leo ka lona tokelo yeo e—** 40
 (i) **thomilego go šoma go ya ka karolo ya 17(5); goba**
 (ii) **ke mpshafatšo go ya ka karolo ya 18(3);**”; Kantoro ya Dithaetlele tša Diminerae le Petroleamo mo matšatšing a 60
morago ga go thoma go dirišwa ga kgopelo;”;
- (b) Ka go bea legatong karolwana ya (2) ya temana ya (e) ya temana yeo e latelago: 45
 “(e) go kgotsofatša [**ga melawana ya lenaneo la taolo ya tikologo] mabaka a tumelelo ya tikologo;”;**
- (c) Ka go bea legatong karolwana ya (2) ya temana ya (g) ya temana yeo e latelago: 50
 “(g) go ya ka karolo ya 20 le molao wa maleba, a lefele mmušo dipoelo tša ditaemane tšeo di tlošitšwego mme tša lahlwa nakong ya mediro ya diteko.”; le
- (d) go tsenya ka go karolo ya (2) ka tlase ya (g) temana yeo e latelago: 55
 “(h) hlagiša dipego tša tšwelopele le datha ya mediro ya diteko go Molao di wa Selete mo matšatšing a 30 go tšwa go letšatši la kgopelo ya go mpshafatšo gomme e išwe go Khansale ya Tšcosaense.”.

Amendment of section 20 of Act 28 of 2002

16. Section 20 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The holder of a prospecting right must obtain the Minister’s written permission to remove and dispose for such holder’s own account of diamonds and bulk samples of any other minerals found by such holder in the course of prospecting operations [conducted pursuant to such prospecting right].”. 5

Amendment of section 21 of Act 28 of 2002

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

(a) by the substitution in subsection (1) for paragraph (a) of the following paragraph: 10

“(a) keep proper records, at [its] the registered office or place of business of the holder, of reconnaissance or prospecting operations and the results and expenditure connected therewith, as well as borehole core data and core-log data, where appropriate; and”; 15

(b) by the insertion after subsection (1) of the following subsections:

“(1A) The Regional Manager must, submit progress reports and data contemplated in subsection (1)(b) within 30 days from the date of receipt thereof to the Council for Geoscience.

(1B) The Council for Geoscience must advise the Minister on all prospecting information as contemplated in this section.”; and 20

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

“(2) No person may dispose of or destroy any record, borehole core data or core-log data contemplated in subsection (1)(a) except in accordance with written directions of the relevant Regional Manager in consultation with the Council for Geoscience.”. 25

Amendment of section 22 of Act 28 of 2002

18. Section 22 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: 30

“Any person who wishes to apply to the Minister for a mining right must simultaneously apply for an environmental authorisation and must lodge the application—”;

(b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words: 35

“The Regional Manager must, within 14 days of receipt of the application, accept an application for a mining right if—”;

(c) by the deletion of the word “and” at the end of paragraph (a), the addition of the word “and” at the end of paragraph (b) and the addition to that subsection of the following paragraph: 40

“(c) no prior application for a prospecting right, mining right or mining permit or retention permit, has been accepted for the same mineral and land and which remains to be granted or refused.”;

(d) by the substitution for subsection (3) of the following subsection: 45

“(3) If the application does not comply with the requirements of this section, the Regional Manager must notify the applicant in writing [of that fact] within 14 days of the receipt of the application [and return the application to the applicant].”; 45

(e) by the substitution in subsection (4) for paragraphs (a) and (b) of the following paragraphs, respectively: 50

Phetolo ya karolo ya 20 ya Molao 28 wa 2002

16. Karolo 20 ya Molao-mogolo e a fetolwa ka go bea legatong la karolo ya ka tlase ya (2) karolo ya ka tlase yeo e latelago:

“(2) Mong wa tokelo ya go dira diteko o swanetše go hwetša tumelelo yeo engwadilwego ya Tona go tloša le go lahla, legatong la mong, ditaemane le mekgobo ya mehlala ya diminerale tše dingwe dife goba dife tšeo di hwetšwago ke mong mo nakong ya mediro ya go dira diteko [yeo e dirilwego go ya ka tokelo ya go dira diteko tša go epa].”.

Phetolo ya karolo ya 21 ya Molao 28 wa 2002

17. Karolo 21 ya Molao-mogolo e a fetolwa—

(a) ka go bea legatong la karolo(a) ya ka tlase ya (1) karolo ya ka tlase yeo e latelago:

(a) go swara direkoto tša maleba, ka go kantoro ya gagwe yeo e ngwadišitšwego goba lefelo la kgwebo la mong, tša mediro ya dinyakišišo goba ya diteko le dipolelo le ditshenyegelo tšeo di lego mabapi le sco, ga mmogo le datha ya melete ya motheo le datha ya dikota tša tšhomišo, ge go swanetše; le

(b) go tsenya ka go karolo ya ka tlase ya (1) temana yeo e latelago:

“(1A) Molaodi wa Selete o swanetše go hlapiša raporoto ya tšwelopele le tshedimošo go ya ka karolo (1)(b) mo matšatšing a 30 morago ga letšatši la kamogelo go Khanshele ya Tšeosaense.

(1B) Khanshele ya Tšeosaense e swanetše go eletša Tona ka tshedimošo ka moka mabapi le tokelo ya go nyaka diepšane go ya ka karolo ye.”;

(c) ka go bea legatong la karolo ya ka tlase ya (2) ya karolo ya ka tlase yeo e latelago:

“(2) Ga go motho yo a ka lahlago goba a senya rekhoto, datha ya molete wa motheo goba datha ya dikota tša motheo t ka go bea legatong la karolo (a) ya ka tlase ya (1) ya karolo ya ka tlase yeo e latelago: eo di hlalošwago ka go karolo ya ka tlase ya (1)(a) ntle le go ya ka taelo yeo e ngwadilwego ya Molaodi wa Selete yo a amegago ka go ikopanya le Khanshele ya Tšeosaense.”.

Phetolo ya karolo ya 22 ya Molao 28 wa 2002

18. Karolo 22 ya Molao wa hlogo e a fetolwa—

(a) ka go bea legatong la karolo (a) ya ka tlase ya (1) ya karolo ya ka tlase yeo e latelago:

“Motho ofe goba ofe yoo a nyakago go dira kgopelo go Tona ya tokelo ya go nyaka diepšane le kgopelo ya tumelelo ya go diriša tikologo o swanetše go iša dikgopelo tšeo ka nako e tee.”

(b) ka go bea legatong la karolo (a) ya ka tlase ya (2) ya karolo ya ka tlase yeo e latelago:

Molaodi wa Selete o swanetše go gore mo matšatšing a 14 go tloga ka letšatši la kamogelo a amogele kgopelo ya tokelo ya go epa.

(c) ka go phumula mantšu mafelelong a temana (a) tlaleletšo ya mantšu-mafelelong a temana ya (b) la tlaleletšo go karolwana ya temana ye e latelago

(c) ga go motho yo mongwe yo a nago le tokelo ya go dira diteko, tokelo ya go epa, tumelelo ya minerale ofe goba ofe wa go swana mo nageng ya go swana yeo e sa swanetšego go dumelelwa goba go ganetšwa, yeo e dumeletšwego go tokelo ya go dira diteko, tokelo ya go epa, tumelelo ya go epa goba tumelelo ya go swara minerale wa go swana le naga”;

(d) ka go bea legatong la karolo ya ka tlase ya (3) karolo ya ka tlase yeo e latelago:

“(3) Ge kgopelo e sa kgotsofatše dinyakwa tša karolo ye, Molaodi wa Selete o swanetše go gana kgopelo mme a tsebiše mokgopedi mo matšatšing a 14 ka ga ntlha yeo morago ga go amogela kgopelo, mme a fe mabaka a sephetho sco [mme a bušetše kgopelo go mokgopedi].”;

(e) ka go bea legatong la karolo ya temana ya (a) le (b) karolo ya ka tlase ya (4) yeo e latelago:

- “(a) **[to conduct an environmental impact assessment and submit an environmental management programme for approval in terms of section 39];** to submit the relevant environmental reports, as required in terms of Chapter 5 of the National Environmental Management Act, 1998, within 180 days from the date of the notice; 5
and
(b) **[to notify and consult with interested and affected parties within 180 days from the date of the notice]** to consult in the prescribed manner with the landowner, lawful occupier and any interested and affected party and include the result of the consultation in the relevant environmental reports.”; and 10
(f) by the substitution for subsection (5) of the following subsection:
“(5) The Regional Manager must, within 14 days of receipt of the environmental reports and results of the consultation contemplated in subsection (4) and section 40, forward the application to the Minister for consideration.”. 15

Amendment of section 23 of Act 28 of 2002

19. Section 23 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for paragraph (d) of the following paragraph: 20
“(d) the mining will not result in unacceptable pollution, ecological degradation or damage to the environment and an environmental authorisation is issued;”;
(b) by the substitution in subsection (1) for paragraph (e) of the following paragraph: 25
“(e) the applicant has provided **[financially and otherwise]** for the prescribed social and labour plan;”;
(c) by the insertion after subsection (2) of the following subsection:
“(2A) If the application relates to the land occupied by a community, the Minister may impose such conditions as are necessary to promote the rights and interests of the community, including conditions requiring the participation of the community.” 30
(d) by the substitution for subsection (3) of the following subsection:
“(3) The Minister must, within 60 days of receipt of the application from the Regional Manager, refuse to grant a mining right if the application does not meet the requirements referred to in subsection(1).”; and 35
(e) by the substitution for subsection (5) of the following subsection:
“(5) A mining right granted in terms of subsection (1) comes into effect on the effective date.”. 40

Amendment of section 24 of Act 28 of 2002

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

- (a) by the substitution in subsection (2) for paragraph (b) of the following paragraph: 45
“(b) be accompanied by a report reflecting the extent of compliance with the **[requirements of the approved environmental management programme, the rehabilitation to be completed and the estimated cost thereof]** conditions of the environmental authorisation;” and
(b) by the substitution in subsection (3) for paragraph (d) of the following paragraph: 50
“(c) conditions of the environmental authorisation.”; and
(c) by the substitution for subsection (4) of the following subsection:
“(4) A mining right may be renewed for further periods, each of which may not exceed 30 years at a time.”. 55

MOLAO PHETOŠO WA TŠWELETŠO YA METHOPO YA
DIMINERALE LE PETROLEAMO WA 2008

Act No. 49, 2008

- “(a) [go dira tshekatsheko ya ditlamorago tša tikologo le go hlagiša lenaneo la tshekatsheko ya taolo ya tikologo go dumelelwa go ya ka karolo ya 39 le]; go hlagiša diraporoto tša tikologo tšeo di nyakegago] mabapi le karolo ya 5 ya *National Environmental Management Act* 1998, mo matšatšing a 180 go tloga letšatšing la tsebišo yeo ya tikologo bjalo ka ge go beilwe; le 5
- (b) [go tsebiša le go ikopanya le le bao ba nago le kgahlego mo matšatšing a 180 go tloga ka letšatši la tsebišo] go tsebiša le go rerišana ka tsela yeo e swanetšego le mong wa muhu goba modudi wa semolao le go akaretšwa ga dipoelo tša ditherišano mo pegong ya tirišo ya tikologo.”; le 10
- (f) ka go bea legatong la karolo ya ka tlase ya (5) karolong ya ka tlase yeo e latelago:
“(5) Molaodi wa Selete o swanetše gore mo matšatšing a 14 go tloga ka letšatši la kamogelo la dipego tša tikologo le tša therišano yeo e lego go karolo (4) le temana ya (40), a iše kgopelo go Tona go sekasekwa.”. 15

Phetolo ya karolo ya 23 ya Molao 28 wa 2002

19. Karolo 23 ya Molao-mogolo e a fetolwa—

- (a) ka go bea legatong la temana ya (d) ya karolo ya ka tlase ya (1) temaneng yeo e latelago: 20
“(d) moepo o ka se hlole tšhilafalo yeo e sa amogelegego, kowafatšo ya ntikodiko ya phedišano ya tlhago goba tshenycgo ya tikologo gomme le tumelelo ya tikologo e filwe;”;
- (b) ka go bea legatong la temana ya (e) ya karolo ya ka tlase ya (1) temaneng yeo e latelago: 25
“(e) mkgopedi o file [ka tša ditšhelete le ka mkgwa wo mongwe] tša peakanyo ya tša leago le tša mšomo tšeo di beilwego”;
- (c) go tsenya go karolo ya ka tlase ya (2) temana yeo e latelago: 30
“(2A) Ge kgopelo e amana le lefase leo le dulwago ke setšhaba, Tona a ka fana ka melawana ya go godiša ditokelo le dikgahlego tša setšhaba go akaretšwa le melawana yeo setšhaba se ka tšeago karolo go yona.”
- (d) ka go bea legatong la temana ya ka tlase ya (3) temana yeo e latelago: 35
“(3) Tona o swanetše gore mo matšatšing a 60 a go amogela dikgopelo go tšwa go Molaodi wa Selete, a gane go fana ka tokelo ya go epa ge kgopelo e sa sepelelane le dinyakwa tšeo di hlalošwago go karolwana ya (1). “; le
- (e) ka go bea legatong la temana ya (5) ya karolwana ye e latelago
“(5) Tumelelo ya tokelo ya go dira diteko go ya ka temana ya ka tlase ya (1) e thoma go šoma ka letšatši leo ka lona tokelo e diragadišwego.”.

Phetolo ya karolo ya 24 ya Molao 28 wa 2002

40

20. Karolo 24 ya Molao-mogolo e a fetolwa—

- (a) ka go bea legatong la temana ya (b) ya karolo ya ka tlase ya (2) temaneng yeo e latelago: 45
“(b) e hlagišwe gotee le pego yeo e bontšhago magomo a go latela [dinyakwa tša lenaneo la taolo yeo e dumeletšwego ya tikologo, tsošološo e fedišwe le ditekanyetšo tša ditshenyagalelo] melawana ya tumelelo ya tikologo;”;
- (b) ka go bea legatong la karolo (d) ya tlase ya (3) karolo ya tlase yeo e latelago: 50
“(c) melao ya taolo ya tikologo.” le
- (c) ka go bea legatong la karolwana ya (4) ya karolwana ye e latelago: 50
“(4) Tokelo ya go epa e ka mpshafatšwa mo nakong ye teletšana, yeo ye nngwe le ye nngwe ya tšona e ka se fetego mengwaga ye 30 nakong ye tee.”

Amendment of section 25 of Act 28 of 2002

21. Section 25 of the principal Act is hereby amended—

- (a) by the substitution in subsection (2) for paragraph (a) of the following paragraph:
 - “(a) lodge such right for registration at the [Mining Titles Office within 5
30 days of the date on which the right—
 - (i) **become effective in terms of section 23(5); or**
 - (ii) **is renewed in terms of section 24(3)] Mineral and**
Petroleum Titles Registration Office within 60 days and the
right has become effective.”; 10
- (b) by the substitution in subsection (2) for paragraph (e) of the following paragraph:
 - “(e) comply with the [requirements of the approved environmental
management programme] conditions of the environmental
authorisation.”; and 15
- (c) by the substitution in subsection (2) for paragraph (g) of the following paragraph:
 - “(g) in terms of any relevant law, pay the State royalties; and”.

Amendment of section 26 of Act 28 of 2002

- 22. Section 26 of the principal Act is hereby amended— 20
 - (a) by the substitution for subsection (1) of the following subsection:
 - “(1) The Minister may initiate or [**prescribe incentives to**] promote
the beneficiation of minerals in the Republic.”; and
 - (b) by the insertion after subsection (2) of the following subsection:
 - “(2A) In promoting beneficiation, the Minister may prescribe the 25
levels required for beneficiation.”;

Amendment of section 27 of Act 28 of 2002

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

- (a) by the substitution in subsection (1) for paragraph (b) of the following paragraph: 30
 - “(b) the mining area in question does not exceed [1.5] 5.0 hectares in extent.”;
- (b) by the substitution for subsection (2) of the following subsection:
 - “(2) Any person who wishes to apply to the Minister for a mining
permit must simultaneously apply for an environmental authorisation 35
and must lodge the application—
- (c) by the addition to subsection (3) of the following paragraph:
 - “(c) the granting of a permit will not result in the applicant being granted
more than one mining permit on the same or adjacent land.”;
- (d) by the substitution for subsection (4) of the following subsection: 40
 - “(4) If the application does not comply with the requirements of this
section, the Regional Manager must notify the applicant in writing [**of**
that fact] within 14 days of the receipt of the application [**and return**
the application to the applicant.]”;
- (e) by the substitution for subsection (5) of the following subsection: 45
 - “(5) If the Regional Manager accepts the application, the Regional
Manager must within 14 days of the receipt of the application, notify the
applicant in writing, to—
 - (a) consult in the prescribed manner with the landowner, lawful
occupier and any interested and affected party and include the result 50
of the consultation in the relevant environmental reports; and
 - (b) submit the relevant environmental reports as required in terms of
the National Environmental Management Act, 1998, within 60 days
from the date of the notice.”;
- (f) by the substitution in subsection (6) for the words preceding paragraph (a) of 55
the following words:
 - “The Minister must, within 60 days of receipt of the application from the
Regional Manager, issue a mining permit if—”;

Phetolo ya karolo ya 25 ya Molao 28 wa 2002**21. Karolo 25 ya Molao-mogolo e a fetolwa—**

- (a) ka go bea legatong la temana ya (a) ya karolo ya ka tlase ya (2) temaneng yeo e latelago: 5
- “(a) go hlapiša tokelo yeo go ngwadišwa go [**Kantoro ya Dithaetlele tša go epa mo matšatšing a 30 a letšatši leo ka lona tokelo—**
- (i) **e thomilego go šoma go ya ka karolo ya 23(5); goba**
- (ii) **e mpshafadišwe go ya ka karolo ya 24(3)] Kantoro ya**
- Ngwadišo ya Dithaetlele tša Diminerale le Petroleamo mo**
- matšatšing a 60 morago ga go thoma go dirišwa ga kgopelo** 10
- (b) ka go bea legatong la temana ya (e) ya karolo ya ka tlase ya (2) temana yeo e latelago:
- “(e) go kgotsofatša [**dinyakwa tša melawana ya lenaneo la tumelelo ya taolo ya tikologo**] melao ya taolo ya tikologo;”;
- (c) ka go bea legatong la temana ya (g) ya karolo ya ka tlase ya (2) temaneng yeo e latelago: 15
- “(g) go ya ka molao ofe goba ofe wa maleba, go lefelwe ditshwanelo tša Mmušo; le”.

Phetolo ya karolo ya 26 ya Molao 28 wa 2002**22. Karolo 26 ya Molao-mogolo e a fetolwa—**

- (a) ka go bea legatong la karolo ya ka tlase ya (1) temaneng yeo e latelago: 20
- “(1) Tona a ka thoma goba a [**bea dihlohleletši**] go godiša dikholego go tša diminerale ka mono Afrika Borwa.”;
- (b) ka go bea legatong la karolo ya ka tlase ya (2) temaneng yeo e latelago: 25
- “(2A) Go godiša dikholego Tona a ka bea maemo ao a nyakegago a dikholego.”; le

Phetolo ya karolo ya 27 ya Molao 28 wa 2002**23. Karolo 27 ya Molao-mogolo e a fetolwa—**

- (a) ka go bea legatong la temana ya (b) ya karolo ya ka tlase ya (1) temaneng yeo e latelago: 30
- “(b) lefelo la moepo ga le fete dihektara tše [**1.5] 5.0** ka bogolo;”;
- (b) ka go bea legatong la karolo ya ka tlase ya (2) karolo ya ka tlase yeo e latelago: 35
- “(2) Motho ofe goba ofe yo a nyakago go dira kgopelo ya go fiwa tumelelo ya go epa le go diriša tikologo go tšwa go Tona, o swanetše go iša dikgopelo tšeo ka nako e tee.”
- (c) ka go tsenya ka go karolo ya ka tlase ya (3) temaneng yeo e latelago: 40
- “(c) go fiwa ga tumelelo ya moepo go ka se be le ditlamorago tša gore mkgopedi a fiwe diphemiti tša go feta e tee mo lefelong le tee goba leo le lebanego.
- (d) ka go bea legatong la karolo ya ka tlase ya (4) karolo ya ka tlase yeo e latelago: 40
- (4) Ge kgopelo e sa sepelelane le dinyakwa tša karolo ye, Molaodi wa Selete o swanetše go tsebisa modirakgopelo ka lengwalo mo matšatšing a 14 go tloga ka letšatši leo kgopelo e amogetšwego ka lona [**go bosetša lengwalo la mkgopedi go yena**].
- (e) ka go bea legatong la karolo ya ka tlase ya (5) ya karolwana ye e latelago: 45
- “(5) Ge Molaodi wa Selete a dumela kgopelo, Molaodi wa Selete o swanetše go tsebiša mkgopedi ka go ngwala mo matšatšing a 14 go tloga ka letšatši leo kgopelo e amogetšwego ka lona:
- (a) go tsebiša le go rerišana ka tsela yeo e swanetšego le mong wa mobu goba modudi wa semolao le go akaretšwa ga dipelo tša ditherišano mo pegong ya tirišo ya tikologo; 50
- (b) go hlapiša dipego tša maleba tša tikologo tšeo di nyakegago mabapi le karolo ya 5 ya Molao wa Bosesetšhaba wa Taolo ya Tikologo wa 1998, mo matšatšing a 60 go tloga letšatšing la tsebišo eo;”;
- (f) ka go bea legatong la karolo ya (b) ya ka tlase ya (6) karolo ya ka tlase yeo e latelago: 55
- “(Tona o swanetše gore mo matšatšing a 60 a kamogelo ya kgopelo a go tšwa go Molaodi wa Selete a fane ka tumelelo ya go epa go—”;

- (g) by the substitution in subsection (6) for paragraph (b) of the following paragraph:
 “(b) **[the applicant has submitted the environmental management plan] the environmental authorisation is issued;**”;
- (h) by the addition in subsection (6) after paragraph (b) of the following paragraph:
 “(c) the applicant has the ability to comply with the relevant provisions of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996);”;
- (i) by the substitution in subsection (7) for paragraph (c) of the following paragraph:
 “(c) in terms of any relevant law, must pay the State royalties;”;
- (j) by the addition to subsection (7) of the following paragraph:
 “(e) must submit the mining permit for recording at the Mineral and Petroleum Titles Registration Office within 60 days after the permit has been issued.”.

Amendment of section 28 of Act 28 of 2002

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

- (a) by the substitution for subsection (1) of the following subsection:
 “(1) The holder of a mining right or mining permit must, at **[its]** the registered office or place of business of such holder, keep proper records of mining activities and proper financial records in connection with the mining activities.”; and
- (b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:
 “The holder of a mining right or mining permit, or the manager of any mineral processing plant operating separately from a mine, must submit to the Director-General—”.

Amendment of section 30 of Act 28 of 2002

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

- (a) by the substitution for subsection (3) of the following subsection:
 “(3) Any person submitting information or data in terms of section **[21]** 28 or 29 must inform the Regional Manager concerned and indicate which information and data must be treated as confidential and may not be disclosed.”; and
- (b) by the addition of the following subsection:
 “(5) Any data, information or reports lodged with the Council for Geoscience in terms of section 21 must be kept confidential until such time as the right, permit or permission has lapsed or is cancelled, or terminated, or the area to which such right, permit or permission relates has been abandoned or relinquished.”.

Amendment of section 31 of Act 28 of 2002

26. Section 31 of the principal Act is hereby amended by the substitution in subsection (1) for paragraphs (a), (b) and (c) of the following paragraphs, respectively:

- “(a) **[must]** lodge the application at the office of the Regional Manager in whose region the land is situated;
- (b) **[must]** lodge the application in the prescribed manner;
- (c) **[must]** lodge the application together with the prescribed non-refundable application fee;”.

Amendment of section 32 of Act 28 of 2002

27. Section 32 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

- “(3) Despite subsection (2), the conditions of the environmental [management programme approved] authorisation issued in respect of the prospecting right remains in force as if the prospecting right had not lapsed.”.

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- (g) go tsenya ka go karolo (b) ya ka tlase ya (6) temana yeo e latelago:
“(b) [modira-dikgopelo o fane ka leano la taolo ya tikologo] taolo ya
tikologo ea fiwa;”;
- (h) ka go bea legatong la karolo (b) ya ka tlase ya (6) go karolo ya ka tlase yeo e
latelago: 5
(c) mokgopedi o kgona go dumelelana dithušo tšeo e lego tša maleba
tša Molao wa tša Maphelo le Polokego ya Meepo, 1996 (Molao wa
Nomoro ya 29 wa 1996);”
- (i) ka go bea legatong la karolo (c) ya ka tlase ya (7) karolo ya ka tlase yeo e
latelago: 10
“(c) go lefela dipelo tša Mmušo go ya ka Molao wa maleba ; le
- (j) go tsenya ka go karolo ya ka tlase ya (7) temaneng yeo e latelago:
“(e) go hlapiša tokelo yeo go tsenywa lenaneong go Kantorong ya
Ngwadišo ya Dithaetlele tša Diminerale le Petroleamo mo matša-
tšing a 60 morago ga go ntšhwa ga kgopelo.” 15

Phetolo ya karolo ya 28 ya Molao 28 wa 2002

24. Karolo 28 ya Molao-mogolo e a fetolwa—

- (a) ka go bea legatong la karolo ya ka tlase ya (1) temana yeo e latelago:
“(1) Mong wa tokelo ya go epa goba tumelelo ya go epa o swanetše go
boloka direkoto tša maleba tša mediro ya go epa le direkoto tša maleba 20
tša ditšhelete ka kantorong yeo e ngwadišitšwego ya [yona] goba lefelo
la kgwebo la mong wa tumelelo mabapi le mediro ya go epa.”; le
- (b) ka go tsenya karolo ya ka tlase ya (2) ya temana ya (a) ya mantšu a latelago:
“Mong wa tokelo goba tumelelo ya go epa, goba molaodi wa tshapedišo
efe goba efe ya diminerale yeo e šomelago ka ntle ga moepo, o swanetše 25
go tša go Mookamedi-pharephare—”.

Phetolo ya karolo ya 30 ya Molao 28 wa 2002

25. Karolo 30 ya Molao-mogolo e a fetolwa ka go tsenya karolo ya ka tlase:

- (a) ka go bea legatong la karolo ya ka tlase ya (3) temana yeo e latelago:
“(3) Motho ofe goba ofe yoo a tlišago tshedimošo goba datha go ya 30
ka karolo (21) 28 goba 29 o swanetše go tšebiša Molaodi wa Selete yoo
amegago le go šupa gore ke tshedimošo goba datha efe yeo e swanetšego
go tšewa e le ya sephiri gomme e se e tswhanele go otullwa.”; le
- (b) ka go tlaleletša karolwana ye e latelago:
“(5) Datha efe goba efe, tshedimošo goba dipego tšeo di hlapišitšwego 35
go Khansela ya Tšeosaense go ya ka karolo ya 21(1) le (2) e tla ba sephiri
go fihlela nako yeo tokelo yeo, tumelo goba tumelelo e fela, e phumulwa
goba e fedišwa, goba lefelo leo le lego mabapi le tumelelo yeo le
tlogelwa goba le leswa.”.

Phetolo ya karolo ya 31 ya Molao 28 wa 2002

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26. Karolo 31 ya Molao-mogolo e a fetolwa ka go bea legatong la ditemana tša (a),
(b) le (c), ka go latelana, ka go karolo ya ka tlase ya (1) ya ditemana tšeo di latelago:

- “(a) [swanetše] go tsenya kgopelo kantorong ya Molaodi wa Selete seo a lego go
sona;
- (b) [swanetše] go tsenya kgopelo ka mokgwa wo o laetšwego ; 45
- (c) [swanetše] go tsenya kgopelo gammogo le tšhelete yeo e beilwego yeo e sa
lefelwego morago;”.

Phetolo ya karolo ya 32 ya Molao 28 wa 2002

27. Karolo 32 ya Molao-mogolo e a fetolwa ka go bea legatong la karolo ya ka tlase
ya (3) karolo ya ka tlase yeo e latelago: 50

- “(3) Go sa kgathatšege karolo ya ka tlase ya (2), tumelelo ya tikologo yeo e
filwego [lenaneo la taolo leo le dumeletšwego] mabapi le tokelo ya go dira diteko
e tla šomišwa bjalo ka ge o ka re tokelo ya diteko ga se ya fela”.

Amendment of section 33 of Act 28 of 2002

28. Section 33 of the principal Act is hereby amended by the substitution for paragraph (c) of the following paragraph:

“(c) the granting of such right will [—

(i) **result in an exclusionary act;**

(ii) **prevent fair competition;**

(iii) **result in the concentration of the mineral resources under the control of the applicant]**

result in the concentration of the mineral resources in question under the control of the applicant and their associated companies with the possible limitation of equitable access to mineral resources.”.

Amendment of section 35 of Act 28 of 2002

29. Section 35 of the principal Act is hereby amended—

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

“(a) give effect to the [**approved environmental management programme**] conditions of the environmental authorisation and pay the prescribed retention fees”; and

(b) by the substitution in subsection (2)(b) for subparagraph (i) of the following subparagraph:

“(i) the prevailing market conditions, the effect thereof and the need to hold such retention permit [**over**] in respect of the mineral and land in question; and”; and

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

“(c) submit the retention permit for recording in the Mineral and Petroleum Titles Registration Office within 60 days after the permit has been issued.”.

Amendment of section 37 of Act 28 of 2002

30. Section 37 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) apply to all prospecting and mining operations, as the case may be, and any matter or activity relating to such operation.”.

Repeal of section 38 of Act 28 of 2002

31. Section 38 of the principal Act is hereby repealed.

Insertion of sections 38A and 38B IN Act 28 of 2002

32. The following sections are hereby inserted in the principal Act after section 38:

“Environmental authorisations

38A. (1) The Minister is the responsible authority for implementing environmental provisions in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as it relates to prospecting, mining, exploration, production or activities incidental thereto on a prospecting, mining, exploration or production area.

(2) An environmental authorisation issued by the Minister shall be a condition prior to the issuing of a permit or the granting of a right in terms of this Act.

Approved environmental management programmes and environmental management plans

38B. (1) An environmental management plan or environmental management programme approved in terms of this Act before and at the time of the coming into effect of the National Environmental Management Act, 1998,

Phetolo ya karolo ya 33 ya Molao 28 wa 2002

28. Karolo 33 ya Molao-mogolo e a fetolwa ka go bea legatong la temana ya ka tlase ga temana ya (c) temana ya ka tlase yeo e latelago:

(b) go fana ka tumelelo ye bjalo go tla [—

(i) **tliša molao wa kgethollo**

(ii) **thibela phadišano ya maleba**

(iii) **tliša taolo yeo e tseneletšego ya ditšweletšwa tša diminerale ka fase ga modiradikgopelo]**

dipoelo tša mokgobo wa ditokelo tšeo di filwego tša ka tlase ga taolo ya mokgopedi le dikhampani tšeo di amanago le mokgopedi, tšeo di ka dirago gore go se be le tekatekano ya khwetšagalo ya diminerale.

Phetolo ya karolo ya 35 ya Molao 28 wa 2002

29. Karolo 35 ya Molao-mogolo e a fetolwa—

(a) ka go bea legatong la ditemana tša (a) le (b) ka go karolo ya ka tlase ya (2) temana ya ka tlase yeo e latelago:

“(a) tsenya tirišong [lenaneo leo le dumeletšwego la taolo ya tikologo] peakanyo le mapheko a tumelelo ya tikologo le go lefela tšhelete yeo e beilwego ya go swara; le

(b) ka go bea legatong la ditemana tša (2)(b) ka go karolo ya ka tlase ya (i) temana ya ka tlase yeo e latelago:

(i) maemo a mmaraka wo o lego gona, ditlamorago tša gona le tlhokagalo ya tumelelo ya go swara [godimo ga] mabapi le minerale le naga yeo e amegago; le”; le

(c) ka go tsenya ka go karolo ya ka tlase ya (2) temana yeo e latelago:

“(c) go hlagiša tumelelo ya go swara go ngwadišwa go Kantoro ya Ngwadišo ya Dithaetlele tša Diminerale le Petroleamo mo matšatšing a 60 morago ga go thoma go dirišwa ga kgopelo

Phetolo ya karolo ya 37 ya Molao 28 wa 2002

30. Karolo 37 ya Molao-mogolo e a fetolwa ka go bea legatong la temana ya (1) ka go karolo ya ka tlase ya (a) temaneng yeo e latelago:

“(a) diragatšwa medirong ka moka ya diteko le go epa, ka mo go ka hago ka gona, le morero ofe goba ofe goba modiro wa mabapi le mediro yeo.”

Phetolo ya karolo ya 38 ya Molao 28 wa 2002

31. Karolo 38 ya Molao-mogolo e a phumulwa

ka go tsenya ka go karolo ya 38A le 38B mo go Molao 28 wa 2002

32. Dikarolo tše di latelago di tsenywa ka go Molao-mogolo ka morago ga karolo ya 38:

“Tumelelelo go tša Tikologo

38A (1) Tona o rwele maikarabelo a go diragatšha melao ya tšwetšopele ya meepo ya selete le tikologo go ya ka Molao wa Bosetšhaba wa Taolo ya Tikologo 1998, (Molao wa bo 107, 1998), lego mabapi le tokelo ya go nyaka diepšane, tokelo ya go epa, tokelo ya tšweletšo, tokelo ya go dira dihlohlomišo.

(2) Tokelo ya tumelelo ya Tikologo yeo e filwego ke Tona e tlo ba ye nngwe ya mabaka a rileng pele ga go fiwa ga tumelelo goba tokelo go ya ka Molao wo.

Lenaneo le le dumeletšwego la tshepedišo ya tikologo le leano latshepedišo ya tikologo

38B. (1) tshepedišo ya tikologo goba leano la tshepedišo ya tikologo le le dumeletšwego go ya ka Molao wo pele le ka nako ya go diragatšwa ga

shall be deemed to have been approved and an environmental authorisation been issued in terms of the National Environmental Management Act, 1998.

(2) Notwithstanding subsection (1), the Minister may direct the holder of a right, permit or any old order right, if he or she is of the opinion that the prospecting, mining, exploration and production operations is likely to result in unacceptable pollution, ecological degradation or damage to the environment, to take any action to upgrade the environmental management plan or environmental management programme to address the deficiencies in the plan or programme.

(3) The Minister must issue an environmental authorisation if he or she is satisfied that the deficiencies in the environmental management plan or environmental management programme in subsection (2) have been addressed and that the requirements in Chapter 5 of the National Environmental Management Act, 1998, have been met.”

Amendment of section 39 of Act 28 of 2002

33. Sections 39, 40, 41 and 42 of the principal Act are hereby repealed.

Amendment of section 43 of Act 28 of 2002

34. Section 43 of the principal Act is hereby amended—

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

“(1) The holder of a prospecting right, mining right, retention permit, ~~[or] mining permit, or previous holder of an old order right or previous owner of works that has ceased to exist,~~ remains responsible for any environmental liability, pollution, ~~[or] ecological degradation, the pumping and treatment of extraneous water, compliance to the conditions of the environmental authorisation and the management and sustainable closure thereof,~~ until the Minister has issued ~~[an]~~ a closure certificate ~~in terms of this Act to the holder or owner concerned.~~”;

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

“(2) On the written application in the prescribed manner by the holder of a prospecting right, mining right, retention permit, mining permit or previous holder of an old order right or previous owner of works that has ceased to exist, the Minister may transfer such environmental liabilities and responsibilities as may be identified in the environmental management report and any prescribed closure plan to a person with such qualifications as may be prescribed.”;

(c) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

“(3) The holder of a prospecting right, mining right, retention permit, mining permit, ~~or previous holder of an old order right or previous owner of works that has ceased to exist,~~ or the person contemplated in subsection (2), as the case may be, must apply for ~~[an]~~ a closure certificate upon—”;

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

“(4) An application for ~~[an]~~ a closure certificate must be made to the Regional Manager in whose region the land in question is situated within 180 days of the occurrence of the lapsing, abandonment, cancellation, cessation, relinquishment or completion contemplated in subsection (3) and must be accompanied by the ~~[prescribed environmental risk report]~~ required information, programmes, plans and reports prescribed in terms of this Act and the National Environmental Management Act, 1998.”;

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

“(5) No closure certificate may be issued unless the Chief Inspector and ~~[the Department of Water Affairs and Forestry]~~ each government department charged with the administration of any law which relates to any matter affecting the environment have confirmed in writing that the provisions pertaining to health and safety and management pollution to water resources, ~~the pumping and treatment of extraneous water and~~

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Molao wa Bosetšhaba wa Taolo ya Tikologo wa 1998 (107 wa 1998) di tla tšwa go ba tše di dumeletšwego, le tumelelo ya Tikologo e filwe go ya ka molao wa Bosetšhaba wa Taolo ya Tikologo 1998(107 wa 1998).

(2) Go sa šetšwe karolo(1), Tona a ka laela moswari wa tokelo, tumelelo le tokelo ya peakanyo ya kgale, ge a na le kakanyo ya gore tokelo ya go nyaka diepšanc, tokelo ya go epa, tokelo ya go dira dihlohlomišo le tokelo ya tšweletšo e ka ba le ditlamorago tša go baka tšhilafalo yeo e ka se lokišegogo, nyenyefatšo ya naga, goba tshenyo ya tikologo, go tšea maikarabelo a go iša pelc lenanco la tshepedišo ya tikologo le leano la tshepedišo ya tikologo.

(3) Tona o swanetše go fana ka tumelelo ya tikologo ge a kgotsofetše gore dilo tšeo di ka šitišago lenaneo le la tshepedišo ya tikologo le leano la tshepedišo ya tikologo mo karolwaneng ya (2) di phethilwe le melawana ya karolo 5 ya Molao wa Bosetšhaba wa Taolo ya Tikologo wa 1998, o phethagaditšwe.”.

Phetolo ya karolo ya 39 ya Molao 28 wa 2002

33. Karolo 39, 40, 41 le 42 ya Molao-mogolo di phumutšwe.

Phetolo ya karolo ya 43 ya Molao wa 28 wa 2002

34. Karolo ya 43 ya Molao-mogolo e a fetolwa—

(a) ka go bea legatong la karolo ya ka tlase ya (1) karolwana ya ka tlase yeo e latelago:

“(1) Mong wa tokelo ya go dira diteko, tokelo ya go epa, tumelelo ya go swara, tumelelo ya go epa, goba moswari wa tokelo ya molao wa kgale, e dula e le yena yoo a nago le maikarabelo a tshenyego efe goba efe ya tikologo, tšhilafalo, [goba] kgwahlafalo ya ntikodiko ya phedišano ya tlhago, go pompa le go šoma ka meetse ao a sa nyakegogo, go laola le go tswalela, go fihlela Tona a ntšha lengwalo la tswalelo go mong yo a amegago.”;

(b) ka go bea legatong la karolo ya ka tlase ya (2) karolo ya ka tlase yeo e latelago:

“(2) Ka kgopelo yeo e ngwadilwego ka tsela yeo e beilwego ke mong wa tokelo ya go dira diteko, tokelo ya go epa, goba tumelelo ya go epa ka mokgwa wo o beilwego, Tona a ka fetetša tshenyego yeo ya tikologo le maikarabelo bjalo ka ge di ka hwetšwa ka go; lenaneopeakanyo la tikologo, goba lenanco la taolo ya tikologo tumelelo ya tikologo le peakanyo efe goba efe ya tswalelo go motho yo a nago le mangwalo ao a dithuto bjale ka ge go nyakega”;

(c) ka go bea legatong la karolo ya ka tlase ya (3) karolo ya ka tlase ya mantšu ao a latelago yeo e latelago:

“(3) Mong wa tokelo ya go dira diteko, tokelo ya go epa, tumelelo ya go swara goba tumelelo ya go epa, goba mong wa tumelelo ya go epa ya kgale yeo i emišwego goba motho yo a hlalošwago ka go karolo ya ka tlase ya (2), ka mo go ka bago ka gona, o swanetše go dira kgopelo ya lengwalo la tswalelo go—”;

(d) ka go bea legatong la karolo ya ka tlase ya (4) karolo ya ka tlase yeo e latelago:

“(4) Kgopelo ya lengwalo la tswalelo e swanetše go dirwa go Molaodi wa Selete yo lefelo leo le amegago le lego ka tlase ga gagwe mo matšatšing a 180 a go fedišwa, tlogelwa, phumula, emišwa le go phethagatšwa mo go hlalošwago ka go karolo ya ka tlase ya (3) mme e swanetše go sepetšwa gotce le pego yeo e beilwego ya kotsi yeo e ka bago gona ya tikologo.”; go ya ka molao wo le Molao wa Bosetšhaba wa Taolo ya Tikologo, 1998.”.

(e) ka go bea legatong la karolo ya ka tlase ya (5) karolo ya ka tlase yeo e

“(5) Ga go lengwalo la tswalelo leo le ka ntšhwago ntle le ge Mohlahlohimogolo le [Kgoro ya Merero ya tša Meetse le Dithokgwa] kgoro efe goba efe ya mmušo yeo e nago le maikarabelo a taolo ya molao ofe goba ofe wo o lego mabapi le morero ofe goba ofe wo o amago tikologo ba netefaditše ka go ngwala gore dithalošo tša mahapi le maphelo le polokego, [le] taolo ya ditlamorago tšeo di ka bago gona tša tikologo, tšhilafalo ya methopo ya meetse le go pompa le go šoma ka meetse ao a sa nyakegogo di etšwe hloko.”;

compliance to the conditions of the environmental authorisation have been addressed.”

- (f) by the insertion after subsection (5) of the following subsection:

“(5A) Confirmation from the Chief Inspector and each government department contemplated in subsection (5) must be received within 60 days from the date on which the Minister informs such Chief Inspector or government department, in writing, to do so.”;

- (g) by the substitution for subsection (6) of the following subsection:

“(6) When the Minister issues a certificate he or she must return such portion of the financial provision contemplated in section 41 the National Environmental Management Act, 1998, as the Minister may deem appropriate, to the holder of the prospecting right, mining right, retention permit or mining permit, [or] previous holder of an old order right or previous owner of works or the person contemplated in subsection (2), but may retain any portion of such financial provision for latent and [or] residual safety, health or environmental impact which may become known in the future.”; and

- (h) by the addition of the following subsections:

“(7) The holder of a prospecting right, mining right, retention permit, mining permit, or previous holder of an old order right or previous owner of works that has ceased to exist, or the person contemplated in subsection (2), as the case may be, must plan for, manage and implement such procedures and such requirements on mine closure as may be prescribed.

(8) Procedures and requirements on mine closure as it relates to the compliance of the conditions of an environmental authorisation, are prescribed in terms of the National Environmental Management Act, 1998.

(9) The Minister, in consultation with the Minister of Environmental Affairs and Tourism, may identify areas by notice in the *Gazette*, where mines are interconnected or their safety, health, social or environmental impacts are integrated which results in a cumulative impact.

(10) The Minister may, in consultation with the Minister of Environmental Affairs and Tourism, publish by notice in the *Gazette*, strategies to facilitate mine closure where mines are interconnected, have an integrated impact or pose a cumulative impact.

(11) The holder of a prospecting right, mining right, retention permit, mining permit, or previous holder of an old order right or previous owner of works that has ceased to exist, or the person contemplated in subsection (2), as the case may be, operating or who has operated within an area identified in subsection (9), must amend their programmes, plans or environmental authorisations accordingly or submit a closure plan, subject to the approval of the Minister, which is aligned with the closure strategies contemplated in subsection (10).

(12) In relation to mines with an interconnected or integrated health, safety, social or environmental impact, the Minister may, in consultation with the Minister of Environmental Affairs and Tourism, determine the apportionment of liability for mine closure as prescribed.

(13) No closure certificate may be issued unless—

- (a) the Council for Geoscience has confirmed in writing that complete and correct prospecting reports in terms of section 21(1) have been submitted to the Council for Geoscience;
- (b) the complete and correct records, borehole core data or core-log data that the Council of Geoscience may deem relevant, have been lodged with the Council for Geoscience; or
- (c) in the case of the holder a permit or right in terms of this Act, the complete and correct surface and the relevant underground geological plans have been lodged with the Council for Geoscience.”.

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- (f) ka go bea legatong la karolo ya ka tlase ya (5) karolo ya ka tlase yeo e latelago:
“(5A) Kgonthišišo go tšwa go Mohlahlobi-mogolo le lefapha le
lengwe le le lengwe la mmušo le go bolelwago ka lona mo go karolo 5 e
swanetše go amogelwa mo matšatšing a 60 go tloga ka letšatši le Tona a
tsebišago Mohlahlobi-mogolo le Mafapa a Mmušo ka go ngwala. 5
- (g) ka go bea legatong la karolo ya ka tlase ya (6) karolo ya ka tlase yeo e
 “(6) ge Tona a ntšha lengwalo , o swanetše go bušetša karolo ya
 kabelo ya ditšhelete yeo e akantšwego go (karolo 41) mo molaong wa
 Bosetšhaba wa Taolo ya Tikologo, 1998, go ya le ka mo Tona a ka
 bonago go le maleba go moswari wa tokelo ya go nyaka, tokelo ya go 10
 epa, le tumelelo ya swaro goba tumelelo ya go epa yeo e amegago,
 moswari wa kgale wa tokelo ya tshepedišo ya kgale goba moswari wa
 tshepedišo ya kgale ya mešomo go ya ka karolo (2), eupša a ka swara
 karolo efe goba efe ya dikabelo tša ditšhelete go lokia dikhuetsō tšeo di
 tlišitšego ke mašaledi a mešomo tikologong, e lego tšeo di ka tsebjago 15
 mabakeng a a tlogo.
- (h) Ka go tsenya karolwana ye e latelago
 “(7) Mong wa tokelo ya go dira diteko, tokelo ya go epa, tumelelo ya
 go swara goba tumelelo ya go epa goba mong wa tokelo ya molao wa
 kgale goba mong wa mešomo ya kgale yeo e emišitšwego goba motho yo 20
 akanywago ka go karolo ya (2), bjale ka ge go le bjalo, o swanetše go
 beakanyetša, laola le go phethagatša ditshepedišo tšeo le dinyakwa tšeo
 go tswalelo ya moepo bjale ka ge go hlalošitšwe.
 (8) Ditshepedišo le dinyakwa tša tswalelo ya moepo bjale ka ge di
 sepelelana le tumelelano ya mabaka a taolo ya tikologo, di hlalošwa go 25
 ya ka Molao wa Bosetšhaba wa Taolo ya Tikologo wa 1998.
 (9) Tona a ka re, ka go ikopanya le Tona ya merero ya Tikologo le
 Boeti, ba ka hlatha dikarolo ka tsebišo ka go Kuranta ya Mmušo, moo
 meepo e tsenelanago goba na, tša maphelo tša bobotlana goba kamego ya
 tikologo di a kopanywa mo di fetšago di hlola kgoboko. 30
 (10) Tona a ka re, ka go ikopanya le Tona ya merero ya Tikologo le
 Boeti, ka tsebišo Kuranteng ya Mmušo a ka phatlalatša maano a go a go
 sepetša tswalelo ya moepo moo meepo e tsenelanago, e hlolago
 tsenelano goba e hlola kgobokano.
 (11) Mong wa tokelo ya go dira diteko a ka, tokelo ya go epa tumelelo 35
 ya go swara, tumelelo ya go epa goba mong wa tokelo ya molao wa kgale
 goba mong wa mešomo ye e sa hlwego e le gona, goba motho yo a
 akanywago ka go karolwana ya (2), bjale ka ge a tla be a šoma goba yo
 a šomilego lefelong leo le tlhathilwego ka go karolo ya (9), ba swanetše
 go fetoša mananeo a bona, maano goba taolo ya tikologo go ya ka tsela 40
 ya maleba goba go fana ka leano la go tswalela, go laolwa ke tumelelo ya
 Tona yeo e sepelelanago le leano la tswalelo leo le akantšwego ka go
 karolwana ya (10).
 (12) Mabapi le meepo yeo e tsenelanago goba e kgolaganago, tša
 maphelo, polokego, bobotlana le kamego ya tikologo, Tona a ka re, ka go 45
 ikopanya le Tona ya Tona ya merero ya Tikologo le Boeti, a laetša kabo
 ya dikoloto tswalelong ya moepo bjale ka ge go hlalošitšwe.
 (13) Ga go lengwalo la tswalelo leo le ka go ntšhwa ntle le ge—
 (a) Khansle ya Tšeosanense e netefaditše ka go ngwala gore dipego tšeo 50
 di nepagetšego mme di phethagaditšwe go ya ka karolwana ya 21(1)
 di išitšwe go Khansle ya Tšeosanense;
 (b) direkoto tšeo di feleletšego ebile di nepagetše, datha ya hotebo hja
 melete goba datha ya dikota tšeo Khansle ya Tšeosanense e ka
 bonago di swanetše di hlagišitšwe go Khansle ya Tšeosanense; goba
 (c) mo mabakeng a mong wa tumelelo ya go epa goba tokelo go ya ka 55
 Molao wo, dipeakanyo tšeo di feleletšego ebile di nepagetše tša
 tlhamego ya lefase ka godimo le ka fase di hlagišitšwe go Khansle
 ya Tšeosanense.”.

Amendment of section 44 of Act 28 of 2002

35. Section 44 of the principal Act is hereby amended—

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

“When a prospecting right, mining right, retention permit or mining permit lapses, is cancelled or is abandoned or when any prospecting or mining operation **[comes to an end]** ceases the holder of any such right or permit may not demolish or remove any building structure or object—”; and

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

“(2) The provision of subsection (1) does not apply to **[bona fide]** mining equipment, which may be removed lawfully.”.

Amendment of section 45 of Act 28 of 2002

36. Section 45 of the principal Act is hereby amended—

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

“(1) If any prospecting, mining, reconnaissance, exploration or production operations or activities incidental thereto cause or results in ecological degradation, pollution or environmental damage, or is in contravention of the conditions of the environmental authorisation, or which may be harmful to health, safety or well-being of anyone and requires urgent remedial measures, the Minister, in consultation with the Minister of Environmental Affairs and Tourism, may direct the holder of the relevant right or permit in terms of this Act or the holder of an environmental authorisation in terms of National Environmental Management Act, 1998, to—

- (a) investigate, evaluate, assess and report on the impact of any pollution or ecological degradation or any contravention of the conditions of the environmental authorisation;
- (b) take such measures as may be specified in such directive in terms of this Act or the National Environmental Management Act, 1998; and
- (c) complete such measures before a date specified in the directive.”.

Amendment of section 46 of Act 28 of 2002

37. Section 46 is hereby amended—

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

“(1) If the Minister directs that measures contemplated in section 45 must be taken to prevent pollution or ecological degradation of the environment, to address any contravention in the environmental authorisation or to rehabilitate dangerous health or safety occurrences but establishes that the holder of **[the relevant]** a reconnaissance permission, prospecting right, mining right, retention permit or mining permit, the holder of an old order right or the previous owner of works, as the case may be or his or her successor in title is deceased or cannot be traced or in the case of a juristic person, has ceased to exist, has been liquidated or cannot be traced, the Minister in consultation with the Minister of Environmental Affairs and Tourism, may instruct the Regional Manager concerned to take the necessary measures to prevent **[further]** pollution or ecological degradation of the environment or to rehabilitate dangerous health and social occurrences or to make an area safe.”; and

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

“(2) The measures contemplated in subsection (1) must be funded from financial provision made by the holder of the relevant **[reconnaissance permission, prospecting right, mining right, retention permit or mining permit in terms of section 41]** right, permit, the previous holder of an old order right or the previous owner of works in terms of the

Phetolo ya karolo ya 44 ya Molao wa 28 wa 2002**35. Karolo ya 44 ya Molao-mogolo e a fetolwa—**

- (a) ka go bea legatong la karolo ya ka tlase ya (1) mantšu a ka pele ga temana ya (a) ya mantšu ao a latelago:

Ge tokelo ya go dira diteko, tokelo ya go epa, tumelelo ya go swara goba tumelelo ya go epa e fela, e phumulwa goba e tlogelwa goba ge modiro ofe goba ofe wa go dira diteko goba go epa [o fedišwa] o emišwa, mong wa tokelo yeo gona tumelelo a ka se thube goba a tloša sehlangwa sefe goba sefe sa moago goba seilabelo—”; le

- (b) ka go bea legatong la karolo ya ka tlase ya (2) karolo ya ka tlase yeo e latelago: “(2) Ditlhalošo tša karolo ya ka tlase ya (1) ga di diragatšwe ka go ditlabele tša [nnete] tša go epa, tšeo di swanetšego go tlošwa fela ka molao.”

Phetolo ya karolo ya 45 ya Molao wa 28 wa 2002**36. Karolo ya 45 ya Molao-mogolo e a fetolwa—**

- (a) ka go bea legatong la karolo ya ka tlase ya (1) ya karolwana ye e latelago:

(1) Ge tokelo ya go nyaka diepšane, ya go epa, ya go dira diteko, hlohlomišo goba ya tšweletšo, goba le dilwana tša go elana le tšeo, e ka ba le ditlamorago tša go baka tšhilafatšo yeo e ka se lokišegogo, nnyenyefatšo ya naga, goba tshenyo ya tikologo, go tšea maikarabelo a go iša pele lenaneo la tshepedišo ya tikologo le leano la tshepedišo ya tikologo, goba e kgahlanong le melawana ya tirišo ya tikologo, goba mabaka kotsi maphelong a batho, le polokego ya motho ofe goba ofe yeo e nyakago hlokomelo ya potlako, Tona mo poledišanong ya tša Tikologo le Boeti e ka laela moswari wa tokelo ye e rileng goba tumelelo go ya ka Molao o, goba moswari wa tumelelo ya tikologo go ya ka Molao wa setšhaba wa Taolo ya Tikologo, 1998, go—

- (a) Go nyakišiša, go akanya, go lekola le go bega ka ga ditlamorago tša tšhilafalo, goba nnyenyefatšo ya naga goba tshenyego ya mabaka a rileng a taolo ya tikologo.
- (b) go tšea magato ao bjale ka ge go hlalošwa go ya ka molao wo, goba ka molao wa Bosetšhaba wa Taolo ya Tikologo, 1998; le
- (c) gape a fetše magato ao go ya ka mo go hlalošitšwego ka godimo ka nako yeo e beilwego

Phetolo ya karolo ya 46 ya Molao wa 28 wa 2002**37. Karolo ya 46 e a fetolwa**

- (a) ka go bea legatong la karolo ya ka tlase ya (1) karolo ya ka tlase ya seo se latelago:

“(1) Ge Tona [a laela gore magato ao a hlalošwago ka go karolo ya 45 a swanetše go tšewa go thibela tšhilafalo goba kowafatšo ya ntikodiko ya phedišano ya tlhago ya tikologo goba go lokiša ditiragalo tše kotsi fela] le lemoga gore mong wa tumelelo ya go dira dinyakišišo, tokelo ya go dira diteko, tokelo ya go epa, tokelo ya go swara goba tumelelo ya go epa, ka mo go ka bago ka gona, goba mohlatlami wa gagwe ka macmo, a hlokošetše goba a sa hwetšagale goba ka mabaka a motho wa molao, a sa blwele a le gona, a lobišitšwe dithoto goba a sa hwetšwe, Tona a ka laela Molaodi wa Selete yo a amegago go tšea magato ao a swanetšego go thibela [tšwelopele] ya tšhilafalo goba kgwahlafalo ya tikologo goba go lokiša ditiragalo tše kotsi goba go dira lefelo gore le be leo le bolokegilego.”

- (b) ka go bea legatong la karolo ya ka tlase ya (2) karolo ya ka tlase ya seo se latelago:

“(2) Magato ao a akanywago ka go karolo ya (1) a swanetše go lefelwa go tšwa Kabong ya matlotlo ya moswari wa maleba wa [tumelelo ya go dira diteko, tokelo ya go dira hlohlomiša, tokelo ya go epa, tumelelo ya go swara, goba tumelelo ya go epa go ya ka karolo ya 41] tokelo, tumelelo, moswari wa tokelo ya molao wa kgale gob among wa mešomo yeo e sa hlwego e le gona go ya Molao wa

National Environmental Management Act, 1998, where appropriate, or if there is no such provision or if it is inadequate, from money appropriated by Parliament for the purpose.”.

Amendment of section 47 of Act 28 of 2002

38. Section 47 of the principal Act is hereby amended: 5
- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: 10
- “Subject to subsections (2), (3) and (4), the Minister may cancel or suspend any reconnaissance permission, prospecting right, mining right, mining permit, [or] retention permit or holders of old order rights or previous owner of works, if the holder or owner thereof—”;
- (b) by the substitution in subsection (1) for paragraph (c) of the following paragraph: 15
- “(c) is contravening **[the approved environmental management programme]** any condition in the environmental authorisation”;
- (c) by the substitution in subsection (1) for paragraph (d) of the following paragraph: 20
- “(d) has submitted inaccurate, false, fraudulent, incorrect or misleading information for the purposes of the application or in connection with any matter required to be submitted under this Act;”;
- (d) by the addition to subsection (1) of the following paragraph: 25
- “(e) has conducted the transactions mentioned in section 11(1) before obtaining the necessary prior written approval of the Minister.”;
- and
- (e) by the substitution in subsection (2) for paragraph (d) of the following paragraph: 30
- “(d) notify the **[mortgagor]** mortgagee, if any, of the prospecting right, mining right or mining permit concerned of his or her intention to suspend or cancel the right or permit.”.

Amendment of section 48 of the Act 28 of 2002 30

39. Section 48 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: 35
- “Subject to section **[20 of the National Parks Act, 1976 (Act No. 57 of 1976) 48 of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), and subsection (2), no reconnaissance permission, prospecting right, mining right may be granted or mining permit be issued in respect of—**”.

Amendment of section 49 of Act 28 of 2002

40. Section 49 of the principal Act is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection: 40
- “(1) Subject to subsection (2), the Minister may after inviting representations from relevant stakeholders, from time to time by notice in the *Gazette*, having regard to the national interest, the strategic nature of the mineral in question and the need to promote the sustainable development of the nation’s mineral resources—
- (a) prohibit or restrict the granting of any reconnaissance permission, prospecting right, mining right or mining permit in respect of land identified by the Minister for such period and on such terms and conditions as the Minister may determine; or 45
- (b) restrict the granting of any reconnaissance permission, reconnaissance permit, prospecting right, mining right or mining permit in respect of a specific mineral or mining permit in respect of a specific mineral or minerals or class of minerals identified by the Minister for such period and on such terms and conditions as the Minister may determine.”; and 50
- (b) by the addition of the following subsection: 55

Bosetšhaba wa Taolo ya Tikologo, 1998, mo go hlokegago, goba ge go se nakabelo goba e se yeo e lekanego, go tšwa tšheleteng yeo e abilwego ke Palamente ka mabaka ao.”.

Phetolo ya karolo ya 47 ya Molao wa 28 wa 2002

38. Karolo ya 47 ya Molao-mogolo e a fetolwa: 5
- (a) ka go bea legatong la karolo ya ka tlase ya (1) ya temana ya (a) ya temana yeo e latelago: 10
- “Ka go dikarolo tša (2), (3) le (4), tona a ka phumula goba a fega tumelelo efe goba efe ya go dira diteko, tokelo ya go hlohlomiša, tokelo ya go epa, tumelelo ya go epa, [goba] tumelelo ya go swara goba moswari wa tokelo ya kgale goba mong mong wa kgale wa mešomo, ge moswari goba mong a—”;
- (b) ka go bea legato karolo ya (1) temaneng ya (c) ya temana ye e latelago: 15
- (c) e senya [lenaneo leo le dumeletšwego la taolo ya tikologo] mabaka afe goba afe ka go taolo ya tikologo
- (c) ka go bea legatong karolo ya (1) temaneng ya (d) ya temana yeo e latelago: 15
- “(d) go fana ka tshedimošo yeo e maaka, ya bofora, ya boradia, yeo e goba e fošagetšego goba e lahletša ka lebaka la go dira dikgopelo goba mabapi le e sengwe seo se ka nyakago go tlišwa ka fase ga Molao wo”;
- (d) ka go tlaleletša karolo ya (1) ka go temana ye e latelago: 20
- “(e) go phethagadišwe kwano yeo e hlalošitšwego ka go karolo ya 11 (1) pele go hwetšwa tumelelo yeo e ngwadilwego ke tona.”; le
- (e) ka go bea legato karolo ya (2) ka go temana ya (d) temaneng ye e latelago: 25
- (d) go tsebiša mo [morekiši] moreki, ge ye nngwe ya tokelo ya go dira diteko, tokelo ya go epa goba tumelelo ya go epa e amana maikemišetšo a go fega goba go phumula tokelo goba tumelelo.”.

Phetolo ya karolo ya 48 ya Molao wa 28 wa 2002

39. Karolo ya 48 ya Molao-mogolo e a fetolwa ka go bea legatong la karolo ya ka tlase ya (1) ya temana ya (a) mantšung a a latelago: 30
- “Go ya ka karolo (20 ya molao wa Diphaka tša Bosetšhaba, 1976(molao wa bo ya 57 ya 1976) 48 ya Molao wa Bosetšhaba wa Taolo ya Tikologo: le Tšhireletšo ya Tikologo, 2003 (57 ya 2003) le karolwana (2), ga go phemiti ya go dira , tekolo, tokelo ya go nyaka diepšane, ya go epa ye e ka fiwago, goba phemiti ya moepo e ka fiwa go ya ka—”

Phetolo ya karolo ya 49 ya Molao wa 28 wa 2002

40. Karolo ya 49 ya Molao-mogolo e a fetolwa— 35
- (a) ka go bea legatong la karolo ya ka tlase ya (1) karolong ya ka tlase yeo e latelago: 40
- “(1) Go ya ka karolo ya ka tlase ya (2), Tona a ka re [morago ga go mema dikemedi go tšwa go batšeakarolo bao ba lebanego,] nako le nako ka tsebišo ka go Kuranta ya Mmušo, bao ba nago le kgablego ya bosetšhaba, mckgwa ya maanotshepetšo a minerale yeo e amegago le nyakego ya go godiša tšweletšopele yeo e swarelelago ya methopo ya diminerae tša setšhaba—
- (a) ganetša goba a bea mapheko ka go fana ka tumelelo ya dinyakišišo, 45
- tokelo ya go dira diteko, tokelo ya go epa goba tumelelo ya go epa mabapi le naga yeo e lemogwago ke Tona mo nakong le mabakeng ao a bewago ke Tona.”; goba
- (b) go thibela go fana ka tumelelo efe goba efe ya go dira diteko, 50
- lengwalo la tumelelo la go dira diteko, tokelo ya go dira dihlohlomišo, tokelo ya go epa goba tumelelo ya go epa go lebeletšwe minerale ofe goba ofe goba tumelelo ya go epa, go seditšwe minerale ofe goba ofe goba diminerae goba legoro la diminerae leo le tlhathilwego ke Tona ka nako yeo le ka mabaka le dipeelano tšeo di laeditšwego ke Tona.”; le 55
- (b) ka go tsenya karolo ya ka tlase yeo e latelago:

“(4) Subject to subsection (2)(b), the Minister may by notice in the *Gazette* invite applications for a prospecting right, mining right or mining permit in respect of any mineral or land, and may specify in such notice the period within which any application may be lodged and the terms and conditions subject to which such right or permit may be granted.”. 5

Amendment of section 52 of Act 28 of 2002

41. Section 52 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: 10

“The holder of a mining right must, after consultation with any registered trade union or affected employees or their nominated representatives where there is no such trade union, notify the **[Board]** Minister in the prescribed manner—”; and

(b) by the addition of the following subsection: 15

“(4) The holder of a mining right remains responsible for the implementation of the processes provided for in the Labour Relations Act, 1995(Act No. 66 of 1995), pertaining to the management of downscaling and retrenchment, until the Minister has issued a closure certificate to the holder concerned.”. 20 20

Amendment of section 53 of Act 28 of 2002

42. Section 53 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) Despite subsection (1), the Minister may **[of his or her own volition]** cause an investigation to be conducted if it is alleged that a person intends to use the surface of any land in any way that could result in the mining of mineral resources being detrimentally affected.”. 25

Amendment of heading to section 56 of Act 28 of 2002

43. Section 56 of the principal Act is hereby amended—

(a) by the substitution for the heading of the following heading: 30

“**Lapsing of right, permit[,] and permission [and licence]**”; and

(b) by the substitution for the words preceding paragraph (a) of the following words:

“Any right, permit[,] or permission **[or licence]** granted or issued in terms of this Act shall lapse, whenever—”. 35

Substitution of heading to Chapter 5 of Act 28 of 2002

44. The following heading is hereby substituted for the heading to Chapter 5 of the Principle Act:

“**MINERALS AND [MINING DEVELOPMENT] PETROLEUM BOARD**”

Substitution of section 57 of Act 28 of 2002 40

45. The following section is hereby substituted for section 57 of the principal Act:

“**Establishment of Minerals and [Mining Development] Petroleum Board**

57. The Minerals and **[Mining Development] Petroleum Board** is hereby established.”. 45

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“(4) Ka go karolo ya (2)(b) Tona a ka re—ka tsebišo ka go *Kuranta* ya *Mmušo* la mema dikgopelo tša ditokelo tša go dira diteko goba ditokelo tša go epa mabapi le mineralegoba naga, gape a ka laetša ka go tsebišo yeo nako yeo ka go yona kgopelo efe goba efe yeo e tsentswego mabapi le memo yeo le tokelo efe goba efe yeo e filwego mabapi le kgopelo yeo e ka fiwa.”.

5

Phetolo ya karolo ya 52 ya Molao wa 28 wa 2002

41. Karolo ya 52 ya Molao-mogolo e a fetolwa—

(a) ka go bea legatong la karolo ya ka tlase ya (1) karolo ya ka tlase ya (a) yeo e latelago: 10

“Mong wa tokelo ya go epa o swanetše gore, morago ga go ikopanya le mokgahlo ofe goba ofe wo o ngwadišitšwego wa bašomi goba bašomi bao ba amegago goba baemedi ba bona bao ba kgethilwego, mo go se nago mokgahlo wa bašomi, a tsebiše [**Lekgotlakhuduthamaga**] Tona ka mokgwa wo o beilwego—”; le 15

(b) ka go tsenya karolo yeo e latelago ya ka tlase:

“(4) Mong wa tokelo ya go epa o dula a na le maikarabelo a go diragatša tshepeditšo yeo e filwego ka go Molao Merero ya tša Mešomo 1995 (molao wa 66 wa 1995) go ya ka taolo ya phokotšo le go ntšhwa ga bašomi mešomong, go fihlela ge Tona a ntšha lengwalo la go tswalela go mong yo a amegago.”. 20

Phetolo ya karolo ya 53 ya Molao wa 28 wa 2002

42. Karolo ya 53 ya Molao-mogolo e a fetolwa ka go bea legatong la karolo ya ka tlase ya (3) karolo ya ka tlase yeo e latelago—

“(3) Go sa šetšwe karolo ya ka tlase ya (1), Tona a ka re [**ka matla a gagwe**] a dira gore dinyakišišo di dirwe ge go gononelwa gore motho o ikemišetša go šomiša lefelo lefe goba lefe ka mokgwa ofe goba ofe wo o ka hlalago gore methopo ya diminerale tša kepo di amege gampe”. 25

Phetolo ya karolo ya 56 ya Molao wa 28 wa 2002

43. Karolo ya 56 ya Molao-mogolo e a fetolwa— 30

(a) ka go bea legatohlogo ya hlogo ye e latelago:

“Go fedišwa ga tokelo, lengwalo la tumelelo le tumelelo [**le laesense**]”; le

(b) ka go bea legato mantšu a pele ga temana ya (a) ya mantšu a latelago:

“Tokelo efe goba efe, lengwalo la tumelelo goba tumelelo [**goba laesense**] yeo e filwego go ya Molao wo e tla fedišwa, nako efe goba efe—”. 35

Phetolo ya hlogo ya kgaolo 5 ya Molao wa 28 wa 2002

44. Hlogo ye e latelago e fetolwa ka go hlogo ya kgaolo ya 5 ya Molao-mogolo:

BOTO YA [TLHABOLLO YA MEEPO] DIMENERALE LE PETROLEAMO 40

Phetolo ya karolo ya 57 ya Molao wa 28 wa 2002

45. Karolo ye e latelago e bewa legatong la karolo ya 57 ya Molao-mogolo

“Go hlongwa ga Diminerale le [Tlhabollo ya Meepo] la Petroleamo

57. Diminerale le [Tšwetšopele ya Meepo] Boto la Petrolcamo le a hlongwa.”. 45

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MINERAL AND PETROLEUM RESOURCES
DEVELOPMENT AMENDMENT ACT, 2008**Amendment of section 58 of Act 28 of 2002**

46. Section 58 of the principal Act is hereby amended by the substitution in subsection (1)(a) for subparagraphs (ii), (iii) and (iv) of the following subparagraphs, respectively:

- “(ii) the sustainable development of the nation’s mineral and petroleum resources; 5
- (iii) the transformation and downscaling of the minerals and **[mining industry]** petroleum industries; and
- (iv) **[dispute resolution]** objections referred to the Minister by the Board;”.

Amendment of section 59 of the Act 28 of 2002

47. Section 59 of the principal Act is hereby amended— 10

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

“(1) The Board consists of no fewer than **[14]** 17 and no more than **[18]** 20 members, and must reflect the gender and racial composition in the Republic.”; and

- (b) by the addition to subsection (2) of the following paragraph: 15

“(i) at least one person from a designated agency.”.

Amendment of section 61 of Act 28 of 23002

48. Section 61 of the principal Act is hereby amended by the deletion of in subsection (2)(a) of paragraph (i).

Amendment of section 63 of Act 28 of 2002 20

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

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

“(1) The Chairperson or, in the absence of the Chairperson, the Minister must convene **[meetings]** the first meeting of the Board.”; and

- (b) by the substitution for subsection (4) of the following subsection: 25

“(4) If both the Chairperson and Deputy Chairperson are absent from a meeting the attending members must nominate one of their **[number]** members as acting Chairperson for that meeting.”.

Amendment of section 69 of Act 28 of 2002

50. Section 69 of the principal Act is hereby amended by the substitution in subsection (2) for paragraph (a) of the following paragraph: 30

“(a) For the purposes of this Chapter, section 9, 10, 11, 12, 21, [23,] 26, 29,30, [34,35,36] 37, 38A,38B, [38,39,40,41,42,] 43, 44, 45,46, 47, 48, 49, 50, 51 [and] 52, 53, 54, 55, 56, 64 and Chapter 7 and Schedule II apply with the necessary changes.”.

35

Amendment of section 71 of Act 28 of 2002

51. Section 71 of the principal Act is hereby amended by the substitution for paragraph (i) of the following paragraph:

- “(i) review and make recommendations to the Minister with regard to the **[approval of environmental plans, environmental management programme, development programmes]** acceptance of environmental reports and the conditions of the environmental authorisations and amendments thereto; and”.

40

Amendment of section 73 of Act 28 of 2002

52. Section 73 of the principal Act is hereby amended by the deletion of subsection (3). 45

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Phetolo ya karolo ya 58 ya Molao wa 28 wa 2002

46. Karolo ya 58 ya Molao-mogolo e a fetolwa ka go bea legatong la temana ya ka tlase ya (1)(a) ya ditemana tša (ii) (iii) le (iv) tša ditemana tše di latelago

“(ii) tšwetšopele ya go ya go ile ya methopo ya diminerae tša setšhaba le petroleamo”; “

(iii) phetolelo le phokotšo ya diminerae le [intasteri ya meepo] intasteri ya petroleamo”; le

“(iv) [tharollo ya dikgohlano] kganetšo yeo e feditšwego pele ke Tona ke ba Lekgotla”.

Phetolo ya karolo ya 59 ya Molao wa 28 wa 2002

47. Karolo ya 59 ya Molao-mogolo e a fetolwa—

(a) ka go bea legatong la karolo ya ka tlase ya (1) karolo ya ka tlase yeo e latelago:

“(1) Lekgotlakhuduthamaga le hlangwa ke maloko ao a sego ka tlase ga [14] 17 le maloko ao a sego ka godimo ga [18] 20, mme le bopša ka kopantšho ya bong le merafe ya Rephabliki”; le

(b) ka go tsenya ka go karolo ya ka tlase ya (2) temana yeo e latelago:

“(i) bonnyane motho o tee go tšwa lekala-tirong leo le dumeletšwego”.

Phetolo ya karolo ya 61 ya Molao wa 28 wa 2002

48. Karolo ya 61 ya Molao-mogolo e a fetolwa ka go phumula ka go karolo ya ka tlase ya (2)(a) ka temana ya ka tlase ya (i).—

Phetolo ya karolo ya 63 ya Molao wa 28 wa 2002

49. Karolo ya 63 ya Molao-mogolo e a fetolwa.—

(a) ka go bea legatong la karolo ya ka tlase ya (1) karolo ya ka tlase yeo e latelago:

“(1) Modulasetulo goba, ge Modulasetulo a se gona, Tona le swanetše go hitša [di] kopano ya mathomo ya Lekgotlakhuduthamaga.”; le

(b) ka go bea legatong la karolo ya ka tlase ya (4) ka karolo ya ka tlase yeo e latelago:

“(4) Ge Modulasetulo le Mothuša-modulasetulo bobedi bja bona ba se gona kopanong, maloko ao a lego gona a swanetše go kgetha [palo] o tee wa bona go ema bjalo ka Modulasetulo mo kopanong yeo”.

Phetolo ya karolo ya 69 ya Molao wa 28 wa 2002

50. Karolo ya 69 ya Molao wa hlogo e a fetolwa ka go bea legatong la temana ya (a) ka go karolo ya ka tlase ya (2) ya temana yeo e latelago.—

“(a) Mo mabakeng a Kgaolo ye, karolo ya 9, 10, 11, 12, 21, [23], 26, 29, 30, [34, 35, 36,] 37, 38A, 38B, [38, 39, 40, 41, 42,], 43, 44, 45, 46, 47, 48, 49, 50, 51 [le] 52, 53, 54, 55, 56, 64 le Kgaolo ya 7 le Setulo ya II di diragatšwa ka diphetogo tšeo di swanetšego.”.

Phetolo ya karolo ya 71 ya Molao wa 28 wa 2002

51. Karolo ya 71 ya Molao-mogolo e a fetolwa ka go bea legatong la temana ya (1) *temaneng yeo e latelago*.—

“(i) dire senka leswa mme o dire ditshwaetšokakanyo go Tona mabapi le [kamogelo ya dipego tša tikologo le dipeakanyo le mapheko a tumelelo ya tikologo] tumelelo ya dipeakanyo tša taolo ya tikologo, mananeo a taolo ya tikologo, mananeo a tšweletšopele le diphetogo tša tšona; le”.

Phetolo ya karolo ya 73 ya Molao wa 28 wa 2002

52. Karolo ya 73 ya Molao-mogolo e a fetolwa ka go phumula karolo ya ka tlase ya (3).

Amendment of section 74 of Act 28 of 2002

53. Section 74 of the principal Act is hereby amended—

- (a) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

“The designated agency must, within 14 days of the receipt of the application, accept an application for a reconnaissance permit if—” 5
- (b) by the deletion of the word “and” at the end of paragraph (a), the addition of the word “and” at the end of paragraph (b) and by the addition to that subsection of the following paragraph:

“(c) no prior application for an exploration right, production right, or technical co-operation permit has been accepted for the same mineral, land and area.”; 10
- (c) by the substitution for subsection (3) of the following subsection:

“(3) If the application does not comply with the requirements of this section, the designated agency must notify the applicant [of that fact] in writing within 14 days of the receipt of the application and [return the application to the applicant] provide reasons.”; and 15
- (d) by the substitution in subsection (4) of the following subsection:

“(4) If the designated agency accept the application, the designated agency must, within 14 days of the receipt of the application, notify the applicant in writing to— 20

 - (a) consult in the prescribed manner with the landowner, lawful occupier and any interested and affected party and include the result of the consultation in the relevant environmental reports required in terms of Chapter 5 of the National Environmental Management Act, 1998; and 25
 - (b) submit relevant environmental reports in subsection (a), within 60 days from the date of the notice.”.

Amendment of section 75 of Act 28 of 2002

54. Section 75 of the principal Act is hereby amended by the substitution in subsection (1) for paragraphs (a) and (c) of the following paragraphs: 30
- “(a) the applicant has access to financial resources and has the technical ability to conduct the proposed reconnaissance operation [survey] operation;
 - (c) the reconnaissance will not result in unacceptable pollution, ecological degradation or damage to the environment and that the environmental authorisation is issued.”. 35

Amendment of section 76 of Act 28 of 2002

55. Section 76 of the principal Act is hereby amended—

- (a) by the deletion in subsection (2) of the word “and” at the end of paragraph (a), the addition of the word “and” at the end of paragraph (b) and the addition to that subsection of the following paragraph:

“(c) no prior application for an exploration right, production right, or technical co-operation permit has been accepted for the same mineral, land and area.”; and 40
- (b) by the substitution for subsection (3) of the following subsection: 45

“(3) If the application does not comply with the requirements of this section, the designated agency must notify the applicant [of that fact] in

Phetolo ya karolo ya 74 ya Molao wa 28 wa 2002**53. Karolo ya 74 ya Molao-mogolo e a fetolwa—**

- (a) ka go bea legatong la temana ya (a)) ka go karolo ya ka tlase ya (2) ditemaneng tseo di latelago:
 “Baemedi bao ba kgethilwego ba swanetše gore mo matšatšing a 14 a go amogelwa ga dikgopelo, ba amogele kgopelo ya tumelelo ya go dira diteko ge—”.
- (b) ka go phumula lentšu “le” mafelelong a temana ya (a), go tlaleletša lentšu “le” mafelelong a temana ya (b) le ka go tlaleletša go karolwana ya temana ye e latelago:
 “(c) ga go kgopelo ya tumelelo ya go hlohlomiša, tokelo ya go tšweletša goba tumelelo ya mohlakanelwa wa tekniki, yeo e amogetšwego go minerale woo, naga le lefelo.”;
- (b) ka go tsenya temana yeo e latelago ka go karolo ya (2):
 “(c) ga go na kgopelo ya pele ya tokelo ya go dinyakišišo, tokelo ya tšweletšo, goba tumelelo ya mohlakanelwa wa tekniki e dumeletšwe go minerale wo o swanago, le naga yeo e sa emetšego tumelelo goba go ganetšwa.”;
- (c) ka go ema legatong la karolo ya ka tlase ya (3) ke karolo ya ka tlase yeo e latelago:
 “(3) Ge kgopelo e sa latele dinyakwa tša karolo ye, lekalatiro leo le beilwego le swanetše go tsebiša mokgopedi [ka ga ntlha yeo] ka go ngwala mo matšatšing a 14 a go amogela kgopelo le go fa mabaka le go [bušetša kgopelo go mokgopedi] mokgopedi a kgopelwe go latela dinyakwa tseo mo matšatšing a šupa go tloga ka letšatši la tsebišo.”;
- (d) go ema legatong la temana ya ka go karolo ya ka tlase ya (4) ke temana yeo e latelago:
 “(4) Ge moemedi yoo a kgethilwego a amogela kgopelo, moemedi yoo a kgethilwego o swanetše gore mo matšatšing a 14 a go amogela kgopela a tsebiše modiradikgopelo ka go ngwala go—
 (a) go ikopanya le mong wa lefelo ka tsela yeo e laeditšwego, modudi wa semolao le motho ofe goba ofe yo a amegago a bile a na le kgahlego bile a akaretša le dipelo tša dikgolaganyo ka go dipego tša tikologo tseo di nyakegago go ya ka kgaolo ya 5 ya Molao wa Bosetšhaba wa Taolo ya Tikologo, 1998; le
 (b) go fana ka dipego tša maleba tša tikologo ka go karolo ya (a), mo matšatšing a 60 go tloga letšatšing la tsebišo.”.

Phetolo ya karolo ya 75 ya Molao wa 28 wa 2002

- 54. Karolo ya 75 ya Molao-mogolo e fetolwa ka go engwa legatong la temana ya (a)** 40
 le (c) ka go karolo ya ka tlase ya (1) ke temana yeo e latelago:
 “(a) mokgopedi o na le phihlelelo ya methopo ya ditšhelete mme o na le bokgoni bja setegniki go diragatša dinyakišišo tseo di šišintšwego [tekolo] tiragatšo;”
 (c) Dihlohlomišo di ka se hlole tshenyego yeo e sa amogelelego, kgwahlafalo ya ntikotiko ya hlago goba tshenyego ya tikologo le gore tumelelo ya tikologo e abilwe;”.

Phetolo ya karolo ya 76 ya Molao wa 28 wa 2002**55. Karolo ya 76 ya Molao-mogolo e a fetolwa—**

- (a) ka go ema legatong la temana ya (a) le (b) ka go karolo ya ka tlase ya (2) ke ditimana tseo di latelago:
 “(c) ga go na kgopelo ya pele ya tokelo ya go nyakišiša, tokelo ya tšweletšo, goba tumelelo ya mohlakanelwa wa tekniki yeo e dumeletšwego go minerale wo o swanago le naga yeo e sa tlo dumelelwago goba go ganetšwa.”;
- (b) ka go engwa legatong la temana ya ka tlase ya (3) ke karolo ya ka tlase ya:
 “(3) Ge kgopelo e sa latele dinyakwa tša karolo ye, lekalatiro leo le beilwego le swanetše go tsebiša mokgopedi ka ga ntlha yeo ka go ngwala

writing within 14 days of the receipt of the application and **[return the application to the applicant]** and provide reasons.".

Amendment of section 78 of Act 28 of 2002

56. Section 78 of the principal Act is hereby amended by the addition to subsection (2) of the following paragraph:

"(c) submit a technical co-operation permit for recording in the Mineral and Petroleum Titles Registration Office.".

Amendment of section 79 of Act 28 of 2002

57. Section 79 of the principal Act is hereby amended—

(a) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

"The designated agency must, within 14 days of the receipt of the application, accept an application for an exploration right if—
no other person holds a technical co-operation permit, exploration right or production right for petroleum over **[any part of]** the same land and area applied for.";

(b) by the deletion of the word "and" at the end of paragraph (a), the addition of the word "and" at the end of paragraph (b) and by the addition in that subsection of the following paragraph:

"(c) no prior application for a technical co-operation permit, exploration right or production right over the same mineral, land and area applied for has been accepted.";

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

"(3) If the application does not comply with the requirements of this section, the designated agency must notify the applicant **[of that fact]** in writing within 14 days of the receipt of the application and **[and return the application to the applicant]** and provide reasons.";

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

"(4) If the designated agency accepts the application, the designated agency must, within 14 days of the receipt of the application, notify the applicant in writing to—

(a) consult in the prescribed manner with the landowner, lawful occupier and any interested and affected party and include the result of the consultation in the relevant environmental report as required in terms of Chapter 5 of the National Environmental Management Act, 1998; and

(b) submit **[an environmental management programme in terms of section 39]** the relevant environmental reports required in terms of Chapter 5 of the National Environmental Management Act, 1998, within a period of 120 days from the date of the notice."; and

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

"(5) Any technical co-operation permit in respect of which an application for an exploration right has been lodged in terms of subsection (1) shall, notwithstanding its expiry date, remain in force until such **[application]** right has been granted or refused.".

Amendment of section 80 of Act 28 of 2002

58. Section 80 of the principal Act is hereby amended—

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

"(c) the Minister has **[approved an environmental management programme in terms of section 39(4)]** issued an environmental authorisation;";

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

"(2) The Minister **[after taking into account the need for the]** may, having regard to the type of petroleum resource concerned and the extent

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mo matšatšing a 14 a go amogela kgopelo le **[bušetša kgopelo morago]**,
ka go fa mabaka;

Phetolo ya karolo ya 78 ya Molao wa 28 wa 2002

56. Karolo ya 78 ya Molao-mogolo e a fetolwa ka go tsenya karolo ya ka tlase ya (2) temana yeo e latelago:

“(c) hlagiša tumelelo ya mohlakanelwa wa tekniki go ngwadišwa ka go Kantoro ya Ngwadišo ya Dithaetlele tša Diminerale le Petroleamo.”.

Phetolo ya karolo ya 79 ya Molao wa 28 wa 2002

57. Karolo ya 79 ya Molao wa hlogo e a fetolwa—

(a) ka go bea legatong la temana ya (a) ka go karolo ya ka tlase ya (2) temana yeo e latelago:

“Moemedi yo a kgethilwego o swanetše gore mo matšatšing a 14 a go amogela kgopelo, a amogele kgopelo ya tumelelo tokelo ya go dira dihlhlomišo ge—

ga go motho yo a nago le tumelelo ya mohlakanelwa wa tekniki, tokelo ya dinyakišišo goba tokelo ya tšweletšo ya petroleamo ka go **[karolo efe goba efe ya] lefelo leo le kgopetšwego;**”;

(b) ka go phumula lentšu “le” le ka mafelelong a temana (a), go tlaleletša ka lentšu “le” ka mafelelong a temana ya (b) le ka tlaleletšo ka go karolwana ye e latelago:

“(bA)ga go kgopelo ya pele ya tumelelo ya mohlakanelwa wa tekniki, tokelo ya dinyakišišo goba tokelo ya tšweletšo ka go yeo e dumeletšwego”;

(c) ka go engwa legatong la temana ya ka tlase ya (3) ke karolo ya ka tlase yeo e latelago:

“(3) Ge kgopelo e sa latele dinyakwa tša karolo ye, lekalatiro leo le beilwego le swanetše go tsebiša mkgopedi ka ga ntsha yeo ka go ngwala mo matšatšing a 14 a go amogela kgopelo le efa mabaka [mme le swanetše go bušetša kgopelo morago]”.

(d) go engwa legatong la temana ya ka tlase ya (4) ya karolo ye e latelago

“(4) Ge moemedi yoo a kgethilwego a amogela kgopelo, moemedi yoo a kgethilwego o swanetše gore mo matšatšing a 14 a go amogela kgopelo a tsebiše modiradikgopelo ka go ngwala go—

(a) go ikopanya le mong wa lefelo ka tsela yeo e laeditšwego, modudi wa semolao le motho ofe goba ofe yo a amegago a bile a na le kgahlego bile a akaretša le dipoelo tša dikgolaganyo ka go dipego tša tikologo tšeo di nyakegago go ya ka kgaolo ya 5 ya Molao wa Bosetšhaba wa Taolo ya Tikologo, 1998; le

(b) go fana ka dipego tša maleba tšeo di nyakwago go ya ka kgaolo ya 5 ya Molao wa Taolo ya tša Tikologo we Bosetšhaba, 1998, **[lenaneo-taolo la tikologo go ya ka karolo 39]** mo matšatšing a 120 go tloga letšatšing la tsebišo.”.

(e) go engwa legatong la karolo ya ka tlase ya (5) ke go karolo ya ka tlase yeo e latelago:

“(5) Tumelelo efe goba efe ya mohlakanelwa wa tekniki yeo mabapi le yona go kgopetšwego tokelo ya go nyakišiša go ya ka karolo ya ka tlase ya (1) e tla re, go sa kgathatšege letšatši la mafelelo, šoma go fihlela **[kgopelo]** yeo e dumelelwa goba e ganetšwa.”

Phetolo ya karolo ya 80 ya Molao wa 28 wa 2002

58. Karolo ya 80 ya Molao-mogolo e a fetolwa—

(a) ka go bea legatong la temana ya (c) ka go karolo ya ka tlase ya (1) temaneng yeo e latelago:

“(c) Tona o **[dumeletše lenaneo la taolo ya tikologo go ya ka karolo ya 39(4);**”;

(b) ka go tsenya bea legatong karolo ya (2) karolong ya ka tlase yeo e latelago:

“(2) Tona **[morago ga go šetša dinyakwa tša]** a ka re a sa lebale go fa mohuta wa petroleamo woo o amegago le bokgole bja go dira

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- of the exploration **[the]** project, request that the applicant gives effect to section 2(d).”;
- (c) by the substitution for subsection (3) of the following subsection:
 “(3) The Minister must, within 60 days of receipt of the application from the designated agency, refuse to grant an exploration right if the application does not meet all the requirements referred to in subsection (1).”; and 5
- (d) by the addition of the following subsection:
 “(6) An exploration right granted in terms of subsection (1) comes into effect on the effective date.” 10

Amendment of section 81 of Act 28 of 2002

59. Section 81 of the principal Act is hereby amended—

- (a) by the substitution in subsection (2) for paragraph (c) of the following paragraph:
 “(c) be accompanied by a report reflecting the extent of compliance with the **[requirements of the [approved] environmental management programme, the rehabilitation to be completed and the estimated cost thereof and] conditions of the environmental authorisation;** and”; 15
- (b) by the substitution in subsection (3) for paragraph (c) of the following paragraph:
 “(c) **[requirements of the approved environmental management programme] conditions of the environmental authorisation.**” 20

Amendment of section 82 of Act 28 of 2002

60. Section 82 of the principal Act is hereby amended by the substitution in subsection (2) for paragraph (a) of the following paragraph: 25

- “(a) lodge such right within 60 days for registration at the **[Mining Titles Office within 30 days of the date on which the right—**
 (i) **become effective; or**
 (ii) **is renewed in terms of section 81(3)] Mineral and Petroleum Titles Registration Office;**” 30

Amendment of section 83 of Act 28 of 2002

61. Section 83 of the principal Act is hereby amended—

- (a) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:
 “The designated agency must, within 14 days of the receipt of the application, accept an application for an exploration right if—”; 35
- (b) by the deletion in subsection (2) of the word “and” at the end of paragraph (a), the addition of the word “and” at the end of paragraph (b) and by the addition to that subsection of the following paragraph:
 “(c) no prior application for technical co-operation permit, exploration right or production right over the same mineral, land and area applied for has been accepted.”; 40
- (c) by the substitution for subsection (3) of the following subsection:
 “(3) If the application does not comply with the requirements of this section, the designated agency must notify the applicant **[of that fact]** in writing within 14 days of the receipt of the application**[and return the application to the applicant]and provide reasons.**”; and 45
- (d) by the substitution for subsection (4) of the following subsection:
 “(4) If the designated agency accept the application, the designated agency must, within 14 days of the receipt of the application, notify the applicant in writing to— 50
 (a) consult in the prescribed manner with the landowner, lawful occupier and any interested and affected party and include the result of the consultation in the relevant environmental reports as required in terms of Chapter 5 of the National Environmental Management Act, 1998; and 55

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- dihlohlomišo, protšeke, kgopelo yeo mokgopedi a e fago e lebiša go karolo ya 2(d).”;
 (c) ka go bea legatong karolo ya (3) ya karolo ye e latelago
 “(3) Tona o swanetše gore mo matšatšing a 60 a go amogela dikgopelogo tšwa go moemedi yo a kgethilwego, a gane go fana ka ya tokelo ya go hlohlomiša ge e le gore kgopelo ga e latele dinyakwa ka moka tšeo di laeditšwego ka go karolo ya (1).”; le
 (d) ka go tsenyeletša karolwana ye e latelago:
 “(6) Tokelo ya go dira dihlohlomišo e filwe go ya karolwana ya (1) e tsenywa tirišong ka letšatši leo le beilwego.”.

Phetolo ya karolo ya 81 ya Molao wa 28 wa 2002

59. Karolo ya 81 ya Molao-mogolo e a fetolwa—

- (a) ka go bea legatong la temana ya (c) ka go karolo ya ka tlase ya (2) temana yeo e latelago:
 “(c) e sepetšwe gotee le pego yeo e bontšhago maemo a tatelo ya [dinyakwa tša [lenaneo] la tikologo leo le [dumeletšwego] peakanyo, tokišo e phethagatšwe le kakanyo ya ditshenyegelo tša yona [;] le] mabaka a tumelelo ya tikologo;” le
 (b) ka go bea legatong la temana ya (c) ka go karolo ya ka tlase ya (3) temana yeo e latelago:
 “(c) [dinyakwa tša lenaneo la tikologo leo le dumeletšwego peakanyo] mabaka a tumelelo taolo ya tikologo;”.

Phetolo ya karolo ya 82 ya Molao wa 28 wa 2002

60. Karolo ya 82 ya Molao-mogolo e a fetolwa ka go bea legatong la temana ya (a) ka go karolo ya ka tlase ya (2) temana yeo e latelago:
 “(a) hlagiša tokelo yeo mo matšatšing a 60 gore e ngwadišwe ka go [Kantoro ya Dithaetlele tša go Epa mo matšatšing a 30 go tloga letšatši leo ka lona tokelo—
 (i) e tsenywago tirišong; goba
 (ii) e mpshafatšwago go ya ka karolo ya 81(3)]”. Kantoro ya Boingwadišo bja Dithaetlele tša Diminerale le Petroleamo;”.

Phetolo ya karolo ya 83 ya Molao wa 28 wa 2002

61. Karolo ya 83 ya Molao-mogolo e a fetolwa—

- (a) ka go bea legatong la temana ya (b) ka go karolo ya ka tlase ya (2) temana yeo e latelago:
 “Moemedi yoo a kgethilwego o swanetše gore mo matšatšing a 14 a go amogela kgopelo a amogele kgopelo ya tokelo ya go hlohlomiša ge—;”;
 (b) ka go tsenya ka go karolo ya ka tlase ya (2) temaneng yeo e latelago ya (a):
 “(c) ga go na kgopelo ya pele ya tumelelo ya mohlakanelwa wa tegniki, tokelo ya go dinyakišišo goba tokelo ya tšweletšo mo lefelong leo le kgopetšwego yeo e dumeletšwego.”;
 (c) ka go engwa legatong la temana ya ka tlase ya (3) ke karolo ya ka tlase yeo e latelago:
 “(3) Ge kgopelo e sa latele dinyakwa tša karolo ye, lekalatiro leo le beilwego le swanetše go tsebiša mokgopedi ka ga ntlha yeo ka go ngwala mo matšatšing a 14 a go amogela kgopelo le go fa mabaka [mme la bušetša kgopelo morago], le;”
 (d) go engwa legatong la temana ya ka go karolo ya ka tlase ya (4) ke temana yeo e latelago:
 “(4) Ge moemedi yoo a kgethilwego a amogela kgopelo, moemedi yoo a kgethilwego o swanetše gore mo matšatšing a 14 a go amogela kgopelo a tsebiše modiradikgopelo ka go ngwala go—
 (a) go ikopanya le mong wa lefelo ka tsela yeo e laeditšwego, modudi wa semolao le motho ofe goba ofe yo a amegago a bile a na le kgahlego bile a akaretša le dipelo tša dikgolaganyo ka go dipego tša tikologo tšeo di nyakegago go ya ka kgaolo ya 5 ya Molao wa Bosetšhaba wa Taolo ya Tikologo, 1998; le

- (b) **[conduct an environmental impact assessment and submit an environmental management programme for approval within 180 days from the date of the notice in terms of section 39]** submit relevant environmental reports required in terms of Chapter 5 of the National Environmental Management Act, 1998, within 180 days from the date of the notice”.

Amendment of section 84 of Act 28 of 2002

62. Section 84 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for paragraph (i) of the following paragraph: 10
 “(i) the granting of such right will further the object referred to in section 2(d) and (f) and in accordance with the Charter contemplated in section 100 and the prescribed **[land]** social and labour plan.”;
- (b) by the substitution for the subsection (2) of the following subsection: 15
 “(2) The Minister must, within 60 days of receipt of the application from the designated agency, refuse to grant a production right if the application does not meet all the requirements referred to in subsection (1).”
- (c) by the substitution for subsection (3) of the following subsection: 20
 “(3) If the Minister refuses to grant a production right, the Minister must, within 30 days of the decision, **[in writing]** notify the applicant in writing of [the] such decision and the reasons therefore;”;
- (d) by the substitution for subsection (5) of the following subsection: 25
 “(5) A production right granted in terms of subsection (1) becomes effective on the effective date.”.

Amendment of section 85 of Act 28 of 2002

63. Section 85 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

- “(5) A production right in respect of which an application for renewal has been lodged, shall **[dispute]** despite its expiry date, [remains] remain in force until such time as such application has been granted or refused.”. 30

Amendment of section 86 of Act 28 of 2002

64. Section 86 of the principal Act is hereby amended—

- (a) by the substitution in subsection (2) for paragraph (a) of the following paragraph: 35
 “(a) lodge such right for registration at the **[Mining Titles Office]** Mineral and Petroleum Titles Registration Office [within 30 days of the date on which the right—
 (i) **become effective; or** 40
 (ii) **is renewed in terms of section 85(3);]** within 60 days after the right has become effective;
- (b) by the substitution in subsection (2) for paragraphs (c), (d) and (e) of the following paragraphs, respectively: 45
 “(c) comply with the terms and conditions of the production right, the relevant provisions of this Act and **[only]** any other law;
 (d) comply with the **[requirements of the approved environmental management programme the]** conditions of the environmental authorisation and the prescribed social and labour plan;
 (e) in terms of any relevant law, pay the State royalties; and”;
- (c) by the deletion in subsection (2) of paragraph (g). 50

Amendment of section 88 of Act 28 of 2002

65. Section 88 of the principal Act is hereby amended by the insertion after subsection (1) of the following subsection:

- (b) [go dira tshekatsheko ya ditlamorago tša tikologo le go hlagaša lenaneo la taolo ya tikologo go dumelwa mo lebakeng la matšatši a 180 go tloga go letšatši la tsebišo go ya ka karolo ya 39];” go hlagaša dipego tša tikologo tšeo di nyakwago go ya ka scripa sa 5 sa Molao wa Tikologo wa Bosetšhaba, 1998 mo matšatšing a 180 go tloga ka letšatši la tsebišo”.

Phetolo ya karolo ya 84 ya Molao wa 28 wa 2002

62. Karolo ya 84 ya Molao-mogolo e a fetolwa—

- (a) ka go bea legatong la temana ya (i) ka go karolo ya ka tlase ya (1) temana yeo e latelago: 10
 “(i) go fana ka tokelo yeo go tla tšwetša pele seo se hlalošwago ka go karolo ya 2(d) le (f) le go ya ka Tšhata yeo e hlalošwago ka go karolo ya 100 le peakanyo ya tša leago le mešomo [naga] yeo e beilwego.”; le
- (b) ka go bea legatong la karolo ya ka tlase ya (2) karolo ya ka tlase yeo e latelago: 15
 “(2) Tona o swanetše gore mo matšatšing a 60 a go amogela dikgopelo go tšwa go moemedi yo a kgethilwego, a gane go fana ka ya tokelo ya go tšweletša ge e le gore kgopelo ga e latele dinyakwa kamoka tšeo di laeditšwego ka go karolo ya (1).”;
- (c) ka go bea legato karolo ya (3) ya karolo ye e latelago: 20
 “(3) Ge Tona a gana ka fana ka ka tokelo ya go tšweletša, Tona o swanetše gore mo matšatšing a 30 a sephetho, [ka go ngwala] a tsebiše modiradikgopelo ka go ngwala ka ga sephetho seo le mabaka gona fao”; le
- (d) ka go bea legato karolo ya (5) ya karolo ye e latelago: 25
 (5) Tokelo ya go dira dihlohlomišo e filwe go ya karolwana ya (1) e tsenywa tirišong ka letšatši leo le beilwego.”.

Phetolo ya karolo ya 85 ya Molao wa 28 wa 2002

63. Karolo ya 85 ya Molao-mogolo e a fetolwa ka go bea legatong la karolo ya ka tlase ya (5) karolo ya ka tlase yeo e latelago— 30
 “(5) Tokelo ya go tšweletša yeo e kgopetšwego go mpshafatšwa e tla s’oma e tla tliša [kgakgano] go sa kgathatšege letšatši la go šoma ga yona la mafelelo go fihlela kgopelo yeo e dumelwa goba e ganetšwa.”

Phetolo ya karolo ya 86 ya Molao wa 28 wa 2002

64. Karolo ya 86 ya Molao-mogolo e a fetolwa—

- (a) ka go bea legatong la temana ya (a) ka go karolo ya ka tlase ya (2) temana yeo e latelago: 35
 “(a) ngwadiša tokelo yeo ka go [Kantoro ya Dithaetlele tša go Epa] Kantoro ya Ngwadišo ya Dithaetle tša Minerale le Petroleamo [mo matšatšing a 30 go tloga letšatšing leo tokelo— 40
 (i) e thomilego go šoma; goba
 (ii) e mpshafadišwego go ya ka karolo ya 85(3);]”; mo matšatšing a 60 ka morago ga ge tokelo e thomile go šoma;
- (b) ka go bea legatong la temana ya (c), (d) le (e) ka go karolo ya ka tlase ya (2) temana yeo e latelago— 45
 “(c) latela mabaka le mapheko a tokelo ya go tšweletša, ditlhalošo tša maleba tša Molao wo le [fela] molao wo mongwe ofe goba ofe;”—
 “(d) latela dinyakwa tša [lenaneo la taolo ya tikologo leo le dumeletšwego] peakanyo, le mapheko a tumelelo ya tikologo le peakanyo yeo e beilwego ya tša leago le mešomo;” 50
 “(e) lefela dipolelo tša mmušo go ya ka Molao wa Palamente;” le
- (c) ka go phumula temana ya (g) ka go karolo ya ka tlase ya (2).

Phetolo ya karolo ya 88 ya Molao wa 28 wa 2002

65. Karolo ya 88 ya Molao-mogolo e a fetolwa ka go bea legatong la temana ya ka go karolo ya ka tlase ya (1) temana yeo e latelago 55

“(1A) The designated agency must submit progress reports and data contemplated in subsection (1)(b) within 30 days from the date of submission thereof to the Council for Geoscience.”.

Amendment of section 92 of Act 28 of 2002

66. Section 92 of the principal Act is hereby amended— 5
- (a) by the substitution for the words preceding paragraph (a) of the following words:
- “Any authorised person may [during office hours,] without a warrant—”; and
- (b) by the substitution for paragraph (b) of the following paragraph: 10
- “(b) require the holder of the right, permit or permission [or] in question or the person in charge of such area or place or any person carrying out or in charge of the carrying out such activities, process or operations to produce any book, record, statement or other document including electronic documents, information or data 15 relating to matters dealt with in this Act for inspection, or for the purpose of obtaining copies thereof or extracts therefrom.”.

Amendment of section 93 of Act 28 of 2002

67. Section 93 of the principal Act is hereby amended by the substitution in subsection (1)(b) for the words preceding subparagraph (i) of the following words: 20
- “any term or condition of any right, permit or permission or any other law granted or issued or [any environmental management programme or] an environmental authorisation issued, has occurred or is occurring on the relevant reconnaissance, exploration, production, prospecting, mining or retention area or place where prospecting operations or mining operations or processing operations are being 25 conducted, such a person may—”.

Amendment of section 96 of Act 28 of 2002

68. Section 96 of the principal Act is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection: 30
- “(1) Any person whose rights or legitimate expectations have been materially and adversely affected or who is aggrieved by any administrative decision in terms of this Act may appeal within 30 days becoming aware of such administrative decision in the prescribed manner to—
- (a) the Director-General, if it is an administrative decision by a Regional Manager or [an officer] any officer to whom the power has 35 been delegated or a duty has been assigned by or under this Act;
- (b) the Minister, if it is an administrative decision that was taken by the Director-General or the designated agency.”;
- (b) by the substitution for subsection (2) of the following subsection: 40
- “(2) (a) An appeal in terms of subsection (1) does not suspend the administrative decision, unless it is suspended by the Director-General or the Minister, as the case may be.
- (b) Any subsequent application in terms of this Act must be suspended pending the finalisation of the appeal referred to in paragraph (a).”.

Amendment of section 98 of Act 28 of 2002

69. Section 98 of the principal Act is hereby amended—
- (a) by the substitution in paragraph (a) for subparagraphs (i), (ii), (iii) and (iv) of the following subparagraphs respectively:

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“(1A) kantoro ya boemedi bjo bo beilwego e swanetše go hlapiša dipego tša tšwelopele le datha yeo go bolelwago ka yona go karolo (1)(b) mo matšatšing a 30 go tloga ka letšatši la hlagišo go Khansele ya Tšeosaense.”.

Phetolo ya karolo ya 92 ya Molao wa 28 wa 2002

66. Karolo ya 92 ya Molao-mogolo e a fetolwa— 5
- (a) ka go bea legato mantšu a pele ga temana ya (a) ya mantšu a a latelago
“Motho ofe le ofe yo a dumeletšwego a ka, [mošomong] ntle le go fiwa maatla—”; le
- (b) ka go bea legatong la temana ya (b) temana yeo e latelago:
“(b) go nyakega gore mong wa tokelo, tumelelo [goba] yeo e amegago goba motho yo a nago le maikarabelo a lefelo leo goba motho ofe goba ofe yo a diragatšago goba a nago le maikarabelo a go diragatša mediro yeo, ditshepedišo goba mediro a tšweletše puku efe goba efe, rekoto, setatamete goba tokomane ye nngwe, go akaretšwa ditokomane tša elektroniki, tshedimošo goba datha yeo e lego mabapi le merero yeo e hlalošitšwego ka go Molao wo go hlahlaha, goba mabakeng a go hwetša dikgatišo tša tšona goba go ntšha ditsopolwa tša tšona.” 10 15

Phetolo ya karolo ya 93 ya Molao wa 28 wa 2002

67. Karolo ya 93 ya Molao-mogolo e a fetolwa ka go engwa legatong la temana ya (b) ke temana yeo e latelago: 20
- “(b) mabaka afe goba afe goba dipeelano a tokelo efe goba efe, lengwalo la tumelelo, tumelelo goba molao ofe goba ofe wo o dumeletšwego goba o ntšhitšwego goba [lenaneo la taolo ya tikologo goba] lenaneo peakanyo la taolo ya tikologo yeo e dumeletšwego go ya ka Molao le bolaodi bja taolo ya tikologo bjo bo filwego, bo diregile goba bo direga ka go dinyakišišo, tšweletšo, diteko, go epa goba go swara lefelo leo ka go lona mediro ya go epa le diteko e diregago, motho yo a ka—”. 25

Phetolo ya karolo ya 96 ya Molao wa 28 wa 2002

68. Karolo ya 96 ya Molao-mogolo e a fetolwa— 30
- (a) ka go engwa legatong la karolo ya ka tlase ya (1) ke karolo ya ka tlase yeo e latelago:
“(1) Motho ofe goba ofe yo ditokelo goba tšeo a di letelago go ya ka molao di amegilego ka mo go sa kgotsosatšego le gona go lobišwa dithoto mme a na le dipelaelo ka diphetho tšeo di tšewago ka taolo go ya ka Molao wo, a ka ipelactša mo matšatšing a 30 morago ga go lemoga ka ga sephetho seo sa taolo ka mokgwa wo o beilwego go— 35
- (a) Molaodi-pharephare, ge e le sephetho sa taolo ya Molaodi wa Selete goba [mohlankedi] ofe goba ofe yo a filwego maatla goba mošomo go ya ka goba ka tlase ga Molao wo; goba; 40
- (b) Tona, ge e le sephetho sa taolo seo se tšerwego ke Molaodi-pharephare goba moemedi yo a kgethelwego.”;
- (b) ka go engwa legatong la karolo ya ka tlase ya (2) ke karolo ya ka tlase yeo e latelago: 45
- “(2)(a) Boipelaetšo go ya ka karolo ya ka tlase ya (1) ga bo fege sephetho sa taolo, ntle le ge se fegwa ke Molaodi-pharephare goba Tona, go ya ka mo go ka bago ka gona: 45
- (b) Kgopelo efe goba efe yeo e latelago go ya ka Molao wo e swanetše go fegwa go laolwa ke sephetho sa boipelaetšo bjo bo laeditšwego ka go temana ya (a).” 50

Phetolo ya karolo ya 98 ya Molao wa 28 wa 2002

69. Karolo ya 98 ya Molao-mogolo e a fetolwa—
- (a) ka go engwa legatong la ditemana tša ka tlase tša (i), (iii) le (iv) ka go temana ya (a) ya ditemana tša ka tlase tšeo di latelago: 55

- “(i) section 5(4), **[20(2), 19]** or 28;
- (ii) section 92, 94 or 95;
- (iii) section 35 [or 38(1)(c)];
- [(iv) section 42(1) or (2)]**; and
- (b) by the substitution for paragraph (c) of the following paragraph: 5
 - “(c) fails to **[provide a written notice or consult with]** obtain approval from the Minister in terms of section 26(3).”.

Amendment of section 100 of Act 28 of 2002

70. Section 100 of the principal Act is hereby amended by the substitution in subsection (2) for paragraph (a) of the following paragraph: 10

- “(a) To ensure the attainment of the Government’s objectives of redressing historical, social and economic inequalities as stated in the Constitution, the Minister must within six months from the date on which this Act takes effect develop a broad-based socio-economic empowerment Charter that will set the framework for targets and time table for effecting the entry into and active participation of historically disadvantaged South Africans into the mining industry, and allow such South Africans to benefit from the exploitation of the mining and mineral resources and the beneficiation of such mineral resources.”.

Substitution of section 101 of Act 28 of 2002 20

71. The following section is hereby substituted for section 101 of the principal Act:

“Appointment of contractor

101. If the holder of a right, permit or permission appoints any person or employs a contractor to perform any work within the boundaries of the reconnaissance, mining, prospecting, exploration, production or retention area, as the case may be, such holder remains responsible for compliance with this Act.”. 25

Substitution of section 102 of Act 28 of 2002

72. The following section is hereby substituted for section 102 of the principal Act:

“Amendment of rights, permits, programmes and plans 30

102. (1) A reconnaissance permission, prospecting right, mining right, mining permit, retention permit, technical corporation permit, reconnaissance permit, exploration right, **[and]** production right, prospecting work programme, exploration work programme, production work programme, mining work programme environmental management programme or an environmental authorisation issued in terms of the National Environmental Management Act, 1998, as the case may be, may not be amended or varied (including by extension of the area covered by it or by the additional of minerals or a shares or seams, mineralised bodies or strata, which are not at the time the subject thereof) without the written consent of the Minister. 35 40

(2) The amendment or variations referred to in subsection (1), shall not be made if the effect of such amendment or variation is to—
 (a) extend an area or portion of an area, or
 (b) add a share or shares of the mineralised body, unless the omission of such area or share was a result of the administrative error.”.

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- “(i) karolo ya 5(4), [20(2), 19] goba 28
 (ii) karolo ya 92, 94 goba 95;
 (iii) karolo ya 35 [goba 38(1)(c)];
 (iv) karolo ya 42(1) goba (2),”; le
 (b) ka go engwa legatong la temana ya (c) ke temana yeo e latelago: 5
 “(c) go palelwa ke go [hlagiša tsebišo yeo e ngwadilwego goba go
 ikopanya le] go hwetša tumelelo go tšwa go Tona go ya ka karolo
 ya 26(3).”.

Phetolo ya karolo ya 100 ya Molao wa 28 wa 2002

70. Karolo ya 100 ya Molao-mogolo e a fetolwa ka go engwa legatong la temana ya 10
 (a) ka go karolo ya ka tlase ya (2) ke temana yeo e latelago:

“(a) Go netefatša phihlelelo ya maikemišetšo a mmušo go lokiša go se lekalekane
 ga tša leago le ekonomi ga nakong ya pele bjalo ka ge go hlalošwa ka go
 Molaotheo, Tona o swanetše gore mo dikgweding tše tshela go tloga ka
 letšatši leo ka lona Molao wo o tsenywago tirišong a tšweletše Tokomane yeo 15
 e nago le motheo wo o ikadilego wa matlafatšo ya tša leago le ekonomi yeo e
 tlogo go ala lenaneo-tšhomo, di lebišwa le lenaneotlhopho la nako go
 kgontšha matseno le botšeakarolo bja badudi ba Afrika Borwa bao ba bego ba
 hlokišwa dikgoba peleng ka go intaseteri ya meepo, le go kgontšha Ma-Afrika
 Borwa go ba holega go ditšweletšwa tša meepo le diminerae.”. 20

Phetolo ya karolo ya 101 ya Molao wa 28 wa 2002

71. Karolo ya 101 ya Molao-mogolo e a fetolwa ka go engwa legatong ke karolo yeo
 e latelago:

“Go kgetha kontraka

101. Ge mong wa tokelo, tumelelo a thwala motho ofe goba ofe goba a 25
 thwala kontraka go phethagatša mošomo ofe goba ofe ka gare ga mellwane
 ya lefelo la dinyakišišo, go epa, diteko, tšweletšo goba lefelo leo le
 swerwego, go ya ka mo go ka bago ka gona, mong yoo o na le maikarabelo
 a go latela Molao wo.”

Phetolo ya karolo ya 102 ya Molao wa 28 wa 2002

72. Karolo ya 102 ya Molao-mogolo e a fetolwa ka go engwa legatong ke karolo yeo
 e latelago:

“Phetolo ya tokelo, tumelelo, mananeo le maano

102. (1) Tumelelo ya dinyakišišo, tokelo ya diteko, tokelo ya go epa,
 tumelelo ya go epa, tumelelo ya go swara, tumelelo ya mohlakanelwa wa 35
 thekniki, [le] tokelo ya tšweletšo, lenaneo la mošomo wa diteko, lenaneo la
 mošomo wa dinyakišišo, lenaneo la mošomo wa tšweletšo, lenaneo la
 mošomo wa go epa, [lenaneo la taolo ya tikologo] goba tumelelo ya
 tikologo le abilwe go ya ka Molao wa Lenaneopeakanyo Bosetšhaba la
 Taolo ya Tikologo wa 1998, go ya ka mao go sisanetšego, di ka se fetolwe 40
 goba tša fapana (go akaretšwa le go oketšwa ga lefelo leo le akareditšwego
 goba koketšo ya diminerae goba karolo goba dikarolo tša mokgobo, ditho
 tšeo di nago le diminerae goba kalego, tšeo e sego tabakgolo ya nako yeo)
 ntle le tumelelo yeo e ngwadilwego go tšwa go Tona.”.

(2) Phetolo ya dipharologanyo tšeo di laeditšwego ka go karolo ya (1), di 45
 ka se dirwe ge dipoele tša phetolo yeo goba pharologano e le go—

(a) go oketša lefelo goba karolo ya lefelo, goba

(b) go oketša karolo goba dikarolo tša lefelo la diminerae, ge fela go
 tlogelwa lefelo leo goba karolo e le dipoele tša diphošo tša bolaodi.”.

Amendment of section 103 of Act 28 of 2002

73. Section 103 of the principal Act is hereby amended by the substitution in subsection (4) for paragraph (b) of the following paragraph:

“(b) withdraw or amend any decision made by a person exercising a power or performing a duty delegated or assigned in terms of subsection (1), (2) or (3), as the case may be: Provided that no existing rights of any person shall be affected by such withdrawal and amending of a decision.”.

Amendment of section 104 of Act 28 of 2002

74. Section 104 of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections respectively:

“(1) Any community who wishes to obtain the preferent right to prospect or mine in respect of any mineral and land which is registered or to be registered in the name of the community concerned, must in terms of section 16 or 22 lodge such application to the Minister.

(2) The Minister must grant such preferent right if **[the community can prove that]** the provisions of section 17 or 23 have been complied with: Provided that—

(a) the right shall be used to contribute towards the development and the social upliftment of the community;

(b) the community submits a development plan, indicating the manner in which such right is going to be exercised;

(c) the envisaged benefits of the prospecting or mining project will accrue to the community in question; and

[(d) the community has access to technical and financial resources to exercise such right]

(e) section 23(1)(e) and (h) is not applicable.”.

Amendment of section 105 of Act 28 of 2002

75. Section 105 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Any person who has applied for a right, permit or permission in terms of this Act must notify the Regional Manager if the landowner or lawful occupier of the land concerned—

(a) cannot be readily traced; or

(b) is deceased and no successor in title can be readily traced.”.

Amendment of section 106 of Act 28 of 2002

76. Section 106 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Despite subsection (1), the organ of state so exempted must submit **[an environmental management programme for approval in terms of section 39 (4)]** relevant environmental reports required in terms of Chapter 5 of the National Environmental Management Act, 1998, to obtain an environmental authorisation.”.

Amendment of section 107 of Act 28 of 2002

77. Section 107 of the principal Act is hereby amended by the deletion in subsection (1) of paragraph (a).

Amendment of item 1 of Schedule II to Act 28 of 2002

78. Item 1 of Schedule II to the principal Act is hereby amended—

(a) by the substitution for the definition of “old order mining right” of the following definition:

“‘**old order mining right**’ means any mining lease, mynpachten, consent to mine, permission to mine, claim licence, mining authorisation or right listed in Table 2 to this Schedule in force immediately before the

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Phetolo ya karolo ya 103 ya Molao wa 28 wa 2002

73. Karolo ya 103 ya Molao-mogolo e a fetolwa ka go engwa legatong la (b) ka go karolo ya ka tlase ya (4) ke temaneng yeo e latelago:

“(b) go gogela morago goba go fetola sephetho sefe goba sefe seo se dirilwego ke motho yo a nago le maatla goba yo a dirago mošomo wo a o laetšwego goba a o filwego go ya ka karolo ya ka tlase ya (1), (2) goba (3), go ya ka mo go ka bago ka gona: Ge e le gore ga go na ditokelo tšeo di lego gona tša motho ofe goba ofe tšeo di amegago go kgogelomorago le phetolo ya sephetho.”.

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Phetolo ya karolo ya 104 ya Molao wa 28 wa 2002

74. Karolo ya 104 ya Molao-mogolo e a fetolwa ka go engwa legatong la karolo (2) ya ka tlase ya (1) ke karolo ya ka tlase yeo e latelago

(1) setšhaba sefe goba sefe se se nyakago go fiwa šedi ya pele ya tokelo ya ya go nyaka goba ya go epa minerale ofe goba ofe le lefelo leo le ngwadišetšwego goba leo le ilego go ngwadišwa leineng la setšhaba seo se amegago, go ya ka karolo 16 goba 22, se swanetše go iša kgopelo go Tona.

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(2) Tona o swanetše go fa šedi tokelo yeo, ge [setšhaba se ka bontšha bonnete bja gore] melawana ya karolo 17, goba 23 e latetšwe: ge fela—

(a) tokelo e tla dirišetšwa go ba karolo ya hlabollo le tšwetšopele ya leago la setšhaba seo se amegago;

(b) setšhaba se tšweletša lananeo la tlhabollo, leo le laetšago mokgwa wo ka wona tokelo yeo e ilego go phethagatšwa;

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(c) dikholego tšeo di letetšwego tša protšeke ya go nyaka goba ya go epa e tla ba tša setšhaba seo se amegago; le gona

(d) setšhaba se na le phihlelelo ya methopo ya bothekniki le ya tša ditšhelete go diriša tokelo yeo

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(e) karolo 23(1)(e) le (h) ga di hlokagale.”.

Phetolo ya karolo ya 105 ya Molao wa 28 wa 2002

75. Karolo ya 105 ya Molao-mogolo e a fetolwa ka go ema legatong la karolo ya ka tlase ya (1) ke karolo ya ka tlase yeo e latelago:

“(1) Motho ofe goba ofe yo a dirilego kgopelo ya tokelo, lengwalo la tumelelo goba tumelelo go ya ka Molao wo, o swanetše go tsebiša Molaodi wa Selete ge e le gore mong wa naga goba modudi wa semolao wa lefelo leo le amegago—”.

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(a) ga a hwetšagale; goba

(b) a hlokošetše ebile go se na yo a ka mo hlatlamago.”.

Phetolo ya karolo ya 106 ya Molao wa 28 wa 2002

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76. Karolo ya 106 ya Molao-mogolo e a fetolwa ka go engwa legatong la karolo ya ka tlase ya (2) ke karolo ya ka tlase yeo e latelago:

“(2) Go sa kgathatšege karolo ya ka tlase ya (1), setho sa mmušo seo se sa amegego se swanetše go hlagaša [lenaneo la taolo ya tikologo go dumelelwa go ya ka karolo ya 39(4)] dipego tša maleba tša tikologo tšeo di nyakegago go ya Kgaolo ya 5 ya Molao wa Bosetšhaba wa Taolo ya Tikologo wa 1998, go hwetša tumelelo ya tikologo.”.

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Phetolo ya karolo ya 107 ya Molao wa 28 wa 2002

77. Karolo ya 107 ya Molao-mogolo e a fetolwa ka go engwa legatong la karolo ya (1) ya temana ya (a).

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Phetolo ya ntlha ya 1 ya Šetulo ya II ya Molao wa 28 wa 2002

78. Ntlha ya 1 ya Šetulo ya Molao-mogolo e a fetolwa—

(a) ka go engwa legatong la tlhalošo ya ‘tokelo ya go epa ya molao wa kgale’ ke tlhalošo yeo e latelago:

“‘tokelo ya go epa ya molao wa kgale’ e ra khirišo ye nngwe le ye nngwe ya go epa, tokelo ya molao wa kgale wa go epa (mynpachten), tumelelano ya go epa, tumelelo ya go epa, laesense ya go kgopela,

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date on which this Act took effect and in respect of which mining operations are being conducted;”;

- (b) by the substitution for the definition of “OP26 mining lease” of the following definition:

“**‘OP26 mining lease’** means [the] any mining lease granted [to Moss gas (Pty) Ltd under] in terms of clause 22 of [the] prospecting lease OP26 [prospecting lease] or the portions held under Deed of Cession 1/1996, registered in terms of the Mining Titles Registration Act, 1967 (Act No.16 of 1967);”;

- (c) by the substitution for the definition of “OP26 sublease” of the following definition:

“**‘OP26 sublease’** means those parts of the OP26 mining lease which are held under Cessions 1/1999 and 1/2002 registered as such at the Mineral and Petroleum Titles Registration Office on 8 September 1999 and 30 September 2002, respectively;”;

- (d) by the substitution for the definition of “OP26 right” of the following definition: ”

“**‘OP26 right’** means [an] prospecting lease OP26 and the portions ceded under Deed of Cession 1/1996 registered in terms of the Mining Titles Registration Act, 1967 (Act No.16 of 1967) or an OP26 sublease or an OP26 mining lease;”.

Amendment of item 3 of Schedule II to Act 28 of 2002

79. Item 3 of Schedule II of the principal Act is hereby amended by the substitution for subitem (4) of the following subitem:

- “(4) If the environmental management programme does not meet [with] the requirements of this Act, the Regional Manager in whose region the land to which the environmental management programme relates is situated must direct the holder concerned to submit the outstanding information.”.

Amendment of item 4 of Schedule II to Act 28 of 2002

80. Item 4 of Schedule II to the principal Act is hereby amended—

- (a) by the substitution for subitem (5) of the following subitem:

“(5) the holder must lodge the right converted under subitem (3) within 90 days from the date on which he or she received notice of conversion at the [Mining Titles Offices] Mineral and Petroleum Titles Registration Office for deregistration and simultaneously at the Deeds office or the [Mining Titles office] Mineral and Petroleum Titles Registration Office for deregistration of the OP26 sublease as the case may be.”; and

- (b) by the substitution for subitem (6) of the following subitem:

“(6) The registration contemplated in subitem (5) must occur within six months from the date on which the sublease has been converted and must be done at the same time as the deregistration of the sublease at the [Mining Titles Office] Mineral and Petroleum Titles Registration Office.”.

Amendment of item 5 of Schedule II to Act 28 of 2002

81. Item 5 of Schedule II to the principal Act is hereby amended—

- (a) by the substitution for subitem (5) of the following subitem:

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holaodi hja go epa goba tokelo yeo e ngwadilwego ka go Lenaneo la 2 go Setulo ye e šomago ka pela, pele ga letšatši leo ka lona Molao wo o tsentswego tirišong, wo mediro ya go epa e diragatšwago go ya ka wona;”

- (b) ka go engwa legatong la tlhalošo ya ‘khirišo ya go epa ya OP26’ ke tlhalošo yeo e latelago:

“**‘khirišo ya go epa ya OP26’** e ra khirišo efe goba efe ya go epa yeo e filwego [Mossgas (Pty) Ltd ka tlase ga] go ya ka lefokwana la 22 la khirišo ya diteko ya OP26 [**‘khirišo ya diteko’**] goba dikarolo tšeo di swerwego ka tlase ga Lengwalo la tumelano ya go fana ka naga (Deed of Cession) 1/1996, leo le ngwadišitšwego go ya ka Molao wa Ngwadišo ya Dithaetlele tša go Epa, 1967 (Molao wa Nomoro ya 16 wa 1967);”

- (c) ka go engwa legatong la tlhalošo ya ‘OP26 khirišo ya ka tlase’ ke tlhalošo yeo e latelago:

“**‘khirišo ya ka tlase [sublease] ya OP26’** e ra dikarolo tša khirišo ya go epa ya OP26 tšeo di swerwego ka tlase ga Dikemišo 1/1999 le 1/2002 tšeo di ngwadišitšwego ka tsela ye bjalo go Kantoro ya Ngwadišo ya Dithaetlele tša Minerale le Petroleamo ka la 8 Setemere 1999 le 30 Setemere 2002, ka go latelana;” le

- (d) ka go engwa legatong la tlhalošo ya ‘tokelo ya OP26’ ke tlhalošo yeo e latelago:

“**‘tokelo ya OP26’** e ra khirišo ya diteko OP26 le dikarolo tšeo di emišitšwego ka tlase ga Lengwalo la Tlogelo ya naga ka tumelano ya 1/1996 yeo e ngwadišitšwego go ya ka Molao wa Ngwadišo ya Dithaetlele tša Meepo, 1967 (Molao wa bo 16 wa 1967), goba OP26 khirišo ya ka tlase le/goba OP26 ya khirišo ya go epa;”

Phetolo ya karolo ya ntlha ya 3 ya Šetulo II ya Molao wa 28 wa 2002

79. Ntlha ya 3 ya Šetulo II ya Molao-mpgolo e a fetolwa ka go engwa legatong la ntlha ya ka tlase ya (4) ke ntlha ya ka tlase yeo e latelago:

“(4) Ge lenaneo la taolo ya tikologo le sa kgotsofatše dinyakwa tša Molao wo, Molaodi wa Selete yo a angwago ke lefelo goba naga yeo e lego mabapi le lenaneo la taolo ya tikologo o swanetše go laela mong yo a amegago go hlapiša tshedimošo yeo e sa šaletšego”.

Phetolo ya karolo ya ntlha ya 4 ya Šetulo II ya Molao wa 28 wa 2002

80. Ntlha ya 4 ya Šetulo II ya Molao-mogolo e a fetolwa—

- (a) ka go engwa legatong la ntlha ya ka tlase ya (5) ke ntlha ya ka tlase yeo e latelago:

“(5) Mong o swanetše go hlapiša tokelo yeo e fetoletšwego ka tlase ga ntlha ya ka tlase ya (3) mo matšatšing a 90 go tloga go letšatši leo ka lona a amogetšego tsebišo ya phetolelo go [**Kantoro ya Dithaetlele tša Meepo**] Ngwadišo ya Dithaetlele tša Minerale le Petroleamo go ngwadišwa ga mmogo le ka go Kantoro ya Ditokomane goba [**Kantoro ya Dithaetlele tša Meepo**] Ngwadišo ya Dithaetlele tša Minerale le Petroleamo go ngwadiša OP26 khirišo ya ka tlase, bjalo ka mo go ka bago ka gona.” le

- (b) ka go engwa legatong la ntlha ya ka tlase ya (6) ke ntlha ya ka tlase yeo e latelago:

“(6) Ngwadišo yeo e hlalošwago ka go ntlha ya ka tlase ya (5) e swanetše go diragala mo dikgweding tše tshela go tloga letšatšing leo khirišo ya ka tlase e fetoletšwego mme e swanetše go dirwa ka nako e tee le phumulo ya khirišo ya ka tlase ka go [**Kantoro ya Dithaetlele tša go Epa**] Ngwadišo ya Dithaetlele tša Minerale le Petroleamo.”

Phetolo ya karolo ya ntlha ya 5 ya Šetulo II ya Molao wa 28 wa 2002

81. Ntlha ya 5 ya Šetulo II ya Molao-mogolo e a fetolwa—

- (a) ka go engwa legatong la ntlha ya ka tlase ya (5) ke ntlha ya ka tlase yeo e latelago:

“(5) The holder must lodge the right converted under subitem (3) within 90 days from the date on which he or she received notice of conversion at the **[Mining Titles Office] Mineral and Petroleum Titles Registration Office** for registration and simultaneously at the Deeds office or **[for] the [Mining Titles Office] Mineral and Petroleum Titles Registration Office** for deregistration for deregistration of OP26 lease, as the case may be.”; and 5

(b) by the substitution for subitem (7) of the following subitem:

“(7) Upon the conversion of the lease and the registration of the production right into which it was converted, the **[sublease] lease** ceases to exist.”. 10

Amendment of item 6 of Schedule II to Act 28 of 2002

82. Item 6 of Schedule II of the principal Act is hereby amended by the substitution for subitem (5) of the following subitem:

“(5) The holder must lodge the right converted under subitem (3) within 90 days from the date on which he or she received notice of conversion at the **[Mining Titles Office] Mineral and Petroleum Titles Registration Office** for registration and simultaneously at the Deeds Office or **[it] the [Mining Titles Office] Mineral and Petroleum Titles Registration Office** for deregistration of the old order prospecting right, as the case may be.”. 15 20

Amendment of item 7 of Schedule II of Act 28 of 2002

83. Item 7 of Schedule II to the principal Act is hereby amended—

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

“(1) Subject to subitems (2) and (8), any old order mining right in force immediately before this Act took effect continues in force for a period not exceeding five years from the date on which this Act took effect or the period for which it was granted, whichever period is the shortest, subject to the terms and conditions under which it was granted or issued or was deemed to have been granted or issued.”; 25 30

(b) by the substitution for the expression “Mining Titles Office” in subsection (1)(g) for the expression “Mineral and Petroleum Registration Office”; 30

(c) by the substitution in item (2) for subitem (k) of the following subitem:

“(k) **[undertaking that, and] documentary proof** of the manner in which, the holder of the right will give effect the object referred to in section 2(d) and 2(f)”;

(d) by the insertion after subitem (3) of the following subitems:

“3A. If the applicant does not comply with the requirements of the subitem (2) and (3), the Regional Manager must in writing request the applicant to comply within 60 days of such request. 35

3B. If the applicant does not comply with subitem 3A, the Minister must refuse to convert the right and must notify the applicant in writing of the decision within 30 days with reasons. 40

3C. If the application relates to land occupied by the community, the Minister may impose such conditions as are necessary to promote the rights and interests of the community, including conditions requiring the participation of the community.”; and 45

(d) by the substitution for subitem (5) of the following subitem:

“(5) The holder must lodge the right converted under subitem (3) within 90 days from the date on which he or she received notice of conversion at the **[Mining Titles Office] Mineral and Petroleum Titles Registration Office** for registration and simultaneously at the Deeds office or **[for] the [Mining Titles Office] Mineral and Petroleum Titles Registration Office** for deregistration of the old order mining right, as the case may be.”. 50

Amendment of item 8 of Schedule II to Act 28 of 2002

84. Item 8 of Schedule II to the principal Act is hereby amended by the substitution of subitem (1) of the following subitem:

“(5) Mong o swanetše go hlagaša tokelo yeo e fetoletšwego ka tlase ga ntlha ya ka tlase ya (3) mo matšatšing a 90 go tloga go letšatši leo ka lona a amogetšego tsebišo ya phetolelo go **[Kantoro ya Dithaetlele tša Meepo]** Ngwadišo ya Dithaetlele tša Minerale le Petroleamo go ngwadišwa gammogo le ka go Kantoro ya Ditokomane goba **[Kantoro ya Dithaetlele tša Meepo]** Ngwadišo ya Dithaetlele tša Minerale le Petroleamo go phumudiša khirišo ya OP26, bjalo ka mo go ka bago ka gona.”; le

(b) ka go engwa legatong la ntlha ya ka tlase ya (7) ke ntlha ya ka tlase yeo e latelago:

“(7) Ge go fetoletšwa khirišo le ngwadišo ya tokelo ya tšweletšo yeo e fatolotšwego ka go yona, khirišo ya [ka tlase] e a fedišwa.”

Phetolo ya karolo ya ntlha ya 6 ya Šetulo II ya Molao wa 28 wa 2002

82. Ntlha ya 6 ya Šetulo II ya Molao-mogolo e a fetolwa ka go engwa legatong la ntlha ya ka tlase ya (5) ke ntlha ya ka tlase yeo e latelago—

“(5) Mong o swanetše go hlagaša tokelo yeo e fetoletšwego ka tlase ga ntlha ya ka tlase ya (3) mo matšatšing a 90 go tloga go letšatši leo ka lona a amogetšego tsebišo ya phetolelo go **[Kantoro ya Dithaetlele tša Meepo]** Ngwadišo ya Dithaetlele tša Diminerale le Petroleamo go ngwadišwa ga mmogo le ka go Kantoro ya Diriti goba **[Kantoro ya Dithaetlele tša Meepo]** Ngwadišo ya Dithaetlele tša Diminerale le Petroleamo go ngwadiša go phumulwa ga tokelo ya ditoko ya molao wa kgale, bjalo ka mo go ka bago ka gona”;

Phetolo ya karolo ya ntlha ya 7 ya Šetulo II ya Molao wa 28 wa 2002

83. Ntlha ya 7 ya Šetulo II ya Molao-mogolo e a fetolwa—

(a) ka go engwa legatong la ntlha ya ka tlase ya (1) ke ntlha ya ka tlase yeo e latelago

“(1) Go ya ka dintlha tša ka tlase tša (2) le (8), tokelo efe goba efe ya go epa ya molao wa kgale yeo e bego e šoma pelenyana ga Molao wo o tsenywa tirišong, e tšwela pele mo nakong yeo e sa fetego mengwaga ye mehlano go tloga letšatšing leo Molao wo o thomago go šoma goba nako yeo e bego e dumeletšwe, e lego ye kopana, go ya ka mabaka le mapheko ao e dumeletšwego ka tlase ga wona goba ao a filwego goba ao a bego a swanetše goba ao a dumeletšwego goba a filwego”;

(b) ka go engwa legatong ga ‘**[Kantoro ya Dithaetlele tša Meepo]**’ ka go (1)(g) ke “Ngwadišo ya Dithaetlele tša Minerale le Petroleamo”;

(c) ka go engwa legatong la ntlha ya ka tlase ya (2)(k) ke ntlha ya ka tlase yeo e latelago:

“(k) bohlatse bjo bo ngwadilwego bja **[boikano, le]** mokgwa wo ka tokelo mong wa tokelo a tlogo diragatša selo seo se bolelwago ka go karolo ya 2(d) le 2(f)”;

(d) ka go tsenya dikarolwana tše di latelago ka morago ga karolwana (3):

“3A. Ge kgopelo e sa sepelelane le dinyakwa tša karolwana(2) le(3), Molaodi wa Selete o swanetše a dire kgopelo ka sengwalwa sa go kgopela mokgopedi go araba pele go feta matšatši a 60 ka morago ga kgopelo yeo.

3B. Ge mokgopedi a sa sepelelane le karolwana 3A, Tona e swanetše go gana go fetoša tokelo ebile a tsebiše mokgopedi ka lengwalo ka ga sephetho pele go fela matšatši a 30 a be a fe le mabaka.

3C. Ge e ba kgopelo e bolela ka ga naga yeo go dutšego batho go yona, Tona e ka gapeletša diemo tša mohuta wo bjale ka ge go nyakega go tswetsa pele ditokelo le dikgahlego tša setšhaba, re tsenyeletša diemo tše di nyakago go tšea karolo ga badudi.”;

(d) ka go engwa legatong la ntlha ya ka tlase ya (5) ke ntlha ya ka tlase yeo e latelago:

“(5) Mong o swanetše go hlagaša tokelo yeo e fetoletšwego ka tlase ga ntlha ya ka tlase ya (3) mo matšatšing a 90 go tloga go letšatši leo ka lona a amogetšego tsebišo ya phetolelo go **[Kantoro ya Dithaetlele tša Meepo]** Ngwadišo ya Dithaetlele tša Diminerale le Petroleamo go ngwadišwa ga mmogo le ka go Kantoro ya Diriti goba **[Kantoro ya**

“(1) Any unused old order right in force immediately before this Act took effect, continues in force, subject to the terms and conditions under which it was granted, acquired or issued or was deemed to have been granted or issued, for a period not exceeding one year from the date on which this Act took effect, or for the period for which it was granted, acquired or issued or was deemed to have been granted or issued, whichever period is the shortest.”. 5

Amendment of Item 9 of Schedule II to Act 28 of 2002

85. Item 9 of Schedule II to the principal Act is hereby amended by the substitution for subitem (2) of the following subitem:

“(2) The holder, user or acquirer of any reservation, permission or right to use the surface of land contemplated in subitem (1) must register such reservation, permission or right in the **[Mining Titles Office]** Mineral and Petroleum Titles Registration Office within **[one]** six years from the date on which this Act took effect and if such holder, user or occupier fails to register such reservation, permission or right, the reservation, permission or right shall cease to exist.”. 10 15

Amendment of Item 10 of Schedule II to Act 28 of 2002

86. Item 10 of Schedule II to the principal Act is hereby amended—

(a) by the substitution for subitems (4) and (5) of the following subitems respectively:

“(4) If the holder of an old order prospecting right or old order right mining right or the owner of previous works ceases the relevant prospecting or mining operation works, the holder must apply for **[an]** a closure certificate in terms of section 43. 20

(5) **[Section] Sections 38, 41(2) and 45 [applies] apply** to a holder of an old order prospecting right or old order mining right.”; and 25

(b) by the addition of the following subitem:

“(6) If no application for a certificate contemplated in section 12 of the Minerals Act has been made, the holder referred to in that section, who remains liable for complying with the relevant provision of that Act, must apply for a closure certificate in terms of section 43.” 30

Insertion of Item 10A in Table 2 of Act 28 of 2002

87. The following item is hereby inserted in Schedule II to the principal Act after item 10—

“**10A.** Section 52 applies to a holder of an old order prospecting right or old order mining right.”. 35

Amendment of Item 12 of Schedule II to Act 28 of 2002

88. Item 12 of Schedule II to the principal Act is hereby amend—

(a) by the substitution for subitem (4) of the following subitem:

“(4) Any claim for compensation must be lodged with the Director-General **[in the prescribed manner]** and the Minister may prescribe— 40

(a) the manner in which such claim may be lodged;

(b) the procedure to be followed by the claimant and the Director-General in respect of such claim; and

(c) the time when any legal proceedings may be instituted in respect of the determination or payment of compensation as contemplated in subitem (1).”; and 45

(b) by the addition of the following subitems:

“(5) Despite the provisions of the Prescription Act, 1969 (Act No. 68 of 1969), prescription in respect of a claim for compensation shall only commence to run— 50

(a) when the claimant has been informed in writing by the Director-General that he or she has denied the validity of the claim and the

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Dithaetlele tša Meepo] Ngwadišo ya Dithaetlele tša Diminerale le
Petroleamo go phumulwa ga tokelo ya diteko ya molao wa kgale, bjalo
ka mo go ka bago ka gona”;

Phetolo ya karolo ya ntlha ya 8 ya Šetulo II ya Molao wa 28 wa 2002

84. Ntlha ya 8 ya Šetulo II ya Molao-mogolo e a fetolwa ka go engwa legatong la
ntlha ya ka tlase ya (1) ke ntlha ya ka tlase yeo e latelago: 5

“(1) Tokelo efe goba efe yeo e sa šomišwago ya molao wa kgale wo o bego o
šoma pelenyana ga ge Molao wo e ka tsenywa tirišong, e tšwela pele go šoma, go
ya ka mabaka le dipeelano tšeo ka tšona e dumeletšwego, e hweditšwego goba e
filwego goba ao a bego a swanetše go ba a dumeletšwe goba a filwe, nakong yeo
e sa fete go ngwaga o tee go tloga letšatšing leo Molao wo o thomilego go šoma ka
lona, goba mo nakong yeo tokelo e filwego ka yona, e hweditšwego goba e filwego
goba ao a bego a swanetše goba ao a dumeletšwego goba a filwego, nako yeo e lego
ye kopana.”.

Phetolo ya karolo ya ntlha ya 9 ya Šetulo II ya Molao wa 28 wa 2002

85. Ntlha ya 9 ya Šetulo II ya Molao-mogolo e a fetolwa ka go engwa legatong la
ntlha ya ka tlase ya (2) ke ntlha ya ka tlase yeo e latelago: 15

“(2) Mong, mošomiši goba mohwetši wa peeletšo efe goba efe, tumelelo goba
tokelo ya go šomiša bogodimo bja naga yoo e hlalowsago ka go ntlha ya ka tlase ya
(1) o swanetše go ngwadiša peeletšo yeo, tumelelo goba tokelo ka go **[Kantoro ya
Dithaetlele tša Meepo]** Ngwadišo ya Dithaetlele tša Diminerale le Petroleamo mo
mengwageng **[o tee]** ye tshela go tloga letšatšing leo Molao wo o thomilego go
šoma mme ge mong yoo mošomiši goba modudi a palelwa ke go ngwadiša
peeletšo, tumelelo goba tokelo, gona di tla emišwa”.

Phetolo ya karolo ya ntlha ya 10 ya Šetulo II ya Molao wa 28 wa 2002

86. Ntlha ya 10 ya Šetulo II ya Molao-mogolo e a fetolwa—

(a) ka go engwa legatong la ntlha ya ka tlase ya (4) le (5) ke ntlha ya ka tlase yeo
e latelago:

“(4) Ge mong wa tokelo ya kgale ya go dira diteko goba tokelo ya kgale ya go
cpa goba mong wa mešomo ya kgale a emiša mešomo ya maleba go dira diteko
goba go epa, mong o swanetše go dira kgopelo ya lengwalo la go tswalela go ya ka
karolo ya 43. 30

“(5) **[Karolo]** ya 38, 41(2) le 45 **[e diragatšwa]** go mong wa tokelo ya diteko ya
molao wa kgale goba tokelo ya go epa ya molao wa kgale”; le

(b) ka go tsenya ntlha ya ka tlase yeo e latelago: 35

“(6) Ge kgopelo ya lengwalo la tumelelo leo le hlalošwago ka go
karolo ya 12 ya Molao wa Diminerale e diritwe, mong yo a hlalošwago
ka go karolo yeo, yo a nago le maikarabelo a go latela ditlhalošo tšeo di
amegago tša Molao, o swanetše go dira kgopelo ya lengwalo la tumelelo
ya tswalelo go ya ka karolo ya.”. 40

Tsenyo ya Ntlha ya 10A ka go Lenaneothopho II ya Molao wa Nomoro ya 28 wa 2002

87. Ntlha ya 10 ya Šetulo II ya Molao-mogolo e a fetolwa ka go tsenya Ntlha ya 10—

“**10A** Karolo ya 52 e diragatšwa go mong wa tokelo ya diteko ya molao wa kgale
goba tokelo ya go epa ya molao wa kgale”. 45

Phetolo ya karolo ya ntlha ya 12 ya Šetulo II ya Molao wa 28 wa 2002

88. Ntlha ya 12 ya Šetulo II ya Molao-mogolo e a fetolwa—

(a) ka go engwa legatong la ntlha ya ka tlase ya (4) ke ntlha ya ka tlase yeo e
latelago:

“(4) Kgopelo efe goba efe ya hlatswadiatla e swanetše go lebišwa go
Molao-di-pharephare, **[ka mokgwa wo o beilwego]** mme Tona a ka
bea— 50

(a) mokgwa wo ka wona kgopelo e ka dirwago ka gona;

- claimant has not appealed against such denial in terms of section 96;
or
- (b) where a claimant decides to appeal the denial of the Director-General in terms of section 96, when the claimant has been informed in writing by the Minister of the confirmation of the said denial; or
- (c) 180 days after the claimant has been informed in writing that the Director-General has refused a determination and payment of compensation.
- (6) On the occurrence of any of the event described in subitems (5)(a) to (c)—
- (a) to the extent that they may be applicable, the provisions of sections 10(4), (5), (7) and (8), 14, 15, 19, 21 of the Expropriation Act, 1975 (Act No. 63 of 1975), apply with necessary changes to a claim made in terms of subitem (1); and
- (b) the claimant may issue proceedings in a court of law for the determination and payment of compensation, but not before.
- (7) The provisions of this item do not apply to expropriation of property in terms of section 55 of the Act.”.

Amendment of Table 2 of Act 28 of 2002

89. Table 2 of Schedule II to the principal Act is hereby amended—

- (a) by the substitution for Category 3 of the following:
- “A right to dig or to mine or [a] claim licence, a tributing agreement or a mynpachten referred to in section 47 of the Minerals Act and the common law mineral right attached thereto, together with a mining authorisation obtained in connection therewith under section 47(1)(e) in terms of section 9(1) of the Minerals Act.”; and
- (b) by the substitution for Category 4 of the following:
- “A right to dig or to mine referred to in section 47(5) of the Minerals Act or any right to dig or mine acquired under a tributing agreement as defined in section 1 of the Mining Titles Registration Act, 1967 (Act No. 16 of 1967), or any sub-grant acquired by virtue of the first mentioned right and the common law mineral right attached thereto, together with a mining authorisation obtained in connection therewith in terms of section 9(1) of the Minerals Act.”.

Amendment of Table 3 of Schedule II to Act 28 of 2002

93. Table 3 of Schedule II to the principal Act is hereby amended by the substitution for Category 10 of the following:

- “A right to dig or to mine referred to in section 47(5) of the Minerals Act or any right to dig or mine acquired under a tributing agreement as defined in section 1 of the Mining Titles Registration Act, 1967 (Act No. 16 of 1967), or any sub-grant acquired by virtue of the first mentioned right and the common law mineral right attached thereto, together with a mining authorisation obtained in connection therewith in terms of section 9(1) of the Minerals Act.”.

Short title and commencement

94. (1) This Act is called the Mineral and Petroleum Resources Development Amendment Act, 2008, and shall come into operation on the date fixed by the President by proclamation in the *Gazette*.

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- (b) tsela yeo e swanetšego go latelwa ke mokgopedi le Molaodi-pharephare mabapi le kgopelo yeo; le
- (c) nako yeo ka yona go ka tsenywago tshepetšo ya semolao mabapi le go bea goba tefelo ya hlatswadiatla bjalo ka ge go hlalošwa ka go ntsha ya ka tlase ya (1)."; 5
- (b) ka go tsenya ntsha ya ka tlase yeo e latelago:
- “(5) Go sa kgathatšege ditlhalošo tša Molao wa Taelo, 1969 (Molao wa Nomoro ya 68 wa 1969), taelo mabapi le kgopelo ya hlatswadiatla e tla thoma go šoma—
- (a) ge mokgopedi a tsebišitšwe ka go ngwala ke Molaodi-pharepharegore o ganne kgopelo ya gagwe mme mokgopedi a se a kgopela go ipelaetša kgahlanong le kganetšo yeo go ya ka karolo ya 96; goba 10
- (b) mo mokgopedi a tšeago sephetho sa go kgopela go ipelaetša kganetšo ya Molaodi-pharephare go ya ka karolo ya 96, ge mokgopedi a tsebišitšwe ka go ngwala ke Tona ka ga netefatšo ya kganetšo yeo; goba 15
- (c) matšatši a 180 morago ga ge mokgopedi a tsebišitšwe ka go ngwala gore Molaodi-pharephare o ganne tuišetšo le ditfefelo tša tlhatswadiatla. 20
- “(6) Ge go direga ditiragalo dife goba dife tšeo di hlalošwago ka go ntsha ya ka tlase ya (5)(a) go fihla go (c)—
- (a) go fihla mo di ka diragalago, ditlhalošo tša dikarolo tša 10(4), (5), (7) le (8), 14, 15, 19 le 21 tša Molao wa Pušetšo-morago ya Dithoto, 1975 (Molao wa Nomoro ya 63 wa 1975), o diragatšwa ka diphetogo tšeo di swanetšego go kgopelo yeo e dirilwego go ya ka ntsha ya ka tlase ya (1); le 25
- (b) mokgopedi a ka tšea magato ka go kgorotsheko go hwetša le go lefelwa hlatswadiatla yeo, fela e sego pele ga seo.”; le
- “(7) Ditlhalošo tša ntsha ye ga di angwe ka go Pušetšo-morago ya thoto go ya ka karolo ya 55 ya Molao. 30

Phetolo ya karolo ya Lenaneotlhopho la 2 la Molao wa 28 wa 2002**89. Lenaneotlhopho la 2 la Molao-mogolo le a fetolwa—**

- (a) ka go engwa legatong la Legoro la (3) ka seo se latelago:
- “Tokelo ya go epa goba lengwalo la tumelelo ya go dikgopelo yeo e hweditšwego ka tlase ga kwano ya lekgotla goba tokelo ya kgale ya go epa (mynpachten) yeo e hlalošwago ka go karolo ya 47 ya Molao wa Diminerale le tokelo ya molao wa tlwaelo wa diminerale wo o kgomareditšwego, gammogo le bolaodi bja go epa bjo bo hweditšwego mabapi le seo ka tlase ga karolo ya 47(1)(e) go ya ka karolo ya 9(1) ya Molao wa Diminerale.”; le 35
- (b) ka go engwa legatong la Legoro la 4 ke seo se latelago:
- “Tokelo ya go epa yeo e hlalošwago ka go karolo ya 47(5) ya Molao wa Diminerale goba tokelo efe goba efe ya go epa yeo e hweditšwego ka tlase ga kwano ya lekgotla bjalo ka ge go hlalošwa ka go karolo ya 1 ya Molao wa Ngwadišo ya Dithaetlele tša go Epa, 1967 (Molao wa Nomoro ya 16 wa 1967), goba tumelelo ya ka tlase yeo e hweditšwego ka go tokelo yeo e boletšwego pele le tokelo ya minerale ya molao wa tlwaelo yeo e kgomareditšwego, gammogo le bolaodi bja go epa bjo bo hweditšwego mabapi le seo ka tlase ga karolo ya 9(1) ya Molao wa Diminerale.”. 45 50

Phetolo ya Lenaneotlhopho la 3 ya Šetulo ya Molao wa 28 wa 2002**93. Lenaneotlhopho la 3 la Molao-mogolo le a fetolwa ka go engwa legatong la Legoro la (10) ka seo se latelago:**

- “Tokelo ya go epa yeo e hlalošwago ka go karolo ya 47(5) ya Molao wa Diminerale goba tokelo efe goba efe ya go epa yeo e hweditšwego ka tlase ga kwano ya lekgotla bjalo ka ge go hlalošwa ka go karolo ya 1 ya Molao wa Ngwadišo ya Dithaetlele tša go Epa, 1967 (Molao wa Nomoro ya 16 wa 1967), goba tumelelo ya ka tlase yeo e hweditšwego ka tokelo yeo e boletšwego pele le 55

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(2) Notwithstanding subsection 1, the following sections of the principal Act as amended by this Act come into operation on the date contemplated in section 14(2) of the National Environmental Management Amendment Act, 2008:

Sections 5A(a), 16(1), 16(4)(a), 16(4)(b), 17(1)(c), 18(2)(c), 18(3)(c), 19(2)(e),
22(1)(a), 22(4)(a), 22(4)(b), 22(5), 23(1)(d), 24(2)(b), 24(3)(c), 25(2)(e), 27(2), 5
27(5)(b), 27(6)(b), 32(3), 35(2)(a), 38A, 43(4), 43(6), 45(1), 47(1)(c), 74(4),
75(1)(c), 79(4), 81(2)(c), 81(3)(c), 83(4), 86(2)(d), 93(1)(b) and 106(1).

(3) Any provision of the principal Act as amended by this Act relating to prospecting, mining, exploration and production and related activities that is in conflict with any provision relating to prospecting, mining, exploration, production and related activities 10 contemplated in section 14(2) of the National Environmental Management Amendment Act, 2008, on the date that it comes into operation in terms of that section, shall lapse with effect from that date.

(4) Despite subsection (1), Schedule II is deemed to have come into operation on 15 May 2004.

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tokelo ya minerale ya molao wa tlwaelo yeo e kgomareditšwego, gammogo le bolaodi bja go epa bjo bo hweditšwego mabapi le seo [ka karolo ya 47(1)(e) ya Molao wa Diminerale] go ya ka karolo ya 9(1) ya Molao wa Diminerale.”.

Thaetlele ye kopana le go tsenya tirišong

94. (1) Molao wo o bitšwa Molaophetošo wa Tšweletšo ya Methopo ya Diminerale le Petroleamo wa 2008, gomme o tla thoma go šoma ka letšatši leo le beilwego ke Presitente ka go *Kuranta ya Mmušo*. 5

(2) Go sa tlogelwe karolwana 1, dikarolo tše di latelago tša Molaomogolo ka ge di fetotšwe ke Molao wo di tla thoma go šoma ka letšatši leo go dumelelwanego ka lona go ya ka karolo 14(2) ya, Molaophetošwa wa Taolo ya tša Tikologo wa Bosetšhaba, 2008: 10

Dikarolo 5A(a), 16(1), 16(4)(a), 16(4)(b), 17(1)(c), 18(2)(c), 18(3)(c), 19(2)(e), 22(1)(a), 22(4)(a), 22(4)(b), 22(5), 23(1)(d), 24(2)(b), 24(3)(c), 25(2)(e), 27(2), 27(5)(b), 27(6)(b), 32(3), 35(2)(a), 38A, 43(4), 43(6), 45(1), 47(1)(c), 74(4), 75(1)(c), 79(4), 81(2)(c), 81(3)(c), 83(4), 86(2)(d), 93(1)(b) le 106(1).

(3) Kabo efe goba efe ya Molaomogolo ka ge o fetotšwe ke Molao wo o amanago le tšwelopele, meepo, tlhotlhomišo le tšweletšo le ditiro tšeo di amanago fela di le kgahlanong le kgonagalo efe goba efe yeo e amanago le tšwelopele, meepo, tlhotlhomišo, tšweletšo le ditiro tšeo di amanago di tšweletšwago ka mo go. Karolo ya 14(2) ya, Molaophetošwa wa Taolo ya tša Tikologo wa 2008, ka letšatši leo o tla thomago go šoma go ya ka karolo yeo o tla phumulwa go tloga ka letšatši leo. 15 20

(4) Go sa šetšwe karolo ya (1), Šetulo II e akanyetšwa go tsenywa tirišong ka la 1 Mei 2004.