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PROCLAMATION

No. R. 118, 1998

TRUTH AND RECONCILIATION COMMISSION: COMMITTEE ON AMNESTY

**PROCLAMATION UNDER SECTION 20 OF THE PROMOTION OF NATIONAL UNITY
AND RECONCILIATION ACT, 1995
(ACT NO. 34 OF 1995)**

Notice is hereby given that amnesty in terms of Section 20(1) of the Promotion of National Unity and Reconciliation Act, 1995 (Act No. 34 of 1995), was granted-

(a) on 23 September 1998 to-

- (i) **PATRICK PETER MUCHINDU** (date of birth 24 April 1961); and
- (ii) **GODFREY MATHEBULA** (date of birth 16 April 1964),

in respect of the contravention of section 28(1), read with sections 1, 27(1)(c) and 28(2) of the Explosives Act No. 26 of 1956, to wit, the unlawful possession of or control over explosives, committed on or about 29 May 1993 at or near Yeoville, Gauteng;

(b) on 2 October 1998 to **BEN SEPATO LEHLOO** (date of birth 8 December 1970), in respect of public violence committed on or about 8 August 1993 at or near Phatisma in the district of Rustenburg;

(c) on 7 October 1998 to **STEVEN VUSUMZI DOLO** (date of birth 5 May 1966), in respect of-

(i) the attempted murder of the following persons-

ALBERTUS VELDSMAN;

JOHANNES MAARTENS;

RIETA MAARTENS;

MAGRIETA ROETS;

NICOLAAS ROETS; and

STEPHANUS ROETS,

(ii) the attempted robbery of an Isuzu bakkie, registration number LL 563 T;

(iii) the acts causing injuries to **NONCEBA MGOJO** and **NOMONDE MBHASAKHANA;**

(iv) the robbery of a Mazda B2200 motorvehicle, registration number XB 10444;

and

(v) the illegal possession and use of a R5 assault rifle and ammunition,

committed on or about 3 January 1992 at or near Lady Grey;

(d) on 19 October 1998 to **SAINT MKHULULI MANYAMALALA** (identity number 6806015814084), in respect of-

(i) the murder of **WILLEM STEPHANUS FRONEMAN;**

(ii) the attempted murder of **RUTH JENNIFER BARKER;**

(iii) robbery with aggravating circumstances, of a vehicle, firearm and handbag;

(iv) the unlawful possession of two firearms namely, a .38 revolver and a 9mm pistol;

and

(v) the unlawful possession of .38 ammunition,

committed on or about 3 February 1993 at or near Gosforth Street, Germiston, Gauteng;

(e) on 20 October 1998 to-

(i) **ALPHEUS JACKSON M. JEKE** (identity number 6412246316088);

(ii) **BHEKI ALPHEUS NZAMA** (date of birth 17 December 1966); and

(iii) **ANDRIES ZIBOKWAKHE SITHOLE** (date of birth 15 October 1957),

in respect of the murders of-

- (i) XOLANI NQUBO;
- (ii) CHARLES MTHOKOZIZI MTHALANE; and
- (iii) MHLABUNZIMA MBHELE,

committed on or about 26 December 1993 at or near Road 1104 Shacks in the district of Chatsworth (Bottlebrush Squatter Camp);

(f) on 21 October 1998 to **MLUNGISI JUSTICE MAJOZI** (identity number 7006035851088);
in respect of -

- (i) the attempted murder of SGT S. GROENEWALD and five other policemen; and
- (ii) the illegal possession of a 9mm Stechkin pistol, 3 handgrenades, 537 rounds of 7,65mm AK47 machine rifle ammunition and 466 rounds of 9mm ammunition, in contravention of the Arms and Ammunition Act No. 75 of 1969,

committed on or about 1 July 1991 in the vicinity of Hibberdene and Port Shepstone;

(g) on 21 October 1998 to **MUNTUKAYISE BHEKUYISE NTULI** (identity number 5712245326082),
in respect of-

- (i) the attempted murder of four persons including-

LUCKY MBUYAZI;

BEN MLAMBO; and

NTSAKANIPHO MATHENJWA, and

- (ii) the illegal possession of a handgrenade,

committed on or about 26 August 1992 at or near Esikhawini, KwaZulu Natal;

(h) on 23 October 1998 to-

- (i) **JOSEPH KOETLE** (identity number 521015672084);

- (ii) **SOLLY ZAKARIA SHOKE**; and

- (iii) **WILLIAM MABELE** (identity number 6805225462080),

in respect of all the acts and offences committed and associated with the bomb explosions and the casualties and damage caused thereby on or about 20 May 1987 in the vicinity of the Johannesburg Magistrates' Court;

(i) on 22 October 1998 to **DUMISANI THOKOZANI SIBISI** (date of birth 2 November 1969),
in respect of-

- (i) the murders of **DODA JOSEPH MADIBA** and **KHAYA JOHN MTHEMBU**; and
- (ii) the attempted murders of **RALPH DUBE**, **MMANGALEUNA KHOMO**, **AARON MBILI**
and **THOKISANE MBILI**,

committed on or about 30 April 1991 at or near the Saiccor Bridge, Umkomaas;

(j) on 22 October 1998 to **DUMISANI MTHEMBU** (date of birth 10 October 1963), in respect of-

- (i) the attempted murder of Inspector **ANDRE POTGIETER** and Inspector **WILLEM JOHANNES VAN SCHALKWYK**;
- (ii) the illegal possession of a Stechkin machine pistol in contravention of the Arms and Ammunition Act No. 75 of 1969; and
- (iii) the illegal possession of 19 rounds of ammunition for this pistol in
contravention of the Arms and Ammunition Act No. 75 of 1969;

committed on or about 2 September 1992 outside or near House no. 1658 Sundumbil, in KwaZulu Natal;

(k) on 23 October 1998 to-

- (i) **XOLANI CUBA** (identity number 7101060010703);
- (ii) **MFUNDO PETER SEYISI** (identity number 7210235383088); and
- (iii) **NDODA MGENGU** (identity number 6610155958085),

in respect of an offence in terms of section 32(5)(a), read with sections 32(1)(c) and 39 of the Arms and Ammunition Act No. 75 of 1969, in that they are alleged to have had knowledge of a MPM limpet mine in the possession of one Vuyani Namba and failed to report or cause it to be reported to a policeman and any delicts which may flow therefrom, committed on or about 30 November 1993 at or near Durban;

(l) on 23 October 1998 to **SOLOMON GEZANI CHAUKE** (identity number 6702115450087),
in respect of two acts of intimidation committed on or about 6 February 1991 at or near Nancefield;

(m) on 27 October 1998 to **SHADRACK THEMBA NDABA** (identity number 4803315590086),
in respect of the infiltration of arms into or near Soweto, Pretoria and Natal committed during the period 1981 to 1983);

(n) on 27 October 1998 to-

- (i) **ROELOF JOHANNES FOUCHE** (identity number 7401195046084);
- (ii) **GUILLAUME CORNELIUS LOOTS** (identity number 5306295076000);
- (iii) **PETRUS JOHANNES PELSER** (identity number 7203225063083);
- (iv) **ROELOF JOHANNES JORDAAN** (identity number 6207075003009);
- (v) **CORNELIUS JOHANNES STRYDOM** (identity number 5610285058005); and
- (vi) **COENRAAD JOSEPH PELSER** (identity number 7008235249089),

in respect of breaking into the Group 34 Commando Base and the theft of weapons and equipment therefrom, committed on or about 2 or 3 January 1993 at or near Welkom;

(o) on 27 October 1998 to **COLIN JAMES BALDERSON** (identity number 4907275006007), in respect of his attending an unlawful gathering which constituted a demonstration in contravention of a municipal by-law and for which he paid an admission of guilt fine in the amount of R30.00, committed during 1972 at or near Grahamstown;

(p) on 27 October 1998 to **THIVHULAWI NORMAN MAKUMBANE** (identity number 6012285942081), in respect of the harbouring of two Umkhonto We Sizwe cadres at his place of residence, committed on or about June 1987;

(q) on 27 October 1998 to **GERRIT HERMANUS BENJAMIN BRUWER** (identity number 4904265043082), in respect of all offences associated with a political objective as defined in Act No. 34 of 1995, and which falls within ambit of the Act and which is associated with and is emanating from the damage, as a result of arson, to an erstwhile church building which, at the time of the damaging thereof, was used as offices, committed during 1987 at Vryburg,;

(r) on 27 October 1998 to **PETER RICHARD HATHORN** (identity number 6007245048003), in respect of the crime of refusing to undergo military training in contravention of Article 126A(1)(b) of the Defence Act No. 26 of 1957, committed by him on or about January 1983 as a member of the End Conscription Campaign and on its behalf;

(s) on 2 November 1998 to **ZANDILE PATRICK KONDILE** (identity number 61022455646086), in respect of-

- (i) the murder of **BUSANGANI SHANDU** on 12 June 1992;
- (ii) the attempted murder of **SOLOMON NGCOBO** on 12 June 1992;
- (iii) the murder of **ALFRED MANTYI** during September 1991;
- (iv) the attempted murder of **ROBERT MABASO** during September 1991;

(v) the unlawful possession of an AK47 rifle during the period August 1991 to June 1992 and

(vi) the unlawful possession of a 9mm pistol during the period 1991 to June 1992, committed at or near Boksburg and/or Daveyton;

(t) on 2 November 1998 to **JERRY CHIMANYANA MOTAUNG** (date of birth 15 November 1974), in respect of-

(i) the assault, with intent to do grievous bodily harm, of **PATRICIA MOTSHWENE**;

(ii) the murder of **PATRICA MOTSHWENE**;

(iii) the assault, with intent to do grievous bodily harm, of **GLADNESS MVELASE**;

(iv) the attempted murder of **GLADNESS MVELASE**; and

(v) the unlawful possession of ammunition,

committed on or 16 April 1994 at or near Vosloorus;

(u) on 2 November 1998 to **FRANS JOHANNES STRYDOM VAN DER WALT** (identity number 5708105079084), in respect of -

(i) contravention of section 27(1), read with sections 1, 27(1)(c) and 29 of the Explosives Act No. 26 of 1956, in causing an explosion and thereby endangering property;

(ii) contravention of section 1(A)(i), read with section 1A(iii) of Act No. 72 of 1982 in respect of intimidation;

(iii) contravention of section 7(4), read with section 10 of the Explosives Act No. 26 of 1956, in respect of obtaining explosives without a permit;

(iv) the theft of a motor vehicle for the purpose of using it in carrying out political offences,

committed on or 3 January 1993 at or near the shop of a certain Hepburn, known as Kwati Store near Patensie, in the district of Port Elizabeth;

(v) on 2 November 1998 to-

(i) **GERT LOUIS STEPHANUS VAN HUÿSTEEN** (identity number 5709225130005); and

(ii) **MAGEZI SAMSON NDABA** (identity number 5210095683082),

in respect of -

- (i) conspiring to prevent the film "Cry Freedom" to be shown to the public;
- (ii) malicious damage to property in respect of damage caused by explosives used; and
- (iii) the following offences in so far as they relate and are connected with the explosion at the King's Bioscope-

- (a) defeating the ends of Justice;
- (b) contravening sections 2, 28, 29, 32, 36 and 39 of the Arms and Ammunition Act No. 75 of 1969;
- (c) contravening section 2 of the Dangerous Weapons Act No. 71 of 1968;
- (d) contravening sections 3, 4, 5, 6, 9 and 27 of the Explosives Act No. 26 of 1956,

committed on or July 1988 at or near King's Bioscope in the district of Alexandra.

(w) on 2 November 1998 to **LEFA AZAEL KELE** (date of birth 12 June 1972), in respect of -

- (i) contravention of section 32(1)(a) of the Arms and Ammunition Act No. 75 of 1969, being in possession of illegal weapons; and
- (ii) contravention of section 32(1)(a) of the Arms and Ammunition Act No. 75 of 1969, being in possession of illegal ammunition;

(x) on 2 November 1998 to **CARL MATHINUS KRIEL** (identity number 4005195073080), in respect of -

- (i) conspiring to cause an explosion;
- (ii) contravention of sections 2, 28, 29, 32, 36 and 39 of the Arms and Ammunition Act No. 75 of 1969;
- (iii) contravention of sections 3, 4, 5, 9 and 27 of the Explosives Act No. 26 of 1956;
- (iv) malicious damage of property,

committed on or about 14 June 1991 at or near the Hill View in the district of Pretoria;

(y) on 2 November 1998 to **ABRAHAM YOUNG** (identity number 6503215117083), in respect of-

- (i) contravention of section 27(1), read with sections 1 and 29 of the Explosives Act No. 26 of 1956, in causing an explosion and thereby endangering property;
- (ii) contravention of section (1)A(i), read with Section (1)A(iii) of Act No. 72 of 1982 in respect of intimidation;

(iii) contravention of section 7(5), read with section 10 of the Explosives Act No. 26 of 1956, being in illegal possession of explosives; and

(iv) the stealing of a motor vehicle,

committed on or about 3 January 1993 at or near the shop of a certain Hepburn, known as Kwati Store near Patensie, in the district of Port Elizabeth.

(z) on 2 November 1998 to **ANDRE VORSTER** (identity number 6409105053008), in respect of -

(i) contravention of section 27(i), read with sections 27(i)(c), 1 and 29 of the Explosives Act No. 26 of 1956 in causing an explosion and endangering property;

(ii) the theft of a motor car; and

(iii) malicious damage to property,

committed on or about 3 January 1993 at or near the shop of a certain Hepburn, known as Kwati Store, near Patensie in the district of Port Elizabeth; and

(aa) on 2 November 1998 to **THEMBILE ZILIBELE** (identity number 7410175390086), in respect of all acts performed by himself at the incident which resulted in two trucks being burnt, occurred on or 2 June 1993 at or near Needs Camp, in the district of East London.

PROKLAMASIE

No. R. 118, 1998

KOMMISSIE VIR WAARHEID EN VERSOENING: KOMITEE OOR AMNESTIE PROKLAMASIE KRAGTENS ARTIKEL 20 VAN DIE WET OP DIE BEVORDERING VAN NASIONALE EENHEID EN VERSOENING, 1995 (WET NO. 34 VAN 1995)

Kennis word hiermee gegee dat amnestie kragtens artikel 20(1) van die Wet op die Bevordering van Nasionale Eenheid en Versoening, 1995 (Wet No. 34 van 1995), verleen is-

(a) op 23 September 1998 aan-

i) **PATRICK PETER MUCHINDU** (geboortedatum 24 April 1961); en

ii) **GODFREY MATHEBULA** (geboortedatum 16 April 1964),

ten opsigte 'n oortreding van artikel 28(1), gelees met artikels 1, 27(1)(c) en 28(2) van die Wet op Plofstowwe, Wet No. 26 van 1956, naamlik, die onwettige besit van of beheer oor plofstowwe, gepleeg op of omtrent 29 Mei 1993 te of naby Yeoville, Gauteng;

(b) op 2 Oktober 1998 aan **BEN SEPATO LEHLOO** (geboortedatum 8 Desember 1970), ten opsigte van openbare geweld gepleeg op of omtrent 8 Augustus 1993 te of naby Phatisma in die distrik van Rustenburg;

(c) op 7 Oktober 1998 aan **STEVEN VUSUMZI DOLO** (geboortedatum 5 Mei 1966), ten opsigte van-

(i) poging tot moord op die volgende persone-

ALBERTUS VELDSMAN;

JOHANNES MAARTENS;

RIETA MAARTENS;

MAGRIETA ROETS;

NICOLAAS ROETS; en

STEPHANUS ROETS,

(ii) die poging tot roof van 'n Isuzu bakkie, registrasienommer LL 563 T;

(iii) daardie handeling wat beserings veroorsaak het aan **NONCEBA MGOJO** en **NOMONDE MBHASAKHANA;**

(iv) die roof van 'n Mazda B2200 motorvoertuig, registrasienommer XB 10444; en

(v) die onwettige besit en gebruik van 'n R5 aanvalsgeweer en ammunisie,

gepleeg op of omtrent 3 Januarie 1992 te of naby Lady Grey;

(d) op 19 Oktober 1998 aan SAINT MKHULULI MANYAMALALA (identiteitsnommer 6806015814084), ten opsigte van-

- (i) die moord op WILLEM STEPHANUS FRONEMAN;
- (ii) die poging tot moord op RUTH JENNIFER BARKER;
- (iii) roof, met verswarende omstandighede, van 'n voertuig, 'n vuurwapen en 'n handsak;
- (iv) die onwettige besit van twee vuurwapens naamlik, 'n .38 rewolwer en 'n 9mm pistool; en
- (v) die onwettige besit van .38 ammunisie,

gepleeg op of omtrent 3 Februarie 1993 te of naby Gosforthstraat, Germiston, Gauteng;

(e) op 20 Oktober 1998 aan--

- (i) ALPHEUS JACKSON M. JEKE (identiteitsnommer 6412246316088);
- (ii) BHEKI ALPHEUS NZAMA (geboortedatum 17 Desember 1966); en
- (iii) ANDRIES ZIBOKWAKHE SITHOLE (geboortedatum 15 Oktober 1957),

ten opsigte van die moorde op-

- (i) XOLANI NQUBO;
- (ii) CHARLES MTHOKOZIZI MTHALANE; en
- (iii) MHLABUNZIMA MBHELE,

gepleeg op of omtrent 26 Desember 1993 te of naby Road 1104 Shacks in die distrik van Chatsworth (Bottlebrush Plakkerskamp);

(f) op 21 Oktober 1998 aan MLUNGISI JUSTICE MAJOZI (identiteitsnommer 7006035851088), ten opsigte van -

- (i) die poging tot moord op SERS. GROENEWALD en vyf ander polisiebeamptes; en
- (ii) die onwettige besit van 'n 9mm Stechkin pistool, 3 handgrenate, 537 rondtes 7,65mm, AK47 masjiengeweer ammunisie en 466 rondtes 9mm ammunisie, strydig met die bepalinge van die Wet op Wapens en Ammunisie, Wet No. 75 van 1969,

gepleeg op of omtrent 1 Julie 1991 in die omgewing van Hibberdene en Port Shepstone;

(g) op 21 Oktober 1998 aan **MUNTUKAYISE BHEKUYISE NTULI** (identiteitsnommer 5712245326082), ten opsigte van-

(i) poging tot moord op vier persone waaronder-

LUCKY MBUYAZI;

BEN MLAMBO; en

NTSAKANIPHO MATHENJWA, en

(ii) die onwettige besit van 'n handgrenaat,

gepleeg op of omtrent 26 Augustus 1992 te of naby Esikhawini, KwaZulu Natal;

(h) op 23 Oktober 1998 aan-

(i) **JOSEPH KOETLE** (identiteitsnommer 521015672084);

(ii) **SOLLY ZAKARIA SHOKE; en**

(iii) **WILLIAM MABELE** (identiteitsnommer 6805225462080),

ten opsigte van alle handeling en misdrywe gepleeg en wat in verband staan met die bomontploffings en die ongevallen en skade daardeur veroorsaak op of omtrent 20 Mei 1987 in die omgewing van die Johannesburg Landdroshof;

(i) op 22 Oktober 1998 aan **DUMISANI THOKOZANI SIBISI** (geboortedatum 2 November 1969), ten opsigte van-

(i) die moorde op **DODA JOSEPH MADIBA** en **KHAYA JOHN MTHEMBU; en**

(ii) die pogings tot moord op **RALPH DUBE, MMANGALEUNA KHOMO, AARON MBILI** en **THOKISANE MBILI,**

gepleeg op of omtrent 30 April 1991 te of naby Saiccor Brug, Umkomaas;

(j) op 22 Oktober 1998 aan **DUMISANI MTHEMBU** (geboortedatum 10 Oktober 1963), ten opsigte van-

(i) poging tot moord op Inspekteur **ANDRE POTGIETER** en Inspekteur **WILLEM JOHANNES VAN SCHALKWYK;**

(ii) die onwettige besit van 'n Stechkin pistool strydig met die bepalings van die Wet op Wapens en Ammunisie, Wet No.75 van 1969; en

(iii) die onwettige besit van 19 rondtes ammunisie vir hierdie wapen, strydig met die bepalings van die Wet op Wapens en Ammunisie, Wet No.75 van 1969;

gepleeg op of omtrent 2 September 1992 te of naby Huis no. 1658 Sundumbil, in KwaZulu Natal;

(k) op 23 Oktober 1998 aan-

- (i) **XOLANI CUBA** (identiteitsnommer 7101060010703);
- (ii) **MFUNDO PETER SEYISI** (identiteitsnommer 7210235383088); en
- (iii) **NDODA MGENGO** (identiteitsnommer 6610155958085),

ten opsigte van 'n misdryf ingevolge artikel 32(5)(a), gelees met artikels 32(1)(c) en 39 van die Wet op Wapens en Ammunisie, Wet No.75 van 1969, deurdat hulle na bewering kennis gedra het van 'n MPM kleefmyn in die besit van ene Vuyani Namba en versuim het om dit aan 'n polisiebeampte te rapporteer of 'n poging aangewend het om dit aldus te rapporteer en ten opsigte van enige aksies wat hieruit kan voortvloei, gepleeg op of omtrent 30 November 1993 te of naby Durban;

(l) op 23 Oktober 1998 aan **SOLOMON GEZANI CHAUKE** (identiteitsnommer 6702115450087),

ten opsigte van twee handelinge van intimidasie gepleeg op of omtrent 6 Februarie 1991 te of naby Nancefield;

(m) op 27 Oktober 1998 aan **SHADRACK THEMBA NDABA** (identiteitsnommer 4803315590086), ten opsigte van die infiltrasie van wapens in Soweto, Pretoria en Natal gepleeg gedurende die tydperk 1981 tot 1983;

(n) op 27 Oktober 1998 aan-

- (i) **ROELOF JOHANNES FOUCHE** (identiteitsnommer 7401195046084);
- (ii) **GUILLAUME CORNELIUS LOOTS** (identiteitsnommer 5306295076000);
- (iii) **PETRUS JOHANNES PELSER** (identiteitsnommer 7203225063083);
- (iv) **ROELOF JOHANNES JORDAAN** (identiteitsnommer 6207075003009);
- (v) **CORNELIUS JOHANNES STRYDOM** (identiteitsnommer 5610285058005);

en

- (vi) **COENRAAD JOSEPH PELSER** (identiteitsnommer 7008235249089),

ten opsigte van die inbraak by Groep 34 Kommando Basis en die diefstal van wapens en toerusting daarvan, gepleeg op of omtrent 2 of 3 Januarie 1993 te of naby Welkom;

(o) op 27 Oktober 1998 aan **COLIN JAMES BALDERSON** (identiteitsnommer 4907275006007),

ten opsigte van die bywoning van 'n onwettige vergadering wat 'n betoging strydig met die bepaling van 'n munisipale bywet was en ten opsigte waarvan hy 'n skulderkenningsboete van R30,00 betaal het, gepleeg 1972 te of naby Grahamstad;

- (p) op 27 Oktober 1998 aan **THIVHULAWI NORMAN MAKUMBANE** (identiteitsnommer 6012285942081), ten opsigte van die verlening van huisvesting aan twee Umkhonto We Sizwe kaders by sy woning, gepleeg gedurende of omtrent Junie 1987;
- (q) op 27 Oktober 1998 aan **GERRIT HERMANUS BENJAMIN BRUWER** (identiteitsnommer 4904265043082), ten opsigte van alle misdrywe geassosieer met 'n politieke motief soos omskryf in Wet No. 34 van 1995 en wat binne die omvang van die Wet val en wat geassosieer word met en wat voortspruit uit die skade veroorsaak aan 'n voormalige kerkgebou wat, ten tye van die beskadiging daarvan, as kantore gebruik is, as gevolg van brandstigting gepleeg gedurende 1987 te of naby Vryburg;
- (r) op 27 Oktober 1998 aan **PETER RICHARD HATHORN** (identiteitsnommer 6007245048003), ten opsigte van 'n misdryf ingevolge die bepalings van Artikel 126A(1) van die Verdedigingswet, Wet No. 26 van 1957, deur te weier om militêre diensplig te ondergaan, gepleeg op of omtrent Januarie 1983 as lid en ten behoeve van die "End Conscription Campaign";
- (s) op 2 November 1998 aan **ZANDILE PATRICK KONDILE** (identiteitsnommer 61022455646086), ten opsigte van-
- (i) die moord op BUSANGANI SHANDU op 12 Junie 1992;
 - (ii) die poging tot moord op SOLOMON NGCOBO op 12 Junie 1992;
 - (iii) die moord op ALFRED MANTYI gedurende September 1991;
 - (iv) die poging tot moord op ROBERT MABASO gedurende September 1991;
 - (v) die onwettige besit van 'n AK47 geweer gedurende die tydperk Augustus 1991 tot Junie 1992; en
 - (vi) die onwettige besit van 'n 9mm pistool gedurende die tydperk 1991 tot Junie 1992,
- gepleeg te of naby Boksburg en/of Daveyton,
- (t) op 2 November 1998 aan **JERRY CHIMANYANA MOTAUNG** (geboortedatum 15 November 1974), ten opsigte van-
- (i) aanranding met die opset om ernstig te beseer op PATRICIA MOTSHWENE;
 - (ii) moord op PATRICA MOTSHWENE;
 - (iii) aanranding met die opset om ernstig te beseer op GLADNESS MVELASE;
 - (iv) die poging tot moord op GLADNESS MVELASE; en
 - (v) die onwettige besit van ammunisie,

gepleeg op of omtrent 16 April 1994 te of naby Vosloorus;

(u) op 2 November 1998 aan **FRANS JOHANNES STRYDOM VAN DER WALT**

(identiteitsnommer 5708105079084), ten opsigte van-

- (i) oortreding van artikel 27(1), gelees met artikels 1, 27(1)(c) en 29 van die Wet op Plofstowwe, Wet No. 26 van 1956, te wete, die veroorsaking van 'n ontploffing en die blootstelling van eiendom aan gevaar;
- (ii) oortreding van artikel 1(A)(i), gelees met artikel 1A(iii) van Wet 72 of 1982, te wete, intimidasie;
- (iii) oortreding van artikel 7(4), gelees met artikel 10 van die Wet op Plofstowwe, Wet No. 26 van 1956, te wete, die verkryging van plofstowwe sonder 'n permit;
- (iv) die diefstal van 'n motorvoertuig,

gepleeg op of omtrent 3 Januarie 1993 te of naby die winkel van ene Hepburn, naamlik Kwati Winkel naby Patensie, in die distrik van Port Elizabeth;

(v) op 2 November 1998 aan-

- (i) **GERT LOUIS STEPHANUS VAN HUÿSTEEN** (identiteitsnommer 5709225130005); en
- (ii) **MAGEZI SAMSON NDABA** (identiteitsnommer 5210095683082),

ten opsigte van-

- (i) sameswering om te verhoed dat die film "Cry Freedom" aan die publiek vertoon word;
- (ii) opsetlike saakbeskadigingveroorsoak deur die gebruik van plofstowwe; en
- (iii) die volgende misdrywe insoverre hul in verband staan met die ontploffing by "King's Bioscope"-

- (a) regsverydeling;
- (b) oortreding van artikels 2, 28, 29, 32, 36 en 39 van die Wet op Wapens en Ammunisie, Wet No.75 van 1969;
- (c) oortreding van artikel 2 van die Wet op Gevaarlike Wapens, Wet No. 71 van 1968;
- (d) oortreding van artikels 3, 4, 5, 6, 9 en 27 van die Wet op Plofstowwe, No. 26 van 1956,

gepleeg op gedurende Julie 1988 te of naby "King's Bioscope" in distrik van Alexandra;

(w) op 2 November 1998 aan **LEFA AZAEL KELE** (geboortedatum 12 Junie 1972), ten opsigte van-

- (i) oortreding van artikel 32(1)(a) van die Wet op Wapens en Ammunisie, Wet No.75 van 1969, te wete, die besit van onwettige wapens; en
- (ii) oortreding van artikel 32(1)(a) van die Wet op Wapens en Ammunisie, Wet No.75 van 1969, te wete, die besit van onwettige ammunisie;

(x) op 2 November 1998 aan **CARL MATHINUS KRIEL** (identiteitsnommer 4005195073080), ten opsigte van-

- (i) sameswering om 'n ontploffing te veroorsaak;
- (ii) oortreding van artikels 2, 28, 29, 32, 36 en 39 van die Wet op Wapens en Ammunisie, Wet No. 75 van 1969;
- (iii) oortreding van artikels 3, 4, 5, 9 en 27 van die Wet op Plofstowwe, Wet No. 26 van 1956; en
- (iv) opsetlike saakbeskadiging,

gepleeg op of omtrent 14 Junie 1991 te of naby die Hill View Skool in die distrik van Pretoria;

(y) op 2 November 1998 aan **ABRAHAM YOUNG** (identiteitsnommer 6503215117083), ten opsigte van-

- (i) oortreding van artikel 27(1), gelees met artikels 1, 27(1) c) en 29 van die Wet op Plofstowwe, Wet No. 26 van 1956, te wete, die veroorsaking van 'n ontploffing en die blootstelling van eiendom aan gevaar;
- (ii) oortreding van artikel 1(A)(i) gelees met artikel 1A(iii) van Wet No. 72 van 1982, te wete, intimidasie;
- (iii) oortreding van artikel 7(4) gelees met artikel 10 van die Wet op Plofstowwe, Wet No. 26 van 1956, te wete, die verkryging van plofstowwe sonder 'n permit;
- (iv) die diefstal van 'n motorvoertuig,

gepleeg op of omtrent 3 Januarie 1993 te of naby Kwati Winkel, die eiendom van ene Hepburn, naby Patensie, in die distrik van Port Elizabeth;

(z) op 2 November 1998 aan **ANDRE VORSTER** (identiteitsnommer 6409105053008), ten opsigte van-

(i) oortreding van artikel 27(1), gelees met artikels 1, 27(1)(c) en 29 van die Wet op Plofstowwe, Wet No. 26 van 1956, te wete, die veroorsaking van 'n ontploffing en die blootstelling van eiendom aan gevaar; en

(ii) die diefstal van 'n motorvoertuig;

(iii) opsetlike saakbeskadiging,

gepleeg op of omtrent 3 Januarie 1993 te of naby Kwati Winkel, die eiendom van ene Hepburn, naby Patensie, in die distrik van Port Elizabeth; en

(aa) op 2 November 1998 aan **THEMBILE ZILIBELE** (identiteitsnommer 7410175390086), ten opsigte van alle dae deur hom gepleeg tydens die voorval waartydens twee trokke verbrand is, gepleeg op of 2 Junie 1993 te of naby Needs Kamp, in die distrik van Oos London.

GOVERNMENT NOTICES GOEWERMENSKENNISGEWINGS

DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

No. R. 1498

27 November 1998

UNEMPLOYMENT INSURANCE ACT, 1966

AMENDMENT OF REGULATIONS

The Minister of Labour has, under section 62 of the Unemployment Insurance Act, 1966 (Act No. 30 of 1966), made the regulations set out in the Schedule hereto.

SCHEDULE

Definition

1. In these regulations "the Regulations" means the regulations published under Government Notice No. R. 849 of 29 April 1983, as amended by Government Notices Nos. R. 1235 of 17 June 1983, R. 2613 of 2 December 1983, R. 2775 of 21 December 1984, R. 2487 of 8 November 1985, R. 901 of 16 May 1986, R. 1114 of 6 June 1986, R. 2427 of 21 November 1986, R. 2161 of 2 October 1987, R. 2412 of 30 October 1987, R. 2667 of 4 December 1987, R. 419 of 11 March 1988, R. 960 of 20 May 1988, R. 2115 of 21 October 1988, R. 272 of 24 February 1989, R. 1707 of 27 July 1990, R. 2962 of 21 December 1990, R. 1884 of 9 August 1991, R. 2585 of 11 September 1992, R. 2936 of 23 October 1992, R. 643 of 16 April 1993, R. 1447 of 13 August 1993, R. 1976 of 22 October 1993, R. 2054 of 29 October 1993, R. 1701 of 3 November 1995, R. 297 of 23 February 1996, R. 1068 of 28 June 1996 and R. 249 of 14 February 1997.

Amendment of regulation 4 of the Regulations

2. Regulation 4 of the Regulations is hereby amended—

by the substitution for subregulation (1) of the following subregulation:

"(1) A member of the board or of a committee, other than a member who is an officer, shall be paid a remuneration or allowance of, in the case of a board member, R60,00 per hour with a maximum of R477,00 per day and, in the case of a committee member, R50,00 per hour with a maximum of R398,00 per day, in respect of every hour during which such member attends or travels to or from a meeting of the board or of a committee, as the case may be."

Commencement

3. The amendment of regulation 4 (1) of the Regulations comes into operation on 1 July 1997.

No. R. 1498

27 November 1998

WERKLOOSHEIDSVERSKERINGSWET, 1966

WYSIGING VAN REGULASIES

Die Minister van Arbeid het kragtens artikel 62 van die Werkloosheidsversekeringswet, 1966 (Wet No. 30 van 1966), die regulasies in die Bylae hierby, uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie regulasies beteken "die Regulasies" die regulasies afgekondig by Goewermenskennisgewing No. R. 849 van 29 April 1983, soos gewysig deur Goewermenskennisgewings Nos. R. 1235 van 17 Junie 1983, R. 2613 van 2 Desember 1983, R. 2775 van 21 Desember 1984, R. 2487 van 8 November 1985, R. 901 van 16 Mei 1986, R. 1114 van 6 Junie 1986, R. 2427 van 21 November 1986, R. 2161 van 2 Oktober 1987, R. 2412 van 30 Oktober 1987, R. 2667 van 4 Desember 1987, R. 419 van 11 Maart 1988, R. 960 van 20 Mei 1988, R. 2115 van 21 Oktober 1988, R. 272 van 24 Februarie 1989, R. 1707 van 27 Julie 1990, R. 2962 van 21 Desember 1990, R. 1884 van 9 Augustus 1991, R. 2585 van 11 September 1992, R. 2936 van 23 Oktober 1992, R. 643 van 16 April 1993, R. 1447 van 13 Augustus 1993, R. 1976 van 22 Oktober 1993, R. 2054 van 29 Oktober 1993, R. 1701 van 3 November 1995, R. 297 van 23 Februarie 1996, R. 1068 van 28 Junie 1996 en R. 249 van 14 Februarie 1997.

Wysiging van regulasie 4 van die Regulasies

2. Regulasie 4 van die Regulasies word hierby gewysig—

deur subregulasie (1) deur die volgende subregulasie te vervang:

“(1) 'n Lid van die raad of van 'n komitee, uitgesonderd 'n lid wat 'n beampte is, word 'n toelae of besoldiging betaal van, in die geval van 'n raadslid, R60,00 per uur met 'n maksimum van R477,00 per dag en, in die geval van 'n komiteelid, R50,00 per uur met 'n maksimum van R398,00 per dag, ten opsigte van elke uur waartydens so 'n lid 'n vergadering van die raad of van 'n komitee, na gelang van die geval, bywoon of daarheen of daarvandaan reis.”.

Inwerkingtreding

3. Die wysiging van regulasie 4 (1) van die Regulasies tree op 1 Julie 1997 in werking.

SOUTH AFRICAN REVENUE SERVICE SUID-AFRIKAANSE INKOMSTEDIENS

No. R. 1494**27 November 1998**

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 3 (No. 3/408)

Under section 75 of the Customs and Excise Act, 1964, Schedule No. 3 to the said Act is hereby amended to the extent set out in the Schedule hereto.

G. MARCUS

Deputy Minister of Finance

SCHEDULE

I		II			III	
Rebate Item	Tariff Heading	Rebate Code	C. D.	Description	Extent of Rebate	Anno=tations
311.04				By the deletion of tariff heading No. 5205.21.		

No. R. 1494**27 November 1998**

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 3 (No. 3/408)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 3 by genoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.

G. MARCUS

Adjunkminister van Finansies

BYLAE

I		II			III	
Korting= item	Tarief= pos	Korting= kode	T. S.	Beskrywing	Mate van Korting	Anno=tasies
311.04				Deur tariefpos No. 5205.21 te skrap.		

No. R. 1495

27 November 1998

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 1 (No. 1/1/937)

Under section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 1 to the said Act is hereby amended to the extent set out in the Schedule hereto.

G. MARCUS

Deputy Minister of Finance

SCHEDULE

Head=ing	Subheading	C. D.	Article Description	Statistical Unit	Rate of Duty	Anno=tations
61.15			By the substitution for subheading No. 6115.11.20 of the following:			
	"25	9	Containing 10 per cent or more by mass of polyurethane elastomeric yarn, designed to give relief to persons suffering from blood circulatory problems	kg	free"	
			By the substitution for subheading No. 6115.12.20 of the following:			
	"25	5	Containing 10 per cent or more by mass of polyurethane elastomeric yarn, designed to give relief to persons suffering from blood circulatory problems	kg	free"	
			By the substitution for subheading No. 6115.20.30 of the following:			
	"35	4	Containing 10 per cent or more by mass of polyurethane elastomeric yarn, designed to give relief to persons suffering from blood circulatory problems	kg	free"	
			By the substitution for subheading No. 6115.93.15 of the following:			
	"20	0	Containing 10 per cent or more by mass of polyurethane elastomeric yarn, designed to give relief to persons suffering from blood circulatory problems	kg	free"	

No. R. 1495

27 November 1998

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 1 (No. 1/1/937)

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae No. 1 by genoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.

G. MARCUS

Adjunkminister van Finansies

BYLAE

Pos	Subpos	T. S.	Artikel Beskrywing	Statistiese Eenheid	Skaal van Reg	Anno- tasies
61.15			Deur subpos No. 6115.11.20 deur die volgende te vervang:			
	"25	9	Wat, volgens massa, minstens 10 persent poliuretaanelastomeergaring bevat, ontwerp om verligting te gee aan persone wat aan bloedsomloopprobleme ly	u	vry	
			Deur subpos No. 6115.12.20 deur die volgende te vervang:			
	"25	5	Wat, volgens massa, minstens 10 persent poliuretaanelastomeergaring bevat, ontwerp om verligting te gee aan persone wat aan bloedsomloopprobleme ly	u	vry	
			Deur subpos No. 6115.20.30 deur die volgende te vervang:			
	"35	4	Wat, volgens massa, minstens 10 persent poliuretaanelastomeergaring bevat, ontwerp om verligting te gee aan persone wat aan bloedsomloopprobleme ly	u	vry	
			Deur subpos No. 6115.93.15 deur die volgende te vervang:			
	"20	0	Wat, volgens massa, minstens 10 persent poliuretaanelastomeergaring bevat, ontwerp om verligting te gee aan persone wat aan bloedsomloopprobleme ly	u	vry	

No. R. 1496

27 November 1998

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 1 (No. 1/1/935)

Under section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 1 to the said Act is hereby amended to the extent set out in the Schedule hereto.

G. MARCUS

Deputy Minister of Finance

SCHEDULE

Head- ing	Subheading	C D	Article Description	Statistical Unit	Rate of Duty	Anno- tations
08.06			By the substitution for subheading No. 0806.20 of the following:			
	"0806.20	6	- Dried	kg	16%"	
08.13			By the substitution for heading No. 08.13 of the following:			
"08.13			Fruit, dried (excluding that of headings Nos. 08.01 to 08.06); mixtures of nuts or dried fruits of this Chapter:			
	0813.10	3	- Apricots	kg	40%	
	0813.20	8	- Prunes	kg	20%	
	0813.30	2	- Apples	kg	10%	
	0813.40	7	- Other fruit	kg	40%	
	0813.50	1	- Mixtures of nuts or dried fruits of this Chapter	kg	20%"	

No. R. 1496

27 November 1998

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 1 (No. 1/1/935)

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae No. 1 by genoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.

G. MARCUS

Adjunkminister van Finansies

BYLAE

Pos	Subpos	T S	Artikel Beskrywing	Statistiese Eenheid	Skaal van Reg	Anno= tasies
08.06			Deur subpos No. 0806.20 deur die volgende te vervang:			
	"0806.20	6	- Gedroog	kg	16%	
08.13			Deur pos No. 08.13 deur die volgende te vervang:			
"08.13			Vrugte, gedroog (uitgesonderd dié van poste Nos. 08.01 tot 08.06); mengsels van neute of gedroogde vrugte van hierdie Hoofstuk:			
	0813.10	3	- Appelkose	kg	40%	
	0813.20	8	- Pruimedante	kg	20%	
	0813.30	2	- Appels	kg	10%	
	0813.40	7	- Ander vrugte	kg	40%	
	0813.50	1	- Mengsels van neute of gedroogde vrugte van hierdie Hoofstuk	kg	20%"	

No. R. 1497

27 November 1998

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 1 (No. 1/1/936)

Under section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 1 to the said Act is hereby amended to the extent set out in the Schedule hereto.

G. MARCUS

Deputy Minister of Finance

SCHEDULE

Head= ing	Subheading	C D	Article Description	Statistical Unit	Rate of Duty	Anno= tations
29.33			By the deletion of subheading No. 2933.40.25.			

No. R. 1497

27 November 1998

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 1 (No. 1/1/936)

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae No. 1 by genoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.

G. MARCUS

Adjunkminister van Finansies

BYLAE

Pos	Subpos	T S	Artikel Beskrywing	Statistiese Eenheid	Skaal van Reg	Anno= tasies
29.33			Deur subpos No. 2933.40.25 te skrap.			

**DEPARTMENT OF WATER AFFAIRS AND FORESTRY
DEPARTEMENT VAN WATERWESE EN BOSBOU**

No. R. 1499

27 November 1998

NATIONAL WATER ACT, 1998 (ACT No. 36 OF 1998)

**DRAFT REGULATIONS ON USE OF WATER FOR MINING AND RELATED ACTIVITIES AIMED AT THE
PROTECTION OF WATER RESOURCES**

The Minister of Water Affairs and Forestry intends making the regulations contained in the Schedule hereto in terms of section 26 (1) (b), (g), and (i) of the National Water Act, 1998 (Act No. 36 of 1998), relating to the use of water for mining and related activities aimed at the protection of water resources.

In terms of section 69 (1) (a) (ii) of the Act interested parties are invited to submit written comments in connection with the proposed regulations before 31 January 1999. Comments must be submitted to the Director-General: Department of Water Affairs and Forestry, Private Bag X313, Pretoria, 0001. (For attention: Director: Water Quality Management).

SCHEDULE

1. Definitions

In these regulations any expression to which a meaning has been assigned in the Act, shall have the meaning so assigned, and unless the context indicates otherwise—

"activity", means any mining related process on the mine including the operation of washing plants, mineral processing facilities, mineral refineries and extraction plants, as well as the operation and the use of mineral loading and off-loading zones, transport facilities and mineral storage yards, whether situated at the mine or not—

- (a) in which any substance is stockpiled, stored, accumulated or transported for use in such process; or
- (b) out of which process any residue is derived, stored, stockpiled, accumulated, dumped, disposed of or transported;

"clean area", means any area at a mine or activity where there is no change of the pollution of a water resource;

"clean water system", includes any dam, canal, works, structure and facility constructed for the retention or conveyance of unpolluted water or stormwater;

"dam", includes any settling dam, slurry dam, evaporation dam, catchment or barrier dam and any other form of impoundment used for the storage of polluted or unpolluted water;

"dirty area", means any area at a mine or activity and which has the potential to be a source of pollution;

"dirty water system", includes any dam, other form of impoundment, canal, works, structure and facility constructed for the retention or conveyance of polluted water or stormwater;

"environmental management programme", means an environmental management programme submitted in terms of section 39 of the Minerals Act, 1991 (Act No. 50 of 1991);

"facility", in relation to an activity, includes any installation and appurtenant works for the storage, stockpiling, disposal, handling or processing of any substance;

"hydraulic conveyance", includes any canal, ditch, pipeline and other structure built to convey water;

"manager", **"mine"** and **"mineral"**, have the meaning assigned to them in the Minerals Act, 1991;

"owner", in relation to a mine or activity includes the lessee and any other lawful occupier of the mine, activity or any part thereof; a tributer for the working of the mine, activity or any part thereof; the holder of a mining authorisation or prospecting permit and if such authorisation or permit does not exist, the last person who worked the mine or his or her successor in title; and if such owner is not resident in or not a citizen of the Republic of South Africa, an agent or representative other than the manager of such a mine or activity should be appointed to be responsible on behalf of the owner of such a mine or activity;

"polluted water", includes surface water and groundwater which has been rendered—

- (a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or
- (b) harmful or potentially harmful—
 - (aa) to the welfare, health or safety of human beings;
 - (bb) to any aquatic or non-aquatic organisms;
 - (cc) to the resource quality; or
 - (dd) to property;

"residue", includes any debris, discard, slimes, screenings, slurry, waste rock, foundry sand, beneficiation plant waste, ash and any other substance derived from or incidental to the operation of a mine or activity and which is stockpiled, stored or accumulated for potential re-use or recycling or which is disposed of;

"residue deposit", includes any damp, tailings dam, slimes dam, ash dump, waste rock dump, in-pit deposit and any other heap, pile or accumulation of residue;

"stockpile", includes any heap, pile, slurry pond and accumulation of any substance where such substance is stored as a product or stored for use at any mine or activity;

"substance", means any mineral or material capable of causing pollution, whether such substance is solid, liquid, vapour or gas or a combination thereof;

"the Act", means the National Water Act, 1998 (Act No. 36 of 1998).

2. Information and notification

- (1) Any person intending to operate a new mine or conduct any new activity must notify the Minister of such intention not less than 14 days before the start of such operation or activity.
- (2) Any person in control of an existing mine or activity must—
 - (a) cause the information in the approved environmental management programme to be kept up to date and must include any additional information required in writing by the Minister;
 - (b) notify the Minister in writing 14 days before the temporary or permanent cessation of the operation of a mine or the conducting of an activity, or the resumption of such operation or activity;
 - (c) notify the Minister by the fastest possible means of any emergency incident or potential emergency incident involving a water resource at or incidental to the operation of a mine or the conducting of any activity, furnishing information regarding—
 - (i) the date and time of the incident;
 - (ii) a description of the incident;
 - (iii) the source of the pollution or potential pollution;
 - (iv) the impact or potential impact on the water resource and the relevant water users;
 - (v) remedial action taken or to be taken by the person in control of the mine or activity to remedy the effects of the incident; and
 - (d) within 14 days after the date of an incident contemplated in paragraph (c) inform the Minister in writing of measures taken to correct and prevent a recurrence of such incident.

3. Restrictions on locality

No person in control of a mine or activity may—

- (a) locate or place any residue deposit, dam, reservoir, together with any associated structure or any other facility within the 1:100 year flood-line or within a horizontal distance of 100 metres from any watercourse or estuary, spring, borehole or well, excluding boreholes or wells drilled specifically to monitor the pollution of groundwater, or on water-logged ground, or on ground likely to become water-logged, undermined, unstable or cracked;
- (b) carry on any underground or opencast mining, prospecting or any other operation or activity under or within the 1:50 year flood-line or within a horizontal distance of 100 metres from the riparian zone of any watercourse or estuary, whichever is the greatest;
- (c) place or dispose of any residue or any other substance, excluding any substance excavated and backfilled as overburden, in the workings of any underground or opencast mine excavation, prospecting diggings, pit or any other excavation; or
- (d) use any area or locate any sanitary convenience, fuel depots, reservoir or depots for substances capable of causing pollution within the 1:50 year floodline of any watercourse or estuary.

4. Restrictions on use of material

No person in control of a mine or activity may use any residue or any other substance for the construction of any dam or other impoundment or any embankment, road or railway, or in any other manner which is capable of causing pollution.

5. Capacity requirements of clean and dirty water systems

Every person in control of a mine or activity must—

- (a) confine any clean runoff or stormwater to a clean water system, away from any dirty area;
- (b) design, construct, maintain and operate any clean water system at the mine or activity so that it will not spill into any dirty water system more than once in 50 years;
- (c) collect the water arising within any dirty area, including stormwater and water seeping from mining operations, outcrops or any other activity, into a dirty water system;
- (d) design, construct, maintain and operate any dirty water system at the mine or activity so that it will not spill into any clean water system more than once in 50 years; and
- (e) design, construct and maintain all hydraulic conveyances in such a manner as to guarantee the serviceability of such conveyances for flows up to and including those arising as a result of the maximum flood with an average period of recurrence of once in 50 years.

6. Protection of water resources

Every person in control of a mine or activity must—

- (a) prevent any substance or polluted water from entering or polluting any water resource, either by natural flow or by seepage, and must retain or collect such substance or polluted water for use, re-use, evaporation or for purification and disposal in terms of the Act;
- (b) design, modify, locate, construct and maintain any works or structures for the retention of water, hydraulic conveyances, residue deposits or dams, in any area so as to prevent the pollution of any water resource through the operation or use thereof and to restrict the possibility of damage to the riparian or instream habitat through erosion or sedimentation, or the disturbance of vegetation, or the alteration of flow characteristics;
- (c) cause effective measures to be taken to minimise the flow of any surface water or floodwater into mine workings, opencast workings, other workings or subterranean caverns, through cracked or fissured formations, subsided ground, sinkholes, outcrop excavations, adits, entrances or any other openings;
- (d) design, modify, construct, maintain and use any dam or any residue deposit or stockpile used for the disposal or storage of mineral tailings, slimes, ash or other hydraulic transported substances, so that the water or waste therein, or falling therein, will not result in the failure thereof or impair the stability thereof;
- (e) prevent the erosion or leaching of materials from any residue deposit or stockpile from any area and contain material or substances so eroded or leached in such area by providing suitable barrier dams, evaporation dams or any other effective measures to prevent this material or substance from entering and polluting any water resources;
- (f) ensure that water used in any process at a mine or activity is recycled, and any facility, sump, pumping installation, catchment dam or other impoundment used for recycling water, is of adequate design and capacity to prevent the spillage, seepage or release of water at any time;
- (g) at all times keep any hydraulic conveyance free from any matter or obstruction which may affect the efficiency thereof; and
- (h) cause all domestic waste, including wash-water, which cannot be disposed of in a municipal sewage system, to be disposed of in terms of a licence under the Act.

7. Security measures

Every person in control of a mine or activity must—

- (a) cause any impoundment or dam containing any poisonous, toxic or injurious substance to be effectively fenced-off so as to restrict access thereto, and must erect warning notice boards at prominent locations so as to warn persons of the hazardous contents thereof;
- (b) fence-in any area used for the stockpiling or disposal of any substance or residue so as to protect any measures taken in terms of these regulations;
- (c) not allow the area contemplated in paragraph (a) and (b) to be used for any other purpose; and
- (d) protect any existing pollution control measures or replace any existing pollution control measures deleteriously affected, damaged or destroyed by the removing or reclaiming of materials from any residue deposit or stockpile, and establish additional measures for the prevention of pollution of a water resource which might occur, is occurring or has occurred as a result of such operations.

8. Closure of mine or activity

- (1) Any person in control of a mine or activity must at closure of operations ensure that all pollution control measures have been designed, modified, constructed and maintained so as to comply with these regulations.
- (2) Any person in control of a mine or activity must ensure that the instream and riparian habitat of any water resource, which may have been affected or altered by a mine or activity, is restored so as to comply with these regulations.
- (3) On closure of a mine or activity the Minister may request a copy of any surface or underground plans required in terms of the Minerals Act, 1991.

9. Additional regulations relating to winning sand and alluvial minerals from watercourse or estuary

(1) No person may—

- (a) extract sand, alluvial minerals or other materials from the channel of a watercourse or estuary, unless precautions are taken to—
 - (i) ensure that the stability of the watercourse or estuary is not affected by such operations;
 - (ii) prevent scouring and erosion of the watercourse or estuary which may result from such operations or work incidental thereto;
 - (iii) prevent damage to instream or riparian habitat through erosion, sedimentation, alteration of vegetation or structure of the watercourse or estuary, or alteration of the flow characteristics of the watercourse or estuary; or

- (b) establish any slimes dam or settling pond within the 1:50 year flood-line or within a horizontal distance of 100 metres of any watercourse or estuary.
- (2) Every person winning sand, alluvial minerals or other materials from the bed of a watercourse or estuary must—
 - (a) construct treatment facilities to treat the water to the standard prescribed in Government Notice No. R. 991 dated 26 May 1984 before returning the water to the watercourse or estuary;
 - (b) limit stockpiles or sand dumps established on the bank or any watercourse or estuary to that realised in two days of production, and all other production must be stockpiled or dumped outside of the 1:100 year flood-line or more than a horizontal distance of 100 metres from the riparian zone of any watercourse or estuary; and
 - (c) implement control measures which will prevent the pollution of any water resource by oil, grease, fuel or chemicals.

10. Additional regulations for rehabilitation of coal residue deposits

Any person mining or establishing coal residue deposits must rehabilitate such residue deposits so that—

- (a) all residue deposits are compacted to prevent spontaneous combustion and infiltration of water; and
- (b) the rehabilitation of the residue deposits is implemented concurrently with the mining operation.

11. Departure from requirements of regulations

The Minister may in writing authorise a departure from the requirements of regulation 3, 4, 5, 6, 7, 9 or 10, subject to such conditions as the Minister may determine.

12. Technical investigation and monitoring

- (1) The Minister may in writing require any person in control of a mine or activity to arrange for a technical investigation, audit or inspection to be conducted on any aspect aimed at preventing pollution of a water resource or damage to the instream or riparian habitat connected with or incidental to the operation or any part of the operation of a mine or activity.
- (2) Such investigation must be conducted and a report thereon compiled in the manner and within the time period that the Minister may specify.
- (3) The person in control of the mine or activity must inform the Minister as to the expertise and qualifications of the persons who are to conduct an investigation, audit or inspection contemplated in subregulation (1) before the commencement thereof.
- (4) The Minister may in writing require any person in control of a mine or activity to submit a programme of implementation to prevent or rectify any pollution of a water resource or damage to the instream or riparian habitat as recommended by the investigation contemplated in subregulation (1) within the time period that the Minister may specify.
- (5) The Minister may in writing direct any person in control of a mine or activity to implement a compliance monitoring network, which may include an audit by an external auditor, to monitor the programme of implementation contemplated in subregulation (4), through establishing, operating and maintaining monitoring installations of a type, at the locations and in the manner specified by the Minister and to submit the monitoring information and results to the Minister for evaluation.
- (6) Subject to Chapter 4 of the Act, any person in control of a mine or activity must submit plans, specifications and design reports approved by a professional engineer to the Minister, not later than 60 days prior to commencement of activities relating to—
 - (a) the construction of any surface dam for the purpose of impounding polluted water, waste or slurry, so as to prevent the pollution of a water resource;
 - (b) the implementation of any pollution control measures at any residue deposit or stockpile, so as to prevent the pollution of a water resource; and
 - (c) the implementation of any water control measures at any residue deposit or stockpile, so as to prevent the pollution of a water resource.

13. General

The owner of a mine or activity must provide the manager with the means and afford him or her every facility required to enable the manager to comply with the provisions of these regulations.

14. Offences and penalties

- (1) Any person who contravenes or, subject to regulation 11, fails to comply with regulation 2, 3, 4, 5, 6, 7, 8, 9, 10, 12 or 13 is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding five years or to both a fine and such imprisonment.

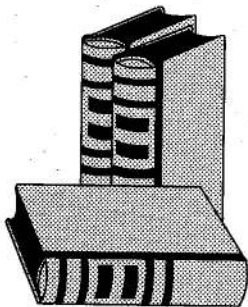
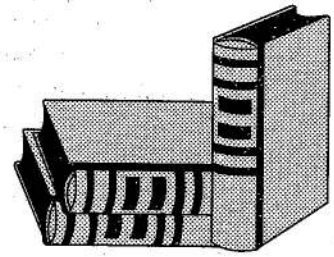
(2) Whenever an act or omission by a manager or employee of a mine or activity—

- (a) constitutes an offence in terms of these regulations, and takes place with the express or implied permission of the owner of a mine or activity, that owner is, in addition to the manager or employee, liable to conviction for that offence; or
- (b) would constitute an offence by the owner of a mine or activity in terms of these regulations that manager or employee is, in addition to that owner, liable to conviction for that offence.

15. Repeal of regulations

These regulations published under Government Notice No. R. 287 of 20 February 1976 are hereby repealed.

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