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DEPARTMENT OF MINES.

[15th December, 1960.]

The following Bill which the Minister of Mines proposes introducing at the next session of Parliament is published for general information.

DEPARTEMENT VAN MYNWESE.

[15 Desember 1960.]

Die volgende Wetsontwerp wat die Minister van Mynwese voornemens is om by die volgende Parlementsitting in te dien, word vir algemene inligting gepubliseer.

BILL

To amend the Precious and Base Metals Act, 1908, of the Transvaal, including that Act as applied to the Orange Free State by the Orange Free State Metals Mining Act, 1936.

(To be introduced by the MINISTER OF MINES.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Definition.

1. In this Act the expression "the principal Act" means the Precious and Base Metals Act, 1908, of the Transvaal, and includes that Act as applied to the Orange Free State by the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936).

Amendment of section 22 of Act 35 of 1908 (Transvaal).

2. Section *twenty-two* of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraphs:

"(b) If after the expiration of a period of six months from the date upon which any amount became payable under this section, that amount is still unpaid, the Mining Commissioner shall—

(i) forthwith in writing demand payment of such amount from the registered holder of the mynpacht-brief; and

(ii) in writing advise the registered holder of any mortgage bond over the mynpacht, and give notice in the *Gazette*, that payment has been so demanded,

and if the said amount is not paid within three months after the publication of the notice in the *Gazette*, the Minister shall declare the mynpacht-brief cancelled.

(b)*bis* (i) The registered holder of a mynpacht may at any time give notice in writing to the Mining Commissioner that he desires to abandon that mynpacht or such part thereof as may be specified in the notice.

(ii) Any such notice shall, if the mynpacht is mortgaged, be accompanied by written consent to the abandonment from the registered holder of the mortgage bond.

(iii) Upon receipt of any such notice and any consent which may be required under sub-paragraph (ii), the Registrar of Mining Titles shall, if the Mining Commissioner has certified that all amounts due under this section in respect of the mynpacht up to the date of receipt of the notice have been paid, record the abandonment, which abandonment shall be effective from the date of such recording, and the Minister shall thereupon declare the relevant mynpacht-brief cancelled to the extent to which the mynpacht has been abandoned.

(b)*ter* The land comprising a mynpacht or part of a mynpacht in respect of which the relevant mynpacht-brief has been declared cancelled, may be dealt with in any of the ways described in section *thirty*."

Amendment of section 69 of Act 35 of 1908 (Transvaal), as amended by section 2 of Act 15 of 1942 and section 23 of Act 68 of 1955.

3. Section *sixty-nine* of the principal Act is hereby amended—

(a) by the insertion in sub-section (1) after the words "mining title" of the words "for the carrying on of any activity by the Government, the railway administration, a provincial administration, any body contemplated in paragraph (vi) of section *eighty-five* of the South Africa Act, 1909, or any council, board or other body established by or under any law or";

(b) by the deletion in that sub-section of the expression "(including any activity by the railway administration in which that administration may lawfully engage)"; and

WETSONTWERP

Tot wysiging van die „Precious and Base Metals Act, 1908”, van Transvaal, en ook daardie Wet soos deur die Oranje-Vrystaatse Metaal-myn Wet, 1936, op die Oranje-Vrystaat toegepas.

(Deur die MINISTER VAN MYNWESE ingedien te word.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

1. In hierdie Wet beteken die uitdrukking „die Hoofwet” die „Precious and Base Metals Act, 1908”, van Transvaal, en ook daardie Wet soos deur die Oranje-Vrystaatse Metaal-myn Wet, 1936 (Wet No. 13 van 1936), op die Oranje-Vrystaat toegepas. Woord- omskrywing.

2. Artikel twee-en-twintig van die Hoofwet word hierby gewysig deur paragraaf (b) deur die volgende paragrawe te vervang: Wysiging van artikel 22 van Wet 35 van 1908 (Transvaal).

„(b) If after the expiration of a period of six months from the date upon which any amount became payable under this section, that amount is still unpaid, the Mining Commissioner shall—

(i) forthwith in writing demand payment of such amount from the registered holder of the mynpacht-brief; and

(ii) in writing advise the registered holder of any mortgage bond over the mynpacht, and give notice in the *Gazette*, that payment has been so demanded,

and if the said amount is not paid within three months after the publication of the notice in the *Gazette*, the Minister shall declare the mynpacht-brief cancelled.

(b)bis (i) The registered holder of a mynpacht may at any time give notice in writing to the Mining Commissioner that he desires to abandon that mynpacht or such part thereof as may be specified in the notice.

(ii) Any such notice shall, if the mynpacht is mortgaged, be accompanied by written consent to the abandonment from the registered holder of the mortgage bond.

(iii) Upon receipt of any such notice and any consent which may be required under sub-paragraph (ii), the Registrar of Mining Titles shall, if the Mining Commissioner has certified that all amounts due under this section in respect of the mynpacht up to the date of receipt of the notice have been paid, record the abandonment, which abandonment shall be effective from the date of such recording, and the Minister shall thereupon declare the relevant mynpacht-brief cancelled to the extent to which the mynpacht has been abandoned.

(b)ter The land comprising a mynpacht or part of a mynpacht in respect of which the relevant mynpacht-brief has been declared cancelled, may be dealt with in any of the ways described in section thirty.”

3. Artikel nege-en-sestig van die Hoofwet word hierby gewysig—

(a) deur in sub-artikel (1) na die woorde „mining title” die woorde „for the carrying on of any activity by the Government, the railway administration, a provincial administration, any body contemplated in paragraph (vi) of section eighty-five of the South Africa Act, 1909, or any council, board or other body established by or under any law, or” in te voeg;

(b) deur in daardie sub-artikel die uitdrukking „(including any activity by the railway administration in which that administration may lawfully engage)” te skrap; en

Wysiging van artikel 69 van Wet 35 van 1908 (Transvaal), soos gewysig deur artikel 2 van Wet 15 van 1942 en artikel 23 van Wet 68 van 1955.

- (c) by the substitution for sub-section (4) of the following sub-section:

"(4) There shall be payable in respect of the use of any land or the grant of permission to use any land under sub-section (1), to the registered owner of such land and to any other person whose rights in respect of such land are affected by such use or the grant of such permission, compensation in such an amount as may in the absence of agreement between the parties concerned be determined by arbitration."

Amendment of section 70 of Act 35 of 1908 (Transvaal).

4. Section *seventy* of the principal Act is hereby amended by the deletion of paragraph (b) of sub-section (1).

Amendment of section 71 of Act 35 of 1908 (Transvaal), as amended by section 24 of Act 68 of 1955.

5. Section *seventy-one* of the principal Act is hereby amended by the substitution for the expression "sub-section (3)" of the expression "sub-sections (3) and (4)".

Amendment of section 74 of Act 35 of 1908 (Transvaal), as amended by section 26 of Act 36 of 1934.

6. Section *seventy-four* of the principal Act is hereby amended—

- (a) by the deletion of the proviso to sub-section (1);
- (b) by the substitution in sub-section (2) for all the words after the word "applicant" of the words "the Mining Commissioner shall, unless the applicant and such person otherwise agree in writing, require the applicant to give notice of the application, in such form as may be approved by the Mining Commissioner, in the *Gazette* and in a newspaper circulating in the mining district, and to serve such notice in writing upon every holder of such title";
- (c) by the deletion in sub-section (3) of the words "the first"; and
- (d) by the addition of the following sub-section:
 "(8) Nothing in this section shall be construed as authorizing the grant of permission to carry on any activity for the carrying on of which permission can be granted under section *sixty-nine* or *seventy-one*."

Amendment of section 78 of Act 35 of 1908 (Transvaal), as amended by section 30 of Act 36 of 1934 and section 2 of Act 20 of 1941.

7. Section *seventy-eight* of the principal Act is hereby amended by the addition of the following sub-section, the existing section becoming sub-section (1):

"(2) The applicant or any person affected by a decision of the Mining Commissioner under this section may, within a period of fourteen days from the date of that decision, appeal therefrom to the Minister who may in his discretion confirm, reverse or vary such decision and whose decision shall be final."

Amendment of section 119 of Act 35 of 1908 (Transvaal), as amended by section 27 of Act 30 of 1918.

8. Section *one hundred and nineteen* of the principal Act is hereby amended by the substitution in sub-section (3) for the words "one penny" of the words "one cent".

Short title.

9. This Act shall be called the Precious and Base Metals Amendment Act, 1961.

- (c) deur sub-artikel (4) deur die volgende sub-artikel te vervang:

„(4) There shall be payable in respect of the use of any land or the grant of permission to use any land under sub-section (1), to the registered owner of such land and to any other person whose rights in respect of such land are affected by such use or the grant of such permission, compensation in such an amount as may in the absence of agreement between the parties concerned be determined by arbitration.”

4. Artikel *sewentig* van die Hoofwet word hierby gewysig deur paragraaf (b) van sub-artikel (1) te skrap.

Wysiging van artikel 70 van Wet 35 van 1908 (Transvaal).

5. Artikel *een-en-sewentig* van die Hoofwet word hierby gewysig deur die uitdrukking „sub-section (3)” deur die uitdrukking „sub-sections (3) and (4)” te vervang.

Wysiging van artikel 71 van Wet 35 van 1908 (Transvaal), soos gewysig deur artikel 24 van Wet 68 van 1955.

6. Artikel *vier-en-sewentig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 74 van Wet 35 van 1908 (Transvaal), soos gewysig deur artikel 26 van Wet 36 van 1934.

- (a) deur die voorbehoudsbepaling by sub-artikel (1) te skrap;

- (b) deur in sub-artikel (2) al die woorde na die woord „applicant” deur die woorde „the Mining Commissioner shall, unless the applicant and such person otherwise agree in writing, require the applicant to give notice of the application, in such form as may be approved by the Mining Commissioner, in the *Gazette* and in a newspaper circulating in the mining district, and to serve such notice in writing upon every holder of such title” te vervang;

- (c) deur in sub-artikel (3) die woorde „the first” te skrap; en

- (d) deur die volgende sub-artikel by te voeg:

„(8) Nothing in this section shall be construed as authorizing the grant of permission to carry on any activity for the carrying on of which permission can be granted under section *sixty-nine* or *seventy-one*.”

7. Artikel *agt-en-sewentig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

Wysiging van artikel 78 van Wet 35 van 1908 (Transvaal), soos gewysig deur artikel 30 van Wet 36 van 1934 en artikel 2 van Wet 20 van 1941.

„(2) The applicant or any person affected by a decision of the Mining Commissioner under this section may, within a period of fourteen days from the date of that decision, appeal therefrom to the Minister who may in his discretion confirm, reverse or vary such decision and whose decision shall be final.”

8. Artikel *honderd-en-negentien* van die Hoofwet word hierby gewysig deur in sub-artikel (3) die woorde „one penny” deur die woorde „one cent” te vervang.

Wysiging van artikel 119 van Wet 35 van 1908 (Transvaal), soos gewysig deur artikel 27 van Wet 30 van 1918.

9. Hierdie Wet heet die Wysigingswet op Edele en Onedele Metale, 1961.

Kort titel.