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GOVERNMENT GAZETTE

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KAAPSTAD, 26 MEI 1972.

[No. 3518.

DEPARTMENT OF THE PRIME MINISTER.

No. 879.

26th May, 1972.

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

No. 47 of 1972: Mines, Works and Minerals in South-West Africa Amendment Act, 1972.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 879.

26 Mei 1972.

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

No. 47 van 1972: Wysigingswet op Myne, Bedrywe en Minerale in Suidwes-Afrika, 1972.

Wet No. 47, 1972

WYSIGINGSWET OP MYNE, BEDRYWE EN MINERALE IN
SUIDWES-AFRIKA, 1972

WET

Tot wysiging van die Ordonnansie op Myne, Bedrywe en Minerale, 1968, van Suidwes-Afrika ten einde die omskrywing van „bykomende bedryf” uit te brei en sekere bedrywighede van die omskrywing van „prospekteer” uit te sluit; die voorskrif dat sekere kennisgewings in die *Staatskoerant* gepubliseer moet word, te herroep; voorsiening daarvoor te maak dat die gelde bedoel in artikel 17 (4) van genoemde Ordonnansie vir tydperke van langer as een maand op ’n keer betaal kan word; die reg op die gebruik van die oppervlakte van private grond vir prospektering en mynbou en vir die oprigting van bykomende bedrywe uit te brei; voorsiening te maak vir die verkryging van die toestemming van die Minister van Mynwese voordat oor prospekteren en myneiendom in natuurelleservate beskik word; sekere regte van prospekteerders en myneienaars verder te reël; die samestelling en die verrigting van die werksaamhede van ’n raad vermeld in artikel 68 van genoemde Ordonnansie verder te reël; dit moontlik te maak om aan die eienaars van myne en bedrywe verligting toe te staan ten opsigte van die beperkings op die verrigting deur vrouspersone van werk gedurende die nag; en sekere tekstuele veranderings aan te bring; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 17 Mei 1972.)

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

Wysiging van artikel 1 van Ordonnansie 20 van 1968 van Suidwes-Afrika, soos gewysig deur artikels 1 en 2 van Proklamasie R.89 van 1969.

1. Artikel 1 van die Ordonnansie op Myne, Bedrywe en Minerale 1968 van Suidwes-Afrika (hieronder die ordonnansie genoem), word hierby gewysig—

- (a) deur die omskrywing van „bykomende bedryf” deur die volgende omskrywing te vervang:
„bykomende bedryf” damme, putte, boorgate, pompstasies, pypleidings, tremspoore, paaie, hekke en stortplekke vir uitskot en slik en sluit dit installasies, strukture en geboue in wat vir prospekter- of myndoeleindes nodig is of met prospekter- of mynbedrywighede in verband staan;”; en
- (b) deur die omskrywing van „prospekteer” deur die volgende omskrywing te vervang:
„prospekteer” met opset soek na minerale in of op die aarde of see of die seabodem op ’n wyse wat die oppervlakte van die aarde of seabodem versteur, en ook alle uitgrawings wat vir die doel nodig is, hetsy deur ondergrondse werk of dagbou of andersins, en ook boorwerk en alle werk wat vir sodanige soek nodig is of daarmee in verband staan, maar nie ook myn nie;”.

Act No. 47, 1972

MINES, WORKS AND MINERALS IN SOUTH-WEST AFRICA
AMENDMENT ACT, 1972

ACT

To amend the Mines, Works and Minerals Ordinance, 1968, of South-West Africa, so as to extend the definition of "accessory works" and exclude certain activities from the definition of "prospecting"; to repeal the provision requiring the publication of certain notices in the *Gazette*; to provide that the fee referred to in section 17 (4) of the said Ordinance may be paid for periods longer than one month at a time; to extend the right to the use of the surface of private land for prospecting and mining and for the erection of accessory works; to provide for the permission of the Minister of Mines to be obtained before prospecting and mining property in Native reserves may be disposed of; to further regulate certain rights of prospectors and mine owners; to further regulate the constitution and functioning of a board referred to in section 68 of the said Ordinance; to make it possible to grant relief to the owners of mines and works in respect of the restrictions relating to the performance by females of work at night; and to effect certain textual changes; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 17th May, 1972.)

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

1. Section 1 of the Mines, Works and Minerals Ordinance, 1968, of South-West Africa (hereinafter referred to as the ordinance), is hereby amended—

- (a) by the substitution for the definition of "accessory works" of the following definition:

"'accessory works' means dams, wells, boreholes, pump stations, pipe-lines, tramlines, roads, gates and dumping sites for tailings and slimes, and shall include plant, structures and buildings required for prospecting and mining purposes or which are incidental to prospecting and mining operations;"; and

- (b) by the substitution for the definition of "prospecting" of the following definition:

"'prospecting' means intentionally searching for minerals in or on the earth or sea or bed of the sea by means which disturb the surface of the earth or bed of the sea, and includes all excavating necessary for the purpose, whether by underground or open working or otherwise, as well as boring and all work necessary for or incidental to such searching, but does not include mining;".

Amendment of section 1 of Ordinance 20 of 1968 of South-West Africa, as amended by sections 1 and 2 of Proclamation R.89 of 1969.

Wet No. 47, 1972

WYSIGINGSWET OP MYNE, BEDRYWE EN MINERALE IN
SUIDWES-AFRIKA, 1972

Wysiging van
artikel 17 van
Ordonnansie 20
van 1968 van
Suidwes-Afrika,
soos gewysig
deur artikel 1
van Proklamasie
R.89 van 1969.

2. Artikel 17 van die ordonnansie word hierby gewysig—

- (a) deur in die voorbehoudsbepaling by subartikel (3) die uitdrukking „60 (1) (a)” deur die uitdrukking „60 (8) (a)” te vervang;
- (b) deur subartikel (4) deur die volgende subartikel te vervang:
„(4) Die ontrekkingsgeld moet vir tydperke van minstens een maand op 'n keer vooruit betaal word met ingang van die datum waarop bedoelde onttrekking soos voormeld intree.”;
- (c) deur in subartikel (6) (a) die woord „maandelikse” te skrap; en
- (d) deur subartikel (7) deur die volgende subartikel te vervang:
„(7) Besonderhede van 'n onttrekking of amptelike kennisgewing deur die mynkommissaris ingevolge hierdie artikel word vir 'n tydperk van een maand by die kantoor van die mynkommissaris opgeplak.”.

Vervanging van
artikel 28 van
Ordonnansie 20
van 1968 van
Suidwes-Afrika.

3. Artikel 28 van die ordonnansie word hierby deur die volgende artikel vervang:

„Ontginning op kleims. 28. (1) Geen mynwerksaamhede mag op grond wat as 'n kleim afgepen is, uitgevoer word nie totdat die afpenning van die kleim volgens voorskrif van artikel 29 geregistreer is en, indien die kleim op private grond geleë is, die mynkommissaris aan die houer van die kleim 'n permit in die voorgeskrewe vorm uitgereik het wat sodanige werksaamhede op die kleim magtig.

(2) 'n Permit bedoel in subartikel (1) word slegs uitgereik nadat—

- (a) 'n skriftelike ooreenkoms tussen die houer van die kleim en die eienaar van die betrokke grond aangegaan is betreffende die voorwaardes waarop genoemde eienaar ingevolge artikel 67 vergoed moet word en 'n afskrif van daardie ooreenkoms by die mynkommissaris ingedien is; of
- (b) bewys ten genoë van die mynkommissaris gelewer is dat—

- (i) genoemde houer daadwerklike pogings aangewend het om tot so 'n ooreenkoms met genoemde eienaar te geraak maar nie daarin kon slaag nie, en die mynkommissaris die redes daarvoor aanneemlik vind; of
- (ii) genoemde eienaar nie opgespoor kan word nie.

(3) (a) 'n Permit wat kragtens hierdie artikel onder die omstandighede bedoel in paragraaf (a) van subartikel (2) uitgereik is, is onderworpe aan die voorwaardes van die ooreenkoms bedoel in daardie paragraaf.

- (b) (i) Voordat 'n permit onder die omstandighede bedoel in subartikel (2) (b) (i) toegestaan word, moet die mynkommissaris die eienaar van die betrokke grond die geleentheid bied om, binne die tydperk (van nie minder as veertien dae nie) deur die mynkommissaris aangedui, skriftelike ver-
toë omtrent die aangelcentheid tot die mynkommissaris te rig, en indien so 'n permit deur die mynkommissaris uitgereik word, moet hy bedoelde eienaar van 'n afskrif van die permit voorsien.

MINES, WORKS AND MINERALS IN SOUTH-WEST AFRICA Act No. 47, 1972
AMENDMENT ACT, 1972

2. Section 17 of the ordinance is hereby amended—

- (a) by the substitution in the Afrikaans text of the proviso to subsection (3) for the expression "60 (1) (a)" of the expression "60 (8) (a)";
- (b) by the substitution for subsection (4) of the following subsection:
 "(4) The withdrawal fee shall be paid in advance for periods of not less than one month at a time as from the date on which the said withdrawal has taken effect as aforesaid.";
- (c) by the deletion in subsection (6) (a) of the word "monthly"; and
- (d) by the substitution for subsection (7) of the following subsection:
 "(7) Particulars of any withdrawal or official notice by the mining commissioner in terms of this section shall be posted up for a period of one month at the office of the mining commissioner."

Amendment of section 17 of Ordinance 20 of 1968 of South-West Africa, as amended by section 1 of Proclamation R.89 of 1969.

3. The following section is hereby substituted for section 28 of the ordinance:

"Mining on claims.

28. (1) No mining operations may be carried out on any land pegged as a claim until such time as the pegging of the claim has been registered as provided by section 29 and, if the claim is situated on private land, the mining commissioner has issued to the holder of the claim a permit in the prescribed form, authorizing such operations on the claim.

Substitution of section 28 of Ordinance 20 of 1968 of South-West Africa.

(2) A permit referred to in subsection (1) shall only be issued after—

- (a) a written agreement has been entered into between the holder of the claim and the owner of the land in question as to the conditions subject to which the said owner shall be compensated in terms of section 67, and a copy of such agreement has been lodged with the mining commissioner; or
- (b) proof to the satisfaction of the mining commissioner has been furnished that—
- (i) the said holder has made real efforts to come to such an agreement with the said owner but has been unable to succeed in doing so, and the mining commissioner finds the reasons therefor to be acceptable; or
- (ii) the said owner cannot be found.

(3) (a) Any permit issued under this section in the circumstances contemplated in paragraph (a) of subsection (2), shall be subject to the conditions of the agreement referred to in that paragraph.

- (b) (i) Before any permit is granted in the circumstances contemplated in subsection (2) (b) (i), the mining commissioner shall afford the owner of the land in question the opportunity to submit written representations concerning the matter to the mining commissioner within such period (not being less than fourteen days) as the mining commissioner may indicate, and if any such permit is issued by the mining commissioner, he shall furnish the said owner with a copy of the permit.

Wet No. 47, 1972

WYSIGINGSWET OP MYNE, BEDRYWE EN MINERALE IN SUIDWES-AFRIKA, 1972

- (ii) 'n Permit kan onder die omstandighede bedoel in subartikel (2) (b), uitgereik word vir die tydperk wat die mynkommissaris goedvind, en 'n permit aldus uitgereik, kan by verstryking van dié tydperk, by wyse van 'n gepaste endossement deur die mynkommissaris op die permit, verleng word vir die verdere tydperke wat hy goedvind.

(4) Indien 'n permit kragtens hierdie artikel onder die omstandighede bedoel in subartikel (2) (b) uitgereik is en—

- (a) 'n geskil, soos in artikel 68 bedoel, tussen die houer van die permit en die eienaar van die betrokke grond daarna aan 'n beslegtingsraad bedoel in daardie artikel vir beslegting voorgelê word; of
- (b) 'n skriftelike ooreenkoms soos in subartikel (2) (a) bedoel daarna tussen die houer van die permit en die eienaar van die betrokke grond aangegaan word,

moet die mynkommissaris, wanneer hy van daardie raad se beslissing verwittig word of hy 'n afskrif van genoemde ooreenkoms ontvang, genoemde permit intrek en dit vervang deur 'n permit wat, na gelang van die geval, onderworpe is aan die voorwaardes deur die raad bepaal of die voorwaardes van genoemde ooreenkoms.”.

Vervanging van artikel 43 van Ordonnansie 20 van 1968 van Suidwes-Afrika, soos gewysig deur artikel 1 van Proklamasie R.89 van 1969.

4. Artikel 43 van die ordonnansie word hierby deur die volgende artikel vervang:

„Werksaamhede op myngebied. 43. Die bepalings van artikel 28 is *mutatis mutandis* van toepassing in verband met prospektering of die uitvoering van mynwerksaamhede op 'n myngebied.”.

Wysiging van artikel 50 van Ordonnansie 20 van 1968 van Suidwes-Afrika, soos gewysig deur artikel 1 van Proklamasie R.89 van 1969.

5. Artikel 50 van die ordonnansie word hierby gewysig deur die volgende woorde aan die end van subartikel (1) by te voeg:

„Of, indien 'n geskil tussen die betrokke partye met betrekking tot die gebruik van die oppervlakte van die grond na 'n beslegtingsraad bedoel in artikel 68 vir beslegting verwys is, totdat die mynkommissaris van daardie raad se beslissing verwittig is.”.

Wysiging van artikel 60 van Ordonnansie 20 van 1968 van Suidwes-Afrika, soos gewysig deur artikel 1 van Proklamasie R.89 van 1969.

6. Artikel 60 van die ordonnansie word hierby gewysig—

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

„(d) By ontvangs van 'n kennisgewing van die Minister dat 'n alleenreg om te prospekter, of dat 'n verlenging van 'n bestaande alleenreg om te prospekter toegeken is, of dat enige besondere mineraal of minerale ingevolge paragraaf (c) bygevoeg is tot, of ingevolge subartikel (6) uitgesluit is van, so 'n bestaande toekenning of sessie, moet die mynkommissaris 'n kennisgewing te dien effekte vir 'n tydperk van een maand by sy kantoor opplak.”;

- (b) deur in subartikel (1) (g) (i) die uitdrukking „(5)” deur die uitdrukking „(6)” te vervang; en

- (c) deur subartikel (4) deur die volgende subartikel te vervang:

MINES, WORKS AND MINERALS IN SOUTH-WEST AFRICA Act No. 47, 1972
AMENDMENT ACT, 1972

- (ii) A permit may in the circumstances contemplated in subsection (2) (b) be issued for such period as the mining commissioner may deem fit, and any permit so issued may on expiry of such period be extended, by way of a suitable endorsement, by the mining commissioner, on the permit, for such further periods as he may deem fit.

(4) If any permit has under this section been issued in the circumstances contemplated in subsection (2) (b) and —

- (a) any dispute, such as is contemplated in section 68, between the holder of the permit and the owner of the land in question is thereafter referred for settlement to a board of adjudication referred to in that section; or
- (b) a written agreement such as is mentioned in subsection (2) (a) is thereafter entered into between the holder of the permit and the owner of the land in question,

the mining commissioner shall, on being advised of the board's decision or on receipt by him of a copy of such agreement, cancel the said permit and substitute therefor a permit which is subject to the conditions determined by the board or the conditions of such agreement, as the case may be."

4. The following section is hereby substituted for section 43 of the ordinance:

"Operations on mining area. 43. The provisions of section 28 shall *mutatis mutandis* apply in connection with prospecting or mining on any mining area."

Substitution of section 43 of Ordinance 20 of 1968 of South-West Africa, as amended by section 1 of Proclamation R.89 of 1969.

5. Section 50 of the ordinance is hereby amended by the addition of the following words at the end of subsection (1):

"or, if any dispute between the parties in question concerning the use of the surface of the land has been referred for settlement to a board of adjudication referred to in section 68, until the mining commissioner has been advised of the decision of such board."

Amendment of section 50 of Ordinance 20 of 1968 of South-West Africa, as amended by section 1 of Proclamation R.89 of 1969.

6. Section 60 of the ordinance is hereby amended—

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

"(d) On receipt of a notification from the Minister that an exclusive right to prospect, or that an extension of an existing exclusive right to prospect, has been granted, or that any particular mineral or minerals have in terms of paragraph (c) been added to or in terms of subsection (6) been excluded from any such existing grant or cession, a notice to that effect shall for a period of one month be posted up by the mining commissioner at his office.";

Amendment of section 60 of Ordinance 20 of 1968 of South-West Africa, as amended by section 1 of Proclamation R.89 of 1969.

- (b) by the substitution in the Afrikaans text of subsection (1) (g) (i) for the expression "(5)" of the expression "(6)"; and

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

Wet No. 47, 1972

WYSIGINGSWET OP MYNE, BEDRYWE EN MINERALE IN
SUIDWES-AFRIKA, 1972

- „(4) (a) Die houer van alleenregte ingevolge hierdie artikel om te prospekter, moet prospekter-wersaamhede in sy toekenningsgebied uitvoer onderhewig aan die bepalings van hierdie ordonnansie.
- (b) Ondanks die bepalings van subartikel (2) (a) mag sodanige werksaamhede nie deur so 'n houer op private grond binne sy toekenningsgebied uitgevoer word nie—
- (i) alvorens 'n skriftelike ooreenkoms tussen daardie houer en die eienaar van die betrokke grond aangegaan is betreffende die voorwaardes waarop genoemde eienaar ingevolge artikel 67 vergoed moet word, en 'n afskrif van daardie ooreenkoms by die mynkommissaris ingedien is; of
- (ii) indien 'n geskil tussen genoemde houer en eienaar ten opsigte van die betrokke grond by 'n beslegtingsraad bedoel in artikel 68 aanhangig gemaak is, alvorens die raad oor die geskil beslis het; of
- (iii) alvorens hy, by ontstentenis van so 'n ooreenkoms of beslissing, van die mynkommissaris skriftelike toestemming ontvang het om sodanige werksaamhede op die grond uit te voer.
- (c) Die bepalings van artikel 28 (2) (b) en (3) (b) is *mutatis mutandis* van toepassing in verband met die verlening van toestemming ingevolge paragraaf (b) (iii) van hierdie subartikel.”

Wysiging van artikel 61 van Ordonnansie 20 van 1968 van Suidwes-Afrika, soos gewysig deur artikel 1 van Proklamasie R.89 van 1969.

7. Artikel 61 van die ordonnansie word hierby gewysig—
- (a) deur in die Engelse teks van subartikel (4) (c) na die woord „grant”, waar dit die tweede maal voorkom, die woord „of” in te voeg;
- (b) deur paragraaf (a) van subartikel (6) deur die volgende paragraaf te vervang:
- „(a) By ontvangs van kennisgewing van die Minister dat 'n alleenreg om te myn toegeken is, moet die mynkommissaris kennisgewing te dien effekte vir 'n tydperk van een maand by sy kantoor opplak.”; en
- (c) deur paragraaf (f) van genoemde subartikel (6) deur die volgende paragraaf te vervang:
- „(f) Die bepalings van artikel 60 (4) is *mutatis mutandis* van toepassing in verband met 'n myntoekenning en op die houer van so 'n toekenning.”.

Vervanging van artikel 64 van Ordonnansie 20 van 1968 van Suidwes-Afrika, soos gewysig deur artikel 1 van Proklamasie R.89 van 1969.

8. Artikel 64 van die ordonnansie word hierby deur die volgende artikel vervang:
- „Beskikking 64. Geen eienaar van 'n kleim of myngebied in 'n naturelleservaat of in die Rehoboth-Gebied of op enige grond gereserveer of afgesonder ingevolge enige wet vir die alleengebruik en -bewoning deur Kleurlinge mag sodanige kleim of myngebied oordra, seeder, verhuur of andersins oor sodanige kleim of myngebied beskik nie, tensy hy die toestemming van die Minister verkry het, en die Minister kan sodanige toestemming onderworpe maak aan sodanige bedinge en voorwaardes soos hy dienstig ag.”.

Vervanging van artikel 65 van Ordonnansie 20 van 1968 van Suidwes-Afrika.

9. Artikel 65 van die ordonnansie word hierby deur die volgende artikel vervang:
- „Gebruik 65. Behoudens die bepalings van artikel 67, kan 'n prospekterder of myneienaar wat prospekter- of mynwerksaamhede op private grond verrig, enige water, droë hout of paaie daarop gebruik.”.

MINES, WORKS AND MINERALS IN SOUTH-WEST AFRICA Act No. 47, 1972
AMENDMENT ACT, 1972

- “(4) (a) A holder of exclusive prospecting rights in terms of this section shall carry out prospecting operations in his grant area subject to the provisions of this ordinance.
- (b) Notwithstanding the provisions of subsection (2) (a) such holder shall not carry out such operations on any private land within his grant area—
- (i) until such time as a written agreement, between such holder and the owner of the land in question as to the conditions subject to which the said owner shall be compensated in terms of section 67, has been entered into, and a copy of such agreement has been lodged with the mining commissioner; or
 - (ii) if a dispute between the said holder and owner in respect of the land in question has been submitted to a board of adjudication referred to in section 68, until such time as the board has decided the dispute; or
 - (iii) until such time as he has, in the absence of any such agreement or decision, obtained written permission from the mining commissioner to carry out such operations on the land.
- (c) The provisions of section 28 (2) (b) and (3) (b) shall *mutatis mutandis* apply in connection with the granting of any permission in terms of paragraph (b) (iii) of this subsection.”.

7. Section 61 of the ordinance is hereby amended—

- (a) by the insertion in subsection (4) (c) after the word “grant”, where it occurs for the second time, of the word “of”;
- (b) by the substitution for paragraph (a) of subsection (6) of the following paragraph:
“(a) On receipt of notification from the Minister that an exclusive right to mine has been granted, a notice to that effect shall for a period of one month be posted up by the mining commissioner at his office.”; and
- (c) by the substitution for paragraph (f) of the said subsection (6) of the following paragraph:
“(f) The provisions of section 60 (4) shall *mutatis mutandis* apply in connection with a mining grant and to the holder of any such grant.”.

Amendment of section 61 of Ordinance 20 of 1968 of South-West Africa, as amended by section 1 of Proclamation R.89 of 1969.

8. The following section is hereby substituted for section 64 of the ordinance:

“Disposal of prospecting and mining property in non-White areas.

64. No owner of a claim or mining area in any Native reserve or in the Rehoboth Gebiet or on any land reserved or set apart under any law for the sole use of and occupation by Coloured persons, shall transfer, cede, lease or otherwise dispose of such claim or mining area, unless he has obtained the permission of the Minister, who may make such permission subject to such terms and conditions as he may deem expedient.”.

Substitution of section 64 of Ordinance 20 of 1968 of South-West Africa, as amended by section 1 of Proclamation R.89 of 1969.

9. The following section is hereby substituted for section 65 of the ordinance:

“Use of water, dead wood and roads on private land.

65. Subject to the provisions of section 67, any prospector or mine owner who is conducting prospecting or mining operations on private land may use any water, dead wood or roads thereon.”.

Substitution of section 65 of Ordinance 20 of 1968 of South-West Africa.

Wet No. 47, 1972

WYSIGINGSWET OP MYNE, BEDRYWE EN MINERALE IN
SUIDWES-AFRIKA, 1972

Wysiging van
artikel 68 van
Ordonnansie 20
van 1968 van
Suidwes-Afrika,
soos gewysig deur
artikel 1 van
Proklamasie
R.89 van 1969

10. Artikel 68 van die ordonnansie word hierby gewysig—
- (a) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die raad bestaan uit die landdros van die distrik waarin die geskil ontstaan het, wat die voorsitter is, en die Hoofinspekteur en die hoofvoorligtings-beampte van die Departement van Landbou-tegniese Dienste vir die gebied waarin die betrokke grond geleë is.”;
 - (b) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Behoudens die bepalings van subartikel (3), is die beslissing van die meerderheid van die lede van die raad, wat die voorsitter moet insluit, die beslissing van die raad by 'n ondersoek deur die raad.”; en
 - (c) deur subartikel (6) te skrap.

Wysiging van
artikel 93 van
Ordonnansie 20
van 1968 van
Suidwes-Afrika.

11. Artikel 93 van die ordonnansie word hierby gewysig—
- (a) deur in die Engelse teks van paragraaf (a) van subartikel (4) die woord „managerial” deur die woord „managerial” te vervang;
 - (b) deur die woord „en” aan die end van paragraaf (a) van genoemde subartikel (4) te skrap en die volgende paragraaf aan die end van daardie subartikel by te voeg:

„(c) vrouspersone wat ooreenkomstig die bepalings van 'n vrystelling verleen kragtens subartikel (5) werk by 'n myn of bedryf verrig.”; en
 - (c) deur die volgende subartikel by te voeg:

„(5) Indien die Minister oortuig is dat daar met betrekking tot 'n myn of bedryf spesiale omstandighede bestaan wat die toestaan van verligting regverdig, kan hy, onderworpe aan die beperkings of voorwaardes (indien daar is) wat hy goed ag, skriftelik vrystelling van die bepalings van subartikel (2) aan die eienaar van bedoelde myn of bedryf verleen.”.

Kort titel.

12. Hierdie Wet heet die Wysigingswet op Myne, Bedrywe en Minerale in Suidwes-Afrika, 1972.

MINES, WORKS AND MINERALS IN SOUTH-WEST AFRICA Act No. 47, 1972
AMENDMENT ACT, 1972

10. Section 68 of the ordinance is hereby amended—
- (a) by the substitution for subsection (2) of the following subsection:
“(2) The board shall consist of the magistrate of the district in which the dispute has arisen, who shall be chairman, and the Chief Inspector and the chief extension officer of the Department of Agricultural Technical Services for the area in which the land in question is situated.”;
- (b) by the substitution for subsection (4) of the following subsection:
“(4) Subject to the provisions of subsection (3), the decision of the majority of the members of the board, which shall include the chairman, shall be the decision of the board at any inquiry by the board.”; and
- (c) by the deletion of subsection (6).
11. Section 93 of the ordinance is hereby amended—
- (a) by the substitution in paragraph (a) of subsection (4) for the word “managerial” of the word “managerial”;
- (b) by the deletion at the end of paragraph (a) of the said subsection (4) of the word “and” and by the addition at the end of that subsection of the following paragraph:
“(c) females performing any work at a mine or works in accordance with the provisions of an exemption granted under subsection (5).”; and
- (c) by the addition of the following subsection:
“(5) If the Minister is satisfied that special circumstances, justifying the granting of relief, exist with regard to any mine or works, he may in writing and subject to such restrictions or conditions (if any) as he may deem fit, grant exemption from the provisions of subsection (2) to the owner of such mine or works.”.

12. This Act shall be called the Mines, Works and Minerals Short title.
in South-West Africa Amendment Act, 1972.

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