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DEPARTMENT OF THE PRIME MINISTER

No. 732.

12 April 1978.

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

No. 44 of 1978: Mining Rights Amendment Act, 1978.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 732.

12 April 1978.

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

No. 44 van 1978: Wysigingswet op Mynregte, 1978.

Wet No. 44, 1978

WYSIGINGSWET OP MYNREGTE

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die bepalinge van die Wet op Mynregte, 1967, ten einde voorsiening te maak dat sekere Staatsgrond aan openbare prospektering onttrek word; ten einde die verlening van sekere regte wat met prospektering en sekere ondersoeke in verband staan, uit te brei; om die oorbetalings van sekere huurgelde wat deur mynkommissarisse ontvang is ten opsigte van grond geleë in sekere Kleurlinggebiede te reël; om die lisensiegelde te verhoog ten opsigte van kleins wat nie behoorlik ontgin word nie; om ondersoeke betreffende die bepaling van die aard en omvang van die voorkoms van edelmetale en onedele minerale op of onder sekere grond aan die toestemming van die Minister van Mynwese onderworpe te stel; om die regte wat deur kleimlisensies aan die houer daarvan verleen word in sekere omstandighede te beperk; om die oordrag van sekere kleimlisensies te beheer; om voorsiening te maak vir die intrekking van sekere kleimlisensies in sekere omstandighede; betreffende die verkoop van sekere goedere op geproklameerde grond en grond wat kragtens myntitel gehou word; om mynmaatskappye toe te laat om van die salarisse of lone van hulle werknemers koste af te trek ten opsigte van voedsel en akkommodasie wat deur daardie mynmaatskappye aan daardie werknemers verskaf is; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 5 April 1978.)

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

Wysiging van
artikel 10 van
Wet 20 van 1967.

1. Artikel 10 van die Wet op Mynregte, 1967 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (1) deur 5 die volgende subartikel te vervang:

„(1) Die Minister kan by kennisgewing in die *Staatskoerant* enige Staatsgrond of enige in artikel 7 (2) (c) bedoelde grond wat vir openbare prospektering na edelmetale en onedele minerale oop is, aan openbare prospektering onttrek 10 en enige grond wat na die datum van inwerkingtreding van die Wysigingswet op Mynregte, 1978, op enige wyse Staatsgrond word, word vanaf die datum waarop dit aldus Staatsgrond word, geag deur die Minister by sodanige kennisgewing aan openbare prospektering na edelmetale en 15 onedele minerale onttrek te wees.”.

Wysiging van
artikel 18 van
Wet 20 van 1967.

2. Artikel 18 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (12) deur die volgende paragraaf te vervang:

„(a) Die bepalinge van subartikels (2) tot en met (8) en 20 subartikel (11), met uitsondering van die bepalinge met

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GENERAL EXPLANATORY NOTE:

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

ACT

To amend the provisions of the Mining Rights Act, 1967, in order to provide for the withdrawal from public prospecting of certain State land; in order to extend the granting of certain rights connected with prospecting and certain investigations; to regulate the paying over of certain rentals received by mining commissioners in respect of land situated in certain Coloured areas; to increase the licence moneys in respect of claims not adequately worked; to make investigations relating to the determination of the nature and extent of the occurrence of precious metals and base minerals on or underneath certain land subject to the permission of the Minister of Mines; to limit in certain circumstances the rights to which holders of claim licences are entitled by virtue thereof; to control the transfer of certain claim licences; to provide for the withdrawal of certain claim licences in certain circumstances; relating to the sale of certain goods on proclaimed land and land held under mining title; to permit mining companies to deduct from the salaries or wages of their employees the cost of food and accommodation supplied by such mining companies to such employees; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 5 April 1978.)

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

1. Section 10 of the Mining Rights Act, 1967 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 10 of Act 20 of 1967.

10 “(1) The Minister may by notice in the *Gazette* withdraw from public prospecting any State land or any land referred to in section 7 (2) (c) which is open to public prospecting for precious metals and base minerals and any land becoming State land in any manner after the date of commencement of the Mining Rights Amendment Act, 1978, shall as from the date on which it so becomes State land, be deemed to be withdrawn by the Minister by such notice from public
 15 prospecting for precious metals and base minerals.”.

2. Section 18 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (12) of the following paragraph: Amendment of section 18 of Act 20 of 1967.

20 “(a) The provisions of subsections (2) to (8), inclusive, and subsection (11), other than the provisions relating to the

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betrekking tot die gebruik van water uit 'n openbare stroom, is *mutatis mutandis* van toepassing ten opsigte van 'n houer van die reg op onedele minerale of sy benoemde wat na onedele minerale prospekteeur of daarvoor myn op ongeproklameerde private grond **[ten opsigte waarvan die reg op bedoelde minerale van die eiendomsreg op die grond geskei is]** of 'n houer van myntitel met betrekking tot die gebruik van die oppervlakte van ongeproklameerde grond wat nie kragtens myntitel gehou word nie.”.

Wysiging van
artikel 42 van
Wet 20 van 1967.

3. Artikel 42 van die Hoofwet word hierby gewysig deur subartikel (8) deur die volgende subartikel te vervang:

„(8) (a) Huurgeld ingevolge subartikel (7) is vooruit-betaalbaar vir tydperke van minstens een en hoogstens twaalf maande, en die huurgeld deur die mynkommissaris ontvang—

(i) kragtens paragraaf (a) van daardie subartikel **[deur die mynkommissaris ontvang]**, word, behoudens die bepalings van artikel 33 (6) (soos by subartikel (6) van hierdie artikel in verband met hure ingevolge hierdie artikel toegepas), deur hom op die in artikel 26 (1) (b) voorgeskrewe wyse oorbetal;

(ii) kragtens paragraaf (b) van daardie subartikel, word, indien dit betrekking het op grond in 'n raadsgebied soos in artikel 1 van die Wet op Landelike Kleurlinggebiede, 1963 (Wet No. 24 van 1963), omskryf, deur hom oorbetal op die wyse in artikel 27 (1) (a) (ii) voorgeskryf.

(b) Die bepalings van artikel 27 (1) (b) is *mutatis mutandis* van toepassing ten opsigte van enige bedrag wat ingevolge paragraaf (a) (ii) aan die Sekretaris bedoel in artikel 27 (1) (a) (ii) betaal is.”.

Wysiging van
artikel 55 van
Wet 20 van 1967.

4. Artikel 55 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

„(a) Indien grond wat kragtens 'n kleimlisensie gehou word volgens die mynkommissaris se oordeel te eniger tyd nie behoorlik ontgin word nie, en bedoelde grond nie 'n integreerende deel uitmaak van 'n myneiendom wat volgens sy oordeel aldus ontgin word nie, kan hy aan die houer van bedoelde lisensie 'n skriftelike kennisgewing bestel waarby daardie houer aangesê word om bedoelde grond binne 'n tydperk (van minstens drie maande) in die kennisgewing vermeld, behoorlik te ontgin, en by versuim deur bedoelde houer om binne die aldus vermelde tydperk of binne die verdere tydperk wat die mynkommissaris toelaat aan bedoelde kennisgewing te voldoen, kan die mynkommissaris by hernuwing van die lisensie betaling van lisensiegelde op 'n hoër skaal van hoogstens **[honderd-en-vyftig sent]** vyf rand per klein per maand **[in die geval van edelmetalkleims of kleims gehou kragtens lisensie wat vir beide edelmetale en onedele minerale beskikbaar is en dertig sent per klein per maand in die geval van onedele minerale-kleims]** vorder.”.

Wysiging van
artikel 58 van
Wet 20 van 1967.

5. Artikel 58 van die Hoofwet word hierby gewysig—

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

„(a) Ondanks andersluidende bepalings van hierdie Wet, kan die Minister, indien hy na oorlegpleging met die Staatsmyningenieur oortuig is dat die skema waarvolgens iemand voornemens is—

(i) om edelmetale of onedele minerale te ontgin op of onder oop geproklameerde grond wat

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use of water from a public stream, shall *mutatis mutandis* apply in respect of a holder of the right to base minerals or his nominee who prospects or mines for base minerals on unproclaimed private land **[in respect of which the right to such minerals is severed from the ownership of the land]** or a holder of mining title in relation to the use of the surface of any unproclaimed land not held under mining title.”

3. Section 42 of the principal Act is hereby amended by the substitution for subsection (8) of the following subsection: Amendment of section 42 of Act 20 of 1967.

“(8) (a) Any rent under subsection (7) shall be paid in advance for periods of not less than one and not more than twelve months, and the rent received by the mining commissioner—

15 (i) under paragraph (a) of that subsection shall, subject to the provisions of section 33 (6) (as applied by subsection (6) of this section in connection with leases under this section), be disposed of by him in the manner provided by section 26 (1) (b);

20 (ii) under paragraph (b) of that subsection shall, if it relates to land in any board area as defined in section 1 of the Rural Coloured Areas Act, 1963 (Act No. 24 of 1963), be paid over by him in the manner provided by section 27 (1) (a) (ii).

25 (b) The provisions of section 27 (1) (b) shall *mutatis mutandis* apply in respect of any amount paid in terms of paragraph (a) (ii) to the Secretary referred to in section 27 (1) (a) (ii).”

30 4. Section 55 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph: Amendment of section 55 of Act 20 of 1967.

“(a) If at any time land held under a claim licence is in the opinion of the mining commissioner not being adequately worked and such land does not form an integral part of a mining property which in his opinion is being so worked, he may serve upon the holder of such licence notice in writing calling upon such holder adequately to work such land within a period (not being less than three months) specified in the notice, and on failure by such holder to comply with such notice within the period so specified or within such further period as the mining commissioner may allow, the mining commissioner may upon renewal of the licence require payment of licence moneys at an increased rate not exceeding **[one hundred and fifty cents]** five rand per claim per month **[in the case of precious metal claims or claims held under licence available for both precious metals and base minerals and thirty cents per claim per month in the case of base mineral claims]**.”

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

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph: Amendment of section 58 of Act 20 of 1967.

55 “(a) Notwithstanding anything in this Act contained, the Minister may, if after consultation with the Government Mining Engineer he is satisfied that the scheme according to which any person proposes—

60 (i) to mine for precious metals or base minerals on or underneath any open proclaimed land

- vanweë die bepalings van artikel 48 (4) (c) nie vir die afpenning van kleims beskikbaar is nie;
of
 (ii) om ondersoek in te stel ten einde te bepaal hoe en in watter mate enige edelmetaal of onedele mineraal op of onder sodanige grond voorkom, 5
 bevredigend is, en òf dat sy geldmiddele voldoende is om bedoelde ontginningswerksaamhede of ondersoek uit te voer òf dat die reëlins waardeur hy voornemens is om kapitaal vir die doel te verkry, 10
 bevredigend is, onderworpe aan die bedinge en voorwaardes wat die Minister bepaal, aan so iemand toestemming verleen om binne 'n tydperk van **[een maand]** twee maande die getal edelmetaalkleims of onedele minerale-kleims deur die 15
 Minister gemagtig op bedoelde grond af te pen.”;
- (b) deur die volgende paragraaf by subartikel (1) by te voeg:
 „(c) Ondanks andersluidende bepalings van hierdie Wet kan enige toestemming wat ingevolge paragraaf (a) aan iemand verleen is, 'n voorwaarde bevat waarby 20
 so iemand verbied word om op 'n kleim wat afgepen is op grond van sodanige toestemming en 'n kleimlisensie wat ingevolge subartikel (2) aan hom verleen is, edelmetale of onedele minerale, na gelang daardie kleimlisensie vir edelmetale of 25
 onedele minerale uitgereik is, te ontgin tot tyd en wyl—
 (i) so iemand, indien hy in sy aansoek om sodanige toestemming aangedui het dat hy voornemens is om 'n ondersoek bedoel in 30
 paragraaf (a) (ii) in te stel, die Minister oortuig het dat die skema waarvolgens hy voornemens is om edelmetale of onedele minerale, na gelang van die geval, op daardie kleim te ontgin, bevredigend is en òf dat sy 35
 geldmiddele voldoende is om bedoelde ontginningswerksaamhede uit te voer òf dat die reëlins waardeur hy voornemens is om kapitaal vir die doel te verkry, bevredigend is;
 (ii) die Minister die aandeel in die winste uit die 40
 ontginning van daardie kleim of, in plaas van 'n aandeel in dié winste, die tantième of ander vergoeding bepaal het wat so iemand aan die Staat moet betaal.”;
- (c) deur subartikel (2) deur die volgende subartikel te 45
 vervang:
 „(2) Iemand wat op grond van toestemming ingevolge subartikel (1) kleims wil afpen, moet voor sodanige afpenning 'n kleimlisensie vir die getal edelmetaal-kleims of onedele minerale-kleims in die toestemming 50
 vermeld van die mynkommissaris verkry, en kleims wat ingevolge so 'n lisensie afgepen is, is, behoudens die bepalings van subartikel (3), onderworpe aan al die bepalings met betrekking tot kleims kragtens artikel 48 afgepen.”;
- (d) deur die volgende subartikels by te voeg: 55
 „(3) Indien enige kleim afgepen is op grond van enige toestemming wat ingevolge subartikel (1) (a) verleen is en 'n kleimlisensie wat ingevolge subartikel (2) uitgereik is, en sodanige toestemming verleen is onderworpe aan 'n voorwaarde— 60
 (a) waarby van die persoon aan wie sodanige toestemming verleen is, vereis word om 'n aandeel in die winste uit die ontginning van daardie kleim of 'n tantième of ander vergoeding aan die Staat te 65
 betaal;
 (b) bedoel in subartikel (1) (c),
 word daardie kleim nie sonder die voorafgaande skrif-

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not available for the pegging of claims by virtue of the provisions of section 48 (4) (c); or

- (ii) to carry out an investigation for the purpose of determining the nature and extent of any occurrence of precious metals or base minerals on or underneath such land,

is satisfactory, and either that his financial resources are adequate for the carrying out of such mining operations or investigation or that the arrangements by which he proposes to obtain capital for the purpose are satisfactory, grant to such person, subject to such terms and conditions as the Minister may determine, permission to peg on such land within a period of **[one month]** two months the number of precious metal claims or base mineral claims authorized by the Minister.”;

- (b) by the addition to subsection (1) of the following paragraph:

“(c) Notwithstanding anything in this Act contained, any permission granted to any person in terms of paragraph (a), may contain a condition whereby such person is prohibited from mining on a claim pegged pursuant to such permission and a claim licence issued in terms of subsection (2), for any precious metals or base minerals, according to whether such licence was issued for precious metals or for base minerals, until such time as—

- (i) such person, if, in his application for such permission, he has indicated that he proposed to carry out an investigation referred to in paragraph (a) (ii), has satisfied the Minister that the scheme according to which he proposes to mine for precious metals or base minerals, as the case may be, is satisfactory, and either that his financial resources are adequate for the carrying out of such mining operations or that the arrangements by which he proposes to obtain capital for the purpose are satisfactory;

- (ii) the Minister has determined the share of the profits derived from the working of such claim or, in lieu of a share of the profits, the royalty or other consideration to be paid to the State by such person.”;

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

“(2) Any person desirous of pegging claims pursuant to a permission under subsection (1) shall before such pegging obtain from the mining commissioner a claim licence for the number of precious metal claims or base mineral claims mentioned in the permission, and any claims pegged under such licence shall, subject to the provisions of subsection (3), be subject to all the provisions of this Act relating to claims pegged under section 48.”;

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

“(3) If any claim has been pegged pursuant to any permission granted in terms of subsection (1) (a) and a claim licence issued in terms of subsection (2), and such permission has been granted subject to a condition—

- (a) whereby the person to whom such permission has been granted, is required to pay a share of the profits derived from the working of such claim or any royalty or other consideration to the State;

- (b) referred to in subsection (1) (c), such claim shall not be transferred without the prior

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telike goedkeuring van die Minister wat hy kan verleen op die bedinge en voorwaardes wat hy goedvind, oorgedra nie.

(4) (a) Die Minister kan iemand wat 'n kleim op grond van toestemming verleen ingevolge subartikel (1) (a) en 'n kleimlisensie uitgereik ingevolge subartikel (2) afgepen het of iemand aan wie 'n kleim ooreenkomstig subartikel (3) oorgedra is, by skriftelike kennisgewing laat aansê om binne 'n tydperk in daardie kennisgewing vermeld, maar nie korter as drie maande na die uitreiking daarvan nie, te voldoen aan enige beding of voorwaarde waarop sodanige toestemming verleen of daardie kleim oorgedra is.

(b) Indien iemand versuim om binne die betrokke tydperk te voldoen aan 'n kennisgewing wat ingevolge paragraaf (a) aan hom gerig is, kan die Minister die betrokke kleimlisensie by skriftelike kennisgewing aan so iemand intrek en daarop verval alle regte op die betrokke kleim op die datum waarop daardie kleimlisensie aldus ingetrek is."

Wysiging van
artikel 139 van
Wet 20 van 1967.

6. Artikel 139 van die Hoofwet word hierby gewysig deur paragraaf (f) van subartikel (3) deur die volgende paragraaf te vervang:

- „(f) op 'n **[benoemde van 'n]** in artikel **[100bis (1) (e)]** 23 (14) van die Drankwet, **[1928 (Wet No. 30 van 1928)]** 1977 (Wet No. 87 van 1977), bedoelde werkgewer, ten opsigte van die verkoop van—
- (i) drank, Bantoebier en spuit- en mineraalwaters ingevolge magtiging kragtens **[daardie]** artikel 23 (1) (a) van daardie Wet **[toegestaan of hernieu]** verleen; of
- (ii) maaltye bestaande uit gekookte of andersins voorbereide voedsel vir gebruik op die perseel ten opsigte waarvan sodanige magtiging gehou word;”.

Wysiging van
artikel 173 van
Wet 20 van 1967.

7. Artikel 173 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

- „(4) Ondanks andersluidende bepalings van hierdie artikel kan 'n mynmaatskappy van die salaris of loon verdien deur en betaalbaar aan enige van sy werknemers die koste aftrek van—
- (a) stewels of werksklere wat vir ondergrondse werk geskik is **[en]**;
- (b) voedsel;
- (c) akkommodasie,
- deur sodanige maatskappy aan bedoelde werknemer verskaf **[is]**.”.

Kort titel.

8. Hierdie Wet heet die Wysigingswet op Mynregte, 1978.

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approval in writing of the Minister, which he may grant on such terms and conditions as he may think fit.

5 (4) (a) The Minister may cause any person who has pegged a claim pursuant to a permission granted in terms of subsection (1) (a) and a claim licence issued in terms of subsection (2) or to whom a claim has been transferred in accordance with subsection (3) to be called upon by notice in writing to comply within a period specified in such notice, not being less than three months after the date of issue thereof, with any term or condition subject to which such permission has been granted or such claim has been transferred.

10 (b) If any person fails to comply within the period in question with any notice addressed to him in terms of paragraph (a), the Minister may cancel the claim licence in question by notice in writing to such person and thereupon all rights in the claim in question shall lapse on the date on which such licence has been so cancelled.”

6. Section 139 of the principal Act is hereby amended by the substitution for paragraph (f) of subsection (3) of the following paragraph: Amendment of section 139 of Act 20 of 1967.

25 “(f) to any **[nominee of any]** employer referred to in section **[100bis (1) (e)]** 23 (14) of the Liquor Act, **[1928 (Act No. 30 of 1928)]** 1977 (Act No. 87 of 1977), in respect of the sale of—

- 30 (i) liquor, Bantu beer and aerated and mineral waters under any authority granted **[or renewed]** in terms of **[that]** section 23 (1) (a) of that Act; or
(ii) meals consisting of cooked or otherwise prepared foods for consumption on the premises in respect of which such authority is held;”

7. Section 173 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection: Amendment of section 173 of Act 20 of 1967.

35 “(4) Notwithstanding anything to the contrary contained in this section, a mining company may deduct from the salary or wages earned by and payable to any of its employees the cost of—
40 (a) any boots or working clothing suitable for work underground;
(b) food;
(c) accommodation,
supplied by it to such employee.”

45 8. This Act shall be called the Mining Rights Amendment Act, Short title. 1978.

