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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 620.

27 Maart 1981.

No. 620.

27 March 1981.

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

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

No. 41 van 1981: Wysigingswet op Edelgesteentes, 1981.

No. 41 of 1981: Precious Stones Amendment Act, 1981.

Act No. 41, 1981

PRECIOUS STONES AMENDMENT ACT, 1981

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 Precious Stones Act, 1964, so as to substitute metric measures for certain other measures for the purposes of that Act; to substitute or delete certain obsolete designations, expressions and provisions therein; to penalize the making of a false statement in any application for a residential and work permit; to apply certain provisions that are applicable to a licensed dealer and the wife of such a dealer, also to the husband of such a dealer; to prohibit any banker from allowing, except with the consent in writing of the chief of the diamond branch, any person who is not the holder of a diamond cutting licence or a diamond dealer's licence to assist him in certain transactions; and to authorize the Minister of Mineral and Energy Affairs to delegate further powers conferred upon him by that Act; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 3 March 1981.)

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

Amendment of
section 1 of
Act 73 of 1964.

1. Section 1 of the Precious Stones Act, 1964 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the definition of "banker" of 5
the following definition:

"'banker' means a commercial bank or merchant bank
as defined in section 1 of the **[Banking Act, 1942**
(Act No. 38 of 1942)] Banks Act, 1965 (Act No.
23 of 1965);"; 10

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

"'board' means the Mining Leases Board established
[under section one of the Transvaal Mining Leases
and Mineral Law Amendment Act, 1918 (Act No. 15
30 of 1918)] by section 5 of the Mining Rights
Act, 1967 (Act No. 20 of 1967);"; 15

(c) by the substitution in the definition of "claim" for the
words "forty-five feet" of the words "fifteen metres";

(d) by the deletion of the definition of "foot"; 20

(e) by the substitution for the definition of "Minister" of
the following definition:

"'Minister' means the Minister of **[Mines]** Mineral and
Energy Affairs;"; and

(f) by the substitution for the definition of "rough or 25
uncut diamond" of the following definition:

"'rough or uncut diamond' includes any crushed
diamond, diamond dust, fragment or partly manu-
factured diamond as defined in section 1 of the

WYSIGINGSWET OP EDELGESTEENTES, 1981

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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 Wet op Edelgesteentes, 1964, ten einde metrieke mate in die plek van sekere ander mate vir die doeleindes van daardie Wet te stel; sekere verouderde benamings, uitdrukkings en bepalings daarin te vervang of te skrap; die doen van 'n valse verklaring in 'n aansoek om 'n woon- en werkpermit strafbaar te stel; sekere bepalings wat op 'n gelisensieerde handelaar en die vrou van so 'n handelaar van toepassing is, ook op die man van so 'n handelaar van toepassing te maak; 'n bankier te verbied om, behalwe met die skriftelike toestemming van die hoof van die diamantafdeling, iemand wat nie die houer van 'n diamantslyplisensie of 'n diamanthandelaarslisensie is nie, toe te laat om hom by sekere transaksies by te staan; en die Minister van Mineraal- en Energiesake te magtig om verdere bevoegdhede by daardie Wet aan hom verleen, te delegeer; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 3 Maart 1981.)

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

1. Artikel 1 van die Wet op Edelgesteentes, 1964 (hieronder die Hoofwet genoem), word hierby gewysig—
- 5 (a) deur die omskrywing van „bankier” deur die volgende omskrywing te vervang:
„bankier” 'n handelsbank of aksepbank soos omskryf in artikel 1 van die Bankwet, **[1942 (Wet No. 38 van 1942)]** 1965 (Wet No. 23 van 1965);”;
- 10 (b) deur in die omskrywing van „kleim” die woorde „vyf-en-veertig voet” deur die woorde „vyftien meter” te vervang;
- (c) deur die omskrywing van „Minister” deur die volgende omskrywing te vervang:
- 15 „Minister” die Minister van **[Mynwese]** Mineraal- en Energiesake;”;
- (d) deur die omskrywing van „raad” deur die volgende omskrywing te vervang:
„raad” die Mynverhuringsraad by artikel **[een van die**
- 20 **“Transvaal Mynverhuring en Minerale Wet Wijzigings Wet, 1918” (Wet No. 30 van 1918)]** 5 van die Wet op Mynregte, 1967 (Wet No. 20 van 1967), ingestel;”;
- 25 (e) deur die omskrywing van „ruwe of ongeslypte diamant” deur die volgende omskrywing te vervang:
„ruwe of ongeslypte diamant” ook 'n fyngemaakte diamant, diamantpoeier, brokstuk of gedeeltelik bewerkte diamant soos omskryf in artikel 1 van

Wysiging van
artikel 1 van
Wet 73 van 1964.

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Diamond Cutting Act, **[1955 (Act No. 33 of 1955)]** 1979 (Act No. 89 of 1979), diamond powder and any rough or uncut synthetic diamond;”.

Amendment of section 4 of Act 73 of 1964.

2. Section 4 of the principal Act is hereby amended—
- (a) by the substitution in paragraph (b) of subsection (5) for the words “in consultation with” of the words “with the concurrence of”; and
 - (b) by the deletion in paragraph (c) of subsection (5) of the words “the Senate or”.

Amendment of section 7 of Act 73 of 1964, as amended by section 1 of Act 61 of 1980.

3. Section 7 of the principal Act is hereby amended by the substitution in paragraph (d) of subsection (1) for the words “three hundred feet” of the words “ninety-five metres”.

Amendment of section 11 of Act 73 of 1964.

4. Section 11 of the principal Act is hereby amended by the substitution in subsection (1) for the word “weight” of the word “mass”.

Amendment of section 14 of Act 73 of 1964.

5. Section 14 of the principal Act is hereby amended by the substitution for the words immediately following upon paragraph (b) of subsection (2) of the following words:
- “shall be subject to all the provisions of this Act applicable in regard to ordinary claims on an alluvial digging, and for the purpose of determining the licence fees payable in respect of such claims, the number of claims in the area comprising the claims shall be determined on the basis that, in respect of such claims awarded—
- (i) prior to the commencement of the Precious Stones Amendment Act, 1981, every **[two thousand and twenty-five square feet]** two hundred and one square metres or portion thereof in the area comprising the claims; or
 - (ii) after the commencement of the said Amendment Act, every two hundred and twenty-five square metres or portion thereof in the area comprising the claims, shall be deemed to constitute one claim **[irrespective of the date on which the claims were awarded]**.”.

Amendment of section 30 of Act 73 of 1964.

6. Section 30 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:
- “(4) Any person who—
- (a) in any application for a residential and work permit makes a false statement knowing it to be false, shall be guilty of an offence and liable on conviction to the penalties laid down by law for the crime of perjury;
 - (b) contravenes the provisions of this section, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand.”.

Amendment of section 38 of Act 73 of 1964.

7. Section 38 of the principal Act is hereby amended by the substitution in subsection (1) for the words “fifty feet” of the words “sixteen metres”.

Substitution of section 44 of Act 73 of 1964.

8. The following section is hereby substituted for section 44 of the principal Act:

“Notice of sinking shaft more than five metres, reporting of

44. (1) Subject to the provisions of subsection (2), any claimholder who intends to sink a shaft on any of his claims to a depth of more than **[fifteen feet]** five metres for the purpose of searching for precious

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- die Wet op **[die Slyn van Diamante, 1955 (Wet No. 33 van 1955)]** Diamantslypery, 1979 (Wet No. 89 van 1979), verpoelnde diamante en enige ruwe of ongeslypte sintetiese diamant;"; en
- 5 (f) deur die omskrywing van „voet” te skrap.
2. Artikel 4 van die Hoofwet word hierby gewysig—
- (a) deur in paragraaf (b) van subartikel (5) die woorde „in oorleg met” deur die woorde „met die instemming van” te vervang; en
- 10 (b) deur in paragraaf (c) van subartikel (5) die woorde „die Senaat of” te skrap.
3. Artikel 7 van die Hoofwet word hierby gewysig deur in paragraaf (d) van subartikel (1) die woorde „driehonderd voet” deur die woorde „vyf-en-negentig meter” te vervang.
- 15 4. Artikel 11 van die Hoofwet word hierby gewysig deur in subartikel (1) die woord „gewig” deur die woord „massa” te vervang.
5. Artikel 14 van die Hoofwet word hierby gewysig deur die woorde wat onmiddellik volg op paragraaf (b) van subartikel (2) 20 deur die volgende woorde te vervang:
- „is onderhewig aan al die bepalings van hierdie Wet wat in verband met gewone kleims op ’n alluviale delwery geld, en by die vasstelling van die lisensiegelde ten opsigte van daardie kleims betaalbaar, word die getal kleims in die 25 gebied wat die kleims behels, bepaal op die grondslag dat, ten opsigte van daardie kleims toegeken—
- (i) voor die inwerkingtreding van die Wysigingswet op Edelgesteentes, 1981, elke **[tweeuisend vyf-en-twintig vierkante voet]** tweehonderd-en-een vierkante meter 30 of gedeelte daarvan binne die gebied wat die kleims behels; of
- (ii) na die inwerkingtreding van genoemde Wysigingswet, elke tweehonderd vyf-en-twintig vierkante meter of gedeelte daarvan binne die gebied wat die kleims 35 behels,
- geag word een kleim uit te maak **[ongeag die datum waarop die kleims toegeken is]**.”.
6. Artikel 30 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:
- 40 „(4) Iemand wat—
- (a) in ’n aansoek om ’n woon- en werkpermit ’n valse verklaring doen met die wete dat dit vals is, is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat regtens vir die misdaad van meened 45 voorgeskryf is;
- (b) die bepalings van hierdie artikel oortree, is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met ’n boete van hoogstens tweehonderd rand.”.
7. Artikel 38 van die Hoofwet word hierby gewysig deur in 50 subartikel (1) die woorde „vyftig voet” deur die woorde „sestien meter” te vervang.
8. Artikel 44 van die Hoofwet word hierby deur die volgende artikel vervang:
- „Kennisge- 44. (1) Behoudens die bepalings van subartikel 55 wing van sink van skag (2), kan ’n kleimhouer wat voornemens is om ’n dieper as vyf skag op enige van sy kleims tot ’n diepte van meer meter, rap- as **[vyftien voet]** vyf meter te grawe met die doel om portering van

Wysiging van artikel 4 van Wet 73 van 1964.

Wysiging van artikel 7 van Wet 73 van 1964, soos gewysig deur artikel 1 van Wet 61 van 1980.

Wysiging van artikel 11 van Wet 73 van 1964.

Wysiging van artikel 14 van Wet 73 van 1964.

Wysiging van artikel 30 van Wet 73 van 1964.

Wysiging van artikel 38 van Wet 73 van 1964.

Vervanging van artikel 44 van Wet 73 van 1964.

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findings below five metres, and pegging of additional claims.

stones, may, after giving written notice to the mining commissioner of his intention to sink the shaft, mark out, by means of a centre peg, an area of land which is open to pegging not exceeding **[three hundred feet]** ninety-five metres in radius and including the claim or block of claims on which the shaft is to be sunk, and thereupon no other person shall, so long as the claimholder continues to sink the shaft to the satisfaction of the mining commissioner, have the right to peg claims on the area so marked out. 10

(2) If the area so marked out (excluding the claim or claims of the claimholder concerned) has not been available for the pegging of claims for a period of more than fourteen days prior to the date of erection of such centre peg, or if the mining commissioner is satisfied that the existence of precious stones on the said area at a depth of more than **[fifteen feet]** five metres from the surface has previously been proved, he shall disallow the marking out of the area and shall in writing notify the claimholder to remove his centre peg within seven days of the date of such notification. 15 20

(3) Any claimholder who finds any precious stones on any of his claims on an area marked out by him under this section at a depth of more than **[fifteen feet]** five metres from the surface, shall, within a period of seven days after the first finding, report the fact in writing to the mining commissioner. 25

(4) If the mining commissioner is satisfied that any claimholder has found precious stones on any of his claims on an area marked out by him under this section at a depth of more than **[fifteen feet]** five metres from the surface, and if a notice under subsection (2) has not been served in respect of such area, the mining commissioner shall in writing notify the claimholder that he is entitled, within a period of one month from the date of the notification under this subsection, and on payment of the licence moneys prescribed by this Act, to obtain a claim licence for and to peg an additional ten claims on such area, and immediately after such pegging or, if the claimholder fails to exercise his right under this subsection, immediately after the expiration of the said period, the area so marked out, excluding the claims thereon, shall be open to pegging. 30 35 40 45

(5) Any claimholder who fails to comply with any provision of subsection (2) or (3) shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand."

Amendment of section 46 of Act 73 of 1964.

9. Section 46 of the principal Act is hereby amended by the substitution for the words "thirty feet" of the words "ten metres"

Amendment of section 52 of Act 73 of 1964.

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

(a) by the substitution in paragraph (b) of subsection (5) for the words "two thousand and twenty-five square feet" of the words "two hundred and twenty-five square metres"; and 55

(b) by the addition of the following subsection:

"(8) No rent payable in respect of any mining lease for the digging of precious stones which was granted prior to the commencement of the Precious Stones 60

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vondse benede vyf meter, en afpenning van 5 bykomende kleims.

10 edelgesteentes te seek, nadat hy die mynkommissaris skriftelik kennis gegee het van sy voorneme om die skag te grawe, deur middel van 'n middelpen 'n stuk grond wat vir afpenning oop is, uitmerk met 'n straal van hoogstens **[driehonderd voet]** vyf-en-negentig meter wat die kleim of blok kleims insluit waarop die skag gegrawe sal word, en daarop het niemand anders, solank die kleimhouer aanhou om die skag tot bevrediging van die mynkommissaris te grawe, die reg om kleims op die aldus uitgemerkte grond af te pen nie.

(2) Indien die aldus uitgemerkte grond (uitgesonderd die kleim of kleims van die betrokke kleimhouer) nie vir 'n tydperk van meer as veertien dae voor die datum waarop die middelpen geplaas is, vir die afpenning van kleims beskikbaar was nie, of indien die mynkommissaris oortuig is dat die aanwesigheid van edelgesteentes op **[die]** genoemde grond op 'n diepte van meer as **[vyftien voet]** vyf meter benede die oppervlakte reeds tevore bewys is, laat hy nie die uitmerk van die grond toe nie en stel hy die kleimhouer skriftelik in kennis om sy middelpen binne sewe dae na die datum waarop hy aldus in kennis gestel is, te verwyder.

25 (3) 'n Kleimhouer wat op enige van sy kleims op grond kragtens hierdie artikel deur hom uitgemerk, edelgesteentes vind op 'n diepte van meer as **[vyftien voet]** vyf meter benede die oppervlakte, moet die mynkommissaris binne 'n tydperk van sewe dae na die eerste vonds skriftelik daarvan in kennis stel.

30 (4) Indien die mynkommissaris oortuig is dat 'n kleimhouer op enige van sy kleims op grond kragtens hierdie artikel deur hom uitgemerk edelgesteentes gevind het op 'n diepte van meer as **[vyftien voet]** vyf meter benede die oppervlakte, en indien 'n kennisgewing ingevolge subartikel (2) nie ten opsigte van daardie grond bestel is nie, stel die mynkommissaris die kleimhouer skriftelik in kennis dat hy geregtig is om binne 'n tydperk van een maand vanaf die datum van die kennisgewing ingevolge hierdie subartikel, en by betaling van die lisensiegeld by hierdie Wet voorgeskryf, 'n kleimlisensie te verkry vir 'n bykomende tien kleims op bedoelde grond en om dié kleims daarop af te pen, en onmiddellik na so 'n afpenning of, indien die kleimhouer versuim om sy regte ingevolge hierdie subartikel uit te oefen, onmiddellik na die verstryking van genoemde tydperk, is die grond aldus uitgemerk, uitgesonderd die kleims daarop, oop vir afpenning.

55 (5) 'n Kleimhouer wat in gebreke bly om aan 'n bepaling van subartikel (2) of (3) te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand."

9. Artikel 46 van die Hoofwet word hierby gewysig deur die woorde „dertig voet” deur die woorde „tien meter” te vervang.

Wysiging van artikel 46 van Wet 73 van 1964.

10. Artikel 52 van die Hoofwet word hierby gewysig—

60 (a) deur in paragraaf (b) van subartikel (5) die woorde „tweeëduisend vyf-en-twintig vierkante voet” deur die woorde „tweehonderd vyf-en-twintig vierkante meter” te vervang; en

Wysiging van artikel 52 van Wet 73 van 1964.

(b) deur die volgende subartikel by te voeg:

65 (8) Geen huurgeld wat betaalbaar is ten opsigte van enige mynhuur vir die delf van edelgesteentes wat voor die inwerkingtreding van die Wysigingswet op Edelge-

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Amendment Act, 1981, in terms of this Act or any prior law, shall be reduced as a result merely of the amendment of the definition of "claim" in section 1 of this Act by section 1 of the first-mentioned Act."

Amendment of section 53 of Act 73 of 1964.

11. Section 53 of the principal Act is hereby amended by the substitution in paragraph (c) of subsection (4) for the words "in consultation with" of the words "with the concurrence of". 5

Substitution of section 71 of Act 73 of 1964.

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

"Set-off of losses and approval of directors' fees.

71. (1) If in any accounting year a mine is worked at a loss, the realized loss in that year shall be carried forward and set off against the realized profit of succeeding accounting years. 10

(2) If a mine is worked by a company, any distribution amongst the directors of such company by way of directors' fees or otherwise shall be subject to the approval of the **[Secretary] Commissioner** for Inland Revenue." 15

Amendment of section 75 of Act 73 of 1964.

13. Section 75 of the principal Act is hereby amended by the substitution in paragraph (b) of subsection (1) for the word "Secretary" of the word "Commissioner". 20

Amendment of section 77 of Act 73 of 1964.

14. Section 77 of the principal Act is hereby amended by the substitution for the word "Secretary" wherever it occurs of the word "Commissioner".

Substitution of section 78 of Act 73 of 1964.

15. The following section is hereby substituted for section 78 of the principal Act: 25

"Examination of account and assessment of mineholder's liability.

78. (1) Upon receipt of the account mentioned in section 77 (2) the **[Secretary] Commissioner** for Inland Revenue or any officer under his control, direction or supervision shall examine such account and assess the liability of the mineholder. 30

(2) For the purpose of such examination and assessment the said **[Secretary] Commissioner** or such officer shall have full and free access to and the use of all books (including minute books), accounts, 35 contracts, records and other documents relating to the working of the mine and to the disposal of the precious stones and shall be supplied by the mineholder with all information and particulars which he may from time to time require in order to enable 40 him to make his examination and assessment.

(3) (a) After the assessment the said **[Secretary] Commissioner** shall notify the mineholder of any further sum due by him on the assessment or refund any amount which may be shown by 45 the assessment to have been overpaid to the State.

(b) Any such further sum shall be paid to the said **[Secretary] Commissioner** within such period (not being less than one month) as may be 50 specified in such notification.

(4) If the amount of any assessment is in dispute, the provisions of the law relating to income tax in so far as they relate to the consideration of objections and the hearing of appeals, shall *mutatis mutandis* 55 apply.

(5) The said **[Secretary] Commissioner** shall make an annual report in respect of every mine to the Minister, who may publish such report in the *Gazette*." 60

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steentes, 1981, ingevolge hierdie Wet of 'n vorige wet toegestaan is, word verminder bloot as gevolg van die wysiging van die omskrywing van „klein” in artikel 1 van hierdie Wet deur artikel 1 van eersgenoemde Wet nie.”.

11. Artikel 53 van die Hoofwet word hierby gewysig deur in paragraaf (c) van subartikel (4) die woorde „in oorleg met” deur die woorde „met die instemming van” te vervang.

Wysiging van
artikel 53 van
Wet 73 van 1964.

12. Artikel 71 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 71 van
Wet 73 van 1964.

„Verrekening van verlies en goedkeuring van direkteursgelde.”
71. (1) Indien 'n myn in enige boekjaar teen 'n verlies ontgin word, word die vasgestelde verlies in daardie jaar oorgedra en teen die vasgestelde wins in daaropvolgende jare verreken.
(2) Indien 'n myn deur 'n maatskappy ontgin word, is enige verdeling onder die direkteure van die maatskappy by wyse van direkteursgelde of andersins, onderworpe aan die goedkeuring van die **[Sekretaris]** **Kommissaris** van Binnelandse Inkomste.”.

13. Artikel 75 van die Hoofwet word hierby gewysig deur in paragraaf (b) van subartikel (1) die woord „Sekretaris” deur die woord „Kommissaris” te vervang.

Wysiging van
artikel 75 van
Wet 73 van 1964.

14. Artikel 77 van die Hoofwet word hierby gewysig deur die woord „Sekretaris” oral waar dit voorkom deur die woord „Kommissaris” te vervang.

Wysiging van
artikel 77 van
Wet 73 van 1964.

15. Artikel 78 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 78 van
Wet 73 van 1964.

„Ondersoek van rekening en aanslag van myneienaar se aanspreeklikheid.”
78. (1) By ontvangs van die rekening in artikel 77 (2) bedoel, ondersoek die **[Sekretaris]** **Kommissaris** van Binnelandse Inkomste of 'n beampte onder sy beheer, gesag of toesig daardie rekening en slaan hy die myneienaar aan vir die bedrag waarvoor hy aanspreeklik is.

(2) Vir die doeleindes van so 'n ondersoek en aanslag het bedoelde **[Sekretaris]** **Kommissaris** of bedoelde beampte vrye toegang tot en die gebruik van alle boeke (met inbegrip van notuleboeke), rekenings, kontrakte, aantekenings en ander stukke wat op die ontginning van die myn en die beskikking oor edelgesteentes betrekking het, en moet die myneienaar aan hom al die inligting en besonderhede verstrek wat hy van tyd tot tyd nodig het ten einde sy ondersoek te doen en 'n aanslag te maak.

(3) (a) Na die aanslag stel bedoelde **[Sekretaris]** **Kommissaris** die myneienaar in kennis van enige verdere bedrag wat volgens die aanslag nog deur hom verskuldig is of betaal hy aan hom enige bedrag terug wat hy, na uit die aanslag blyk, te veel aan die Staat betaal het.

(b) So 'n verdere bedrag moet binne die tydperk (van minstens een maand) in die kennisgewing vermeld, aan bedoelde **[Sekretaris]** **Kommissaris** betaal word.

(4) Indien die bedrag van 'n aanslag in geskil is, is die wetsbepalings op inkomstebelasting vir sover hulle op die oorweging van besware en die verhoor van appèlle betrekking het, *mutatis mutandis* van toepassing.

(5) Bedoelde **[Sekretaris]** **Kommissaris** verstrek ten opsigte van elke myn 'n jaarlikse verslag aan die Minister, wat so 'n verslag in die *Staatskoerant* kan publiseer.”.

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Amendment of
section 84 of
Act 73 of 1964.

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

- (a) by the substitution for the words preceding paragraph (a) of subsection (1) of the following words:
“Save as is otherwise provided in this Act or in the Diamond Cutting Act, **[1955 (Act No. 33 of 1955)]** 1979 (Act No. 89 of 1979), no person shall—”;
- (b) by the substitution for subparagraph (ii) of paragraph (a) of subsection (1) of the following subparagraph:
“(ii) he holds a diamond **[cutter’s] cutting** licence, 10 diamond research licence or diamond **[tool-maker’s] tool-making** licence issued under the Diamond Cutting Act, **[1955]** 1979, and concludes the transaction in accordance with the provisions of that Act; or”; and 15
- (c) by the substitution in subparagraph (i) of paragraph (b) of subsection (1) for the expression “1955” of the expression “1979”.

Repeal of
section 87 of
Act 73 of 1964.

17. Section 87 of the principal Act is hereby repealed.

Amendment of
section 92 of
Act 73 of 1964.

18. Section 92 of the principal Act is hereby amended— 20

- (a) by the substitution for the words preceding paragraph (a) of subsection (1) of the following words:
“No licensed dealer nor the husband or wife of any such dealer shall hold any interest, direct or indirect—”; and 25
- (b) by the substitution in paragraph (b) of subsection (1) for the expression “1955 (Act No. 33 of 1955)” of the expression “1979 (Act No. 89 of 1979)”.

Amendment of
section 93 of
Act 73 of 1964.

19. Section 93 of the principal Act is hereby amended—

- (a) by the substitution in subsection (3) for the words “two 30 inches” of the words “five centimetres”; and
- (b) by the substitution for subsection (8) of the following subsection:
“(8) (a) No licensed dealer shall allow any holder of a diamond **[cutter’s] cutting** licence referred to in **[sub-section (1) of section sixteen]** section 17 (a) of the Diamond Cutting Act, **[1955 (Act No. 33 of 1955)]** 1979 (Act No. 89 of 1979), or, except with the consent in writing of the chief of the diamond branch, any other person who is not the holder of 40 a diamond dealer’s licence, to assist **[such dealer]** him in any transaction which he may conclude in terms of his licence.
- (b) No banker shall, except with the consent in writing of the chief of the diamond branch, allow 45 any person who is not the holder of a diamond cutting licence referred to in paragraph (a) or a diamond dealer’s licence, to assist him in any transaction contemplated in section 84 (1) (a) or (b).”.

Amendment of
section 96 of
Act 73 of 1964,
as amended by
section 6 of
Act 61 of 1980.

20. Section 96 of the principal Act is hereby amended—

- (a) by the substitution in subsection (2) for the word “weight” wherever it occurs of the word “mass”; and
- (b) by the substitution for subsection (5) of the following subsection: 55

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16. Artikel 84 van die Hoofwet word hierby gewysig—
 (a) deur die woorde wat paragraaf (a) van subartikel (1) voorafgaan deur die volgende woorde te vervang:
 „Behalwe vir sover hierdie Wet of die Wet op **[die Slyp van Diamante, 1955 (Wet No. 33 van 1955)]** Diamantslypery, 1979 (Wet No. 89 van 1979), anders bepaal, mag niemand—”;
 (b) deur subparagraaf (ii) van paragraaf (a) van subartikel (1) deur die volgende subparagraaf te vervang:
 „(ii) hy 'n **[diamantslyperslisensie, diamantnavorsingslisensie of diamantgereedskapvervaardigerslisensie]** diamantslyplisensie, diamantnavorsinglisensie of diamantgereedskapvervaardiginglisensie besit wat ingevolge die Wet op **[die Slyp van Diamante, 1955]** Diamantslypery, 1979, uitgereik is, en die transaksie ooreenkomstig die bepalings van daardie Wet afhandel; of”; en
 (c) deur in subparagraaf (i) van paragraaf (b) van subartikel (1) die uitdrukking „die Slyp van Diamante, 1955” deur die uitdrukking „Diamantslypery, 1979” te vervang.
17. Artikel 87 van die Hoofwet word hierby herroep.
18. Artikel 92 van die Hoofwet word hierby gewysig—
 (a) deur die woorde wat paragraaf (a) van subartikel (1) voorafgaan deur die volgende woorde te vervang:
 „Geen gelisensieerde handelaar of eggenoot of eggenote van so 'n handelaar mag regstreeks of onregstreeks belang hê—”; en
 (b) deur in paragraaf (b) van subartikel (1) die uitdrukking „die Slyp van Diamante, 1955 (Wet No. 33 van 1955)” deur die uitdrukking „Diamantslypery, 1979 (Wet No. 89 van 1979)” te vervang.
19. Artikel 93 van die Hoofwet word hierby gewysig—
 (a) deur in subartikel (3) die woorde „twee duim” deur die woorde „vyf sentimeter” te vervang; en
 (b) deur subartikel (8) deur die volgende subartikel te vervang:
 „(8) (a) Geen gelisensieerde handelaar mag 'n houer van 'n **[diamantslyperslisensie]** diamantslyplisensie **[bedoel in subartikel (1) van artikel sestion van die Wet op die Slyp van Diamante, 1955 (Wet No. 33 van 1955)]** in artikel 17 (a) van die Wet op Diamantslypery, 1979 (Wet No. 89 van 1979), vermeld of, behalwe met die skriftelike toestemming van die hoof van die diamantafdeling, iemand anders wat nie die houer van 'n diamanthandelaarslisensie is nie, toelaat om **[bedoelde handelaar]** hom by te staan **[in verband met]** by 'n transaksie wat hy ingevolge sy lisensie kan aangaan nie.
 (b) Geen bankier mag, behalwe met die skriftelike toestemming van die hoof van die diamantafdeling, iemand wat nie die houer van 'n diamantslyplisensie in paragraaf (a) vermeld of 'n diamanthandelaarslisensie is nie, toelaat om hom by 'n transaksie in artikel 84 (1) (a) of (b) beoog, by te staan nie.”.
20. Artikel 96 van die Hoofwet word hierby gewysig—
 (a) deur in subartikel (2) die woord „gewig” oral waar dit voorkom deur die woord „massa” te vervang; en
 (b) deur subartikel (5) deur die volgende subartikel te vervang:

Wysiging van
artikel 84 van
Wet 73 van 1964.

Herroeping van
artikel 87 van
Wet 73 van 1964.

Wysiging van
artikel 92 van
Wet 73 van 1964.

Wysiging van
artikel 93 van
Wet 73 van 1964.

Wysiging van
artikel 96 van
Wet 73 van 1964,
soos gewysig deur
artikel 6 van
Wet 61 van 1980.

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“(5) The provisions of this section shall not apply in connection with any transaction in respect of which a note of sale and purchase under section **[thirty-three]** 31 of the Diamond Cutting Act, **[1955 (Act No. 33 of 1955)]** 1979 (Act No. 89 of 1979), is required to be 5 completed.”.

Amendment of
section 97 of
Act 73 of 1964.

21. Section 97 of the principal Act is hereby amended by the substitution in paragraph (b) of subsection (1) for the word “weight” wherever it occurs of the word “mass”.

Amendment of
section 102 of
Act 73 of 1964.

22. Section 102 of the principal Act is hereby amended by the 10 substitution in subsection (3) for the words “Consolidated Revenue Fund” of the words “State Revenue Fund”.

Substitution of
section 109 of
Act 73 of 1964.

23. The following section is hereby substituted for section 109 of the principal Act:

“Arrange-
ments for
prevention of
certain
offences.

109. **[(1) All moneys in possession of the board 15 mentioned in section thirty-eight of the Diamond Trade Act, 1882 (Act No. 48 of 1882), of the Cape of Good Hope, and received by the said board pursuant to the provisions of that Act, and the proviso to sub-section (1) of section nine of the Diamond Export 20 Duty Act, 1957 (Act No. 16 of 1957), shall be disposed of as directed by the Secretary to the Treasury.**

(2)] The Minister may, [in consultation] with the concurrence of the Minister of Finance, make such 25 arrangements as he deems necessary and desirable for the better prevention of the theft of or illicit dealing or trading in or unlawful possession of rough or uncut diamonds.”.

Amendment of
section 113 of
Act 73 of 1964.

24. Section 113 of the principal Act is hereby amended by the 30 substitution in subsection (1) for the word “Mines” of the words “Mineral and Energy Affairs”.

Substitution of
section 122 of
Act 73 of 1964.

25. The following section is hereby substituted for section 122 of the principal Act:

“Delegation
of Minister's
powers.

122. The Minister may delegate to the **[Secretary 35 for Mines] Director-General : Mineral and Energy Affairs or any other officer of the Department of [Mines] Mineral and Energy Affairs** any of the powers conferred upon him by **[section five, six, twenty-seven, thirty-nine, forty or one hundred and 40 thirteen of]** this Act, but excluding any power conferred upon him by sections 4 (5) (a), 13 (8), 19 (1), 25 (1), 29 (1), 32, 56 (4), 60 (4), 66 (1), 86 (4) (b), 101 (2) and 111 (2): Provided that the Minister shall not be divested of any power so delegated and 45 may set aside or amend any decision taken by the Director-General or such an officer in the exercise of any power so delegated.”.

Short title.

26. This Act shall be called the Precious Stones Amendment Act, 1981. 50

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5 „(5) Die bepalings van hierdie artikel is nie van toepassing in verband met 'n transaksie ten opsigte waarvan 'n **[koop-en-verkoopbrief]** verkoop- en koop-brief ingevolge artikel **[drie-en-dertig]** 31 van die Wet op **[die Slyn van Diamante, 1955 (Wet No. 33 van 1955)]** Diamantslypery, 1979 (Wet No. 89 van 1979), voltooi moet word nie.”.

21. Artikel 97 van die Hoofwet word hierby gewysig deur in paragraaf (b) van subartikel (1) die woord „gewig” oral waar dit 10 voorkom deur die woord „massa” te vervang. Wysiging van artikel 97 van Wet 73 van 1964.

22. Artikel 102 van die Hoofwet word hierby gewysig deur in subartikel (3) die woorde „Gekonsolideerde Inkomstefonds” deur die woord „Staatsinkomstefonds” te vervang. Wysiging van artikel 102 van Wet 73 van 1964.

23. Artikel 109 van die Hoofwet word hierby deur die 15 volgende artikel vervang: Vervanging van artikel 109 van Wet 73 van 1964.

„Reëlins ter voorkoming van sekere misdrywe. 109. **[(1) Alle gelde in besit van die raad genoem in artikel agt-en-dertig van die ‘Diamond Trade Act, 1882’ (Wet No. 48 van 1882), van die Kaap die Goeie Hoop, en deur dié raad ontvang ingevolge die bepalings van daardie Wet en die voorbehoudsbepaling van subartikel (1) van artikel nege van die Wet op Uitvoerbelasting op Diamante, 1957 (Wet No. 16 van 1957), word oor beskik soos die Sekretaris van die Tesourie gelas.**

25 **(2)] Die Minister kan [in oorleg] met die instemming van die Minister van Finansies die reëlins tref wat hy nodig en wenslik ag vir die beter voorkoming van diefstal van of onwettige transaksies in verband met of onwettige handel in of onwettige besit van 30 ruwe of ongeslypte diamante.”.**

24. Artikel 113 van die Hoofwet word hierby gewysig deur in subartikel (1) die woord „Mynwese” deur die woorde „Mineraal- en Energiesake” te vervang. Wysiging van artikel 113 van Wet 73 van 1964.

25. Artikel 122 van die Hoofwet word hierby deur die 35 volgende artikel vervang: Vervanging van artikel 122 van Wet 73 van 1964.

„Delegering van Minister se bevoegd-hede. 122. Die Minister kan enige bevoegdheid wat ingevolge hierdie Wet aan hom verleen word, maar uitgesonderd 'n bevoegdheid aan hom verleen by 40 artikels 4 (5) (a), 13 (8), 19 (1), 25 (1), 29 (1), 32, 56 (4), 60 (4), 66 (1), 86 (4) (b), 101 (2) en 111 (2), aan die **[Sekretaris van Mynwese]** Direkteur-generaal: Mineraal- en Energiesake of 'n ander beampte van die Departement van **[Mynwese]** Mineraal- en Ener- 45 giesake **[enige van die by artikel vyf, ses, sewe-en-twintig, nege-en-dertig, veertig of honderd-en-dertien van hierdie Wet aan hom verleende bevoegdhede]** deleger: Met dien verstande dat die Minister nie 50 ontdoen is van 'n bevoegdheid wat aldus gedelegeer is nie, en 'n beslissing deur die Direkteur-generaal of so 'n beampte geneem by die uitoefening van 'n bevoegdheid wat aldus gedelegeer is, kan intrek of wysig.”.

26. Hierdie Wet heet die Wysigingswet op Edelgesteentes, Kort titel. 1981.

