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CONTENTS

No.		Page No.	Gazette No.
Minerals and Energy, Department of <i>General Notice</i>			
538 Publication of Explanatory Summary of the Minerals and Petroleum, Resources Development Bill.....	3	23316	

GENERAL NOTICE

NOTICE 538 OF 2002**PUBLICATION OF EXPLANATORY SUMMARY OF THE
MINERALS AND PETROLEUM, RESOURCES DEVELOPMENT BILL**

The Minister of Minerals and Energy intends introducing the Minerals and Petroleum Resources Development Bill in Parliament on 19 April 2002. An explanatory summary is hereby published in accordance with Rule 241(1)(c) of the Rules of the National Assembly.

Copies of the Bill can be obtained from:

1. Government Printers — Cape Town
2. Departmental website — www.dme.gov.za
3. Mr Jacinto Rocha
Department of Minerals and Energy
Mineralia Centre
Cnr Andries and Visagie Street
Pretoria
Tel (012) 317-9029
4. Zakhele Hlongwane
Department of Minerals and Energy
120 Plein Street
Room 732
Parliament
Tel (021) 462-2310

**EXPLANATORY MEMORANDUM ON THE
MINERAL AND PETROLEUM RESOURCES DEVELOPMENT BILL****Background**

In October 1998, Cabinet approved the White Paper of a Minerals and Mining Policy for South Africa. The Minerals and Petroleum Resources Development Bill, gives effect to the policy principles contained in Government's minerals and mining policy.

Objects of the Bill

The objects of the proposed legislation are to—

- (a) recognize the internationally accepted right of the State to exercise sovereignty over all its mineral resources;
- (b) give effect to the principle of the State's custodianship of the nation's mineral resources;
- (c) promote equitable access to the nation's mineral resources to all the people of South Africa;
- (d) expand opportunities for historically disadvantaged persons to enter the minerals and mining industry and to benefit from the exploitation of the nation's mineral resources;
- (e) promote economic growth and development in the Republic;
- (f) promote employment and advance the social and economic welfare of all South Africans;
- (g) provide for security of tenure in respect of prospecting and mining operations;
- (h) give effect to section 24 of the Constitution by ensuring that the nation's mineral resources are developed in an orderly and ecologically sustainable manner; and
- (i) ensure that holders of mining rights contribute towards the socio-economic development of the areas in which they are operating.

Chapter 1 — Definitions

Defines certain terms and words in the Bill.

Chapter 2

This Chapter, amongst others, sets out the objectives of the Bill. It further vests in the State the custodianship of the nation's minerals resources, and deals with matters relating to interpretation of the Act, legal nature of the rights granted in terms of the Act and the principles of administrative justice.

Chapter 3 — Administration

It empowers the Minister to divide the country into regions. Furthermore, entitles the Director-General to designate officers in the service of the Department as regional managers.

Chapter 4 — Minerals and Environmental Regulation

This Chapter covers, among others, the application, granting, renewal and cancellation of prospecting rights, mining rights, mining permits and retention permits. It also deals with mine environmental management processes, requirements and obligation.

Chapter 5 — Minerals and Mining Development Board

Establishes the Minerals and Mining Development Board.

Chapter 6 — Petroleum Exploration and Production

This Chapter covers, among others, the application, granting, renewal and cancellation of exploration rights, production rights, technical co-operation permits and reconnaissance permits. It sets out the functions of the South African Agency for Promotion of Petroleum Exploration and Exploitation.

Chapter 7 — General and miscellaneous provisions

Deals with matters of general and varied nature, which will assist, in the administration, implementation and enforcement of the provisions of this Bill.

Schedule I

Stipulates the laws repealed in term of this Act.

Schedule II

This schedule sets out the manner in which existing rights will be dealt with under the new legislative framework.