

BUITENGEWONE



EXTRAORDINARY

Staatskoerant

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 312.] [8 Maart 1967.

No. 312.] [8th March, 1967.

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

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

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No. 19, 1967.]

ACT

To amend the Maintenance Act, 1963, so as to apply the provisions of sections 211 and 212 of the Criminal Procedure Act, 1955, to an enquiry in a maintenance court; and to facilitate the proof of the making of a maintenance order against a particular person.

(Afrikaans text signed by the State President.)
(Assented to 24th February, 1967.)

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

Amendment of section 9 of Act 23 of 1963.

1. Section 9 of the Maintenance Act, 1963 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The provisions of sections 211 and 212 of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall *mutatis mutandis* apply in relation to a person summoned under section 4 of this Act to appear at an enquiry in a maintenance court or who is present at an enquiry in a maintenance court, and the maintenance court holding that enquiry may exercise in respect of such person all the powers conferred by the said sections 211 and 212 on the court referred to therein.”.

Amendment of section 11 of Act 23 of 1963.

2. Section 11 of the principal Act is hereby amended by the addition of the following subsection:

“(5) A copy of a maintenance order, purporting to have been certified by the maintenance officer or by the registrar or clerk of the court or by any other officer having the custody of the records of the court which made the maintenance order, shall, if the name mentioned therein of the person against whom the maintenance order has been made corresponds substantially to that of the person charged with an offence under subsection (1), on its mere production be *prima facie* proof of the fact that such maintenance order has been made against the lastmentioned person.”.

Short title.

3. This Act shall be called the Maintenance Amendment Act, 1967.

No. 19, 1967.]

WET

Tot wysiging van die Wet op Onderhoud, 1963, om die bepalings van artikels 211 en 212 van die Strafproseswet, 1955, van toepassing te maak op 'n ondersoek in 'n onderhoudshof; en om die bewys van die uitvaardiging van 'n onderhoudsbevel teen 'n bepaalde persoon te vergemaklik.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 24 Februarie 1967.)

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

1. Artikel 9 van die Wet op Onderhoud, 1963 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: Wysiging van artikel 9 van Wet 23 van 1963.

„(1) Die bepalings van artikels 211 en 212 van die Strafproseswet, 1955 (Wet No. 56 van 1955), is *mutatis mutandis* van toepassing met betrekking tot 'n persoon wat ingevolge artikel 4 van hierdie Wet gedagvaar is om by 'n ondersoek in 'n onderhoudshof te verskyn of wat by 'n ondersoek in 'n onderhoudshof aanwesig is, en die onderhoudshof wat daardie ondersoek waarneem, kan ten opsigte van so 'n persoon al die bevoegdhede uitoefen wat deur gemelde artikels 211 en 212 aan die daarin bedoelde hof verleen word.”.

2. Artikel 11 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg: Wysiging van artikel 11 van Wet 23 van 1963.

„(5) 'n Afskrif van 'n onderhoudsbevel wat heet gesertifiseer te wees deur die onderhoudsbeampte of deur die griffier of klerk van die hof of deur 'n ander beampte belas met die bewaring van die stukke van die hof wat die onderhoudsbevel uitgevaardig het, is, indien die daarin vermelde naam van die persoon teen wie die onderhoudsbevel uitgevaardig is, in hoofsaak ooreenstem met dié van die persoon wat weens 'n misdryf kragtens subartikel (1) aangekla word, by blote voorlegging daarvan *prima facie*-bewys van die feit dat die onderhoudsbevel teen laasbedoelde persoon uitgevaardig is.”.

3. Hierdie Wet heet die Wysigingswet op Onderhoud, 1967. **Kort titel.**

ACT

To regulate prospecting and mining for precious metals, base minerals and natural oil in the Republic, and to provide for matters incidental thereto.

(English text signed by the State President.)
(Assented to 24th February, 1967.)

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SCHEDULES

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

PRELIMINARY

Definitions.

1. In this Act, unless the context otherwise indicates—

- (i) "alienated State land", for the purposes of any provision relating to the occurrence of or searching, prospecting or mining for any precious metal or base mineral or natural oil on any land, means land which is not owned by the State or (if so owned) is held by a lessee and in the title deeds or lease of which there is a reservation to the State of the right to that precious metal or base mineral or to natural oil, as the circumstances may require; (xlix)

No. 20, 1967.]

WET

Om prospektering na en ontginning van edelmetale, onedele minerale en aardolie in die Republiek te reël, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 24 Februarie 1967.)

RANGSKIKKING VAN ARTIKELS.

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BYLAES

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

INLEIDING.

1. Tensy uit die samehang anders blyk, beteken in hierdie **Woord-**
Wet— **omskrywing.**

- (i) „aardolie” enige vloeibare of vaste koolwaterstof of ontvlambare gas wat in 'n natuurstaat in die aardkors voorkom, maar nie ook steenkool of bitumineuse skalië of ander gestratifiseerde afsettings waaruit olie deur droë distillasie verkry kan word, of gas wat uit moeras- of ander oppervlakafsettings ontstaan nie; (xxv)

- (ii) "banker" means a commercial bank or merchant bank as defined in section 1 of the Banks Act, 1965 (Act No. 23 of 1965), and includes any manager or accountant of such a bank and any other officer of such a bank acting in like capacity; (ii)
- (iii) "Bantu" means a person who is a Bantu within the meaning of the Population Registration Act, 1950 (Act No. 30 of 1950), and includes a Bantu tribe, a community or aggregation of Bantu, an association of Bantu and a corporate body or company in which Bantu hold a controlling interest; (iii)
- (iv) "base mineral" means any substance, whether in solid, liquid or gaseous form, occurring naturally in or on the earth, which has been formed by or subjected to a geological process, but does not include—
 - (a) precious metals;
 - (b) precious stones;
 - (c) natural oil;
 - (d) water, not being water taken from a borehole, well, excavation or natural saltpan for the extraction therefrom of a substance in solution therein and of commercial value; or
 - (e) soil, not being soil taken from the earth for the extraction therefrom of a substance of commercial value contained therein or for the manufacture therefrom of a product of commercial value; (xxviii)
- (v) "board" means the Mining Leases Board established under section 5; (xli)
- (vi) "claim" means an area of land which has in conformity with the provisions of this Act or a prior law been lawfully pegged as a claim and in respect of which the right to dig for precious metals or base minerals has been lawfully obtained, but does not include a prospecting or a mining claim; (xvi)
- (vii) "claim licence" means a licence issued under section 48 of this Act, and includes a licence issued or renewed under Chapter V of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908), of the Transvaal, or under the said Chapter as applied to base minerals by section 119 of that Act, or under the said Act as applied to the province of the Orange Free State by the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936), and renewable under Chapter VI of this Act; (xvii)
- (viii) "coloured person" means a person who is not a white person or a Bantu; (xviii)
- (ix) "controlling interest" has the meaning assigned thereto in section 1 of the Group Areas Act, 1966 (Act No. 36 of 1966); (iv)
- (x) "diagram" means a diagram which has been signed by a person recognized by law as a land surveyor, and has been approved, confirmed or certified by a Surveyor-General or other officer empowered under any law so to approve, confirm or certify a diagram, and includes a diagram or a copy thereof prepared in a Surveyor-General's office which has been so approved, confirmed or certified; (xv)
- (xi) "dig" has the same meaning as "mine"; (vi)
- (xii) "entity of private land" means any area of private land in respect of which the right to precious metals or base minerals is registered separately in the deeds registry concerned, or any piece of private land registered in such deeds registry without separate registration of the right to precious metals or base minerals; (ix)
- (xiii) "foot" means a Cape foot; (l)
- (xiv) "Government Mining Engineer" means the person appointed as such under this Act or a prior law, or any person lawfully acting in that capacity; (xlv)
- (xv) "holder", in relation to the right to any precious metal or base mineral or natural oil in respect of any land, means the owner of that land or, if the right to such precious metal or base mineral or natural oil in respect of the land is severed from the ownership of the land, the person in whose name the right to such precious metal or base mineral or natural oil is registered in the deeds registry concerned; (xiii)
- (xvi) "lessee", in relation to land, means a person to whom that land has been allotted under any law relating to land settlement and who has exercised or is deemed to have exercised the right to purchase that land; (xiv)

- (ii) „bankier” ’n handelsbank of aksepbank soos omskryf in artikel 1 van die Bankwet, 1965 (Wet No. 23 van 1965), en ook ’n bestuurder of rekenmeester van so ’n bank en enige ander beampte van so ’n bank wat in ’n dergelike hoedanigheid optree; (ii)
- (iii) „Bantoe” iemand wat ’n Bantoe is binne die bedoeling van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), en ook ’n Bantoestam, ’n Bantogemeenskap of versameling van Bantoes, ’n assosiasie van Bantoes en ’n regs persoon of maatskappy waarin Bantoes ’n beherende belang besit; (iii)
- (iv) „beherende belang” dieselfde as wat „beheersende belang” in artikel 1 van die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966), beteken; (ix)
- (v) „blanke” iemand wat ’n blanke is binne die bedoeling van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950); (lii)
- (vi) „delf” dieselfde as „myn”; (xi)
- (vii) „edelgesteentes” dieselfde as wat dit in artikel 1 van die Wet op Edelgesteentes, 1964 (Wet No. 73 van 1964), beteken; (xxix)
- (viii) „edelmetale”—
 - (a) die metale goud, silwer, platina en iridium en enige ander metale van die platinagroep, en die ertse van dié metale; en
 - (b) enige ander metale wat die Staatspresident met die goedkeuring, by besluit, van die Senaat en van die Volksraad, by proklamasie in die *Staatskoerant* tot edelmetale vir die doeleindes van hierdie Wet verklaar het, en die ertse van dié metale; (xxviii)
- (ix) „eenheid private grond” enige stuk private grond ten opsigte waarvan die reg op edelmetale of onedele minerale afsonderlik in die betrokke aktekantoor geregistreer is, of enige stuk private grond wat sonder afsonderlike registrasie van die reg op edelmetale of onedele minerale in so ’n aktekantoor geregistreer is; (xii)
- (x) „eienaar”, met betrekking tot grond, die persoon op wie se naam die grond in die betrokke aktekantoor geregistreer is; (xxvii)
- (xi) „geproklameerde grond” grond wat ingevolge artikel 39 tot ’n openbare delwery vir edelmetale of onedele minerale geproklameer is en nog aldus geproklameer is, of wat ingevolge die bepaling van artikel 40 geproklameerde grond is; (xxxii)
- (xii) „hierdie Wet” ook die regulasies; (xlvi)
- (xiii) „houer”, met betrekking tot die reg op ’n edelmetaal of onedele mineraal of aardolie ten opsigte van enige grond, die eienaar van daardie grond of, indien die reg op bedoelde edelmetaal of onedele mineraal of aardolie ten opsigte van die grond van die eiendomsreg op die grond geskei is, die persoon op wie se naam die reg op bedoelde edelmetaal of onedele mineraal of aardolie in die betrokke aktekantoor geregistreer is; (xv)
- (xiv) „huurder”, met betrekking tot grond, iemand aan wie daardie grond kragtens ’n wetsbepaling op nedersetting toegeken is en wat die reg om bedoelde grond te koop, uitgeoefen het of geag word dit uit te geoefen het; (xvi)
- (xv) „kaart” ’n kaart onderteken deur iemand wat regtens as ’n landmeter erken word, en wat goedgekeur, bekragtig of gesertifiseer is deur ’n Landmeter-generaal of ander beampte wat ingevolge ’n wetsbepaling bevoeg is om ’n kaart aldus goed te keur, te bekragtig of te sertifiseer, en ook ’n kaart of ’n kopie daarvan wat in ’n kantoor van ’n Landmeter-generaal opgestel en aldus goedgekeur, bekragtig of gesertifiseer is; (x)
- (xvi) „kleim” ’n stuk grond wat wettiglik ooreenkomstig die bepaling van hierdie Wet of ’n vorige wet as ’n kleim afgepen is, en ten opsigte waarvan die reg om edelmetale of onedele minerale te delf wettiglik verkry is, maar nie ook ’n prospekter- of ’n mynkleim nie; (vi)
- (xvii) „kleimlisensie” ’n lisensie kragtens artikel 48 van hierdie Wet uitgereik, en ook ’n lisensie wat kragtens Hoofstuk V van die „Precious and Base Metals Act, 1908” (Wet No. 35 van 1908), van Transvaal, of kragtens bedoelde Hoofstuk soos by artikel 119 van daardie Wet op onedele minerale toegepas, of kragtens gemelde Wet soos by die Oranje-Vrystaatse Metaalmyn Wet, 1936 (Wet No. 13 van 1936), op die provinsie

- (xvii) "mine", when used as a verb, means carry on any operations with the object of winning precious metals, base minerals or natural oil from the earth, and includes any excavation work, whether by underground or open working or otherwise, and any boring and other operations necessary for or incidental to such winning; (xx)
- (xviii) "mining claim" means a mining claim which has been lawfully pegged under the authority of a mining claim licence issued in terms of the Natal Mines Act, 1899 (Act No. 43 of 1899), of Natal, and has been registered as provided in section 31 of that Act; (xxii)
- (xix) "mining claim licence" means a mining claim licence issued or renewed under the Natal Mines Act, 1899 (Act No. 43 of 1899), of Natal, under the authority of which a mining claim is held at the commencement of this Act; (xxiii)
- (xx) "mining commissioner" means any person appointed as such under this Act or a prior law, or any person lawfully acting in that capacity, and, when used in relation to any mining district or land in any mining district, means the person so appointed or acting in such capacity for that district; (xxiv)
- (xxi) "mining concession" means a concession granted under article 4 of Law No. 1 of 1883 of the Transvaal or a corresponding provision of a prior law; (xxv)
- (xxii) "mining district" means a mining district referred to in section 4, and, when used in relation to any land, means the mining district in which that land is situated; (xxi)
- (xxiii) "mining title" means any right to mine granted or acquired under this Act, and any other right to mine granted or acquired under any prior law and existing at the commencement of this Act, but does not include a right to mine for precious stones; (xxvi)
- (xxiv) "Minister" means the Minister of Mines; (xix)
- (xxv) "natural oil" means any liquid or solid hydrocarbon or combustible gas existing in a natural condition in the earth's crust, but does not include coal or bituminous shales or other stratified deposits from which oil can be obtained by destructive distillation, or gas arising from marsh or other surface deposits; (i)
- (xxvi) "open proclaimed land" means proclaimed land not held under mining title; (xxx)
- (xxvii) "owner", in relation to land, means the person in whose name the land is registered in the deeds registry concerned; (x)
- (xxviii) "precious metals" means—
- (a) the metals gold, silver, platinum and iridium and any other metals of the platinum group, and the ores of any such metals; and
 - (b) any other metals which the State President has, with the approval, by resolution, of the Senate and of the House of Assembly, declared by proclamation in the *Gazette* to be precious metals for the purposes of this Act, and the ores of any such metals; (viii)
- (xxix) "precious stones" has the meaning assigned thereto in section 1 of the Precious Stones Act, 1964 (Act No. 73 of 1964); (vii)
- (xxx) "prescribed material" means any material which is prescribed material for the purposes of the Atomic Energy Act, 1948 (Act No. 35 of 1948); (lii)
- (xxxi) "private land", for the purposes of any provision relating to the occurrence of or searching, prospecting or mining for any precious metal or base mineral or natural oil on any land, means land in respect of which the State is not the holder of the right to that precious metal or base mineral or to natural oil, as the circumstances may require, but does not include any land to which section 16 relates; (xxxi)
- (xxxii) "proclaimed land" means land which has in terms of section 39 been proclaimed a public digging for precious metals or base minerals and is still so proclaimed, or which is proclaimed land by virtue of the provisions of section 40; (xi)

- Oranje-Vrystaat toegepas, uitgereik of hernieu is, en kragtens Hoofstuk VI van hierdie Wet hernieu kan word; (vii)
- (xviii) „kleurling” iemand wat nie ’n blanke of ’n Bantoe is nie; (viii)
- (xix) „Minister” die Minister van Mynwese; (xxiv)
- (xx) „myn”, waar dit as ’n werkwoord gebesig word, enige werksaamhede onderneem met die doel om edelmetale, onedele minerale of aardolie uit die aarde te win, en ook uitgrawingswerk, hetsy deur ondergrondse ontginning of dagbou of andersins, en enige boordery en ander werksaamhede wat vir sodanige winning nodig is of daarmee in verband staan; (xvii)
- (xxi) „myndistrik” ’n myndistrik in artikel 4 bedoel, en, waar dit met betrekking tot grond gebesig word, die myndistrik waarin daardie grond geleë is; (xxii)
- (xxii) „mynkleim” ’n mynkleim wat wettiglik ingevolge magtiging verleen by mynkleimlisensie uitgereik ooreenkomstig die „Natal Mines Act, 1899” (Wet No. 43 van 1899), van Natal, afgepen is en volgens voorskrif van artikel 31 van daardie Wet geregistreer is; (xviii)
- (xxiii) „mynkleimlisensie” ’n mynkleimlisensie uitgereik of hernieu kragtens die „Natal Mines Act, 1899” (Wet No. 43 van 1899), van Natal, ingevolge waarvan ’n mynkleim by die inwerkingtreding van hierdie Wet gehou word; (xix)
- (xxiv) „mynkommisaris” iemand kragtens hierdie Wet of ’n vorige wet as sodanig aangestel of iemand wat wettiglik in daardie hoedanigheid optree, en, waar dit met betrekking tot ’n myndistrik of grond in ’n myndistrik gebesig word, die persoon wat ten opsigte van daardie distrik aldus aangestel is of in daardie hoedanigheid optree; (xx)
- (xxv) „mynkonsessie” ’n konsessie kragtens artikel 4 van Wet No. 1 van 1883 van Transvaal of ’n ooreenstemmende bepaling van ’n vorige wet verleen; (xxi)
- (xxvi) „myntitel” ’n reg om te myn wat kragtens hierdie Wet toegeken of verkry is en enige ander reg om te myn wat kragtens ’n vorige wet toegeken of verkry is en by die inwerkingtreding van hierdie Wet bestaan, maar nie ook ’n reg om vir edelgesteentes te myn nie; (xxiii)
- (xxvii) „onbewerkte edelmetaal” onvervaardigde edelmetaal in die vorm van stawe, gietblokke, knope, draad, plaat, korreltjies of in oplossing of in watter ander vorm ook al, of enige artikel of stof wat so ’n edelmetaal bevat of enige artikel wat uit edelmetaal bestaan of dit bevat wat, hoewel dit vervaardig is, nie as sodanig ’n handelsartikel of ’n kunswerk of ’n artikel van argologiese belang is nie; (li)
- (xxviii) „onedele mineraal” enige stof, hetsy in soliede of vloeibare vorm of in die vorm van gas, wat op natuurlike wyse in of op die aarde aangetref word en wat deur ’n geologiese proses gevorm is of daaraan onderhewig was, maar nie ook—
- (a) edelmetale nie;
- (b) edelgesteentes nie;
- (c) aardolie nie;
- (d) water wat nie uit ’n boorgat, put, uitgraving of natuurlike soutpan geneem is om daaruit ’n stof te ekstraheer wat daarin opgelos is en wat kommersiële waarde het nie; of
- (e) ander grond as grond wat uit die aarde geneem is om daaruit ’n stof te ekstraheer wat daarin bevat is en wat kommersiële waarde het of om daarvan ’n produk van kommersiële waarde te vervaardig nie; (iv)
- (xxix) „ongeproklameerde grond” grond wat nie geproklameerde grond is nie; (l)
- (xxx) „oop geproklameerde grond” geproklameerde grond wat nie kragtens myntitel gehou word nie; (xxvi)
- (xxxi) „private grond”, by die toepassing van enige bepaling met betrekking tot die voorkoms van of soek of prospekteer na of myn vir enige edelmetaal of onedele mineraal of aardolie op enige grond, grond ten opsigte waarvan die Staat nie die houer van die reg op daardie edelmetaal of onedele mineraal of op aardolie, na gelang van omstandighede, is nie, maar nie ook grond waarop artikel 16 betrekking het nie; (xxxi)

- (xxxiii) "prospecting" means intentionally searching for precious metals, base minerals or natural oil by means which disturb the surface of the earth, 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; (xxxii)
- (xxxiv) "prospecting area" means an area of land which has been lawfully pegged under section 8 of this Act, and includes any prospecting area or prospecting claim pegged under a prior law and deemed in terms of section 22 of this Act to be a prospecting area pegged under section 8 of this Act; (xxxiv)
- (xxxv) "prospecting claim" means a prospecting claim which has been lawfully pegged under the authority of a prospecting claim licence issued in terms of the Natal Mines Act, 1899 (Act No. 43 of 1899), of Natal, and has been registered as provided in section 13 of that Act; (xxxvi)
- (xxxvi) "prospecting claim licence" means a prospecting claim licence issued or renewed under the Natal Mines Act, 1899 (Act No. 43 of 1899), of Natal, under the authority of which a prospecting claim is held at the commencement of this Act; (xxxvii)
- (xxxvii) "prospecting lease" means a lease granted under section 13, 14, 15 or 16, or deemed in terms of section 22 to have been so granted; (xxxv)
- (xxxviii) "prospecting licence" means a licence issued under section 12, and includes a prospecting licence deemed in terms of section 22 to be a prospecting licence so issued; (xxxviii)
- (xxxix) "prospecting permission" means a written permission issued under section 14 of the Transvaal Mining Leases and Mineral Law Amendment Act, 1918 (Act No. 30 of 1918), or of that Act as applied to the province of the Orange Free State by the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936), and current at the commencement of this Act; (xl)
- (xl) "prospecting permit" means a permit issued under section 7, and includes a prospecting permit, prospecting licence or prospecting claim licence deemed in terms of section 22 to be a prospecting permit so issued; (xxxix)
- (xli) "prospector" means any person who holds—
 (a) a prospecting permit;
 (b) a prospecting licence;
 (c) a prospecting lease;
 (d) a notarial deed registered as provided by section 19 of this Act or section 3 of the Reserved Minerals Development Act, 1926 (Act No. 55 of 1926); or
 (e) a prospecting permission; (xxxiii)
- (xlii) "regulation" means a regulation made or in force under this Act; (xlii)
- (xliii) "reservation to the State", in relation to the right to precious metals, base minerals or natural oil, means complete and unencumbered reservation to the State of the right to the precious metals or base minerals concerned or to natural oil, whether express or implied, but does not include the reservation of an undivided share thereof; and "reserved to the State" has a corresponding meaning; (li)
- (xliv) "Secretary" means the Secretary for Mines; (xliii)
- (xlv) "South African Bantu Trust" means the Trust constituted by section 4 of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936); (xlvii)
- (xlvi) "stand" means a stand granted under Chapter XII of this Act, and includes a stand existing at the commencement of this Act—
 (a) which has been granted under section 78 or 79 of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908), of the Transvaal, or of that Act as applied to the province of the Orange Free State by the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936); or
 (b) which is mentioned in section 77 (1) of the said Precious and Base Metals Act, 1908; or
 (c) which has been enlarged under the said section 77; (xlvi)

- (xxxii) „prospekteer” met opset soek na edelmetale, onedele minerale of aardolie op 'n wyse wat die oppervlakte van die aarde 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 die soekery nodig is of daarmee in verband staan, maar nie ook myn nie; (xxxiii)
- (xxxiii) „prospekteerder” die houer van—
 (a) 'n prospekteerpermit;
 (b) 'n prospekteerlisensie;
 (c) 'n prospekteerhuur;
 (d) 'n notariële akte geregistreer volgens voorskrif van artikel 19 van hierdie Wet of artikel 3 van die „Wet op de Ontginning van Voorbehouden Mineralen, 1926” (Wet No. 55 van 1926); of
 (e) 'n prospekteertoestemming; (xli)
- (xxxiv) „prospekteergebied” 'n stuk grond wat wettiglik kragtens artikel 8 van hierdie Wet afgepen is, en ook 'n prospekteergebied of prospekteerleim wat kragtens 'n vorige wet afgepen is en ingevolge artikel 22 van hierdie Wet geag word 'n kragtens artikel 8 van hierdie Wet afgepende prospekteergebied te wees; (xxxiv)
- (xxxv) „prospekteerhuur” 'n huur wat kragtens artikel 13, 14, 15 of 16 verleen is of wat ingevolge artikel 22 geag word aldus verleen te wees; (xxxvii)
- (xxxvi) „prospekteerleim” 'n prospekteerleim wat wettiglik ingevolge 'n prospekteerleimlisensie uitgereik kragtens die „Natal Mines Act, 1899” (Wet No. 43 van 1899), van Natal, afgepen is en ooreenkomstig artikel 13 van daardie Wet geregistreer is; (xxxv)
- (xxxvii) „prospekteerleimlisensie” 'n prospekteerleimlisensie kragtens die „Natal Mines Act, 1899” (Wet No. 43 van 1899), van Natal, uitgereik of hernieu, waar kragtens 'n prospekteerleim by die inwerkingtreding van hierdie Wet gehou word; (xxxvi)
- (xxxviii) „prospekteerlisensie” 'n lisensie kragtens artikel 12 uitgereik, en ook 'n prospekteerlisensie wat ingevolge artikel 22 geag word 'n aldus uitgereikte prospekteerlisensie te wees; (xxxviii)
- (xxxix) „prospekteerpermit” 'n permit kragtens artikel 7 uitgereik, en ook 'n prospekteerpermit, prospekteerlisensie of prospekteerleimlisensie wat ingevolge artikel 22 geag word 'n aldus uitgereikte prospekteerpermit te wees; (xl)
- (xl) „prospekteertoestemming” 'n skriftelike toestemming uitgereik kragtens artikel 14 van die „Transvaal Mijnverhuring en Minerale Wet Wijzigings Wet, 1918” (Wet No. 30 van 1918), of van daardie Wet soos by die Oranje-Vrystaatse Metaal-myn Wet, 1936 (Wet No. 13 van 1936), op die provinsie Oranje-Vrystaat toegepas, wat by die inwerkingtreding van hierdie Wet gangbaar is; (xxxix)
- (xli) „raad” die Mynverhuringsraad by artikel 5 ingestel; (v)
- (xlii) „regulasie” 'n regulasie wat ingevolge hierdie Wet uitgevaardig of van krag is; (xlii)
- (xliii) „Sekretaris” die Sekretaris van Mynwese; (xliv)
- (xliv) „Staatsgrond”, by die toepassing van 'n bepaling met betrekking tot die voorkoms van of soek of prospekteer na of myn vir enige edelmetaal of onedele mineraal of aardolie op enige grond, grond wat nie deur 'n huurder gehou word nie en waarvan die eiendomsreg by die Staat berus en ten opsigte waarvan die Staat ook die houer is van die reg op daardie edelmetaal of onedele mineraal of op aardolie, na gelang van omstandighede; (xlvii)
- (xlv) „Staatsmyningenieur” die persoon kragtens hierdie Wet of 'n vorige wet as sodanig aangestel of iemand wat wettiglik in daardie hoedanigheid optree; (xiv)
- (xlvi) „standplaas” 'n standplaas kragtens Hoofstuk XII van hierdie Wet toegeken, en ook 'n by die inwerkingtreding van hierdie Wet bestaande standplaas—
 (a) wat kragtens artikel 78 of 79 van die „Precious and Base Metals Act, 1908” (Wet No. 35 van 1908), van Transvaal, of van daardie Wet soos by die Oranje-Vrystaatse Metaal-myn Wet, 1936 (Wet No. 13 van 1936), op die provinsie Oranje-Vrystaat toegepas, toegeken is; of
 (b) wat in artikel 77 (1) van bedoelde „Precious and Base Metals Act, 1908”, vermeld word; of
 (c) wat kragtens bedoelde artikel 77 vergroot is; (xlvi)

- (xlvii) "State land", for the purposes of any provision relating to the occurrence of or searching, prospecting or mining for any precious metal or base mineral or natural oil on any land, means land, other than land held by a lessee, which is owned by the State and in respect of which the State is also the holder of the right to that precious metal or base mineral or to natural oil, as the circumstances may require; (xlv)
- (xlviii) "this Act" includes the regulations; (xii)
- (xlix) "Treasury" means the Minister of Finance or any officer in the Department of Finance designated by such Minister; (xlviii)
 - (l) "unproclaimed land" means land other than proclaimed land; (xxix)
 - (li) "unwrought precious metal" means any unmanufactured precious metal in the form of bars, ingots, buttons, wire, plate, granules or in solution or in any other form whatsoever, or any article or substance containing such precious metal or any article consisting of or containing precious metal which although manufactured is not as such an article of commerce or a work of art or an article of archaeological interest; (xxvii)
 - (lii) "white person" means a person who is a white person within the meaning of the Population Registration Act, 1950 (Act No. 30 of 1950). (v)

Right of prospecting and mining for and disposing of precious metals, base minerals and natural oil.

- 2. (1) Save as is otherwise provided in this Act—
 - (a) the right of prospecting for natural oil and of mining for and disposing of precious metals and natural oil is vested in the State;
 - (b) the right of prospecting and mining for and disposing of base minerals on any land is vested in the holder of the right to base minerals in respect of the land.
- (2) The provisions of this Act governing prospecting for and the winning and disposal of base minerals shall not affect the provisions of any other law relating to prospecting for and the winning and disposal of prescribed material.

CHAPTER I.

ADMINISTRATION.

Appointment of Government Mining Engineer, Director of the Geological Survey and other officers and employees.

- 3. (1) The Minister shall, subject to the laws governing the public service—
 - (a) appoint a Government Mining Engineer and a Director of the Geological Survey who shall respectively exercise the powers and perform the functions and duties conferred or imposed upon them by this Act or any other law, and such other powers, functions and duties as may be conferred or imposed upon them by the Minister under this Act;
 - (b) appoint inspectors and other officers and employees who are in his opinion suitably qualified for the purpose, to assist the Government Mining Engineer in the exercise of such powers and the performance of such functions and duties;
 - (c) in respect of every mining district, appoint a mining commissioner or designate an officer or employee in the public service who shall in addition to his other duties exercise the powers and perform the functions and duties which in terms of this Act or any other law are required to be exercised or performed by a mining commissioner;
 - (d) appoint claim inspectors to assist any mining commissioner or any officer or employee designated to exercise the powers and perform the functions and duties of a mining commissioner.
- (2) A mining commissioner shall, within the mining district for which he has been appointed, exercise the powers and perform the functions and duties specially conferred or imposed upon him by this Act or any other law, and such other powers and duties as may be conferred or imposed upon him by the Minister under this Act.
- (3) Any person holding at the commencement of this Act any office referred to in subsection (1) shall be deemed to have been appointed under this Act.

Division of Republic into mining districts.

- 4. (1) For the purposes of this Act the Minister shall, by notice in the *Gazette*, divide the Republic into mining districts, and may from time to time by like notice combine any two or more mining districts into one mining district or sever any por-

- (xlvii) „Suid-Afrikaanse Bantoetrust” die Trust by artikel 4 van die Bantoetrust en -grond Wet, 1936 (Wet No. 18 van 1936), ingestel; (xlv)
- (xlviii) „Tesourie” die Minister van Finansies of ’n beampte in die Departement van Finansies wat bedoelde Minister aanwys; (xlix)
- (xlix) „vervreemde Staatsgrond”, by die toepassing van ’n bepaling met betrekking tot die voorkoms van of soek of prospekter na of myn vir enige edelmetaal of onedele mineraal of aardolie op enige grond, grond waarvan die eiendomsreg nie by die Staat berus nie of wat, waar die eiendomsreg by die Staat berus, deur ’n huurder gehou word, en in die titelbewys of huur waarvan die reg op daardie edelmetaal of onedele mineraal of op aardolie, na gelang van omstandighede, vir die Staat voorbehou word; (i)
- (l) „voet” ’n Kaapse voet; (xiii)
- (ii) „voorbehoud vir die Staat”, met betrekking tot die reg op edelmetale, onedele minerale of aardolie, volkome en onbeswaarde voorbehoud vir die Staat van die reg op die betrokke edelmetale of onedele minerale of op aardolie, hetsy uitdruklik of stilswyend, maar nie ook die voorbehoud van ’n onverdeelde aandeel daarin nie; en het „vir die Staat voorbehou” ’n ooreenstemmende betekenis; (xliii)
- (iii) „voorgeskrewe materiaal” materiaal wat vir die doeleindes van die Wet op Atoomkrag, 1948 (Wet No. 35 van 1948), voorgeskrewe materiaal is. (xxx)

2. (1) Behalwe vir sover hierdie Wet anders bepaal—

- (a) berus die reg om na aardolie te prospekter en om vir edelmetale en aardolie te myn en daarvoor te beskik by die Staat;
- (b) berus die reg om op enige grond na onedele minerale te prospekter en daarvoor te myn en daarvoor te beskik by die houer van die reg op onedele minerale ten opsigte van die grond.

Reg om na edelmetale, onedele minerale en aardolie te prospekter, daarvoor te myn en daarvoor te beskik.

(2) Die bepalings van hierdie Wet betreffende die prospekter na en die win van en beskikking oor onedele minerale doen nie afbreuk aan die bepalings van enige ander wet met betrekking tot die prospekter na en die win van en beskikking oor voorgeskrewe materiaal nie.

HOOFSTUK I.

ADMINISTRASIE.

3. (1) Die Minister moet, met inagneming van die wetsbepalings op die Staatsdiens—

- (a) ’n Staatsmyningenieur en ’n Direkteur van die Geologiese Opname aanstel wat onderskeidelik die bevoegdhede uitoefen en die werksaamhede en pligte uitvoer wat by hierdie Wet of ’n ander wetsbepaling aan hulle verleen of opgedra word, en die ander bevoegdhede, werksaamhede en pligte wat die Minister kragtens hierdie Wet aan hulle verleen of opdra;
- (b) inspekteurs en ander beamptes en werknemers aanstel wat volgens sy oordeel behoorlik vir die doel gekwalifiseer is, om die Staatsmyningenieur by die uitoefening van bedoelde bevoegdhede en die uitvoering van bedoelde werksaamhede en pligte by te staan;
- (c) ten opsigte van elke myndistrik ’n mynkommissaris aanstel of ’n beampte of werknemer in die Staatsdiens aanwys, wat benewens sy ander pligte die bevoegdhede uitoefen en die werksaamhede en pligte uitvoer wat ingevolge hierdie Wet of ’n ander wetsbepaling deur ’n mynkommissaris uitgeoefen of uitgevoer moet word;
- (d) kleiminspekteurs aanstel wat ’n mynkommissaris of ’n beampte of werknemer, aangewys om die bevoegdhede van ’n mynkommissaris uit te oefen en sy werksaamhede en pligte uit te voer, moet bystaan.

Aanstelling van Staatsmyningenieur, Direkteur van die Geologiese Opname en ander beamptes en werknemers.

(2) ’n Mynkommissaris oefen in die myndistrik ten opsigte waarvan hy aangestel is die bevoegdhede uit en voer aldaar die werksaamhede en pligte uit wat by hierdie Wet of ’n ander wetsbepaling spesiaal aan hom verleen of opgedra word, en die ander bevoegdhede en pligte wat die Minister kragtens hierdie Wet aan hom verleen of opdra.

(3) Iemand wat by die inwerkingtreding van hierdie Wet ’n in subartikel (1) vermelde amp beklee, word geag kragtens hierdie Wet aangestel te wees.

4. (1) Vir die doeleindes van hierdie Wet moet die Minister by kennisgewing in die *Staatskoerant* die Republiek in myndistrikte verdeel en kan hy van tyd tot tyd by dergelike kennisgewing twee of meer myndistrikte tot een myndistrik saamsmelt

Verdeling van Republiek in myndistrikte.

tion of a mining district from the remaining portion and constitute such severed portion a new mining district, or alter and adjust the boundaries of any mining district, *inter alia*, by the inclusion therein or the excision therefrom of any portion of the sea as defined in section 1 of the Sea-shore Act, 1935 (Act No. 21 of 1935), or of the continental shelf referred to in section 7 of the Territorial Waters Act, 1963 (Act No. 87 of 1963).

(2) Every mining district shall be a class A or a class B mining district, as determined by the Minister and specified in the relevant notice under subsection (1): Provided that the Minister may at any time by notice in the *Gazette* declare that a mining district of either of such classes shall cease to be a mining district of that class and shall be a mining district of the other class.

(3) Any provision of this Act which is not expressly declared to be applicable to any one class of mining district shall apply to both such classes, and any such provision expressly declared to be applicable to any one such class shall apply to such class only.

Mining Leases Board.

5. (1) There shall be a board to be styled the Mining Leases Board which shall consist of the Government Mining Engineer, who shall be the chairman of the board, the Secretary for Finance and the Secretary for Inland Revenue and not more than two other members who shall be officers in the public service for the time being designated by the Minister for the purpose.

(2) (a) The chairman and two other members of the board shall form a quorum for a meeting thereof.

(b) The decision of a majority of the members of the board present at any meeting shall be a decision of the board: Provided that in the event of an equality of votes on any matter at a meeting of the board, the chairman shall have a casting vote in addition to his deliberative vote.

(c) The minutes of every meeting shall be kept by a secretary who shall be an officer in the public service designated by the Secretary.

(3) The board shall exercise such powers and perform such functions and duties as may be conferred or imposed upon it in terms of this Act or any other law.

(4) Any recommendation of the board on any application for a prospecting or mining lease under this Act, in connection with which the Minister has taken any action or given any decision, shall, if the Minister deems it necessary or the applicant concerned so requests, be laid upon the Table in the Senate and in the House of Assembly by the Minister within fourteen days after the date on which such action was taken or such decision was given, if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

Manner in which duties to be performed by Registrar of Mining Titles.

6. Whenever in this Act provision is made for the registration of any deed, sketch plan, diagram or document of whatever nature in the Mining Titles Office or for the performance of any function or duty by the Registrar of Mining Titles, such registration, function or duty shall be performed in the manner provided by law.

CHAPTER II.

PROSPECTING.

Prospecting on private land and State land and issuing of prospecting permits.

7. (1) No person shall prospect for precious metals on unproclaimed State or private land not held under mining title for precious metals, or for base minerals on unproclaimed State land not held under mining title for base minerals, except under the authority of a prospecting permit or prospecting lease.

(2) The mining commissioner shall, subject to the succeeding provisions of this section, upon application issue a prospecting permit authorizing the applicant to prospect—

(a) for precious metals on unproclaimed private land, not being land referred to in paragraph (c), in respect of which the applicant is the holder of the right to precious metals or has obtained written permission to prospect from the holder of such right; or

(b) for precious metals or base minerals on unproclaimed State land which is not—

(i) leased with the option to purchase under any law relating to land settlement; or

of 'n gedeelte van 'n myndistrik van die oorblywende gedeelte skei en dié geskeide gedeelte as 'n nuwe myndistrik aanwys, of die grense van 'n myndistrik wysig en aanpas, onder meer deur die inlywing daarby of die uitsluiting daarvan van enige gedeelte van die see soos omskryf in artikel 1 van die Strandwet, 1935 (Wet No. 21 van 1935), of van die vastelandsplat bedoel in artikel 7 van die Wet op Territoriale Waters, 1963 (Wet No. 87 van 1963).

(2) Elke myndistrik is 'n myndistrik in klas A of klas B, na gelang die Minister bepaal en in die toepaslike kennisgewing ingevolge subartikel (1) aandui: Met dien verstande dat die Minister te eniger tyd by kennisgewing in die *Staatskoerant* kan verklaar dat 'n myndistrik in enige van bedoelde klasse nie meer in daardie klas val nie en 'n myndistrik van die ander klas is.

(3) 'n Bepaling van hierdie Wet wat nie uitdruklik op een bepaalde klas myndistrik van toepassing verklaar word nie, is op albei bedoelde klasse van toepassing, en so 'n bepaling wat uitdruklik op een bepaalde sodanige klas van toepassing verklaar word, is slegs op daardie klas van toepassing.

5. (1) Daar is 'n raad wat die Mynverhuringraad heet en bestaan uit die Staatsmyningengineur, wat die voorsitter van die raad is, die Sekretaris van Finansies en die Sekretaris van Binnelandse Inkomste en hoogstens twee ander lede wat beamptes in die Staatsdiens is en wat van tyd tot tyd deur die Minister vir dié doel aangewys word.

(2) (a) Die voorsitter en twee ander lede van die raad is 'n kworum vir 'n vergadering van die raad.

(b) Die beslissing van 'n meerderheid van die op 'n vergadering aanwesige lede van die raad maak 'n besluit van die raad uit: Met dien verstande dat by 'n staking van stemme oor enige aangeleentheid op 'n vergadering van die raad, die voorsitter benewens sy beraadslagende stem ook 'n beslissende stem het.

(c) Die notule van elke vergadering word gehou deur 'n sekretaris wat 'n beampte in die Staatsdiens moet wees en deur die Sekretaris aangewys word.

(3) Die raad oefen die bevoegdhede uit en verrig die werksaamhede en pligte wat by hierdie Wet of 'n ander wetsbepaling aan hom verleen of opgedra word.

(4) 'n Aanbeveling van die raad oor 'n aansoek om 'n prospekter- of mynhuur kragtens hierdie Wet, in verband waarmee die Minister stappe gedoen of 'n beslissing gegee het, word, indien die Minister dit nodig ag of die betrokke aansoeker dit verlang, deur die Minister in die Senaat en in die Volksraad ter Tafel gelê binne veertien dae na die datum waarop dié stappe gedoen of dié beslissing gegee is, indien die Parlement dan in gewone sessie is, of, indien die Parlement dan nie in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.

6. Waar in hierdie Wet vir die registrasie van enige akte, sketskaart, kaart of dokument van watter aard ook al in die Mynbriewekantoor of vir die uitvoering van enige werksaamheid of plig deur die Registrateur van Mynbriewe voorsiening gemaak word, moet sodanige registrasie, werksaamheid of plig op die by wet voorgeskrewe wyse uitgevoer word.

Wyse waarop pligte deur Registrateur van Mynbriewe verrig moet word.

HOOFSTUK II.

PROSPEKTERING.

7. (1) Niemand mag op ongeproklameerde Staatsgrond of private grond wat nie kragtens myntitel ten opsigte van edelmetale gehou word, na edelmetale of op ongeproklameerde Staatsgrond wat nie kragtens myntitel vir onedele minerale gehou word, na onedele minerale prospekter nie, behalwe ingevolge magtiging by prospekterpermit of prospekterhuur verleen.

Prospektering op private grond en Staatsgrond en uitreiking van prospekterpermitte.

(2) Die mynkommissaris moet, behoudens onderstaande bepalings van hierdie artikel, op aansoek 'n prospekterpermit uitreik wat die aansoeker magtig om te prospekter—

(a) na edelmetale op ander ongeproklameerde private grond as in paragraaf (c) bedoelde grond, ten opsigte waarvan die aansoeker die houer van die reg op edelmetale is of skriftelike toestemming om te prospekter van die houer van daardie reg verkry het; of

(b) na edelmetale of onedele minerale op ongeproklameerde Staatsgrond wat nie—

(i) kragtens 'n wetsbepaling op nedersetting met die opsie van aankoop verhuur is nie; of

- (ii) used or reserved under this Act or any other law for any Government or public purpose; or
 - (iii) closed to public prospecting by notice or proclamation published in the *Gazette* under the provisions of this Act or a prior law; or
 - (iv) included in the First Schedule to this Act; or
 - (v) situated in any Bantu territory which has been declared to be a self-governing territory in terms of any law; or
- (c) for precious metals or base minerals on unproclaimed land referred to in section 23 of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), which is open to public prospecting for precious metals and base minerals.
- (3) No prospecting permit shall be issued under subsection (2)—
- (a) to any natural person under the age of eighteen years, unless he is the holder of the right to precious metals in respect of the land in respect of which the permit is issued;
 - (b) to any coloured person or any association of coloured persons or any corporate body or company in which coloured persons hold a controlling interest, except in respect of State land in the province of the Cape of Good Hope or private land the ownership of which is vested in a coloured person or an association of coloured persons or a corporate body or company in which coloured persons hold a controlling interest;
 - (c) to any Bantu, except in respect of private land of which the South African Bantu Trust or a Bantu is the owner or which is held in trust for a Bantu;
 - (d) in the case of private land, not being land referred to in subsection (2) (c), held by or in trust for a Bantu, to any nominee of such Bantu, except with the permission of the Minister of Bantu Administration and Development communicated by certificate under the hand of the Secretary for Bantu Administration and Development or of the Chief Bantu Affairs Commissioner for the area in which such land is situated.
- (4) (a) A fee of two rand shall be payable for the issue of any prospecting permit, and any person applying for the issue of such a permit shall furnish the mining commissioner with particulars indicating—
- (i) the full name of the applicant or, in the case of an application by an association of persons, the full names of such persons or, in the case of an application by a corporate body or company, the full registered name of such body or company;
 - (ii) the name, number (if any) and situation of the farm or land in respect of which such permit is desired;
 - (iii) whether the applicant proposes to prospect for precious metals or base minerals or for both precious metals and base minerals;
 - (iv) if required by the mining commissioner, proof to his satisfaction concerning the registration of the right to precious metals and base minerals in respect of the land on which it is proposed to prospect, and, if the land is not private land, concerning the ownership of the land;
 - (v) in the case of private land, not being land referred to in subsection (2) (c), the written permission of the holder of the right to precious metals (if the applicant is not the holder of such right) wherein the applicant is granted permission to prospect for precious metals on the land concerned for a period to be stated in the permission; and
 - (vi) such further particulars and documents as may in any particular case be specially required or called for by the mining commissioner for the purpose of determining whether the applicant is qualified to obtain such permit.

- (ii) kragtens hierdie Wet of 'n ander wetsbepaling vir Staats- of openbare doeleindes gebruik word of uitgehou is nie; of
 - (iii) by kennisgewing of proklamasie ingevolge die bepalings van hierdie Wet of 'n vorige wet in die *Staatskoerant* afgekondig vir openbare prospektering gesluit is nie; of
 - (iv) in die Eerste Bylae by hierdie Wet ingesluit is nie; of
 - (v) in 'n Bantoegebied wat ingevolge 'n wetsbepaling tot 'n selfregerende Bantoegebied verklaar is, geleë is nie; of
 - (c) na edelmetale of onedele minerale op ongeproklameerde grond in artikel 23 van die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936), bedoel wat vir openbare prospektering na edelmetale en onedele minerale oop is.
- (3) 'n Prospekterpermit word nie kragtens subartikel (2) uitgereik—
- (a) aan 'n natuurlike persoon onder die ouderdom van agtien jaar, tensy hy die houër is van die reg op edelmetale ten opsigte van die grond ten opsigte waarvan die permit uitgereik word nie;
 - (b) aan 'n kleurling of 'n assosiasie van kleurlinge of 'n regs persoon of maatskappy waarin kleurlinge 'n beherende belang besit nie, behalwe ten opsigte van Staatsgrond in die provinsie die Kaap die Goeie Hoop of private grond waarvan die eiendomsreg berus by 'n kleurling of 'n assosiasie van kleurlinge of 'n regs persoon of maatskappy waarin kleurlinge 'n beherende belang besit;
 - (c) aan 'n Bantoe nie, behalwe ten opsigte van private grond waarvan die Suid-Afrikaanse Bantoe-trust of 'n Bantoe die eienaar is of wat in trust vir 'n Bantoe gehou word;
 - (d) in die geval van private grond wat nie in subartikel (2) (c) bedoelde grond is nie en wat deur of in trust vir 'n Bantoe gehou word, aan 'n benoemde van daardie Bantoe nie, behalwe met toestemming van die Minister van Bantoe-administrasie en -ontwikkeling oorgedra by wyse van 'n sertifikaat onder die handtekening van die Sekretaris van Bantoe-administrasie en -ontwikkeling of van die Hoofbantoesakekommissaris vir die gebied waarin dié grond geleë is.
- (4) (a) 'n Prospekterpermit word uitgereik teen betaling van 'n bedrag van twee rand, en iemand wat om die uitreiking van so 'n permit aansoek doen, moet aan die mynkommissaris besonderhede verstrek wat aandui—
- (i) die volle naam van die aansoeker of, in die geval van 'n aansoek deur 'n assosiasie van persone, die volle name van daardie persone of, in die geval van 'n aansoek deur 'n regs persoon of maatskappy, die volle geregistreerde naam van dié regs persoon of maatskappy;
 - (ii) die naam, nommer (as daar is) en ligging van die plaas of grond ten opsigte waarvan die permit verlang word;
 - (iii) of die applikant voornemens is om na edelmetale of onedele minerale of sowel edelmetale as onedele minerale te prospekter;
 - (iv) indien die mynkommissaris dit vereis, bewys tot sy bevrediging betreffende die registrasie van die reg op edelmetale en onedele minerale ten opsigte van die grond waarop na voorneme geprospekter gaan word, en, indien die grond nie private grond is nie, betreffende die eiendomsreg op die grond;
 - (v) in die geval van private grond, behalwe grond in subartikel (2) (c) bedoel, die skriftelike toestemming van die houër van die reg op edelmetale (indien die aansoeker nie die houër van daardie reg is nie) waarin aan die aansoeker toestemming verleen word om vir 'n tydperk in die toestemming vermeld, na edelmetale op die betrokke grond te prospekter; en
 - (vi) die verdere besonderhede en dokumente wat in 'n bepaalde geval spesiaal deur die mynkommissaris vereis of aangevra word ten einde te bepaal of die aansoeker bevoeg is om so 'n permit te verkry.

**Pegging of
prospecting
areas and matters
incidental thereto.**

- (b) A prospecting permit in the form prescribed by regulation shall be issued for a period not exceeding twelve months, but may, subject to the provisions of section 9, from time to time be renewed.
- (c) The fee prescribed in paragraph (a) shall not be payable for the issue of a prospecting permit to or on behalf of the South African Bantu Trust or for the renewal of such a prospecting permit.
- (d) The provisions of section 23 (2) of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), shall, subject to the provisions of section 51 of the Transkei Constitution Act, 1963 (Act No. 48 of 1963), apply in connection with any fees received by the mining commissioner for the issue of prospecting permits under this section in respect of land referred to in the said section 23 (2) or for the renewal of any such permit.
8. (1) (a) The holder of a prospecting permit under section 7 (2) (b) or (c) shall be entitled, during the period for which such permit was issued, to peg on the land to which it relates a prospecting area as far as possible rectangular in shape and not exceeding two thousand feet square.
- (b) Any such area shall be pegged by placing pegs on its sides and angular points in accordance with the regulations, and shall not encroach on land held as a prospecting area, except where such land has under the circumstances mentioned in section 9 been declared open to pegging by the mining commissioner.
- (c) A prospector who has complied with the conditions of this section shall during the currency of his prospecting permit and subject to the provisions of this Act have the exclusive right of prospecting on the area pegged in terms of such permit so long as he prospects to the satisfaction of the mining commissioner and maintains his pegs in conformity with the regulations.
- (2) (a) The pegging of a prospecting area shall be reported to the mining commissioner by the holder of the relevant permit within one month after the date of pegging, and such report shall be accompanied by a sketch plan acceptable to the mining commissioner on which the size and shape of the area pegged and its situation in relation to farm boundaries or surveyed points are clearly shown.
- (b) If the holder of a prospecting permit, who has failed to comply with any provision of this subsection, does not comply with such provision within one month after receipt of a written notice from the mining commissioner calling upon him to comply with that provision, the mining commissioner may declare any right to the prospecting area pegged in pursuance of such permit to be forfeited, and thereupon the provisions of section 9 (5) shall apply.
- (3) No prospector shall be entitled to peg or hold more than ten prospecting areas at one and the same time in any one magisterial district, or more than one prospecting area in respect of every prospecting permit which he holds.
- (4) The mining commissioner—
- (a) shall serve upon any holder of a prospecting area who fails to maintain his pegs in conformity with the regulations; and
- (b) may serve upon any holder of such area who fails to prospect to the satisfaction of the mining commissioner, notice in writing calling upon such holder to remedy the defect within a period of one month from the date of such notice or within such further period as the mining commissioner may allow, and on failure by such holder to comply with such notice the right to the prospecting area to which the notice relates may be declared forfeited by the mining commissioner whereupon the provisions of section 9 (5) shall apply.
- (5) Any sketch plan submitted to the mining commissioner in accordance with subsection (2) of this section or a corresponding provision of a prior law shall be open to inspection at his office.

- (b) 'n Prospekterpermit word in die by regulasie voorgeskrewe vorm en vir 'n tydperk van hoogstens twaalf maande uitgereik, maar kan, behoudens die bepalings van artikel 9, van tyd tot tyd hernieu word.
- (c) Die bedrag by paragraaf (a) voorgeskryf, is nie vir die uitreiking van 'n prospekterpermit aan of ten behoeve van die Suid-Afrikaanse Bantoetrust of vir die hernuwing van so 'n prospekterpermit betaalbaar nie.
- (d) Die bepalings van artikel 23 (2) van die Bantoetrust en -grond Wet, 1936 (Wet No. 18 van 1936), is, behoudens die bepalings van artikel 51 van die Transkeise Grondwet, 1963 (Wet No. 48 van 1963), van toepassing in verband met enige bedrae deur die mynkommissaris ontvang vir die uitreiking van prospekterpermitte kragtens hierdie artikel ten opsigte van grond in gemelde artikel 23 (2) bedoel of vir die hernuwing van so 'n permit.
8. (1) (a) Die houer van 'n prospekterpermit ingevolge artikel 7 (2) (b) of (c) is geregtig om gedurende die tydperk waarvoor daardie permit uitgereik is op die grond waarop die permit betrekking het, 'n prospektergebied wat sover moontlik reghoekig en hoogstens tweeduusend voet in die vierkant is, af te pen.
- (b) So 'n gebied word afgepen deur penne op die grenslyne en hoekpunte daarvan ooreenkomstig die regulasies op te rig, en mag nie grond wat as 'n prospektergebied gehou word, insluit nie, behalwe waar daardie grond onder die omstandighede in artikel 9 vermeld deur die mynkommissaris vir afpenning oop verklaar is.
- (c) 'n Prospekterder wat aan die voorwaardes van hierdie artikel voldoen het, het gedurende die geldigheidsduur van sy prospekterpermit en onderworpe aan die bepalings van hierdie Wet die alleenreg om op die ingevolge daardie permit afgepende gebied te prospekter solank hy tot die mynkommissaris se bevrediging prospekter en sy penne in ooreenstemming met die regulasies in stand hou.
- (2) (a) Die afpenning van 'n prospektergebied moet deur die houer van die toepaslike permit binne een maand na die datum van afpenning aan die mynkommissaris berig word, en so 'n berig moet vergesel gaan van 'n vir die mynkommissaris aanneemlike sketskaart waarop die grootte en vorm van die afgepende gebied en die ligging daarvan met betrekking tot plaasgrense of opmetingspunte duidelik aangetoon word.
- (b) Indien die houer van 'n prospekterpermit wat versuim het om aan 'n bepaling van hierdie subartikel te voldoen, nie binne een maand na die ontvangs van 'n skriftelike kennisgewing van die mynkommissaris waarin hy daartoe aangesê word, aan daardie bepaling voldoen nie, kan die mynkommissaris enige reg op die prospektergebied ingevolge daardie permit afgepen, verbeurd verklaar, en daarop is die bepalings van artikel 9 (5) van toepassing.
- (3) 'n Prospekterder is nie geregtig om meer as tien prospektergebiede op 'n bepaalde tydstip in 'n enkele landdrostdistrik of meer as een prospektergebied ten opsigte van elke prospekterpermit deur hom gehou, af te pen of te hou nie.
- (4) Die mynkommissaris—
- (a) moet aan 'n houer van 'n prospektergebied wat versuim om sy penne in ooreenstemming met die regulasies in stand te hou; en
- (b) kan aan 'n houer van so 'n gebied wat versuim om tot bevrediging van die mynkommissaris te prospekter, 'n skriftelike kennisgewing bestel waarin bedoelde houer aangesê word om die versuim binne 'n tydperk van een maand vanaf die datum van daardie kennisgewing of binne die verdere tydperk wat die mynkommissaris toelaat, aan te suiwer, en indien bedoelde houer in gebreke bly om aan daardie kennisgewing te voldoen, kan die mynkommissaris die reg op die prospektergebied waarop die kennisgewing betrekking het, verbeurd verklaar, en daarop is die bepalings van artikel 9 (5) van toepassing.
- (5) 'n Sketskaart wat ooreenkomstig subartikel (2) van hierdie artikel of 'n ooreenstemmende bepaling van 'n vorige wet by die mynkommissaris ingedien is, kan by sy kantoor ingesien word.

Afpenning van
prospektergebiede
en aangeleenthede
wat daarmee in
verband staan.

Renewal, transfer and lapsing of prospecting permits.

9. (1) The holder of a prospecting permit may from time to time upon application to the mining commissioner and payment of a fee at the rate prescribed for the issue of such a permit by section 7 (4), obtain a renewal of such permit for a period not exceeding twelve months: Provided that no such permit issued to a person entitled to prospect by virtue of any permission to prospect referred to in section 7 (2) (a) shall be renewed beyond the date of expiry of such permission: Provided further that a prospecting permit issued under section 7 (2) (b) or (c) shall not be renewed unless the pegging of a prospecting area under that permit has been reported to the mining commissioner.

(2) If the appropriate fee for the renewal of any prospecting permit is not received by the mining commissioner within one month after the date of expiry of such permit, the permit shall not be capable of being renewed, and the right to any prospecting area pegged under the permit shall lapse.

(3) On the application of any person, association of persons, corporate body or company, the mining commissioner may in his discretion and with the written consent of the holder of any prospecting area transfer the right to such area to the applicant by endorsement of the relevant prospecting permit: Provided that no such transfer shall be allowed if the applicant already holds in the magisterial district in which such area is situated the maximum number of prospecting areas mentioned in section 8 (3) or is not qualified to obtain a prospecting permit in respect of the land in question under section 7.

(4) A prospector may at any time abandon any prospecting area held by him and shall notify the mining commissioner in writing of such abandonment, and thereupon the prospecting permit under the authority of which such area was held shall be deemed to have lapsed with effect from the date of such notification.

(5) Any prospecting area the right to which has been declared forfeited by the mining commissioner in terms of section 8 (2) or (4) or has lapsed in terms of subsection (2) of this section or which has been abandoned by the holder in accordance with the provisions of subsection (4) of this section, may, if not situated on proclaimed land, be declared open to pegging under section 8 by the mining commissioner by notice posted up in a conspicuous place at his office, which notice shall specify the date (not being less than fourteen days after the date of posting up of the notice) and the hour from which the area shall be open to pegging.

Withdrawal of land from public prospecting.

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.

(2) Any proclaimed land, which immediately prior to the commencement of this Act was open to public prospecting, is hereby withdrawn from public prospecting as from such commencement.

(3) The provisions of subsection (2) or the withdrawal of any land from public prospecting under subsection (1) shall not affect the right of any person to prospect on any prospecting area lawfully held by him on such land at the commencement of this Act or, as the case may be, on the date of the notice withdrawing such land from public prospecting.

Investigation by State of precious metal, base mineral or natural oil content of land.

11. (1) (a) The Minister may in writing direct any officer in the Department of Mines to carry out upon any State land or private land or any other land an investigation for the purpose of determining whether any precious metal or base mineral or natural oil occurs on or in such land and, if so, the nature and extent of the occurrence thereof.

(b) Compensation shall be payable by the Minister in respect of damage caused to any person as a result of any such investigation.

(2) An officer directed as aforesaid shall not in carrying out such an investigation interfere with any lawful prospecting or mining operations, but any person in control of prospecting or mining operations on the land affected shall at the request of such officer—

(a) permit him to examine any place where such operations are being or have been carried out and to convey to such place any apparatus or equipment which he requires for the purposes of such examination;

9. (1) Die houer van 'n prospekteepermit kan van tyd tot tyd op aansoek by die mynkommissaris en by betaling van 'n bedrag teen die tarief by artikel 7 (4) vir die uitreiking van so 'n permit voorgeskryf, 'n hernuwing van daardie permit vir 'n tydperk van hoogstens twaalf maande verkry: Met dien verstande dat so 'n permit, uitgereik aan iemand wat geregtig is om te prospektee uit hoofde van 'n in artikel 7 (2) (a) bedoelde toestemming om te prospektee, nie tot na die datum van verstryking van bedoelde toestemming hiernieu word nie: Met dien verstande voorts dat 'n prospekteepermit kragtens artikel 7 (2) (b) of (c) uitgereik, nie hernieu word nie tensy die afpenning van 'n prospekteegebied kragtens daardie permit aan die mynkommissaris berig is.

Hernuwing, oordrag en verval van prospekteepermitte.

(2) Indien die toepaslike bedrag vir die hernuwing van 'n prospekteepermit nie binne een maand na die datum van verstryking van daardie permit deur die mynkommissaris ontvang word nie, is die permit nie hernieubaar nie en verval die reg op enige prospekteegebied wat kragtens die permit afgepen is.

(3) Die mynkommissaris kan op aansoek deur enige persoon, assosiasie van persone, regspersoon of maatskappy, na goeddunke en met skriftelike toestemming van die houer van enige prospekteegebied, die reg op daardie gebied by endossement van die betrokke prospekteepermit aan die aansoeker oordra: Met dien verstande dat so 'n oordrag nie toegelaat word nie indien die aansoeker reeds die in artikel 8 (3) vermelde maksimum aantal prospekteegebiede hou in die landdrosdistrik waarin bedoelde gebied geleë is, of nie kragtens artikel 7 vir die verkryging van 'n prospekteepermit ten opsigte van die betrokke grond in aanmerking kom nie.

(4) 'n Prospekteeerder kan te eniger tyd 'n prospekteegebied deur hom gehou, laat vaar, en moet dan die mynkommissaris skriftelik daarvan in kennis stel, en daarop word die prospekteepermit waarkragtens bedoelde gebied gehou was, geag met ingang van die datum van die kennisgewing te verval het.

(5) 'n Prospekteegebied waarop die reg ingevolge artikel 8 (2) of (4) deur die mynkommissaris verbeurd verklaar is of wat ingevolge subartikel (2) van hierdie artikel verval het of wat die houer ooreenkomstig die bepalings van subartikel (4) van hierdie artikel laat vaar het, kan, indien dit nie op geproklameerde grond geleë is nie, deur die mynkommissaris vir afpenning ingevolge artikel 8 oop verklaar word by kennisgewing, op 'n opvallende plek by sy kantoor aangeplak, waarin die datum (wat nie vroeër as veertien dae na die datum waarop die kennisgewing aangeplak is, mag wees nie) en die uur van wanneer af die gebied vir afpenning oop is, vermeld moet word.

10. (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.

Onttrekking van grond aan openbare prospektering.

(2) Enige geproklameerde grond wat onmiddellik voor die inwerkingtreding van hierdie Wet vir openbare prospektering oop was, word hierby vanaf bedoelde inwerkingtreding aan openbare prospektering onttrek.

(3) Die bepalings van subartikel (2) of die onttrekking van enige grond aan openbare prospektering kragtens subartikel (1), doen nie afbreuk aan enigiemand se reg om te prospektee op 'n prospekteegebied wat by die inwerkingtreding van hierdie Wet of, na gelang van die geval, op die datum van die kennisgewing waarby daardie grond aan openbare prospektering onttrek word, wettiglik op daardie grond deur hom gehou word nie.

11. (1) (a) Die Minister kan 'n beampte in die Departement van Mynwese skriftelik gelas om op Staatsgrond of private grond of ander grond ondersoek in te stel ten einde te bepaal of enige edelmetaal of onedele mineraal of aardolie op of in daardie grond voorkom en, indien wel, hoe en in watter mate dit voorkom.

Ondersoek deur Staat aangaande aanwesigheid van edelmetale of onedele minerale of aardolie op of in grond.

(b) Vergoeding is deur die Minister betaalbaar ten opsigte van skade wat as gevolg van so 'n ondersoek aan enigiemand berokken word.

(2) 'n Beampte aan wie soos voormeld opdrag gegee is, mag hom nie by so 'n ondersoek met enige wettige prospektee- of mynwerkzaamhede bemoei nie, maar enigiemand in beheer van prospektee- of mynwerkzaamhede op die betrokke grond moet op versoek van bedoelde beampte—

(a) hom toelaat om enige plek waar dié werkzaamhede verrig word of is, te ondersoek en enige apparaat of toerusting wat hy vir so 'n ondersoek nodig het, arheen te vervoer;

- (b) permit him to remove samples of substances present at such place or recovered in the course of such operations; and
- (c) furnish him with any information or submit to him any recorded data relating to such operations.

(3) Any person who fails to comply with a request made to him in terms of subsection (2) by an officer directed as aforesaid, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or, in default of payment, to imprisonment for a period not exceeding three months.

Prospecting on certain alienated State land.

12. (1) Subject to the provisions of section 15, the owner or lessee of unproclaimed alienated State land shall, unless—

- (a) the title deed or lease in respect of such land contains a condition to the contrary which came into operation after the commencement of this Act; or
- (b) such land is land included in Schedule 1 to this Act,

have the exclusive right of prospecting on that land, either by himself or by his nominee, for any precious metal or base mineral the right to which is reserved to the State, provided he has obtained a prospecting licence in respect of the land from the mining commissioner.

(2) (a) A prospecting licence in the form prescribed by regulation shall be issued to any such owner or lessee upon payment of a fee of two rand and production by him to the mining commissioner of his title deeds or lease and the written consent of the registered holder of any mortgage bond over the land to the issue of such licence.

(b) Any such licence and the right of prospecting thereunder shall in the case of such a lessee *ipso facto* lapse on the termination or cancellation of his lease.

(3) The owner or lessee of land who has obtained a prospecting licence under this section, or his successors in title, shall, notwithstanding anything in any law contained, have no claim for compensation against the State for any loss or damage which he or they may at any time sustain by reason of any operations in connection with prospecting or mining for and the exploitation of precious metals or base minerals on and under such land, or of any act incidental to such prospecting, mining or exploitation, or by reason of the resumption of such land or any part thereof by the State or the proclamation thereof for mining purposes.

Prospecting leases for precious metals and base minerals in respect of State land and certain other land.

13. (1) The Minister may in respect of State land which is not open to public prospecting, or alienated State land in respect of which the owner or lessee is not entitled to obtain a prospecting licence under section 12—

(a) by notice in the *Gazette* and in one or more newspapers circulating in the area in which such land is situated call for tenders for a prospecting lease in respect of precious metals or base minerals over such land and may grant a lease, subject to such conditions as the Minister may determine and to the provisions of subsection (2), to any tenderer who satisfies the Minister either that his financial resources are adequate for proper prospecting under such a lease or that the arrangements by which he proposes to obtain capital for the purpose are satisfactory; or

(b) without calling for such tenders grant such a prospecting lease, subject to such conditions as the Minister may determine and to the provisions of subsection (2), over such land to any person applying therefor who so satisfies the Minister.

(2) (a) Any such lease may provide for—

(i) the payment by the holder of the lease to the mining commissioner as from the date on which the lease is signed by or on behalf of the Minister, of a surface rent to be fixed by the Minister, which shall, if the lease 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 the mining commissioner to the board of management established under the said

- (b) hom toelaat om monsters van stowwe op bedoelde plek aanwesig of in die loop van bedoelde werksaamhede uitgehaal, te verwyder; en
- (c) hom van enige inligting voorsien of enige opgetekende gegewens aan hom voorlê wat op bedoelde werksaamhede betrekking het.

(3) Iemand wat versuim om aan 'n versoek, ingevolge subartikel (2) aan hom gerig deur 'n beamppte wat soos voormeld gelas is, te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

12. (1) Behoudens die bepalinge van artikel 15, het die eienaar of huurder van ongeproklameerde vervreemde Staatsgrond, tensy—

Prospektering op sekere vervreemde Staatsgrond.

- (a) die titelbewys of huurkontrak ten opsigte van sodanige grond 'n andersluidende voorwaarde bevat wat na die inwerkingtreeding van hierdie Wet van krag geword het; of
- (b) bedoelde grond grond is wat by Bylae 1 by hierdie Wet ingesluit is,

die uitsluitende reg om self of deur sy benoemde na enige edelmetaal of onedele mineraal waarop die reg vir die Staat voorbehou is, op daardie grond te prospektee, mits hy 'n prospekteeerlisensie ten opsigte van die grond van die mynkommissaris verkry het.

(2) (a) 'n Prospekteeerlisensie in die by regulasie voorgeskrewe vorm word aan so 'n eienaar of huurder uitgereik by betaling van 'n bedrag van twee rand en oorlegging deur hom aan die mynkommissaris van sy titelbewys of huurkontrak en die skriftelike toestemming van die geregistreerde houer van enige verband op die grond tot die uitreiking van sodanige lisensie.

(b) So 'n lisensie en die reg om daarkragtens te prospektee, verval in die geval van so 'n huurder *ipso facto* wanneer sy huurkontrak verstryk of ingetrek word.

(3) Die eienaar of huurder van grond wat 'n prospekteeerlisensie kragtens hierdie artikel verkry het, of sy regsopvolgers, het, ondanks andersluidende wetsbepalinge, geen aanspraak teen die Staat op vergoeding vir enige verlies of skade wat hy of hulle te eniger tyd ly as gevolg van werksaamhede wat in verband met die prospektee na of myn vir en die ontginning van edelmetale of onedele minerale op en onder daardie grond onderneem word nie, of van enige handeling wat met sodanige prospektering, myn of ontginning in verband staan nie, oweens die herneming van bedoelde grond of enige gedeelte daarvan deur die Staat of die proklamering daarvan vir myndoeleindes nie.

13. (1) Die Minister kan ten opsigte van Staatsgrond wat nie vir openbare prospektering oop is nie of vervreemde Staatsgrond ten opsigte waarvan die eienaar of huurder nie geregtig is om 'n prospekteeerlisensie kragtens artikel 12 te verkry nie—

Prospekteeerhure vir edelmetale en onedele minerale ten opsigte van Staatsgrond en sekere ander grond.

- (a) by kennisgewing in die *Staatskoerant* en in een of meer nuusblaaië in omloop in die gebied waarin dié grond geleë is, tenders aanvra vir 'n prospekteeerhuur ten opsigte van edelmetale of onedele minerale oor daardie grond, en kan, onderworpe aan die voorwaardes wat die Minister bepaal en aan die bepalinge van subartikel (2), 'n huur toeken aan enige tenderaar wat die Minister oortuig òf dat sy geldmiddele voldoende is om na behore ingevolge so 'n huur te prospektee òf dat die reëlings waardeur hy voornemens is om kapitaal vir dié doel te verkry, bevredigend is; of
- (b) sonder om sodanige tenders aan te vra, en onderworpe aan die voorwaardes wat die Minister bepaal en die bepalinge van subartikel (2), so 'n prospekteeerhuur oor bedoelde grond toeken aan iemand wat daarom aansoek doen en die Minister aldus oortuig.

(2) (a) So 'n huur kan voorsiening maak vir—

- (i) die betaling deur die houer van die huur aan die mynkommissaris vanaf die datum waarop die huur deur of namens die Minister onderteken word, van 'n deur die Minister bepaalde oppervlaktehuurgeld wat, indien die huur 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 die mynkommissaris oorbetal word aan die bestuurs-

Act for such area or, if such a board has not been established for the area, to the Secretary for Coloured Affairs for payment into the Consolidated Revenue Fund; and

- (ii) the payment by the holder of the lease to any person entitled to the use of the surface of the land included in the lease area, who suffers any surface damage or any damage to any crops or improvements on such land caused by the exercise by the holder of the lease of his rights under the lease, or by any act or omission incidental thereto, of compensation for such damage.

- (b) The provisions of section 27 (1) (b) shall *mutatis mutandis* apply with reference to any amount paid to the Secretary for Coloured Affairs in terms of paragraph (a) (i) of this subsection.

(3) The mining commissioner shall notify the tenderer or applicant concerned of the decision of the Minister under subsection (1), and the successful tenderer or applicant shall, within two months of such notification or within such further period as the mining commissioner may allow, furnish a sketch plan, acceptable to the mining commissioner, of the area to be leased, and a copy of such plan and of the relevant lease agreement shall be filed in the Mining Titles Office.

Prospecting
leases for
natural oil.

14. (1) The Minister may—

- (a) by notice in the *Gazette* and in one or more newspapers circulating in the area in which any land is situated call for tenders for a prospecting lease over such land in respect of natural oil, and may grant such a prospecting lease on such conditions as he may subject to the succeeding provisions of this section determine to any tenderer who satisfies him—
 - (i) that the scheme according to which the tenderer proposes to prospect for natural oil upon such land is satisfactory; and
 - (ii) either that his financial resources are adequate for proper prospecting under such a lease or that the arrangements by which he proposes to obtain capital for the purpose are satisfactory; or
- (b) without calling for such tenders grant such a prospecting lease on such conditions as he may subject to the provisions of this section determine over any such land in respect of natural oil to any person applying therefor who so satisfies him.

(2) The Minister shall, before granting or refusing any lease under subsection (1), submit every tender or application for the lease to the board for its report.

(3) Any lease under subsection (1) may embody any terms and conditions agreed upon in consultation with any other Minister on matters falling within the purview of a department of State administered by such other Minister and shall provide—

- (a) for the scale on which and the manner in which prospecting operations shall be carried on;
- (b) for the supply to the Minister, at such times as may be specified in the lease, of full statements describing the nature of the prospecting operations which have been carried out and the site and depth of any borehole and the formations penetrated, and containing such other information as the Minister may require;
- (c) for the keeping by the prospector of records relating to the prospecting operations;
- (d) for the inspection or examination by the Minister, or any person authorized thereto by him, of such records and of the lease area and of any substance (including borehole cores) brought to the surface in the course of such operations; and
- (e) for the payment by the holder of the lease to the owner and any person entitled to use the surface of any land included in the lease area, who suffers any surface damage or any damage to crops or improvements on such land caused by the exercise by the holder of the lease of his rights under the lease, or by any act or

raad ingevolge daardie Wet vir bedoelde gebied ingestel of, indien so 'n raad nie vir die gebied ingestel is nie, aan die Sekretaris van Kleurlingsake oorbetal word vir inbetaling in die Gekonsolideerde Inkomstefonds; en

- (ii) die betaling deur die houer van die huur aan enigiemand wat reg het op die gebruik van die oppervlakte van die grond in die huurterrein ingesluit, en wat, as gevolg van die uitoefening deur die houer van die huur van sy regte ingevolge die huur of van 'n doen of late wat daarmee in verband staan, skade ly aan die oppervlakte of aan gewasse of verbeterings op daardie grond, van vergoeding vir daardie skade.

- (b) Die bepaling van artikel 27 (1) (b) is *mutatis mutandis* van toepassing met betrekking tot enige bedrag ingevolge paragraaf (a) (i) van hierdie subartikel aan die Sekretaris van Kleurlingsake betaal.

(3) Die mynkommissaris moet die betrokke tenderaar of aansoeker in kennis stel van die Minister se beslissing ingevolge subartikel (1), en die suksesvolle tenderaar of aansoeker moet binne twee maande nadat hy aldus in kennis gestel is, of binne die verdere tydperk wat die mynkommissaris toelaat, 'n vir die mynkommissaris aanneemlike sketskaart indien van die gebied wat verhuur staan te word, en 'n kopie van daardie sketskaart en van die toepaslike huurooreenkoms moet by die Mynbriewekantoor bewaar word.

14. (1) Die Minister kan—

- (a) by kennisgewing in die *Staatskoerant* en in een of meer nuusblaai in omloop in die gebied waarin enige grond geleë is, tenders vir 'n prospekteruur ten opsigte van aardolie oor daardie grond aanvra, en kan, onderworpe aan die voorwaardes wat hy behoudens die onderstaande bepaling van hierdie artikel bepaal, so 'n prospekteruur toeken aan enige tenderaar wat hom oortuig—

(i) dat die skema waarvolgens die tenderaar voornemens is om na aardolie op daardie grond te prospekter, bevredigend is; en

(ii) of dat sy geldmiddele voldoende is om na behore ingevolge so 'n huur te prospekter of dat die reëlins waardeur hy voornemens is om kapitaal vir die doel te verkry, bevredigend is; of

- (b) sonder om aldus tenders aan te vra, en onderworpe aan die voorwaardes wat hy behoudens die bepaling van hierdie artikel bepaal, so 'n prospekteruur oor sodanige grond ten opsigte van aardolie toeken aan iemand wat daarom aansoek doen en hom aldus oortuig.

(2) Alvorens hy 'n huur kragtens subartikel (1) toeken of weier, lê die Minister elke tender vir of aansoek om die huur aan die raad voor vir sy verslag.

(3) 'n Huur kragtens subartikel (1) kan bedinge en voorwaardes bevat waartoe in oorleg met enige ander Minister ooreengekom is rakende aangeleenthede binne die bestek van 'n Staatsdepartement deur so 'n ander Minister geadministreer en moet voorsiening maak—

- (a) vir die skaal en wyse waarop prospekterwerkzaamhede verrig moet word;

(b) vir die verstrekking aan die Minister, op die tye in die huur vermeld, van volledige opgawes waarin die aard van die prospekterwerkzaamhede wat verrig is en die ligging en diepte van enige boorgat en die formasies waarin of waardeur geboor is, beskryf word, en wat die ander inligting bevat wat die Minister verlang;

- (c) vir die hou deur die prospekterder van aantekenings betreffende die prospekterwerkzaamhede;

(d) vir die nagaan of ondersoek deur die Minister of iemand wat deur hom daartoe gemagtig is, van bedoelde aantekenings en van die huurterrein en van enige stof (met inbegrip van boorkerns) wat in die loop van bedoelde werkzaamhede na die oppervlakte gebring word; en

(e) vir die betaling deur die houer van die huur aan die eienaar en enigiemand wat reg het op die gebruik van die oppervlakte van die grond in die huurterrein ingesluit, en wat as gevolg van die uitoefening deur die houer van die huur van sy regte ingevolge die huur, of van 'n doen of late wat daarmee in verband staan, skade ly aan die oppervlakte of aan gewasse

Prospekteruur
vir aardolie.

omission incidental thereto, of compensation for such damage,

and may further embody any or all of the terms and conditions^s (including terms and conditions agreed upon in the manner aforesaid) which will be applicable to any mining lease to which the tenderer or applicant for the prospecting lease may become entitled under section 25 (1) (g) on the land in question, and any such terms and conditions shall for the purposes of this Act be deemed to have been recommended by the board and shall notwithstanding anything in any law contained be binding upon the State.

(4) Any such lease shall be granted for a period which the Minister after consultation with the board considers to be sufficient for carrying out the scheme according to which the prospector undertakes to prospect.

(5) The provisions of section 23 of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), shall not apply in connection with prospecting for natural oil, but the provisions of section 24 of that Act shall so apply.

(6) No person shall be granted a prospecting lease under this section over land in respect of which the right to natural oil is held by or in trust for the South African Bantu Trust or a Bantu, except upon production of a certificate issued by the Secretary for Bantu Administration and Development or the Chief Bantu Affairs Commissioner for the area concerned to the effect that the Minister of Bantu Administration and Development has consented to the grant thereof.

(7) The provisions of section 13 (2) (a) (i) and (b) and (3) shall *mutatis mutandis* apply in connection with a prospecting lease granted under this section: Provided that any surface rent payable under any such lease shall be paid to the Secretary.

Provision where holder of right to precious metals or base minerals or owner or lessee of alienated State land does not avail himself of right to prospect.

15. (1) The Minister may, where—

- (a) the holder of the right to precious metals or base minerals in respect of any private land, or the owner or lessee of any alienated State land (other than alienated State land in respect of which the owner or lessee is not entitled to obtain a prospecting licence under section 12), or any person who is entitled under any registered agreement or registered notarial deed to prospect for precious metals or base minerals on any land, does not avail himself of the right to prospect on that land in respect of any precious metal or base mineral specified by the Minister; or
- (b) such holder, owner, lessee or person, having so availed himself, does not carry on or cause to be carried on prospecting on the land to the satisfaction of the Minister,

if after consultation with the Government Mining Engineer he has reason to believe that adequate prospecting operations may prove the existence of such specified precious metal or base mineral on that land, cause such holder, owner or lessee and, in the case of land subject to any such agreement or deed, also the person so entitled, to be called upon by notice in writing adequately to prospect or cause to be prospected for such specified precious metal or base mineral on that land and to commence such prospecting or cause such prospecting to be commenced within a period specified in the notice, not being less than three months after the date of issue thereof, and may, if such precious metal or base mineral is not prospected for on that land to the satisfaction of the Minister or such prospecting is not commenced within the said period or within such further period as the Minister may allow, and after considering any representations in writing by such holder, owner, lessee or person—

- (i) by notice in the *Gazette* and in one or more newspapers circulating in the area in which that land is situated call for tenders for a prospecting lease over that land in respect of the said precious metal or base mineral, and may grant a prospecting lease, subject to such conditions as the Minister may determine and to the provisions of subsection (3), to any tenderer who satisfies the Minister either that his financial resources are adequate for proper prospecting under such a lease or that

of verbeterings op daardie grond, van vergoeding vir daardie skade,

en kan voorts enige van of al die bedinge en voorwaardes bevat (met inbegrip van bedinge en voorwaardes waartoe op die wyse voormeld ooreengekom is) wat van toepassing sal wees op enige mynhuur waarop die tenderaar of aansoeker om die prospekterhuur ingevolge artikel 25 (1) (g) op die betrokke grond geregtig word, en enige sodanige bedinge en voorwaardes word by die toepassing van hierdie Wet geag deur die raad aanbeveel te gewees het en is ondanks enigiets in enige wet vervat bindend op die Staat.

(4) So 'n huur word toegeken vir 'n tydperk wat die Minister na oorlegpleging met die raad voldoende ag vir die uitvoering van die skema waarvolgens die prospekterder onderneem om te prospekter.

(5) Die bepalings van artikel 23 van die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936), is nie in verband met prospektering na aardolie van toepassing nie, maar die bepalings van artikel 24 van daardie Wet is wel aldus van toepassing.

(6) 'n Prospekterhuur word nie kragtens hierdie artikel aan enigiemand oor grond ten opsigte waarvan die reg op aardolie deur of in trust vir die Suid-Afrikaanse Bantoe-trust of 'n Bantoe gehou word, toegeken nie, behalwe by oorlegging van 'n sertifikaat uitgereik deur die Sekretaris van Bantoe-administrasie en -ontwikkeling of die Hoofbantoesake-kommissaris vir die betrokke gebied ten effekte dat die Minister van Bantoe-administrasie en -ontwikkeling tot die toekenning daarvan toegestem het.

(7) Die bepalings van artikel 13 (2) (a) (i) en (b) en (3) is *mutatis mutandis* van toepassing in verband met 'n prospekterhuur kragtens hierdie artikel toegeken: Met dien verstande dat enige oppervlaktehuurgeld ingevolge so 'n huur betaalbaar, aan die Sekretaris betaal moet word.

15. (1) Die Minister kan, waar—

(a) die houer van die reg op edelmetale of onedele minerale ten opsigte van private grond of die eienaar of huurder van vervreemde Staatsgrond (uitgesonderd vervreemde Staatsgrond ten opsigte waarvan die eienaar of huurder nie geregtig is om 'n prospekterlisensie kragtens artikel 12 te verkry nie), of enige persoon wat kragtens 'n geregistreerde ooreenkoms of geregistreerde notariële akte geregtig is om na edelmetale of onedele minerale op enige grond te prospekter, nie ten opsigte van 'n deur die Minister bepaalde edelmetaal of onedele mineraal gebruik maak van die reg om op daardie grond te prospekter nie; of

(b) bedoelde houer, eienaar, huurder of persoon, hoewel hy aldus van daardie reg gebruik gemaak het, nie tot die Minister se bevrediging op die grond prospekter of laat prospekter nie,

indien hy na oorlegpleging met die Staatsmyningenieur rede het om te vermoed dat doeltreffende prospekterwerkzaamhede die aanwesigheid van so 'n bepaalde edelmetaal of onedele mineraal op daardie grond mag bewys, bedoelde houer, eienaar of huurder en, in die geval van grond wat aan so 'n ooreenkoms of akte onderworpe is, ook die persoon wat aldus geregtig is, by skriftelike kennisgewing laat aansê om doeltreffend na die aldus vermelde edelmetaal of onedele mineraal op daardie grond te prospekter of te laat prospekter en om binne 'n in die kennisgewing vermelde tydperk, wat nie korter as drie maande na die datum van uitreiking daarvan mag wees nie, met sodanige prospektering te begin of te laat begin, en kan, indien daar nie na bedoelde edelmetaal of onedele mineraal op 'n wyse wat die Minister bevredigend vind op daardie grond geprospekter word nie, of daar nie binne gemelde tydperk of binne die verdere tydperk wat die Minister toelaat met sodanige prospektering begin word nie, en na oorweging van enige skriftelike vertoë deur bedoelde houer, eienaar, huurder of persoon—

(i) by kennisgewing in die *Staatskoerant* en in een of meer nuusblaie in omloop in die gebied waarin daardie grond geleë is, tenders vir 'n prospekterhuur ten opsigte van bedoelde edelmetaal of onedele mineraal oor daardie grond aanvra, en kan, onderworpe aan die voorwaardes wat die Minister bepaal en aan die bepalings van subartikel (3), 'n prospekterhuur toeken aan enige tenderaar wat die Minister oortuig òf dat sy geldmiddele voldoende is om na behore ingevolge so 'n huur te prospekter òf dat die reëlins

Voorsiening waar houer van reg op edelmetale of onedele minerale of eienaar of huurder van vervreemde Staatsgrond nie gebruik maak van sy reg om te prospekter nie.

the arrangements by which he proposes to obtain capital for the purpose are satisfactory; or

- (ii) without calling for such tenders grant a prospecting lease, subject to such conditions as the Minister may determine and to the provisions of subsection (3), over the land in respect of the said precious metal or base mineral to any person applying therefor who so satisfies the Minister.

(2) Where the right to the precious metal or base mineral so specified in respect of any such private land is held in undivided shares by two or more persons, or two or more persons are joint owners of any such alienated State land, and any notice served in terms of subsection (1) has not been complied with by such holders or owners, any one or more of such holders or owners who satisfy the Minister as provided in paragraph (i) of that subsection shall upon application have the prior right to obtain a lease over the land in question in preference to any other applicant for such a lease.

(3) Any such lease—

(a) shall in respect of private land included in the lease area provide for the payment by the holder of the lease to the mining commissioner, as from the date on which the lease is signed by or on behalf of the Minister, of a rent to be fixed by the Minister on the recommendation of the board made after having considered any representations in writing by the holder of the right to the precious metal or base mineral in question, which rent shall be paid over by the mining commissioner to the holder of such right; and

(b) may provide for the payment by the holder of the lease to the owner or lessee and any person entitled to use the surface of any land included in the lease area, who suffers any surface damage or any damage to any crops or improvements on the land caused by the exercise by the holder of the lease of his rights under the lease, or by any act or omission incidental thereto, of compensation for such damage.

(4) (a) During the currency of any prospecting lease granted under subsection (1) the holder, owner, lessee or person mentioned in paragraph (a) of the said subsection shall not be entitled to prospect or mine or cause prospecting or mining to be carried out on the land included in the lease area save with the written permission of the Minister and in accordance with such conditions as may be set forth in that permission.

(b) Any such permission may at any time be withdrawn by the Minister if the conditions imposed by him are not observed.

(5) The provisions of section 13 (3) shall *mutatis mutandis* apply in connection with a prospecting lease granted under this section.

(6) In the case of land in respect of which the right to precious metals or base minerals is held by or in trust for the South African Bantu Trust or a Bantu, this section shall apply subject to the provisions of sections 23 and 24 of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936).

Prospecting leases where right to precious metals or base minerals is held by State and any person in undivided shares.

16. (1) Where the right to precious metals or base minerals in respect of any land is held by the State and any person in undivided shares, no prospecting for such precious metals or base minerals on that land shall be carried out except under the authority of a prospecting lease granted by the Minister to or with the written consent of that person and on such terms and conditions as may be mutually agreed upon by the Minister and such person.

(2) The provisions of section 13 (1) (b) and (3) shall *mutatis mutandis* apply in connection with any application for and the grant of any prospecting lease under this section.

(3) Any such lease may, notwithstanding any terms and conditions agreed upon between the Minister and the person referred to in subsection (1), provide for the payment by the holder of the lease to the mining commissioner, as from the date on which the lease is signed by or on behalf of the Minister, of a surface rent to be fixed by the Minister, which rent shall, if a person other than the person who is the co-holder of the right to precious metals or base minerals is the owner or lessee of the land, be paid over by the mining commissioner to such owner or lessee.

waardeer hy voornemens is om kapitaal vir die doel te verkry, bevredigend is; of

- (ii) sonder om aldus tenders aan te vra, en onderworpe aan die voorwaardes wat die Minister bepaal, en aan die bepalings van subartikel (3), 'n prospekterhuur oor die grond ten opsigte van bedoelde edelmetaal of onedele mineraal toeken aan iemand wat daarom aansoek doen en die Minister aldus oortuig.

(2) Waar die reg op die aldus bepaalde edelmetaal of onedele mineraal ten opsigte van sodanige private grond deur twee of meer persone in onverdeelde aandele gehou word, of twee of meer persone die gesamentlike eienaars van sodanige vervreemde Staatsgrond is, en daar nie aan 'n kennisgewing wat ingevolge subartikel (1) bestel is deur bedoelde houers of eienaars voldoen is nie, het een of meer van bedoelde houers of eienaars wat die Minister volgens voorskrif van paragraaf (i) van daardie subartikel oortuig, op aansoek 'n voorkeurreg om voor enige ander aansoeker daarom so 'n huur oor die betrokke grond te verkry.

(3) So 'n huur—

(a) moet ten opsigte van private grond wat by die huurterrein ingesluit is, voorsiening maak vir die betaling deur die houer van die huur aan die mynkommissaris, vanaf die datum waarop die huur deur of namens die Minister onderteken word, van 'n huurgeld wat deur die Minister, op 'n aanbeveling deur die raad gedoen na oorweging van enige skriftelike vertoë deur die houer van die reg op die betrokke edelmetaal of onedele mineraal, bepaal word, en bedoelde huurgeld moet deur die mynkommissaris aan die houer van bedoelde reg oorbetaal word; en

(b) kan voorsiening maak vir die betaling deur die houer van die huur aan die eenaar of huurder en enigiemand wat reg het op die gebruik van die oppervlakte van die grond in die huurterrein ingesluit, wat as gevolg van die uitoefening deur die houer van die huur van sy regte ingevolge die huur, of van 'n doen of late wat daarmee in verband staan, skade ly aan die oppervlakte of aan gewasse of verbeterings op daardie grond, van vergoeding vir daardie skade.

(4) (a) Gedurende die geldigheidsduur van 'n kragtens subartikel (1) toegekende prospekterhuur is die houer, eenaar, huurder of persoon in paragraaf (a) van daardie subartikel bedoel, nie geregtig om, behalwe met die skriftelike toestemming van die Minister en ooreenkomstig die voorwaardes in daardie toestemming uiteengesit, op die grond wat by die huurterrein ingesluit is, te prospekter of te myn of te laat prospekter of myn nie.

(b) So 'n toestemming kan te eniger tyd deur die Minister ingetrek word indien die voorwaardes deur hom opgelê, nie nagekom word nie.

(5) Die bepalings van artikel 13 (3) is *mutatis mutandis* van toepassing in verband met 'n prospekterhuur kragtens hierdie artikel toegeken.

(6) In die geval van grond ten opsigte waarvan die reg op edelmetale of onedele minerale deur of in trust vir die Suid-Afrikaanse Bantotruster of 'n Bantoe gehou word, geld hierdie artikel onderworpe aan die bepalings van artikels 23 en 24 van die Bantotruster en -grond Wet, 1936 (Wet No. 18 van 1936).

16. (1) Waar die reg op edelmetale of onedele minerale ten opsigte van enige grond deur die Staat en enige persoon in onverdeelde aandele gehou word, word daar nie na bedoelde edelmetale of onedele minerale op daardie grond geprospekter nie behalwe kragtens magtiging verleen by 'n prospekterhuur wat die Minister aan of met skriftelike toestemming van daardie persoon toegeken het en onderworpe aan die bedinge en voorwaardes waarop die Minister en bedoelde persoon onderling ooreenkom.

Prospekterhure
waar reg op edelmetale of onedele minerale deur Staat en enigiemand in onverdeelde aandele gehou word.

(2) Die bepalings van artikel 13 (1) (b) en (3) is *mutatis mutandis* van toepassing in verband met 'n aansoek om en die toekenning van 'n prospekterhuur kragtens hierdie artikel.

(3) So 'n huur kan, ondanks enige bedinge en voorwaardes waarop die Minister en die in subartikel (1) bedoelde persoon ooreengekom het, voorsiening maak vir die betaling deur die houer van die huur aan die mynkommissaris, vanaf die datum waarop die huur deur of namens die Minister onderteken word, van 'n deur die Minister bepaalde oppervlaktehuurgeld, wat, indien iemand anders as die persoon wat die mede-houer van die reg op edelmetale of onedele minerale is, die eenaar of huurder van die grond is, deur die mynkommissaris aan bedoelde eenaar of huurder oorbetaal moet word.

Prohibition or limitation of prospecting on certain land.

17. (1) No officer carrying out any investigation under section 11 or prospector shall prospect by means which disturb the surface of the earth—

(a) in or on any—

- (i) lawfully established township or any lawfully established residential area for coloured persons or Bantu;
- (ii) land comprising an outspan, public road, railway or cemetery;
- (iii) land used or reserved under this Act or any other law for any Government or public purpose; or
- (iv) land over which a right to the use of the surface or water is held by any other person under this Act or by virtue of the provisions of any existing or prior law relating to minerals, including precious stones,

except with the Minister's consent in writing and in accordance with such conditions as may be imposed by him with due regard to the provisions of the Mines and Works Act, 1956 (Act No. 27 of 1956), and the regulations made thereunder;

- (b) in or on any land which is used as a garden, orchard, vineyard, nursery or plantation or is otherwise under cultivation, or under or within a horizontal distance of three hundred feet of any spring, well, borehole, reservoir, dam, water-course, waterworks or dipping-tank, except with the consent of the owner thereof unless the land in question forms part of an area in respect of which the Minister's consent under paragraph (a) has been obtained;
- (c) in any public stream if the mining commissioner has in writing informed such officer or prospector that in the opinion of the mining commissioner such investigation or prospecting will disturb or divert the flow or interfere with the use of or pollute the water in that stream;
- (d) under any public road or under any railway or structure or within such horizontal distance therefrom as may be prescribed in the Mines and Works Act, 1956, and the regulations thereunder, except with the permission of the inspector of mines; or
- (e) on or under any land within a board area as defined in section 1 of the Rural Coloured Areas Act, 1963 (Act No. 24 of 1963), except after compliance with the provisions of section 51 of that Act and subject to such conditions as the Minister of Coloured Affairs may prescribe:

Provided that the Minister may, on such conditions as may be determined by him on the recommendation of the Government Mining Engineer and after considering any representations in writing by the owner of any land or place mentioned in paragraph (b), in writing permit such investigation or prospecting in, on or under such land or place subject to an obligation on the part of the State or the prospector concerned to pay compensation for any damage which may be caused.

(2) No prospector shall prospect in, on or under any land over which any other person holds a prospecting area or prospecting lease for precious metals, base minerals or precious stones or mining title or a right to dig or mine for precious stones, except with the consent of such person or the written permission of the Minister granted after considering any representations in writing made by such person.

(3) In the event of any building or structure on land which is subject to a mortgage bond being damaged as a result of prospecting on or under the land in question, the amount outstanding on such mortgage bond shall be a first charge on any compensation payable in respect of such damage.

Rights of officer carrying out investigation or prospector to water and use of surface of land.

18. (1) Save as is otherwise provided in this section, an officer carrying out an investigation under section 11 on alienated State land or any land not owned by the State (other than land referred to in section 7 (2) (c)), or a prospector shall not be entitled—

- (a) to use the surface of the land on which such investigation is carried out or on which such prospector is entitled to prospect, except for the purpose of carrying out such investigation or prospecting; or
- (b) to use any water in any stream, river or water-course flowing through or forming a boundary of such land or any other water on or underneath such land:

17. (1) Geen beamppte wat 'n ondersoek ingevolge artikel 11 instel of prospekterder mag op 'n wyse wat die oppervlakte van die grond versteur, prospekter nie—

Verbod of beperking op prospektering op sekere grond.

(a) in of op—

- (i) 'n wettiglik gestigte dorp of 'n wettiglik gestigte woongebied vir kleurlinge of Bantoes;
- (ii) grond wat 'n uitspanning, openbare pad, spoorweg of begraafplaas uitmaak;
- (iii) grond wat kragtens hierdie Wet of 'n ander wetsbepaling vir Staats- of openbare doeleindes uitgehou is of gebruik word; of
- (iv) grond waaroor kragtens hierdie Wet of uit hoofde van bestaande of vorige wetsbepalings op minerale, met inbegrip van edelgesteentes, 'n reg op die gebruik van die oppervlakte of water deur iemand anders gehou word,

behalwe met die Minister se skriftelike toestemming en ooreenkomstig die voorwaardes wat, met inagneming van die bepaling van die Wet op Myne en Bedrywe, 1956 (Wet No. 27 van 1956), en die regulasies daarkragtens uitgevaardig, deur hom opgelê word;

(b) in of op grond wat as 'n tuin, vrugteboord, wingerd, kwekery of plantasie gebruik word of andersins verbou word of onder of binne 'n horisontale afstand van driehonderd voet van 'n fontein, put, boorgat, opgaardam, dam, waterloop, waterwerk of dipbak, behalwe met toestemming van die eienaar daarvan, tensy die betrokke grond deel vorm van 'n gebied ten opsigte waarvan die Minister se toestemming ingevolge paragraaf (a) verkry is;

(c) in 'n openbare stroom indien die mynkommissaris bedoelde beamppte of prospekterder skriftelik verwittig het dat sodanige ondersoek of prospektering volgens die mynkommissaris se oordeel die vloei van die water in die stroom sal versteur of wegkeer of op die gebruik van die water inbreuk sal maak of die water sal besoedel;

(d) onder 'n openbare pad of onder 'n spoorlyn of struktuur of binne so 'n horisontale afstand daarvan as wat in die Wet op Myne en Bedrywe, 1956, en die regulasies daarkragtens voorgeskryf word, behalwe met toestemming van die inspekteur van myne; of

(e) op of onder grond binne 'n raadsgebied soos in artikel 1 van die Wet op Landelike Kleurlinggebiede, 1963 (Wet No. 24 van 1963), omskryf, behalwe nadat die bepaling van artikel 51 van daardie Wet nagekom is en onderworpe aan die voorwaardes wat die Minister van Kleurlingsake voorskryf:

Met dien verstande dat die Minister, onderworpe aan 'n verpligting aan die kant van die Staat of die betrokke prospekterder om vergoeding te betaal vir skade wat berokken word, en op die voorwaardes wat hy op aanbeveling van die Staatsmyningenieur en na oorweging van enige skriftelike vertoë deur die eienaar van enige in paragraaf (b) bedoelde grond of plek bepaal, skriftelike toestemming tot sodanige ondersoek of prospektering in, op of onder sodanige grond of plek kan verleen.

(2) 'n Prospekterder mag nie in, op of onder grond waaroor 'n prospektergebied of prospekterhuur vir edelmetale, onedele minerale of edelgesteentes of myntitel of 'n reg om vir edelgesteentes te delf of te myn deur iemand anders gehou word, prospekter nie, behalwe met toestemming van so iemand of met skriftelike toestemming deur die Minister na oorweging van skriftelike vertoë deur so iemand verleen.

(3) Indien enige gebou of struktuur op grond wat die onderwerp van 'n verband is, as gevolg van prospektering op of onder die betrokke grond beskadig word, maak die onbetaalde bedrag van bedoelde verband 'n eerste las uit teen enige vergoeding ten opsigte van sodanige skade betaalbaar.

18. (1) Behoudens die bepaling van hierdie artikel, is 'n beamppte wat ingevolge artikel 11 'n ondersoek instel op vreemde Staatsgrond of grond waarvan die eiendomsreg nie by die Staat berus nie (uitgesonderd grond in artikel 7 (2) (c) bedoel), of 'n prospekterder nie geregtig—

Regte van beamppte wat ondersoek instel of prospekterder op water en gebruik van oppervlakte van grond.

(a) om die oppervlakte van die grond waarop die ondersoek uitgevoer word of waarop die prospekterder geregtig is om te prospekter, te gebruik nie, behalwe om daardie ondersoek in te stel of om te prospekter; of

(b) om water in 'n stroom, rivier of waterloop wat deur die grond loop of 'n grens daarvan uitmaak of ander water op of onder daardie grond te gebruik nie: Met

Provided that any such officer or any prospector may use for the purpose of carrying out the investigation or prospecting or for any purpose incidental thereto, any water found in any excavation made or borehole sunk in the course of the investigation or prospecting.

- (2) Any such officer or any prospector may, with the written permission of the mining commissioner and subject to such terms and conditions as he may determine—
- (a) use so much of the surface of any alienated State land or land not owned by the State on which any such investigation is carried out or of the land on which the prospector is entitled to prospect, or of any other land, as may be reasonably necessary for any purpose incidental to the carrying out of the investigation or to prospecting;
 - (b) use so much of any public water as may be reasonably necessary for carrying out the investigation or for prospecting or for any purpose incidental thereto; and
 - (c) sink boreholes or wells on the land affected and erect any appliance necessary for obtaining water therefrom for any such purpose.
- (3) (a) No permission shall be granted—
- (i) under subsection (2) (a) in respect of any land or place referred to in section 17 (1) (a) (i), (ii) or (iv);
 - (ii) under subsection (2) (b) in respect of public water in an area to which the provisions of section 172 (3) of the Water Act, 1956 (Act No. 54 of 1956), apply; or
 - (iii) under subsection (2) (c) if the proposed borehole or well will be located on land declared or deemed to have been declared a subterranean water control area under section 28 of the Water Act, 1956, except after consultation with the Secretary for Water Affairs.
- (b) The mining commissioner shall, before granting any permission—
- (i) under subsection (2) (b), consult the Secretary for Water Affairs;
 - (ii) under any other provision of that subsection in respect of alienated State land or land not owned by the State, consult the owner or lessee of the land and any person whose right to use the surface of the land or to use any water underneath the land would in the opinion of the mining commissioner be adversely affected by such permission.
- (4) An application for any permission under subsection (2) shall be made in writing and the applicant shall furnish such sketch plan, documents and particulars as the mining commissioner may require.
- (5) (a) Any such applicant and any owner, lessee or person consulted by the mining commissioner in terms of subsection (3), shall be notified in writing by the mining commissioner of his decision, and, if any permission is proposed to be granted, of the terms and conditions to be embodied in the permission, and no such permission shall be issued by the mining commissioner until the expiration of a period of fourteen days after the date of such notification, or, if any appeal is lodged in terms of paragraph (b) of this subsection, until the decision of the Minister on the appeal is known.
- (b) Any such owner, lessee, person or applicant who is dissatisfied with the mining commissioner's decision or with any terms or conditions which the mining commissioner proposes to embody in any permission to be granted by him in pursuance of an application under subsection (4), may appeal to the Minister, who may confirm, reverse or vary such decision or confirm or vary such terms or conditions, and whose decision shall be final.
- (c) Any such appeal shall be lodged with the Minister, and written notice thereof shall be served by the appellant upon the mining commissioner, within fourteen days

dien verstande dat so 'n beampte of 'n prospekterder ten einde die ondersoek in te stel of te prospekter, of vir daarmee in verband staande doeleindes water mag gebruik wat gevind word in 'n uitgraving wat gemaak of gat wat geboor is in die loop van die ondersoek of prospektering.

(2) So 'n beampte of 'n prospekterder kan, met skriftelike vergunning van die mynkommissaris en onderworpe aan die bedinge en voorwaardes wat hy bepaal—

- (a) soveel van die oppervlakte van vervreemde Staatsgrond, of grond waarvan die eiendomsreg nie by die Staat berus nie, waarop bedoelde ondersoek ingestel word, of van die grond waarop die prospekterder geregtig is om te prospekter of van enige ander grond, gebruik as wat redelikerwys nodig is vir 'n doel wat met die uitvoering van die ondersoek of met prospektering in verband staan;
- (b) soveel openbare water gebruik as wat redelikerwys nodig is vir die uitvoering van die ondersoek of vir prospektering of vir 'n doel wat daarmee in verband staan; en
- (c) gate boor of putte grawe op die betrokke grond en enige toestel oprig wat nodig is om vir sodanige doeleindes water daaruit te verkry.

(3) (a) Geen vergunning word—

- (i) kragtens subartikel (2) (a) verleen ten opsigte van grond of 'n plek in artikel 17 (1) (a) (i), (ii) of (iv) bedoel nie;
 - (ii) kragtens subartikel (2) (b) verleen ten opsigte van openbare water in 'n gebied waarop die bepalinge van artikel 172 (3) van die Waterwet, 1956 (Wet No. 54 van 1956), van toepassing is nie; of
 - (iii) kragtens subartikel (2) (c) verleen nie indien die beoogde boorgat of put op grond geleë sal wees wat ingevolge artikel 28 van die Waterwet, 1956, tot 'n ondergrondse waterbeheergebied verklaar is of geag word aldus tot 'n ondergrondse waterbeheergebied verklaar te wees nie, behalwe na oorlegpleging met die Sekretaris van Waterwese.
- (b) Die Mynkommissaris moet voor die verlening van vergunning—
- (i) kragtens subartikel (2) (b), die Sekretaris van Waterwese raadpleeg;
 - (ii) kragtens enige ander bepaling van daardie subartikel ten opsigte van vervreemde Staatsgrond of grond waarvan die eiendomsreg nie by die Staat berus nie, oorleg pleeg met die eienaar of huurder van die grond en enigiemand wie se reg op die gebruik van die oppervlakte van die grond of van water onder die grond volgens die mynkommissaris se oordeel deur bedoelde vergunning benadeel sal word.

(4) 'n Aansoek om 'n vergunning kragtens subartikel (2) moet skriftelik gedoen word en die aansoeker moet 'n sketskaart en die dokumente en besonderhede verstrek wat die mynkommissaris verlang.

(5) (a) So 'n aansoeker en 'n eienaar, huurder of iemand met wie die mynkommissaris ingevolge subartikel (3) oorleg gepleeg het, moet deur die mynkommissaris skriftelik van sy besluit in kennis gestel word en van die bedinge en voorwaardes waarop 'n beoogde vergunning verleen staan te word, en so 'n vergunning word nie deur die mynkommissaris uitgereik voor die verstryking van 'n tydperk van veertien dae na die datum van die kennisgewing of, indien appèl ingevolge paragraaf (b) van hierdie subartikel aangeteken word, voordat die Minister se beslissing op die appèl bekend is nie.

- (b) So 'n eienaar, huurder, persoon of aansoeker wat ontevrede is met die mynkommissaris se besluit of met enige bedinge of voorwaardes wat die mynkommissaris voornemens is om in te sluit in 'n vergunning wat ingevolge 'n aansoek kragtens subartikel (4) deur hom verleen staan te word, kan appèl aanteken by die Minister wat bedoelde besluit kan bekragtig, tersyde stel of wysig of bedoelde bedinge of voorwaardes kan bekragtig of wysig en wie se beslissing afdoende is.
- (c) So 'n appèl moet by die Minister ingedien word, en skriftelike kennisgewing daarvan moet deur die appellat aan die mynkommissaris bestel word,

after the date of the notification by the mining commissioner in terms of paragraph (a).

(6) Any permission given by the mining commissioner in pursuance of an application under subsection (4), or of the decision of the Minister under subsection (5), shall be in the form prescribed by regulation.

(7) No permission shall be required for the purposes of subsection (2) (a) or (c)—

(a) in the case of an investigation under section 11 or of prospecting on alienated State land or land which is not owned by the State, if the owner or lessee of that land has in writing consented to the use of the surface of the land or of private water underneath the land in connection with such investigation or prospecting, or if (in the case of use for prospecting) adequate provision for the use by the prospector for purposes incidental to prospecting of the surface of the land or of such water is contained in—

(i) any registered prospecting agreement;

(ii) any notarial deed registered as provided by section 19 of this Act or a corresponding provision of a prior law; or

(iii) the title deeds of the land or any title in respect of rights to precious metals, base minerals or natural oil in respect of the land; or

(b) in the case of prospecting on land owned by the State (other than land held by a lessee) or land referred to in section 7 (2) (c), if the mining commissioner considers it unnecessary that the prospector should apply for and obtain such permission or if adequate provision relating to the use by the prospector of the surface of any such land or of water underneath the land has been made in the prospecting lease, if any.

(8) (a) A prospector to whom any permission required for the purposes of subsection (2) (a) or (c) has been granted in respect of alienated State land or land not owned by the State (other than land referred to in section 7 (2) (c)), shall pay to the mining commissioner, for the benefit of the owner or lessee of the land subject to the permission, such rent or other consideration as may be determined by the Minister after having considered any representations in writing by any such owner or lessee or by the prospector, and the Secretary shall, if such permission has been granted to an officer carrying out an investigation under section 11, pay to the owner or lessee of the land such rent or other consideration as the Minister may direct after having considered any such representations.

(b) No rent or other consideration shall be payable under this subsection by a prospector in respect of the use of the surface of any land, if rent in respect of that land is payable by him for the benefit of the owner or lessee thereof in terms of any other provision of this Act or a prior law.

(9) If a prospector to whom any permission required under subsection (2) has been granted—

(a) cedes or transfers his rights and obligations under a prospecting lease or under a notarial deed mentioned in subsection (7) (a) (ii); or

(b) transfers his right to any prospecting area in terms of this Act,

to any person, any such permission relating to the land over which such lease or deed is held or on which such area is situated may, with the written consent of such prospector and upon written application made by such person to the mining commissioner within thirty days after the cession or transfer or within such further period as the mining commissioner may allow, be transferred to such person by endorsement by the mining commissioner.

(10) (a) Any permission required under subsection (2) granted to a prospector in connection with prospecting on any land shall lapse—

(i) if on cession or transfer by him of his rights and obligations under any lease or deed referred to in subsection (9) in respect of the land

binne veertien dae na die datum van die mynkommissaris se kennisgewing ingevolge paragraaf (a).

(6) 'n Vergunning deur die mynkommissaris na aanleiding van 'n aansoek kragtens subartikel (4) of van die beslissing van die Minister kragtens subartikel (5) verleen, moet in die by regulasie voorgeskrewe vorm wees.

(7) 'n Vergunning is nie vir die doeleindes van subartikel

(2) (a) of (c) nodig nie—

(a) in die geval van 'n ondersoek ingevolge artikel 11 of van prospektering op vervreemde Staatsgrond of grond waarvan die eiendomsreg nie by die Staat berus nie, indien die eienaar of huurder van daardie grond skriftelik toegestem het tot die gebruik van die oppervlakte van die grond of van private water onder die grond in verband met bedoelde ondersoek of prospektering of indien (in die geval van gebruik vir prospektering) voldoende voorsiening vir die gebruik deur die prospekterder van die oppervlakte van die grond of van sodanige water vir doeleindes wat met prospektering in verband staan, vervat is in—

(i) 'n geregistreerde prospekteerooreenkoms;

(ii) 'n notariële akte wat volgens voorskrif van artikel 19 van hierdie Wet of 'n ooreenstemmende bepaling van 'n vorige wet geregistreer is; of

(iii) die titelbewys van die grond of 'n titel ten opsigte van regte op edelmetale, onedele minerale of aardolie ten opsigte van die grond; of

(b) in die geval van prospektering op grond waarvan die eiendomsreg by die Staat berus (uitgesonderd grond deur 'n huurder gehou) of grond in artikel 7 (2) (c) bedoel, indien die mynkommissaris dit onnodig ag dat die prospekterder sodanige vergunning moet aanvra en verkrv, of indien voldoende voorsiening met betrekking tot die gebruik deur die prospekterder van die oppervlakte van daardie grond of van water onder die grond in die prospekterhuur (as daar een is) gemaak is.

(8) (a) 'n Prospekterder aan wie 'n vir die doeleindes van subartikel (2) (a) of (c) vereiste vergunning verleen is ten opsigte van vervreemde Staatsgrond of grond waarvan die eiendomsreg nie by die Staat berus nie (uitgesonderd grond in artikel 7 (2) (c) bedoel), moet aan die mynkommissaris ten bate van die eienaar of huurder van die grond wat die onderwerp van die vergunning is 'n huurgeld of ander vergoeding betaal wat die Minister, na oorweging van enige skriftelike vertoë deur so 'n eienaar of huurder of deur die prospekterder, bepaal, en die Sekretaris moet, indien sodanige vergunning verleen is aan 'n beampte wat 'n ondersoek ingevolge artikel 11 instel, aan die eienaar of huurder van die grond die huurgeld of ander vergoeding betaal wat die Minister na oorweging van sodanige vertoë gelas.

(b) Geen huurgeld of ander vergoeding is ingevolge hierdie subartikel deur 'n prospekterder ten opsigte van die gebruik van die oppervlakte van grond betaalbaar indien huurgeld ten opsigte van daardie grond ingevolge 'n ander bepaling van hierdie Wet of 'n vorige wet deur hom ten bate van die eienaar of huurder daarvan betaalbaar is nie.

(9) Indien 'n prospekterder aan wie 'n ingevolge subartikel (2) vereiste vergunning verleen is—

(a) sy regte en verpligtings ingevolge 'n prospekterhuur of ingevolge 'n notariële akte in subartikel (7) (a) (ii) bedoel aan iemand seeder of oordra; of

(b) sy reg op 'n prospektergebied ingevolge hierdie Wet aan iemand oordra,

kan so 'n vergunning wat betrekking het op die grond waaroor bedoelde huur of akte gehou word of waarop bedoelde gebied geleë is, met skriftelike toestemming van daardie prospekterder en op skriftelike aansoek binne dertig dae na die sessie of oordrag, of binne die verdere tydperk wat die mynkommissaris toelaat, deur so iemand by die mynkommissaris gedoen, by endossement deur die mynkommissaris aan so iemand oorgedra word.

(10) (a) 'n Vergunning wat ingevolge subartikel (2) vereis word en wat aan 'n prospekterder in verband met prospektering op grond verleen is, verval—

(i) indien daar by 'n sessie of oordrag deur hom van sy regte en verpligtings ingevolge 'n in subartikel

(9) bedoelde huur of akte ten opsigte van die

in question, or of his right to any area mentioned in the said subsection (9) situated on such land, application is not made in accordance with the provisions of that subsection for the transfer of such permission or if such application is refused; or

(ii) if for any reason such lease or deed or the prospecting permit authorizing him to prospect on the land lapses, terminates or is terminated.

(b) Any such permission granted to an officer in respect of any land on which he is carrying out an investigation under section 11 shall lapse on the withdrawal by the Minister of his direction to such officer or on the date on which such officer notifies the mining commissioner in writing that he has completed his investigation on such land.

(11) The issue or lapsing of any permission granted under subsection (2) shall be noted in the Mining Titles Office.

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

(b) Any permission granted under this section to any such holder or such nominee shall lapse if the mining commissioner has, after having considered any representations in writing by such holder or nominee, certified that such holder or nominee has abandoned his prospecting or mining operations.

(13) For the purposes of this section, the expressions "private water", "public stream" and "public water" have the meanings assigned thereto in section 1 of the Water Act, 1956 (Act No. 54 of 1956).

Registration of notarial deed against title to alienated State land.

19. (1) A notarial deed whereby an owner of land to whom a prospecting licence has been issued in terms of section 12 of this Act or section 2 of the Reserved Minerals Development Act, 1926 (Act No. 55 of 1926), grants to his nominee the right to prospect on the land to which the licence relates for any precious metal or base mineral the right to which is in respect of that land reserved to the State, together with the right to acquire a mining lease over the land as nominee of the owner in terms of section 25 (1) (c) of this Act, shall, notwithstanding the provisions of section 12 of this Act, upon registration thereof in the Mining Titles Office be binding upon the successors in title of the said owner.

(2) Whenever any such notarial deed entered into after the commencement of this Act is lodged with the Registrar of Mining Titles for registration he shall forthwith cause a copy thereof to be delivered to the Government Mining Engineer who shall within ten days of the receipt of such copy notify the said Registrar in writing whether in his opinion the terms and conditions embodied in the notarial deed are or are not detrimental to the interests of the State, regard being had to the provisions of section 28 relating to the payment of a consideration to the State in the event of a mining lease being granted in respect of the land in question, and if the Government Mining Engineer expresses the opinion that the said terms and conditions are detrimental to the said interests the said Registrar shall refuse to register the notarial deed.

(3) Any reference in a notarial deed lodged for registration as provided in subsection (1) of this section, or in a notarial deed registered as provided in section 3 of the Reserved Minerals Development Act, 1926 (Act No. 55 of 1926), to a mineral lease under that Act shall, notwithstanding anything in any law contained, for all purposes be deemed to include a reference to a mining lease under section 25 (1) (c) of this Act.

Information to be furnished in regard to boreholes.

20. (1) Every person who proposes to drill a borehole from the surface of any land for the purpose of prospecting for precious metals or base minerals, or to resume the drilling of any such borehole which has been discontinued for a period exceeding three months, shall give written notice of his intention

- betrokke grond, of van sy reg op 'n gebied in gemelde subartikel (9) bedoel wat op daardie grond geleë is, nie ooreenkomstig die bepalings van daardie subartikel om die oordrag van die vergunning aansoek gedoen word nie of indien so 'n aansoek geweier word; of
- (ii) indien bedoelde huur of akte of die prospekteepermit wat hom magtig om op die grond te prospektee om die een of ander rede verval, ten einde loop of beëindig word.
- (b) So 'n vergunning aan 'n beampte verleen ten opsigte van grond waarop 'n ondersoek deur hom ingevolge artikel 11 uitgevoer word, verval by die terugtrekking deur die Minister van sy opdrag aan daardie beampte of op die datum waarop bedoelde beampte die mynkommissaris skriftelik in kennis stel dat hy sy ondersoek op die grond voltooi het.
- (11) Die uitreiking of verstryking van enige vergunning kragtens subartikel (2) verleen, moet in die Mynbriewekantoor aangeteken word.
- (12) (a) Die bepalings van subartikels (2) tot en met (8) en subartikel (11), met uitsondering van die bepalings met 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 prospektee 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.
- (b) 'n Vergunning kragtens hierdie artikel aan so 'n houer of so 'n benoemde verleen, verval indien die mynkommissaris, na oorweging van enige skriftelike verdoë deur daardie houer of benoemde, gesertifiseer het dat bedoelde houer of benoemde sy prospektee- of mynwerkzaamhede laat vaar het.
- (13) By die toepassing van hierdie artikel het die uitdrukkings „private water”, „openbare stroom” en „openbare water” die betekenis daaraan toegeskryf in artikel 1 van die Waterwet, 1956 (Wet No. 54 van 1956).

19. (1) 'n Notariële akte waarby 'n eienaar van grond aan wie 'n prospektee-lisensie ingevolge artikel 12 van hierdie Wet of artikel 2 van die „Wet op de Ontginning van Voorbehouden Mineralen, 1926” (Wet No. 55 van 1926), uitgereik is, aan sy benoemde die reg verleen om op die grond waarop die lisensie betrekking het, te prospektee na enige edelmetaal of onedele mineraal waarop die reg ten opsigte van daardie grond aan die Staat voorbehou is, tesame met die reg om 'n mynhuur oor die grond as benoemde van die eienaar ingevolge artikel 25 (1) (c) van hierdie Wet te verkry, is, ondanks die bepalings van artikel 12 van hierdie Wet, by registrasie daarvan in die Mynbriewekantoor bindend vir die regsopvolgers van bedoelde eienaar.

Registrasie van notariële akte teen titelbewys van vervreemde Staatsgrond.

(2) Wanneer so 'n notariële akte, na die inwerkingtreding van hierdie Wet aangegaan, by die Registrateur van Mynbriewe vir registrasie ingedien word, moet hy onverwyld 'n afskrif daarvan aan die Staatsmyningenieur laat aflewer wat binne tien dae na ontvangs van bedoelde afskrif daardie Registrateur skriftelik in kennis moet stel of die bedinge en voorwaardes wat in die notariële akte beliggaam is volgens sy oordeel en met inagneming van die bepalings van artikel 28 betreffende die betaling van vergoeding aan die Staat ingeval 'n mynhuur ten opsigte van die betrokke grond toegeken word, tot nadeel van die Staat se belange strek al dan nie, en indien die Staatsmyningenieur die mening uitspreek dat bedoelde bedinge en voorwaardes tot nadeel van bedoelde belange strek, weier bedoelde Registrateur om die notariële akte te registreer.

(3) 'n Verwysing in 'n notariële akte wat volgens voorskrif van subartikel (1) van hierdie artikel vir registrasie ingedien word, of in 'n notariële akte wat volgens voorskrif van artikel 3 van die „Wet op de Ontginning van Voorbehouden Mineralen, 1926” (Wet No. 55 van 1926), geregistreer is, na 'n mineraleverhuring ingevolge daardie Wet, word ondanks andersluidende wetsbepalings vir alle doeleindes geag ook 'n verwysing na 'n mynhuur ingevolge artikel 25 (1) (c) van hierdie Wet te wees.

20. (1) Elke persoon wat voornemens is om 'n boorgat vanaf die oppervlakte van grond vir doeleindes van prospektering na edelmetale of onedele minerale te boor, of om die boor van so 'n boorgat wat vir 'n tydperk van langer as drie

Inligting wat met betrekking tot boorgate verstrekt moet word.

to drill such borehole or to resume such drilling to the Director of the Geological Survey and the mining commissioner, and shall within one year after the completion of the borehole or, if such drilling is discontinued for a period exceeding three months, within one year after such discontinuation, give full and correct information to the mining commissioner as to the precise site of the borehole, its depth, the formations passed through and the widths and assay values of any ore bodies intersected, together with such further information as may be prescribed by regulation.

(2) The information to be disclosed to the mining commissioner in terms of subsection (1) shall be furnished in such form as the Minister may from time to time determine, and every statement or plan containing such information shall be submitted in triplicate.

(3) No statement or plan submitted to the mining commissioner pursuant to the provisions of subsection (1) of this section or a corresponding provision of a prior law, shall be published or shown to any person not being an officer or employee of the Department of Mines, unless the person on whose behalf the borehole in question was drilled has consented thereto in writing.

(4) The provisions of subsection (3) of this section shall *mutatis mutandis* apply in connection with any statement relating to any borehole and submitted to the Minister pursuant to the provisions of section 14 (3) of this Act or a corresponding provision of a prior law.

(5) Any person who fails to comply with the provisions of subsection (1) or (2), and any person who publishes or affords access to, any statement or plan in contravention of subsection (3), or of that subsection as applied by subsection (4), shall be guilty of an offence and liable on conviction—

- (a) in the case of a contravention of subsection (1), to a fine not exceeding twenty rand for every day on which the default continues;
- (b) in the case of a contravention of subsection (2), to a fine not exceeding fifty rand; and
- (c) in the case of a contravention of subsection (3) or of that subsection as so applied, to a fine not exceeding two hundred rand.

Removal and disposal of precious metals, base minerals or ore recovered during prospecting operations.

21. (1) Any officer carrying out an investigation under section 11 or any person prospecting under a lease granted in terms of section 15 of this Act or a corresponding provision of a prior law, may remove and dispose of ore from the land on which such investigation or prospecting is being carried out for bulk testing purposes in such quantities and on such conditions as the Minister may determine.

(2) Save as provided in subsection (1), no prospector shall remove from any land any precious metal or base mineral, or the ore of any precious metal or base mineral, recovered by him in the course of prospecting operations lawfully carried out on that land, or dispose of any such precious metal, base mineral or ore, except with the written permission of the mining commissioner granted with the approval of the Minister and subject to such terms and conditions as may be determined by the Minister and specified in such permission or, in the case of any such ore, by way of samples for the purpose of identification, assay or analysis.

(3) An applicant for permission under subsection (2) shall furnish the mining commissioner with full particulars of the quantity of ore containing precious metal to be crushed or removed or the quantity of base minerals to be removed monthly or annually, and the share of profits, royalty or other consideration, if any, offered to the State, and shall further submit to the mining commissioner—

- (a) in the case of private land (other than land referred to in section 7 (2) (c)), the written consent of the holder of the right to precious metals or base minerals, as the case may be, in respect of the land;
- (b) in the case of alienated State land in respect of which the applicant is the nominee of the owner or lessee concerned, the written consent of such owner or lessee; or
- (c) in the case of land subject to a prospecting lease granted under section 16, in respect of which the holder of the lease is not the co-holder of the right to precious metals or base minerals, as the case may be, in respect of the land, the written consent of such co-holder,

maande gestaak is, te hervat, moet die Direkteur van die Geologiese Opname en die mynkommissaris skriftelik in kennis stel van sy voorneme om sodanige boorgat te boor of die boor daarvan te hervat, en moet binne een jaar na die voltooiing van die boorgat of, indien die boor daarvan vir 'n tydperk van langer as drie maande gestaak word, binne een jaar na sodanige staking, volledige en juiste inligting aan die mynkommissaris verstrek betreffende die presiese ligging van die boorgat, die diepte daarvan, die formasies waardeur geboor is en die wydtes en essaiwaardes van enige ertsliggame waardeur geboor is, tesame met die ander inligting wat by regulasie voorgeskryf word.

(2) Die inligting wat ingevolge subartikel (1) aan die mynkommissaris meegedeel moet word, moet in die vorm wees wat die Minister van tyd tot tyd bepaal en elke staat of plan wat sodanige inligting bevat, moet in drievoud verstrek word.

(3) Geen staat of plan wat ingevolge die bepalings van subartikel (1) van hierdie artikel of 'n ooreenstemmende bepaling van 'n vorige wet aan die mynkommissaris verstrek is, word gepubliseer of aan iemand anders as 'n beampte of werknemer van die Departement van Mynwese getoon nie, tensy die persoon namens wie die betrokke boorgat geboor is skriftelik daartoe ingestem het.

(4) Die bepalings van subartikel (3) van hierdie artikel is *mutatis mutandis* van toepassing in verband met enige opgawe met betrekking tot 'n boorgat ingevolge die bepalings van artikel 14 (3) van hierdie Wet of 'n ooreenstemmende bepaling van 'n vorige wet aan die Minister verstrek.

(5) Iemand wat versuim om aan die bepalings van subartikel (1) of (2) te voldoen, en iemand wat in stryd met subartikel (3), of met daardie subartikel soos by subartikel (4) toegepas, 'n staat of plan publiseer of toegang daartoe verleen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

(a) in die geval van 'n oortreding van subartikel (1), met 'n boete van hoogstens twintig rand vir elke dag waarop die versuim voortduur;

(b) in die geval van 'n oortreding van subartikel (2), met 'n boete van hoogstens vyftig rand; en

(c) in die geval van 'n oortreding van subartikel (3), of van daardie subartikel soos aldus toegepas, met 'n boete van hoogstens tweehonderd rand.

21. (1) 'n Beampte wat 'n ondersoek ingevolge artikel 11 uitvoer of iemand wat kragtens 'n huur toegeken ingevolge artikel 15 van hierdie Wet of 'n ooreenstemmende bepaling van 'n vorige wet prospektee, kan vir die doeleindes van massa-toetse erts van die grond waarop bedoelde ondersoek uitgevoer of prospektering verrig word, verwyder en daarvoor beskik in die hoeveelhede en op die voorwaardes wat die Minister bepaal.

Verwydering van en beskikking oor edelmetale, onedele minerale of erts gedurende prospekteeerwerk-saamhede uitgehaal.

(2) Behoudens die bepalings van subartikel (1) mag geen prospekteeerder enige edelmetaal of onedele mineraal of die erts van enige edelmetaal of onedele mineraal wat hy uitgehaal het in die loop van prospekteeerwerk-saamhede wettiglik op grond deur hom uitgevoer, van bedoelde grond verwyder of oor sodanige edelmetaal, onedele mineraal of erts beskik nie, behalwe met skriftelike vergunning deur die mynkommissaris met goedkeuring van die Minister verleen en onderworpe aan die bedinge en voorwaardes deur die Minister bepaal en in bedoelde vergunning vermeld, of, in die geval van sodanige erts, by wyse van monsters vir identifisering, essai of ontleding.

(3) 'n Aansoeker om vergunning kragtens subartikel (2) moet die mynkommissaris van volledige besonderhede voorsien betreffende die hoeveelheid edelmetaalbevattende erts wat maandeliks of jaarliks vergruis of verwyder of die hoeveelheid onedele minerale wat maandeliks of jaarliks verwyder gaan word, en die winsaandeel, tantième of ander vergoeding (as daar is) wat die Staat aangebied word, en moet verder aan die mynkommissaris verstrek—

(a) in die geval van private grond (uitgesonderd grond in artikel 7 (2) (c) bedoel), die skriftelike toestemming van die houer van die reg op edelmetale of onedele minerale, na gelang van die geval, ten opsigte van die grond;

(b) in die geval van vervreemde Staatsgrond ten opsigte waarvan die aansoeker die benoemde van die betrokke eienaar of huurder is, die skriftelike toestemming van bedoelde eienaar of huurder; of

(c) in die geval van grond waaroor 'n kragtens artikel 16 toegekende prospekteeerhuur gehou word, ten opsigte waarvan die houer van die huur nie die medehouer van die reg op edelmetale of onedele minerale, na gelang van die geval, ten opsigte van die grond is nie, die skriftelike toestemming van bedoelde medehouer,

to the granting of such permission: Provided that no such consent shall be required where the right to remove or dispose of the precious metals or base minerals in question is embodied in any registered prospecting agreement or in any notarial deed registered as provided by section 19 of this Act or a corresponding provision of a prior law.

(4) Every application for permission under subsection (2) shall be submitted by the mining commissioner to the Government Mining Engineer for a recommendation as to whether the application should be granted and, if so, what share of profits, royalty or other consideration (if any) should be paid by the grantee to the State, and what special terms and conditions should in his opinion be embodied in the permission.

(5) No permission shall be granted under subsection (2) in respect of—

(a) private land in respect of which the right to precious metals and base minerals is held by or in trust for the South African Bantu Trust or a Bantu; or

(b) alienated State land of which the said Trust or a Bantu is the owner or which is held in trust for a Bantu,

except upon production of a certificate issued by the Secretary for Bantu Administration and Development or the Chief Bantu Affairs Commissioner concerned to the effect that the Minister of Bantu Administration and Development has consented to the grant thereof and subject to the conditions determined by the said Minister and specified in such certificate.

(6) Notwithstanding the provisions of subsection (4) any share of profits, royalty or other consideration payable under a permission granted under subsection (2) in respect of land referred to in subsection (5) (a) shall, subject to the provisions of section 51 of the Transkei Constitution Act, 1963 (Act No. 48 of 1963), be paid to the said Trust.

Provisions in regard to prospecting rights granted under prior laws.

22. (1) Every prospecting licence issued under the Reserved Minerals Development Act, 1926 (Act No. 55 of 1926), and in force at the commencement of this Act, shall be deemed to be a prospecting licence issued under section 12 of this Act.

(2) A prospecting permit or prospecting lease for precious metals, base minerals or natural oil issued or granted under any provision of a prior law and current at the commencement of this Act, shall be deemed to be a prospecting permit or prospecting lease, as the case may be, issued or granted under the corresponding provision of this Act, and any prospecting area pegged under such a prospecting permit shall be deemed to be prospecting area pegged under section 8 of this Act.

(3) (a) Every prospecting area held under the authority of a prospecting licence issued in terms of the Precious Minerals Act, 1898 (Act No. 31 of 1898), of the Cape of Good Hope, or the Mineral Law Amendment Act, 1907 (Act No. 16 of 1907), of the Cape of Good Hope, and current at the commencement of this Act, shall for the purposes of this Act, and irrespective of the size and shape of that area, be deemed to be a prospecting area pegged under section 8 of this Act, and every such licence under the authority of which any such area is held shall for the said purposes be deemed to be a prospecting permit issued to the holder thereof under section 7 (2) (b) of this Act: Provided that where any such area was pegged by means of a centre beacon in accordance with the provisions of section 36 of the said Mineral Law Amendment Act, 1907, the holder thereof shall upon being requested in writing by the mining commissioner to do so, and within such period (not being less than one month) as may be specified in the request, peg off so much of that area as he may require for prospecting by erecting beacons in conformity with the provisions of section 8 (1) of this Act and the regulations, and if he fails to comply with such request within the period so specified or within such further period as the mining commissioner may in writing allow, his rights in respect of such area may be declared forfeited by the mining

tot die verlening van die vergunning: Met dien verstande dat sodanige toestemming nie vereis word waar die reg om die betrokke edelmetale of onedele minerale te verwyder of daaroor te beskik in 'n geregistreerde prospekteeooreenkoms of in 'n notariële akte geregistreer volgens voorskrif van artikel 19 van hierdie Wet of 'n ooreenstemmende bepaling van 'n vorige wet beliggaam is nie.

(4) Elke aansoek om vergunning kragtens subartikel (2) word deur die mynkommissaris aan die Staatsmyningenieur voorgelê vir 'n aanbeveling of die aansoek toegestaan behoort te word en, indien wel, watter winsaandeel, tantième of ander vergoeding (as daar is) deur die konsessionaris aan die Staat betaal behoort te word, en watter spesiale bedinge en voorwaardes volgens sy oordeel in die vergunning beliggaam moet word.

(5) Geen vergunning word kragtens subartikel (2) verleen ten opsigte van—

- (a) private grond ten opsigte waarvan die reg op edelmetale en onedele minerale deur of in trust vir die Suid-Afrikaanse Bantoe-trust of 'n Bantoe gehou word nie; of
- (b) vervreemde Staatsgrond waarvan bedoelde Trust of 'n Bantoe die eienaar is of wat in trust vir 'n Bantoe gehou word nie,

behalwe by oorlegging van 'n sertifikaat uitgereik deur die Sekretaris van Bantoe-administrasie en -ontwikkeling of die betrokke Hoofbantoesakekommissaris ten effekte dat die Minister van Bantoe-administrasie en -ontwikkeling tot die verlening daarvan toegestem het, en onderworpe aan die voorwaardes deur daardie Minister bepaal en in bedoelde sertifikaat vermeld.

(6) Ondanks die bepalings van subartikel (4) word enige winsaandeel, tantième of ander vergoeding betaalbaar ingevolge 'n vergunning kragtens subartikel (2) ten opsigte van in subartikel (5) (a) bedoelde grond verleen, behoudens die bepalings van artikel 51 van die Transkeise Grondwet, 1963 (Wet No. 48 van 1963), aan bedoelde Trust betaal.

22. (1) Elke prospekteeerlisensie kragtens die „Wet op de Ontginning van Voorbehouden Mineralen, 1926” (Wet No. 55 van 1926), uitgereik en van krag by die inwerkingtreding van hierdie Wet, word geag 'n prospekteeerlisensie te wees wat kragtens artikel 12 van hierdie Wet uitgereik is.

Bepalings betreffende prospekteeerrechte kragtens vorige wette toegeken.

(2) 'n Prospekteeerpermit of prospekteeerhuur ten opsigte van edelmetale, onedele minerale of aardolie kragtens 'n bepaling van 'n vorige wet uitgereik of toegeken en gangbaar by die inwerkingtreding van hierdie Wet, word geag 'n prospekteeerpermit of prospekteeerhuur, na gelang van die geval, te wees wat kragtens die ooreenstemmende bepaling van hierdie Wet uitgereik of toegeken is, en enige prospekteeergebied kragtens so 'n prospekteeerpermit afgepen, word geag 'n prospekteeergebied te wees wat ingevolge artikel 8 van hierdie Wet afgepen is.

(3) (a) Elke prospekteeergebied gehou kragtens magtiging verleen by 'n prospekteeerlisensie ingevolge die „Precious Minerals Act, 1898” (Wet No. 31 van 1898), van die Kaap die Goeie Hoop, of die „Mineral Law Amendment Act, 1907” (Wet No. 16 van 1907), van die Kaap die Goeie Hoop, uitgereik en gangbaar by die inwerkingtreding van hierdie Wet, word by die toepassing van hierdie Wet en ongeag die grootte en vorm van daardie gebied, geag 'n ingevolge artikel 8 van hierdie Wet afgepende prospekteeergebied te wees, en so 'n lisensie waarkragtens so 'n gebied gehou word, word vir gemelde doeleindes geag 'n kragtens artikel 7 (2) (b) van hierdie Wet aan die houer daarvan uitgereikte prospekteeerpermit te wees: Met dien verstande dat waar so 'n gebied by wyse van 'n middelbaken ooreenkomstig die bepalings van artikel 36 van bedoelde „Mineral Law Amendment Act, 1907”, afgepen is, die houer daarvan, wanneer hy skriftelik deur die mynkommissaris daartoe versoek word, en binne die tydperk (nie minder as een maand nie) in die versoek vermeld, soveel van daardie gebied as wat hy vir prospektering nodig het, moet afpen deur bakens in ooreenstemming met die bepalings van artikel 8 (1) van hierdie Wet en die regulasies op te rig, en indien hy versuim om binne die aldus vermelde tydperk of binne die verdere tydperk wat die mynkommissaris skriftelik toelaat, aan bedoelde versoek te voldoen, kan die mynkommissaris sy regte ten opsigte van bedoelde gebied verbeurd verklaar en kan die myn-

commissioner and the said area may be dealt with by the mining commissioner in the manner provided in section 9 (5).

- (b) Any portion of any circular area pegged by means of a centre beacon in terms of section 36 of the aforesaid Mineral Law Amendment Act, 1907, which is not included in the area pegged in accordance with the provisions of section 8 of this Act and the regulations in pursuance of the request of the mining commissioner in terms of the proviso to paragraph (a) of this subsection shall, subject to the provisions of section 7 (2) (b) of this Act, be open to public prospecting under this Act.
- (c) Any person who has pegged an area in accordance with the proviso to paragraph (a) or who holds any prospecting area (not being a circular area) mentioned in that paragraph, shall, upon the written request of the mining commissioner and within such period (not being less than fourteen days) as may be specified in the request, lodge with the mining commissioner a sketch plan such as is described in section 8 (2) in respect of the area in question, and if such person fails to comply with such request within the period so specified or within such further period as the mining commissioner may in writing allow, his rights in respect of such area may be declared forfeited by the mining commissioner and the said area may be dealt with by him in the manner referred to in the said proviso.
- (4) (a) Every prospecting claim held on State land shall for the purposes of this Act, and irrespective of the size and shape of such prospecting claim, be deemed to be a prospecting area pegged under section 8, and every prospecting claim licence under the authority of which any such prospecting claim is held shall for the said purposes be deemed to be a prospecting permit issued under section 7 (2) (b): Provided that the second proviso to section 9 (1) shall not apply in connection with any such prospecting claim licence.
- (b) The provisions of paragraph (a) shall *mutatis mutandis* apply to every prospecting claim held on private land, alienated State land or land referred to in section 16, and to every prospecting claim licence under the authority of which any such prospecting claim is held: Provided that—
- (i) the holder of any such prospecting claim shall not be entitled to prospect thereon except for the precious metals and base minerals for which he would have been entitled to prospect if this Act had not been passed;
 - (ii) if on the expiry of any such prospecting claim licence issued pursuant to the permission of the Minister of Bantu Administration and Development granted under a prior law, a prospecting permit is issued in respect of the prospecting claim concerned, the period of such permit or of any renewal thereof shall not extend beyond the date of expiry of such permission, and the period of the permission and the conditions (if any) subject to which the permission was granted shall be endorsed by the mining commissioner on the permit or any renewal thereof;
 - (iii) no such prospecting claim situated on land in respect of which the right to precious metals and base minerals is held by or in trust for the South African Bantu Trust or a Bantu shall be transferred except with the prior permission of the said Minister which may be conveyed by means of a certificate under the hand of the Secretary for Bantu Administration and Development or the Chief Bantu Affairs Commissioner concerned;
 - (iv) the provisions of section 9 (5) shall not apply in connection with any such prospecting claim;

kommissaris met daardie gebied op die in artikel 9 (5) bepaalde wyse handel.

- (b) Enige gedeelte van 'n sirkelvormige gebied wat ingevolge artikel 36 van voormelde „Mineral Law Amendment Act, 1907”, by wyse van 'n middelbaken afgepen is, en wat nie ingesluit is by die gebied wat ooreenkomstig die bepalings van artikel 8 van hierdie Wet en die regulasies na aanleiding van die mynkommissaris se versoek ingevolge die voorbehoudsbepaling by paragraaf (a) van hierdie subartikel afgepen is nie, is, behoudens die bepalings van artikel 7 (2) (b) van hierdie Wet, oop vir openbare prospektering ingevolge hierdie Wet.
- (c) Iemand wat 'n gebied ooreenkomstig die voorbehoudsbepaling by paragraaf (a) afgepen het of wat 'n in daardie paragraaf vermelde prospekteergebied (wat nie 'n sirkelvormige gebied is nie) hou, moet op skriftelike versoek van die mynkommissaris, en binne die tydperk (nie minder as veertien dae nie) in die versoek vermeld, by die mynkommissaris 'n sketskaart soos in artikel 8 (2) beskryf, ten opsigte van die betrokke gebied indien, en indien so iemand versuim om binne die aldus vermelde tydperk of binne die verdere tydperk wat die mynkommissaris skriftelik toelaat, aan bedoelde versoek te voldoen, kan sy regte ten opsigte van daardie gebied deur die mynkommissaris verbeurd verklaar word en kan daarop die in bedoelde voorbehoudsbepaling bedoelde wyse deur die mynkommissaris met daardie gebied gehandel word.
- (4) (a) Elke prospekteerkleim op Staatsgrond gehou, word ongeag die grootte en vorm van dié prospekteerkleim, by die toepassing van hierdie Wet geag 'n prospekteergebied te wees wat ingevolge artikel 8 afgepen is, en elke prospekteerkleimlisensie uit hoofde waarvan so 'n prospekteerkleim gehou word, word by sodanige toepassing geag 'n prospekteerpermit te wees wat kragtens artikel 7 (2) (b) uitgereik is: Met dien verstande dat die tweede voorbehoudsbepaling by artikel 9 (1) nie in verband met so 'n prospekteerkleimlisensie van toepassing is nie.
- (b) Die bepalings van paragraaf (a) is *mutatis mutandis* van toepassing op elke prospekteerkleim gehou op private grond, vervreemde Staatsgrond of grond in artikel 16 bedoel, en op elke prospekteerkleimlisensie uit hoofde waarvan so 'n prospekteerkleim gehou word: Met dien verstande dat—
- (i) die houer van so 'n prospekteerkleim nie geregtig is om daarop te prospekter nie behalwe na die edelmetale en onedele minerale waarna hy geregtig sou gewees het om te prospekter indien hierdie Wet nie aangeneem was nie;
 - (ii) indien by die verstryking van so 'n prospekteerkleimlisensie, uitgereik ingevolge die toestemming van die Minister van Bantoe-administrasie en -ontwikkeling kragtens 'n vorige wet verleen, 'n prospekteerpermit ten opsigte van die betrokke prospekteerkleim uitgereik word, die tydperk van bedoelde permit of 'n hernuwing daarvan nie na die verstrykingsdatum van daardie toestemming verstryk nie, en die tydperk van die toestemming en die voorwaardes (as daar is) onderworpe waaraan die toestemming verleen is deur die mynkommissaris op die permit of 'n hernuwing daarvan geëndosseer moet word;
 - (iii) so 'n prospekteerkleim geleë op grond ten opsigte waarvan die reg op edelmetale en onedele minerale deur of in trust vir die Suid-Afrikaanse Bantoe-trust of 'n Bantoe gehou word, nie oorgedra word nie, behalwe met voorafgaande toestemming van bedoelde Minister wat deur middel van 'n sertifikaat, onderteken deur die Sekretaris van Bantoe-administrasie en -ontwikkeling of die betrokke Hoofbantoesakekommissaris, meegedeel kan word;
 - (iv) die bepalings van artikel 9 (5) nie in verband met so 'n prospekteerkleim van toepassing is nie;

- (v) on the issue of a prospecting permit to the holder of any such prospecting claim on the expiry of his prospecting claim licence, or when such permit is renewed, the fee received by the mining commissioner for the issue or renewal of the permit shall, unless the owner or lessee of the land has prior to the commencement of this Act agreed in writing to relinquish or forgo the share of any prospecting claim licence fees to which he would, if this Act had not been passed, have been entitled in terms of section 57 of the Natal Mines Act, 1899 (Act No. 43 of 1899), of Natal, in connection with the issue of prospecting claim licences in respect of the land, be paid over by the mining commissioner to the owner or lessee, as the case may be, of the land.
- (c) If the holder of a prospecting claim referred to in paragraph (b) which is held in pursuance of a permission referred to in paragraph (ii) of the proviso to that paragraph fails to observe any condition on which such permission was granted, the mining commissioner shall serve written notice upon such holder calling upon him to remedy the defect within a period to be specified in the notice, and if the holder fails to comply with such notice within the period so specified or within such further period as the mining commissioner may in writing allow, such holder's right to that prospecting claim may be declared forfeited by the mining commissioner, and thereupon such holder shall cease to have any rights in respect of that prospecting claim which shall lapse.
- (d) Any moneys deposited with the mining commissioner in terms of section 49 of the said Natal Mines Act, 1899, in respect of any prospecting claim referred to in paragraph (b) of this subsection shall, notwithstanding the repeal of that Act, if for any reason the right to such prospecting claim terminates or is terminated or if mining title is acquired over the prospecting claim by the holder thereof, be dealt with by the mining commissioner in the manner provided in the said section 49.
- (5) Any person who at the commencement of this Act held in any one magisterial district more than ten prospecting areas or prospecting claims deemed to be prospecting areas under this Act, shall not by reason only of the provisions of section 8 (3), be debarred from holding such prospecting areas or prospecting claims.

General provisions in regard to prospecting and rights to prospect.

23. (1) Any officer who is required to carry out any investigation under section 11 and any prospector may, subject to the provisions of sections 17 and 18, after not less than fourteen days' written notice—

- (a) to the owner of the land (not being State land or land referred to in section 7 (2) (c)) on which the investigation or prospecting is to be carried out and, if a person other than the owner is the occupier of that land, also to such person; and
- (b) in the case of any such investigation under section 11 on private land or of prospecting under the authority of a prospecting lease granted under section 14 or 15 over such land, to the holder of the right to the precious metals or base minerals or natural oil in respect of which the investigation or prospecting is being or is to be carried out, and to any person prospecting or mining on such land,

enter upon the land with such persons, animals, vehicles, machinery, appliances, instruments or materials as may be necessary for the purposes of the investigation or prospecting and dig trenches and sink shafts or boreholes and perform such other acts upon the land as may be necessary for or incidental to the said purposes: Provided that notice to any such owner, person or holder may in the case of a prospector be dispensed with if such owner, person or holder has consented to prospecting on the land.

- (v) wanneer by die verstryking van sy prospekterkleimlisensie 'n prospekterpermit aan die houer van so 'n prospekterkleim uitgereik word, of wanneer bedoelde permit hernieu word, die bedrag deur die mynkommissaris vir die uitreiking of hernuwing van die permit ontvang, tensy die eienaar of huurder van die grond voor die inwerkingtreding van hierdie Wet skriftelik ingestem het om die aandeel in enige prospekterkleimlisensiegelde waarop hy, indien hierdie Wet nie aangeneem was nie, ingevolge artikel 57 van die „Natal Mines Act, 1899” (Wet No. 43 van 1899), van Natal, geregtig sou gewees het in verband met die uitreiking van prospekterkleimlisensies ten opsigte van die grond, te laat vaar of daarvan af te sien, deur die mynkommissaris aan die eienaar of huurder, na gelang van die geval, van die grond oorbetaal moet word.
- (c) Indien die houer van 'n in paragraaf (b) bedoelde prospekterkleim gehou ingevolge 'n toestemming in paragraaf (ii) van die voorbehoudsbepaling by daardie paragraaf bedoel, versuim om te voldoen aan enige voorwaarde waarop daardie toestemming verleen is, moet die mynkommissaris 'n skriftelike kennisgewing aan dié houer bestel waarby hy aangesê word om die versuim binne 'n in die kennisgewing vermelde tydperk aan te suiwer, en indien die houer in gebreke bly om binne die aldus vermelde tydperk of binne die verdere tydperk wat die mynkommissaris skriftelik toelaat aan die kennisgewing te voldoen, kan die mynkommissaris daardie houer se reg op die prospekterkleim verbeurd verklaar, en daarop het bedoelde houer geen verdere regte ten opsigte van daardie prospekterkleim nie en verval die prospekterkleim.
- (d) Daar word met gelde wat ingevolge artikel 49 van gemelde „Natal Mines Act, 1899”, by die mynkommissaris ten opsigte van enige in paragraaf (b) van hierdie subartikel bedoelde prospekterkleim gedeponeer is, ondanks die herroeping van daardie Wet, indien die reg op bedoelde prospekterkleim om enige rede ten einde loop of beëindig word of indien myntitel oor die prospekterkleim deur die houer daarvan verkry word, deur die mynkommissaris volgens voorskrif van gemelde artikel 49 gehandel.

(5) Iemand wat by die inwerkingtreding van hierdie Wet meer as tien prospektergebiede of prospekterkleims wat ingevolge hierdie Wet geag word prospektergebiede te wees, in 'n bepaalde landdrosdistrik gehou het, word nie bloot vanweë die bepalings van artikel 8 (3) belet om bedoelde prospektergebiede of prospekterkleims te hou nie.

23. (1) 'n Beampte wat gelas word om 'n ondersoek ingevolge artikel 11 uit te voer en 'n prospekterder kan, onderworpe aan die bepalings van artikels 17 en 18, na minstens veertien dae skriftelike kennisgewing—

- (a) aan die eienaar van die grond (wat nie Staatsgrond of grond in artikel 7 (2) (c) bedoel, is nie) waarop die ondersoek uitgevoer of geprospekter staan te word en, indien 'n ander persoon as die eienaar die okkupeerder van daardie grond is, ook aan daardie persoon; en
- (b) in die geval van so 'n ondersoek ingevolge artikel 11 op private grond of van prospektering ingevolge magtiging verleen by 'n prospekterhuur kragtens artikel 14 of 15 oor bedoelde grond toegeken, aan die houer van die reg op die edelmetale of onedele minerale of aardolie ten opsigte waarvan die ondersoek uitgevoer word of staan te word of geprospekter word of gaan word, en aan enigiemand wat op bedoelde grond prospekter of myn,

die grond betree met die persone, diere, voertuie, masjinerie, toestelle, werktuie of materiaal wat vir die ondersoek of prospektering nodig is en op die grond slote grawe en skagte sink of boorgate boor en die ander handeling verrig wat vir gemelde doeleindes nodig is of daarmee in verband staan: Met dien verstande dat geen kennisgewing aan bedoelde eienaar, persoon of houer deur 'n prospekterder nodig is indien bedoelde eienaar, persoon of houer toestemming tot prospektering op die grond verleen het nie.

Algemene bepalings betreffende prospektering en regte om te prospekter.

- (2) (a) A prospector carrying out prospecting operations on land of which he is not the owner shall not without such owner's permission cut or remove any tree or bush standing thereon which is not impeding his prospecting operations, except in so far as may be necessary in order to comply with any requirement to clear a path or line along the boundary of the area on which he is entitled to prospect.
- (b) A prospector carrying out prospecting operations on land owned by the State shall, notwithstanding anything in any law contained, have the right to take from the area on which he is entitled to prospect such quantities of dead wood as he may require for domestic purposes on such area.
- (3) Except with the prior approval of the Minister the rights and obligations of a prospector under a prospecting lease shall not be ceded or transferred either wholly or in part, and if any cession or transfer is so approved the prospecting lease shall be endorsed by the mining commissioner accordingly.

Provisions in regard to buildings, structures or improvements erected or made by officer carrying out investigation or prospector.

24. (1) Subject to the terms of any existing agreement and to the provisions of subsections (2) and (3), the owner of any land on which an investigation under section 11 or any prospecting for precious metals, base minerals or natural oil has been carried out shall have no claim to the ownership of any buildings, structures or improvements lawfully erected or made on that land by the officer who carried out such investigation or the prospector concerned.

(2) If upon the completion or cessation of such investigation or prospecting any such buildings, structures or improvements have not been removed from the land, the Minister may, at the request of the owner of the land—

- (a) where any such investigation was conducted on the land, in writing direct the officer concerned to remove within the period determined by the Minister any such buildings, structures or improvements which in the Minister's opinion will not be required for mining on the land;
- (b) where prospecting was carried out on the land, cause to be published in the *Gazette* a notice calling upon any person in whom the ownership of such buildings, structures or improvements is vested, to remove within the period (not being less than three months) specified in such notice any such buildings, structures or improvements which in the opinion of the Minister will not be so required,

and if any such buildings, structures or improvements to which the direction or notice relates are not removed within the period allowed by the Minister, the ownership thereof shall vest in the owner of the land who shall not be liable to pay any compensation in respect thereof: Provided that if any of the buildings, structures or improvements not removed in terms of the notice are not required by the owner of the land, he may himself remove such buildings, structures or improvements or cause them to be removed and recover the cost incurred from the prospector concerned.

(3) The provisions of subsection (2) shall *mutatis mutandis* apply whenever any permission under section 18 terminates or is for any reason terminated.

CHAPTER III.

GRANTING OF MINING RIGHTS TO PROSPECTORS, ETC.

Grant of mining leases.

25. (1) Subject to the provisions of this Act, a mining lease shall upon application be granted by the Minister—

- (a) in respect of precious metals, over any unproclaimed private land, not being land referred to in section 7 (2) (c);
- (b) in respect of any precious metal or base mineral, over any prospecting area held by any prospector;
- (c) in respect of any precious metal or base mineral the right to which is reserved to the State, over any land on which prospecting for such precious metal or base mineral has been carried out under the authority of a prospecting licence issued or deemed to have been issued in terms of section 12;
- (d) in respect of any precious metal or base mineral, over any State land or alienated State land on which

- (2) (a) 'n Prospekterder wat prospekterwerkzaamhede verrig op grond waarvan hy nie die eienaar is nie, mag nie sonder bedoelde eienaar se toestemming enige boom of bos wat daarop staan en wat nie sy prospekterwerkzaamhede belemmer, afkap of verwyder nie, behalwe vir sover nodig ten einde te voldoen aan enige vereiste om 'n pad of lyn skoon te maak langs die grens van die gebied waarop hy geregtig is om te prospekter.
- (b) 'n Prospekterder wat prospekterwerkzaamhede verrig op grond waarvan die eiendomsreg by die Staat berus, het ondanks andersluidende wetsbepalings die reg om op die gebied waarop hy geregtig is om te prospekter die hoeveelheid droë hout te neem wat hy vir huis-houdelike doeleindes op daardie gebied nodig het.
- (3) Behalwe met voorafgaande goedkeuring van die Minister word die regte en verpligtings van 'n prospekterder ingevolge 'n prospekterhuur nie geheel en al of gedeeltelik gesedeer of oorgedra nie, en indien 'n sessie of oordrag aldus goedgekeur word, word die prospekterhuur dienoreenkomstig deur die mynkommissaris geëndosseer.

24. (1) Behoudens die bedinge van 'n bestaande ooreenkoms en die bepalinge van subartikels (2) en (3), het die eienaar van grond waarop daar 'n ondersoek ingevolge artikel 11 na edelmetale, onedele minerale of aardolie uitgevoer of daarna geprospekter is, geen aanspraak op die eiendomsreg op enige geboue, strukture of verbeterings wat wettiglik deur die beampte wat bedoelde ondersoek uitgevoer het of deur die betrokke prospekterder op daardie grond opgerig of aangebring is nie.

Bepalings betreffende geboue, strukture of verbeterings deur be-ampte wat ondersoek uitvoer of prospekterder opgerig of aangebring.

(2) Indien, wanneer bedoelde ondersoek of prospektering voltooi is of gestaak word, sodanige geboue, strukture of verbeterings nie van die grond verwyder is nie, kan die Minister op versoek van die eienaar van die grond—

- (a) waar so 'n ondersoek op die grond uitgevoer is, die betrokke beampte skriftelik beveel om binne die deur die Minister bepaalde tydperk sodanige geboue, strukture of verbeterings te verwyder wat volgens die Minister se oordeel nie vir mynbou op die grond benodig sal wees nie;
- (b) waar prospektering op die grond verrig is, 'n kennisgewing in die *Staatskoerant* laat publiseer waarby enigiemand by wie die eiendomsreg op dié geboue, strukture of verbeterings berus, aangesê word om daardie geboue, strukture of verbeterings wat volgens die Minister se oordeel nie aldus benodig sal wees nie, te verwyder binne die tydperk (nie minder as drie maande nie) in die kennisgewing vermeld,

en indien enige sodanige geboue, strukture of verbeterings waarop die bevel of kennisgewing betrekking het, nie binne die deur die Minister toegelate tydperk verwyder word nie, berus die eiendomsreg daarop by die eienaar van die grond wat nie vir die betaling van vergoeding ten opsigte daarvan aanspreeklik is nie: Met dien verstande dat indien enige van die geboue, strukture of verbeterings wat nie ingevolge die kennisgewing verwyder is nie, nie deur die eienaar van die grond benodig is nie, hy daardie geboue, strukture of verbeterings self kan verwyder of laat verwyder en die onkoste daarby aangegaan op die betrokke prospekterder kan verhaal.

(3) Die bepalinge van subartikel (2) is *mutatis mutandis* van toepassing wanneer 'n vergunning kragtens artikel 18 verstryk of om enige rede beëindig word.

HOOFSTUK III.

TOEKENNING VAN MYNREGTE AAN PROSPEKTEERDERS, ENS.

25. (1) Behoudens die bepalinge van hierdie Wet, word 'n mynhuur op aansoek deur die Minister toegeken—
- (a) ten opsigte van edelmetale, oor ongeproklameerde private grond, behalwe grond in artikel 7 (2) (c) bedoel;
- (b) ten opsigte van enige edelmetaal of onedele mineraal, oor 'n prospektergebied deur 'n prospekterder gehou;
- (c) ten opsigte van enige edelmetaal of onedele mineraal die reg waarop vir die Staat voorbehou is, oor grond waarop na bedoelde edelmetaal of onedele mineraal geprospekter is ingevolge magtiging verleen by 'n prospekterlisensie wat kragtens artikel 12 uitgereik is of geag word te wees;
- (d) ten opsigte van enige edelmetaal of onedele mineraal, oor Staatsgrond of vervreemde Staatsgrond waarop na

Toekenning van mynhure.

prospecting for such precious metal or base mineral has been carried out under the authority of a prospecting lease issued or deemed to have been issued in terms of section 13;

- (e) in respect of any precious metal or base mineral, over private land or alienated State land on which prospecting has been carried out under the authority of a prospecting lease issued or deemed to have been issued in terms of section 15, whether the precious metal or base mineral in question has been specified in such prospecting lease or not;
- (f) in respect of any precious metal or base mineral, over any land on which prospecting for such precious metal or base mineral has been carried out under the authority of a prospecting lease issued in terms of section 16;
- (g) in respect of natural oil, over any land on which prospecting for natural oil has been carried out under the authority of a prospecting lease issued or deemed to have been issued under section 14.

(2) Any such lease shall be granted—

- (a) in the case of a lease referred to in subsection (1) (a), to the holder of the right to precious metals in respect of the land in question;
- (b) in the case of a lease referred to in subsection (1) (c), to the owner or lessee of the land in question; and
- (c) in any other case, to the prospector concerned:

Provided that where a notarial deed has been registered as provided in section 19 of this Act or a corresponding provision of a prior law in respect of any land over which a lease may be granted in terms of subsection (1) (c) of this section, the holder of such deed shall have the exclusive right upon application to obtain such mining lease in respect of any precious metal or base mineral to which the deed relates.

(3) No mining lease shall be granted under this section unless—

- (a) the Minister is satisfied that there are reasonable grounds for believing that the precious metal or base mineral in question or natural oil occurs in workable quantities in or on the land over which the lease is to be granted; and
- (b) the Minister is satisfied, after consultation with the board, that the scheme according to which the applicant proposes to carry on mining under such lease is satisfactory, and either that his financial resources are adequate for the proper mining of such precious metal or base mineral or natural oil, or that the arrangements whereby he proposes to obtain capital for the purpose are satisfactory.

(4) (a) An application for a mining lease under subsection (1) (a), (e) or (g) shall be lodged with the board, and the applicant shall furnish such particulars as the board may require as to—

- (i) the mineralization of the area in respect of which the lease is required;
- (ii) the scheme according to which the applicant proposes to mine;
- (iii) the applicant's financial resources or the arrangements whereby he proposes to obtain capital for mining;
- (iv) the share of profits, royalty or other consideration which he offers to pay to the State in consideration of the lease; and
- (v) any other matter connected with the proposed lease.

(b) An application for a lease under any other provision of subsection (1) shall be lodged with the mining commissioner, and the applicant shall in connection with any such application furnish such particulars in regard to the matters mentioned in paragraph (a) of this subsection as the mining commissioner may require.

(5) (a) A mining lease shall, in the case of a lease under subsection (1) (b), be granted over the prospecting area in question, and in any other case over such area of the land in question as may be determined by the board, and every such lease shall be subject to such terms and conditions as may be determined by the Minister on the recommendation of the board made after negotiation with the applicant for the lease.

bedoelde edelmetaal of onedele mineraal geprospek-
teer is ingevolge magtiging verleen by 'n prospek-
teerhuur wat kragtens artikel 13 uitgereik is of geag
word te wees;

- (e) ten opsigte van enige edelmetaal of onedele mineraal, oor private grond of vervreemde Staatsgrond waarop prospektering geskied het ingevolge magtiging verleen by 'n prospekterhuur wat kragtens artikel 15 uitgereik is of geag word te wees, ongeag of die betrokke edelmetaal of onedele mineraal in bedoelde prospekterhuur vermeld is al dan nie;
- (f) ten opsigte van enige edelmetaal of onedele mineraal, oor grond waarop na bedoelde edelmetaal of onedele mineraal geprospekteer is ingevolge magtiging verleen by 'n prospekterhuur kragtens artikel 16 uitgereik;
- (g) ten opsigte van aardolie, oor grond waarop na aardolie geprospekteer is ingevolge magtiging verleen by 'n prospekterhuur wat kragtens artikel 14 uitgereik is of geag word te wees.

(2) So 'n huur word toegeken—

- (a) in die geval van 'n huur in subartikel (1) (a) bedoel, aan die houer van die reg op edelmetale ten opsigte van die betrokke grond;
- (b) in die geval van 'n huur in subartikel (1) (c) bedoel, aan die eenaar of huurder van die betrokke grond; en
- (c) in enige ander geval, aan die betrokke prospekterder: Met dien verstande dat waar 'n notariële akte volgens voorskrif van artikel 19 van hierdie Wet of 'n ooreenstemmende bepaling van 'n vorige wet geregistreer is ten opsigte van grond waaroor 'n huur ingevolge subartikel (1) (c) van hierdie artikel toegeken kan word, die houer van bedoelde akte die alleenreg het om op aansoek so 'n mynhuur te verkry ten opsigte van enige edelmetaal of onedele mineraal waarop die akte betrekking het.

(3) Geen mynhuur word ingevolge hierdie artikel toegeken nie, tensy—

- (a) die Minister oortuig is dat daar redelike gronde bestaan om te vermoed dat die betrokke edelmetaal of onedele mineraal of aardolie in ontginbare hoeveelhede voorkom in of op die grond waaroor die huur toegeken staan te word; en
 - (b) die Minister na oorlegpleging met die raad oortuig is dat die skema waarvolgens die aansoeker voornemens is om kragtens daardie huur te myn, bevredigend is, en of dat sy geldmiddele voldoende is om bedoelde edelmetaal of onedele mineraal of aardolie na behore te ontgin of dat die reëlins waarby hy voornemens is om kapitaal vir die doel te verkry, bevredigend is.
- (4) (a) 'n Aansoek om 'n mynhuur ingevolge subartikel (1) (a), (e) of (g) moet by die raad ingedien word, en die aansoeker moet die besonderhede verstrek wat die raad vereis omtrent—
- (i) die mineralisasie van die terrein ten opsigte waarvan die huur verlang word;
 - (ii) die skema waarvolgens die aansoeker voornemens is om te myn;
 - (iii) die aansoeker se geldmiddele of die reëlins waarby hy voornemens is om kapitaal vir mynbouoelendes te verkry;
 - (iv) die winsaandeel, tantième of ander vergoeding wat hy die Staat aanbied as teenprestasie vir die huur; en
 - (v) enige ander aangeleentheid wat met die voorgestelde huur in verband staan.
- (b) 'n Aansoek om 'n huur ingevolge enige ander bepaling van subartikel (1) moet by die mynkommissaris ingedien word, en die aansoeker moet in verband met so 'n aansoek die besonderhede met betrekking tot die in paragraaf (a) van hierdie subartikel bedoelde aangeleenthede verstrek wat die mynkommissaris vereis.

(5) (a) 'n Mynhuur word, in die geval van 'n huur ingevolge subartikel (1) (b), oor die betrokke prospektergebied toegeken, en in enige ander geval oor 'n terrein op die betrokke grond wat die raad bepaal, en elke sodanige huur is onderworpe aan die bedinge en voorwaardes wat die Minister, op 'n aanbeveling deur die raad gedoen na onderhandeling met die aansoeker om die huur, bepaal.

- (b) The area so determined in respect of a lease referred to in subsection (1) (a) shall not include any land—
- (i) leased under section 15 of this Act or section 12*bis* of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908), of the Transvaal, or under the said section 12*bis* as applied to the province of the Orange Free State by the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936);
 - (ii) which is capable of being leased in terms of section 35 of this Act; or
 - (iii) which is held under mining title for precious metals or base minerals or is held by any other person as a prospecting claim which is deemed to be a prospecting area in terms of this Act.
- (c) Except with the written consent of the holder of the right to precious metals or base minerals in respect of any private land in Natal, no lease shall be granted under subsection (1) (b) for the mining of any precious metal or base mineral on such land, unless the applicant or his predecessor in title was entitled to prospect for such precious metal or base mineral on that land under the authority of a prospecting claim licence at the commencement of this Act.
- (d) No lease shall be granted under subsection (1) (c) over land on which any person is entitled to prospect or mine for precious metals, base minerals or precious stones if the Minister is of the opinion that the grant of such lease will adversely affect the exercise by such person of the right of prospecting or mining on such land.
- (e) The board may, in determining the extent and location of the area in respect of which a mining lease is to be granted under subsection (1) (g), include in such area all land which in its opinion is geologically part of the natural oil-bearing area in question and will yield natural oil to the holder as a result of his mining operations, but no land over which any other person holds a prospecting or mining lease for natural oil granted under this Act or a prior law or on which there is a State mine for the mining of natural oil shall be included in such area.
- (6) (a) An applicant for a lease under subsection (1) shall within six months after being notified in writing—
- (i) in the case of an application under paragraph (a), (e) or (g) of that subsection, by the Secretary; or
 - (ii) in any other case, by the mining commissioner,
- that his application has been granted, lodge with the mining commissioner a diagram of the area to be leased, and a mining lease shall be executed by the Minister and the applicant as soon as possible after any reservation on the land under section 47 has been confirmed by the Minister.
- (b) If an applicant fails to lodge a diagram as aforesaid within the period specified in paragraph (a) or within such further period as the Secretary or, as the case may be, the mining commissioner may allow, he shall be deemed to have abandoned his right to the relevant mining lease: Provided that the mining commissioner may in the case of a lease referred to in paragraph (a) (ii) accept a sketch plan acceptable to him in lieu of such a diagram.
- (7) For the purposes of this Act, the person who is entitled to the benefit of a lease under subsection (1) shall, after the notification mentioned in subsection (6), and until the lease has been executed, be deemed to be a prospector, and any preparatory work in connection with the proposed exploitation of precious metals, base minerals or natural oil, as the case may be, on the area to be leased during the period in question shall be deemed to be prospecting.
- (8) (a) The Minister may request the board to reconsider any recommendation made by it for the purposes of this section, and the board may thereupon confirm or withdraw the recommendation or modify it as it may deem expedient.

- (b) Die terrein aldus ten opsigte van 'n in subartikel (1) (a) bedoelde huur bepaal, mag nie grond insluit—
- (i) wat kragtens artikel 15 van hierdie Wet of artikel 12*bis* van die „Precious and Base Metals Act, 1908” (Wet No. 35 van 1908), van Transvaal, of kragtens gemelde artikel 12*bis* soos by die Oranje-Vrystaatse Metaal-myn Wet, 1936 (Wet No. 13 van 1936), op die provinsie Oranje-Vrystaat toegepas, verhuur word nie;
 - (ii) wat ingevolge artikel 35 van hierdie Wet verhuur kan word nie; of
 - (iii) wat kragtens myntitel vir edelmetale of onedele minerale gehou word of wat deur enigiemand anders gehou word as 'n prospekterkleim wat geag word 'n prospektergebied ingevolge hierdie Wet te wees nie.
- (c) Behalwe met skriftelike toestemming van die houer van die reg op edelmetale of onedele minerale ten opsigte van private grond in Natal, word geen huur ingevolge subartikel (1) (b) vir die myn van enige edelmetaal of onedele mineraal op sodanige grond toegeken nie tensy die aansoeker of sy regsvoorganger by die inwerkingtrede van hierdie Wet ingevolge magtiging verleen by 'n prospekterkleimlisensie geregtig was om na bedoelde edelmetaal of onedele mineraal op daardie grond te prospekter.
- (d) Geen huur word ingevolge subartikel (1) (c) oor grond waarop enigiemand geregtig is om na edelmetale, onedele minerale of edelgesteentes te prospekter of daarvoor te myn, toegeken nie, indien die Minister van oordeel is dat die uitoefening deur so iemand van die reg om op bedoelde grond te prospekter of te myn deur die toekenning van die huur nadelig geraak sal word.
- (e) Die raad kan by die bepaling van die grootte en ligging van die terrein ten opsigte waarvan 'n mynhuur ingevolge subartikel (1) (g) toegeken staan te word, by bedoelde terrein al die grond insluit wat volgens sy oordeel uit 'n aardkundige oogpunt deel uitmaak van die betrokke aardoliehoudende gebied en vir die houer as gevolg van sy ontginningswerkzaamhede aardolie sal oplewer, maar geen grond waaroor enigiemand anders 'n prospekter- of mynhuur ten opsigte van aardolie hou wat kragtens hierdie Wet of 'n vorige wet toegeken is, of waarop daar 'n Staatsmyn vir die ontginning van aardolie bestaan, word by bedoelde terrein ingesluit nie.
- (6) (a) 'n Aansoeker om 'n huur ingevolge subartikel (1) moet binne ses maande nadat hy skriftelik in kennis gestel is—
- (i) in die geval van 'n aansoek ingevolge paragraaf (a), (e) of (g) van daardie subartikel, deur die Sekretaris; of
 - (ii) in enige ander geval deur die mynkommissaris, dat sy aansoek toegestaan is, 'n kaart van die terrein wat verhuur staan te word by die mynkommissaris indien, en 'n mynhuur moet so gou moontlik nadat die Minister enige uithouding op die grond kragtens artikel 47 bekragtig het, deur die Minister en die aansoeker verly word.
- (b) Indien 'n aansoeker versuim om 'n kaart soos voormeld in te dien binne die in paragraaf (a) vermelde tydperk of binne die verdere tydperk wat die Sekretaris of, na gelang van die geval, die mynkommissaris toelaat, word hy geag van sy reg op die toepaslike mynhuur af te gesien het: Met dien verstande dat die mynkommissaris in die geval van 'n in paragraaf (a) (ii) bedoelde huur 'n sketskaart wat vir hom aanneemlik is in plaas van so 'n kaart kan aanvaar.
- (7) By die toepassing van hierdie Wet, word iemand wat op die voordeel van 'n huur ingevolge subartikel (1) geregtig is, na die in subartikel (6) vermelde kennisgewing en totdat die huur verly is, geag 'n prospekterder te wees, en enige voorbereidingswerk in verband met die voorgenome ekspluitering van edelmetale, onedele minerale of aardolie, na gelang van die geval, op die terrein wat verhuur staan te word gedurende die betrokke tydperk, word geag prospektering te wees.
- (8) (a) Die Minister kan die raad versoek om 'n aanbeveling deur hom vir die doeleindes van hierdie artikel gedoen, te heroorweeg, en die raad kan daarop die aanbeveling bekragtig of terugtrek of dit wysig soos hy dienstig ag.

- (b) Any such recommendation may with the approval, by resolution, of the Senate and of the House of Assembly, be set aside or be modified in such manner as may be specified in that resolution, and any recommendation as so modified shall for the purposes of this section be deemed to be a recommendation of the board.

Conditions attaching to mining leases granted to holders of rights to precious metals on unproclaimed private land.

26. (1) (a) A lease under section 25 (1) (a) shall *inter alia* provide for—
- (i) the adequate working of the lease area to the satisfaction of the Minister;
 - (ii) the keeping of all such books, plans and records as may appear to the Minister to be necessary, and the inspection or examination by the Minister or any person authorized by him of such books, plans and records and of the area leased;
 - (iii) the payment by the holder of the lease to the State, in addition to taxation, of a share of the profits derived from the working of the lease area, which share shall be on a scale fixed in each case by the Minister on the recommendation of the board, or, in lieu of a share of the profits, of such royalty or other consideration as the board may recommend; and
 - (iv) the payment by the holder of the lease to the mining commissioner, as from a date to be determined by the Minister which shall not be earlier than the date on which such holder was notified under section 25 (6) of the grant to him of the lease, of a rent of thirty cents per morgen per month for every morgen or fraction of a morgen included in the lease area.
- (b) Such rent shall be payable in advance for periods of not less than one and not more than twelve months, and any such rent received by the mining commissioner shall, subject to the provisions of section 33 (6), be paid over by him—
- (i) if it relates to land not held by a lessee, to the owner of the land;
 - (ii) if it relates to land held by a lessee, to the Secretary for Agricultural Credit and Land Tenure who shall cause the amount in question to be credited to the lessee's account or, in the case of such land in respect of which the purchase price has been paid in full, to the lessee thereof:

Provided that if any person other than the owner or lessee is in terms of any deed registered in a deeds registry entitled to receive such rent, the rent shall, subject to the said provisions, be paid over by the mining commissioner to the said person.

(2) If the lease provides for the payment of a share of the profits, the State shall not participate in any profits until the holder of the lease shall first have been allowed in the determination of such profits a capital allowance, calculated from the last day of the month in which such capital was expended, equal to six per cent per annum on the amount of unredeemed capital expenditure incurred in prospecting and mining operations in the development and exploitation of the lease area by the holder of the lease and his predecessors in title, but excluding any interest and other charges on loans referred to in paragraph (b) of the definition of "capital expenditure" in section 36 (11) of the Income Tax Act, 1962 (Act No. 58 of 1962), and the allowance so calculated shall be deemed to be capital expenditure incurred on the last day of the profit period.

(3) For the purpose of calculating the capital allowance referred to in subsection (2), there shall be deducted from the balance of unredeemed capital expenditure at the end of any profit period, an amount equal to the amount deducted in respect of capital expenditure in the determination, in accordance with the provisions of subsection (7), of the State's share of the profits for that profit period, and if in respect of any profit period the calculations made in accordance with subsection (7) result in a loss or in neither profit nor loss, the aforesaid amount to be deducted from the balance of unredeemed capital expenditure at the end of the profit period in question shall not exceed the profits (if any) for the said profit period as determined without any deduction in respect of

(b) So 'n aanbeveling kan met die goedkeuring, by besluit, van die Senaat en van die Volksraad tersyde gestel of op die in daardie besluit vermelde wyse gewysig word, en 'n aanbeveling wat aldus gewysig is, word vir die doeleindes van hierdie artikel geag 'n aanbeveling van die raad te wees.

26. (1) (a) 'n Huur ingevolge artikel 25 (1) (a) moet onder meer voorsiening maak vir—
- (i) die behoorlike ontginning van die huurterrein tot bevrediging van die Minister;
- (ii) die hou van al die boeke, planne en aantekeninge wat volgens die Minister se oordeel nodig is, en die inspeksie of ondersoek van bedoelde boeke, planne en aantekeninge en van die huurterrein deur die Minister of iemand deur hom daartoe gemagtig;
- (iii) die betaling deur die houer van die huur aan die Staat, benewens belasting, van 'n aandeel in die winste uit die ontginning van die huurterrein verkry, wat bereken word volgens 'n skaal in elke geval deur die Minister op aanbeveling van die raad bepaal, of, in plaas van 'n aandeel in die winste, van die tantième of ander vergoeding wat die raad aanbeveel; en
- (iv) die betaling deur die houer van die huur aan die mynkommissaris, vanaf 'n deur die Minister bepaalde datum wat nie vroeër is as die datum waarop bedoelde houer ingevolge artikel 25 (6) van die toekenning aan hom van die huur in kennis gestel is nie, van 'n huurgeld van dertig sent per morg per maand vir elke morg of breukdeel van 'n morg wat by die huurterrein ingesluit is.

Voorwaardes verbonde aan wyn-hure toegeken aan houters van regte op edelmetale op ongeproklameerde private grond.

(b) So 'n huurgeld is vooruitbetaalbaar vir tydperke van minstens een en hoogstens twaalf maande, en sodanige huurgeld wat deur die mynkommissaris ontvang word, word, behoudens die bepalings van artikel 33 (6), deur hom oorbetaal—

- (i) indien dit betrekking het op grond wat nie deur 'n huurder gehou word nie, aan die eienaar van die grond;
- (ii) indien dit betrekking het op grond deur 'n huurder gehou, aan die Sekretaris van Landboukrediet en Grondbesit wat die betrokke bedrag aan die huurder se rekening laat krediteer, of, in die geval van sodanige grond ten opsigte waarvan die koopprys ten volle betaal is, aan die huurder daarvan:

Met dien verstande dat indien 'n ander persoon as die eienaar of huurder ingevolge 'n akte wat in 'n aktekantoor geregistreer is, geregtig is om bedoelde huurgeld te ontvang, die huurgeld, behoudens gemelde bepalings, deur die mynkommissaris aan bedoelde persoon oorbetaal moet word.

(2) Indien die huur voorsiening maak vir die betaling van 'n aandeel in die winste, deel die Staat nie in enige winste nie voordat daar eers by die vasstelling van bedoelde winste 'n kapitaaltoelae, bereken vanaf die laaste dag van die maand waarin die kapitaal bestee is, gelykstaande met ses persent per jaar op die bedrag van ongedelgde kapitaaluitgawe (met uitsluiting van rente en ander koste op lenings in paragraaf (b) van die omskrywing van „kapitaaluitgawe” in artikel 36 (11) van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), bedoel) aangegaan aan prospekter- en mynwerkzaamhede ten opsigte van die ontwikkeling en eksploitering van die huurterrein deur die houer van die huur en sy regsvoorgangers, vir die houer van die huur toegelaat is, en die toelae aldus bereken word geag kapitaaluitgawe te wees wat op die laaste dag van die winstydperk aangegaan is.

(3) By die berekening van die in subartikel (2) bedoelde kapitaaltoelae word daar van die balans van ongedelgde kapitaaluitgawe aan die einde van 'n winstydperk 'n bedrag afgetrek wat gelyk is aan die bedrag afgetrek ten opsigte van kapitaaluitgawe by die vasstelling ooreenkomstig die bepalings van subartikel (7) van die Staat se aandeel in die winste vir daardie winstydperk, en indien ten opsigte van 'n winstydperk die berekenings ooreenkomstig subartikel (7) gedoen, op 'n verlies of nóg op 'n wins nóg op 'n verlies uitloop, die voormelde bedrag wat aan die einde van die betrokke winstydperk van die balans van ongedelgde kapitaaluitgawe afgetrek moet word, nie die winste (as daar is) vir bedoelde winstydperk, soos vasgestel sonder aftrek-

capital expenditure and without the deduction by way of set-off of so much of any balance of assessed loss brought forward from the immediately preceding profit period as equals the deductions in respect of capital expenditure which were made in calculating the said balance of assessed loss.

(4) In the application of the provisions of subsection (3) in connection with a case where the calculations in accordance with subsection (7) have resulted in a loss or in neither profit nor loss, the second amount mentioned in subsection (3) shall be deemed to include, in relation to any profit period, so much of any amount which in the said calculation has been deducted in respect of capital expenditure, as has (in calculating the capital allowance) not been deducted from the balance of unredeemed capital expenditure at the end of the preceding profit period.

(5) The said capital allowance shall not—

- (a) accrue to the holder of the lease for any period during which he has not carried on mining operations in accordance with the terms of his lease; or
- (b) be taken into account in determining the ratio of profits expressed as a percentage of revenue whenever such ratio forms a factor in the scale of profits payable to the State.

(6) In fixing the aforesaid scale regard shall be had to all the circumstances under which the precious metals to which the lease relates were found or opened up, the expenditure and risk involved in any such preliminary operation and the fact that the applicant for the lease is the holder of the right to precious metals in respect of the land concerned.

(7) The profits of which a share is payable to the State in terms of any mining lease to which this section relates, shall be determined by the Secretary for Inland Revenue in like manner as the taxable income derived from mining operations is determined for the purpose of the law relating to income tax, and any such determination shall be subject to objection and appeal as provided in that law, and the share of the profits payable to the State shall be recovered in like manner as the tax on income derived from mining operations is recovered under the said law, and all the provisions of that law relating to the determination and recovery of income tax and objections and appeals shall *mutatis mutandis* apply to the determination and recovery of the share of the profits payable to the State under this section in connection with any lease and to the consideration of objections and the hearing of appeals: Provided that in determining the profits of which a share is payable to the State the said Secretary shall not make any allowance for any amount payable to the State as share of profits.

(8) No transfer duty or stamp duty shall be payable in respect of any lease to which this section relates or in respect of any cession of such a lease: Provided that the holder of the lease shall pay to the State in addition to the State's share of the profits or the royalty or other consideration aforesaid a sum equal to one and one-quarter per cent of such share, royalty or other consideration, which additional sum shall be paid over to the credit of the Loan Account.

(9) (a) Every lease to which this section relates shall continue until such time as the precious metals which are the subject of the lease and which can be profitably mined have become exhausted, or for a period prescribed in the lease, unless the lease has previously terminated in accordance with the terms and conditions thereof or with the provisions of this Act.

(b) The holder of such a lease may, subject to the provisions of section 164, at any time give notice in writing to the mining commissioner that he desires to abandon the lease or such part thereof as may be specified in the notice.

(c) Any such notice shall—

- (i) if the lease is mortgaged, be accompanied by written consent to the abandonment from the registered holder of the mortgage bond;
- (ii) if the lease is to be abandoned as to part only, be accompanied by a diagram indicating the part to be abandoned.

(d) Any such notice, together with any consent or diagram which may be required under paragraph (c), shall on

king ten opsigte van kapitaaluitgawe en sonder aftrekking by wyse van verrekening van soveel van enige balans van vasgestelde verlies oorgedra van die onmiddellik voorafgaande winstydperk as wat gelykstaan met die aftrekkings ten opsigte van kapitaaluitgawe gemaak by die berekening van gemelde balans van vasgestelde verlies, mag oorskry nie.

(4) By die toepassing van die bepalings van subartikel (3) in verband met 'n geval waar die berekenings ooreenkomstig subartikel (7) op 'n verlies of nòg op 'n wins nòg op 'n verlies uitgeloopt het, word die tweede bedrag in subartikel (3) vermeld, met betrekking tot enige winstydperk geag soveel van enige bedrag wat by bedoelde berekening ten opsigte van kapitaaluitgawe afgetrek is, in te sluit as wat (by die berekening van die kapitaaltoelae) nie van die balans van ongedeelde kapitaaluitgawe aan die einde van die voorafgaande winstydperk afgetrek is nie.

(5) Gemelde kapitaaltoelae—

(a) val nie aan die houer van die huur toe vir enige tydperk waartydens hy nie mynwerksaamhede ooreenkomstig die bedinge van sy huur verrig het nie; en

(b) word nie in aanmerking geneem by die vasstelling van die verhouding van winste as 'n persentasie van inkomste uitgedruk, wanneer bedoelde verhouding 'n faktor is in die skaal van winste wat aan die Staat betaalbaar is nie.

(6) By die vasstelling van voormelde skaal moet al die omstandighede waaronder die edelmetale waarop die huur betrekking het, gevind of ontsluit is, die uitgawes en risiko aan sodanige voorlopige bedrywighede verbonde en die feit dat die aansoeker om die huur die houer van die reg op edelmetale ten opsigte van die betrokke grond is, in ag geneem word.

(7) Die winste waaruit 'n aandeel ingevolge 'n mynhuur waarop hierdie artikel betrekking het, aan die Staat betaalbaar is, word deur die Sekretaris van Binnelandse Inkomste op dieselfde wyse vasgestel as wat die belasbare inkomste uit mynwerksaamhede verkry vir die doeleindes van die wetsbepalings op inkomstebelasting bepaal word, en so 'n vasstelling is onderhewig aan beswaar en appèl soos in daardie wetsbepalings voorgeskryf, en die aandeel in die winste aan die Staat betaalbaar, word op dieselfde wyse verhaal as dié waarop belasting op inkomste uit mynwerksaamhede verkry ingevolge gemelde wetsbepalings verhaal word, en al daardie wetsbepalings betreffende die bepaling en verhaal van inkomstebelasting en besware en appèlle is *mutatis mutandis* van toepassing op die vasstelling en verhaal van die aandeel in die winste ingevolge hierdie artikel in verband met enige huur aan die Staat betaalbaar en op die oorweging van besware en die verhoor van appèlle: Met dien verstande dat by die vasstelling van die winste waaruit 'n aandeel aan die Staat betaalbaar is, genoemde Sekretaris geen toelating maak ten opsigte van enige bedrag wat aan die Staat as aandeel in winste betaalbaar is nie.

(8) Geen hereregte of seëlregte is ten opsigte van 'n huur waarop hierdie artikel betrekking het of ten opsigte van 'n sessie van so 'n huur betaalbaar nie: Met dien verstande dat die houer van die huur, benewens die Staat se aandeel in die winste of voormelde tantième of ander vergoeding, 'n bedrag gelyk aan een-en-'n-kwart persent van bedoelde aandeel, tantième of ander vergoeding aan die Staat moet betaal, en dié bykomende bedrag word op krediet van die Leningsrekening oorbetaal.

(9) (a) Elke huur waarop hierdie artikel betrekking het, duur totdat die edelmetale wat die onderwerp van die huur is en wat voordelig gemyn kan word, uitgewerk is, of vir 'n tydperk in die huur bepaal, tensy die huur vooraf ooreenkomstig die bedinge en voorwaardes daarvan of die bepalings van hierdie Wet geëindig het.

(b) Die houer van so 'n huur kan, behoudens die bepalings van artikel 164, te eniger tyd skriftelik aan die mynkommissaris kennis gee dat hy die huur of sodanige gedeelte daarvan as wat in die kennisgewing vermeld word wil opse.

(c) So 'n kennisgewing moet—

(i) indien die huur met verband beswaar is, vergesel gaan van die geregistreerde houer van die verband se skriftelike toestemming tot die opsegging daarvan;

(ii) indien die huur slegs gedeeltelik opgesê word, vergesel gaan van 'n kaart wat die gedeelte aantoon wat opgesê gaan word.

(d) So 'n kennisgewing word tesame met enige toestemming of kaart wat ingevolge paragraaf (c) vereis word, by

receipt be transmitted to the Registrar of Mining Titles who shall, if the mining commissioner has certified that the rent in respect of the lease up to the date of receipt by the mining commissioner of the notice has been paid, record the abandonment which shall be effective as from the date of such recording, and thereupon the lease shall be deemed to have been cancelled to the extent to which it has been abandoned.

- (e) If the rent payable in respect of any such lease is three months in arrear, the mining commissioner shall, unless the lease has been abandoned in accordance with the provisions of paragraphs (b), (c) and (d) of this subsection, forthwith in writing demand payment from the holder of the lease, and shall at the same time serve a copy of such demand upon the registered holder of any mortgage bond over the lease.
- (f) Subject to the provisions of paragraphs (g) and (h) of this subsection, the Minister may cancel any such lease and eject the holder of the lease from the area leased—
- (i) if the mining commissioner has demanded payment of rent as provided in paragraph (e) and such rent is not paid within three months after the date of the demand;
 - (ii) in the event of non-payment as and when due of the share of profits, royalty or other consideration payable to the State under the lease;
 - (iii) if the holder of the lease fails to carry out and observe any condition of the lease relating to the adequate working of the lease area, unless the Minister is satisfied that such holder has been prevented from carrying out and observing such condition by the influx or scarcity of water, serious accident, damage to the mine or equipment, or any other cause deemed adequate by the Minister;
 - (iv) if the holder of the lease fails to carry out and observe any other provision of the lease; or
 - (v) if the holder of the lease fails to comply with any award of arbitration relating to the lease made under the provisions of this Act.
- (g) Before any lease is cancelled under paragraph (f) (iii) or (iv), the Minister shall cause written notice to be served upon the holder of the lease calling upon him to carry out and observe the relevant provisions within a period stated in the notice, and no lease shall be cancelled if the holder thereof—
- (i) complies within the said period with the Minister's requirements as set forth in the notice; or
 - (ii) within the said period furnishes the Minister in writing with reasons deemed adequate by the Minister for such holder's failure to carry out and observe the relevant provisions; or
 - (iii) within the said period submits the reasonableness of the Minister's requirements to arbitration as provided in section 174 and complies with any award of arbitration made.
- (h) Whenever any notice is served under paragraph (g) the officer serving such notice shall at the same time serve a copy of the notice upon the registered holder of any mortgage bond over the lease to which the notice relates.

(10) On the termination of a lease to which this section relates the State shall be entitled, in addition to any amounts that may accrue to it under any law then in force imposing taxation on the profits of mining, to such proportionate share of the net proceeds derived from the disposal of or the value of the residual plant, buildings and equipment of the holder of the lease as is equal to the proportion between the total sum of the share of the profits paid to the State under subparagraph (iii) of subsection (1) (a) and the total sum of the profits referred to in that subparagraph.

(11) In this section—

- (a) "profit period" means a period in respect of which a share of the profits payable to the State under a mining lease is to be determined;

ontvangs gestuur aan die Registrateur van Mynbriewe wat, indien die mynkommissaris gesertifiseer het dat die huurgeld ten opsigte van die huur opbetaal is tot die datum waarop die kennisgewing deur die mynkommissaris ontvang is, die opsegging moet aantekening van krag word, en daarop word die huur geag ingetrek te wees vir sover dit opgesê is.

(e) Indien die huurgeld betaalbaar ten opsigte van so 'n huur drie maande agterstallig is, moet die mynkommissaris, tensy die huur ooreenkomstig die bepalings van paragrafe (b), (c) en (d) van hierdie subartikel opgesê is, onverwyld die houer van die huur vir betaling aanskryf en terselfdertyd 'n afskrif van bedoelde aanskrywing aan die geregistreerde houer van enige verband op die huur bestel.

(f) Behoudens die bepalings van paragrafe (g) en (h) van hierdie subartikel, kan die Minister so 'n huur intrek en die houer van die huur van die huurterrein afsit—

(i) indien die mynkommissaris volgens voorskrif van paragraaf (e) betaling van huurgeld geëis het en bedoelde huurgeld nie binne drie maande na die datum van die aanskrywing betaal word nie;

(ii) in die geval van wanbetaling van enige winsaandeel, tantième of ander vergoeding wat ingevolge die huur aan die Staat betaalbaar is wanneer dit verskuldig word;

(iii) indien die houer van die huur versuim om enige voorwaarde van die huur betreffende die behoorlike ontginning van die huurterrein uit te voer en na te kom, tensy die Minister oortuig is dat bedoelde houer as gevolg van die instroming van of skaarste aan water, ernstige ongeluk, skade aan die myn of toerusting of enige ander oorsaak wat die Minister voldoende ag, verhinder is om bedoelde voorwaarde uit te voer en na te kom;

(iv) indien die houer van die huur versuim om enige ander bepaling van die huur uit te voer en na te kom; of

(v) indien die houer van die huur versuim om aan 'n toekennings ingevolge arbitrasie kragtens die bepalings van hierdie Wet met betrekking tot die huur gemaak, te voldoen.

(g) Voordat 'n huur ingevolge paragraaf (f) (iii) of (iv) ingetrek word, laat die Minister 'n skriftelike kennisgewing aan die houer van die huur bestel waarby hy aangesê word om die toepaslike bepalings binne 'n in die kennisgewing vermelde tydperk uit te voer en na te kom, en geen huur word ingetrek nie indien die houer daarvan—

(i) binne bedoelde tydperk voldoen aan die Minister se vereistes soos in die kennisgewing uiteengesit; of

(ii) binne bedoelde tydperk skriftelik aan die Minister redes verstrekkend wat die Minister voldoende ag vir bedoelde houer se versuim om die toepaslike bepalings uit te voer en na te kom; of

(iii) binne bedoelde tydperk die redelikheid van die Minister se vereistes volgens voorskrif van artikel 174 na arbitrasie verwys en voldoen aan enige toekennings ingevolge die arbitrasie gemaak.

(h) Wanneer 'n kennisgewing ingevolge paragraaf (g) bestel word, moet die beampte wat die kennisgewing bestel terselfdertyd 'n afskrif van die kennisgewing bestel aan die geregistreerde houer van enige verband op die huur waarop die kennisgewing betrekking het.

(10) By die beëindiging van 'n huur waarop hierdie artikel betrekking het, is die Staat bo en behalwe enige bedrae wat aan hom toeval ingevolge enige wetsbepaling wat dan van krag is, waarby belasting op winste uit mynbou opgelê word, geregtig op so 'n proporsionele aandeel in die netto oprings verkry uit die vandiehandsetting van of die waarde van die oorblywende installasies, geboue en toerusting van die houer van die huur as wat gelykstaan met die verhouding van die totaalbedrag van die aandeel in die winste wat ingevolge subparagraaf (iii) van subartikel (1) (a) aan die Staat betaal is tot die totaalbedrag van die winste in daardie subparagraaf bedoel.

(11) In hierdie artikel—

(a) beteken „winstydperk” 'n tydperk ten opsigte waarvan 'n aandeel in die winste ingevolge 'n mynhuur aan die Staat betaalbaar, vasgestel moet word;

Conditions
attaching to
mining leases
granted in
respect of
prospecting areas.

(b) "capital expenditure" has the meaning assigned thereto in section 36 of the Income Tax Act, 1962 (Act No. 58 of 1962).

27. (1) (a) A lease under section 25 (1) (b) shall provide for the payment by the holder thereof to the mining commissioner as from a date to be determined by the Minister which shall not be earlier than the date on which such holder was notified under section 25 (6) of the grant to him of the lease—

(i) in respect of alienated State land in respect of which the owner or lessee has obtained or is in terms of section 12 entitled to obtain a prospecting licence, and private land included in the lease area, of a rent of thirty cents per morgen per month for every morgen or fraction of a morgen of such land so included (which rent shall be payable in advance for periods of not less than one and not more than twelve months), and any such rent received by the mining commissioner shall, subject to the provisions of section 33 (6), be disposed of by him in the manner provided by section 26 (1) (b);

(ii) in respect of alienated State land not referred to in subparagraph (i) and State land included in the lease area, of a rent (payable in advance as provided in that subparagraph) to be determined by the Minister on the recommendation of the board, which rent 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 the mining commissioner to the board of management established under the said Act for such area or, if such a board has not been established for the area, to the Secretary for Coloured Affairs for payment into the Consolidated Revenue Fund,

and the provisions of section 26 (1) (a) (i), (ii) and (iii) and (2) to (11), inclusive, shall *mutatis mutandis* apply in connection with such lease.

(b) An amount equal to the amount paid to the Secretary for Coloured Affairs in terms of paragraph (a) (ii) may be used out of moneys appropriated by Parliament to defray any expenditure incurred by the Minister of Coloured Affairs in the exercise of the powers and performance of the functions of a board of management in respect of the board area in question.

(2) If any such lease in respect of any base mineral has been granted—

(a) over land referred to in section 7 (2) (c); or

(b) over private land situated in the province of Natal in respect of which the right to base minerals is held by the South African Bantu Trust,

there shall, subject to the provisions of section 51 of the Transkei Constitution Act, 1963 (Act No. 48 of 1963), be payable by the State to the South African Bantu Trust Fund mentioned in section 8 of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), all the moneys received by the State by way of share of profits, royalty or other consideration (other than moneys received under section 26 (8) as applied by subsection (1) of this section), and payment of such moneys to the said fund shall be effected within three months after the receipt thereof by the State.

(3) Any such lease—

(a) over alienated State land situated in the province of Natal, of which the South African Bantu Trust or a Bantu is the owner or which is held in trust for a Bantu, or over private land situated in the said province, in respect of which the right to precious metals and base minerals is held by or in trust for the said Trust or a Bantu; or

(b) over land in any board area referred to in subsection (1) (a) (ii),

may contain such additional special conditions as may be determined by the Minister, in the case of a lease referred to in paragraph (a), after consultation with the Minister of Bantu Administration and Development or, in the case of a lease referred to in paragraph (b), after consultation with the Minister of Coloured Affairs.

- (b) het „kapitaaluitgawe” die betekenis in artikel 36 van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), daaraan toeskryf.

27. (1) (a) 'n Huur ingevolge artikel 25 (1) (b) moet voorsiening maak vir die betaling deur die houer van die huur aan die mynkommissaris vanaf 'n deur die Minister bepaalde datum wat nie vroeër is as die datum waarop bedoelde houer ingevolge artikel 25 (6) van die toekenning aan hom van die huur in kennis gestel is nie—
- (i) ten opsigte van vervreemde Staatsgrond ten opsigte waarvan die eienaar of huurder 'n prospekterlisensie ingevolge artikel 12 verkry het of geregtig is om dit te verkry, en private grond by die huurterrein ingesluit, van 'n huurgeld van dertig sent per morg per maand vir elke morg of breukdeel van 'n morg van bedoelde grond wat aldus ingesluit is (watter huurgeld vooruitbetaalbaar is vir tydperke van minstens een en hoogstens twaalf maande), en sodanige huurgeld deur die mynkommissaris ontvang, moet, behoudens die bepalings van artikel 33 (6), op die by artikel 26 (1) (b) bepaalde wyse deur hom oorbetal word;
- (ii) ten opsigte van ander vervreemde Staatsgrond as vervreemde Staatsgrond in subparagraaf (i) bedoel en Staatsgrond wat by die huurterrein ingesluit is, van 'n huurgeld (vooruitbetaalbaar soos in daardie subparagraaf bepaal) wat die Minister op aanbeveling van die raad bepaal, en wat, 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 die mynkommissaris oorbetal moet word aan die bestuursraad ingevolge daardie Wet vir bedoelde gebied ingestel of, indien so 'n raad nie vir die gebied ingestel is nie, aan die Sekretaris van Kleurlingsake vir inbetaling in die Gekonsolideerde Inkomstefonds,
- en die bepalings van artikel 26 (1) (a) (i), (ii) en (iii) en (2) tot en met (11) is *mutatis mutandis* in verband met bedoelde huur van toepassing.
- (b) 'n Bedrag gelyk aan die bedrag ingevolge paragraaf (a) (ii) aan die Sekretaris van Kleurlingsake betaal, kan uit deur die Parlement bewilligde gelde aangewend word ter bestryding van uitgawes deur die Minister van Kleurlingsake by die uitoefening van die bevoegdheid en die verrigting van die werksaamhede van 'n bestuursraad ten opsigte van die betrokke raadsgebied aangegaan.

Voorwaardes verbode aan mynhure toegeken ten opsigte van prospekteergebiede.

(2) Indien so 'n huur ten opsigte van 'n onedele mineraal toegeken is—

(a) oor grond in artikel 7 (2) (c) bedoel; of

(b) oor private grond in die provinsie Natal geleë ten opsigte waarvan die reg op onedele minerale deur die Suid-Afrikaanse Bantoetrust gehou word,

word, behoudens die bepalings van artikel 51 van die Transkeise Grondwet, 1963 (Wet No. 48 van 1963), al die gelde wat die Staat by wyse van winsaandeel, tantième of ander vergoeding ontvang (uitgesonderd gelde ontvang kragtens artikel 26 (8) soos by subartikel (1) van hierdie artikel toegepas), deur die Staat oorbetal aan die Suid-Afrikaanse Bantoetrustfonds in artikel 8 van die Bantoetrust en -grond Wet, 1936 (Wet No. 18 van 1936), bedoel, en bedoelde gelde moet binne drie maande na ontvangs daarvan deur die Staat aan gemelde fonds oorbetal word.

(3) So 'n huur—

(a) oor vervreemde Staatsgrond in die provinsie Natal geleë, waarvan die Suid-Afrikaanse Bantoetrust of 'n Bantoe die eienaar is of wat in trust vir 'n Bantoe gehou word, of oor private grond in dié provinsie geleë, ten opsigte waarvan die reg op edelmetale en onedele minerale deur of in trust vir bedoelde Trust of 'n Bantoe gehou word; of

(b) oor grond in 'n in subartikel (1) (a) (ii) bedoelde raadsgebied,

kan die bykomende spesiale voorwaardes bevat wat die Minister in die geval van 'n in paragraaf (a) bedoelde huur na oorlegpleging met die Minister van Bantoe-administrasie en -ontwikkeling bepaal of, in die geval van 'n in paragraaf (b) bedoelde huur, na oorlegpleging met die Minister van Kleurlingsake bepaal.

Conditions attaching to mining lease granted to owner or lessee or nominee of owner of alienated State land.

28. (1) Notwithstanding anything in this Act or any other law contained, any mining lease granted under section 25 (1) (c) to the lessee of any land—
 (a) shall not be capable of being ceded or transferred by him unless the purchase price of the land has been paid in full;
 (b) shall if such purchase price has not been paid in full, lapse if the lease held by such lessee is for any reason cancelled or terminated under any law relating to land settlement, either wholly or in so far as it relates to the land subject to such mining lease.
 (2) The provisions of section 27 (1) shall *mutatis mutandis* apply in connection with any such mining lease.

Provisions applicable to mining lease granted to holder of prospecting lease over State land or certain alienated State land.

29. The provisions of section 27 (1) and (3) shall *mutatis mutandis* apply in connection with any mining lease granted under section 25 (1) (d) to the holder of a prospecting lease referred to in the said section 25 (1) (d).

Conditions attaching to mining lease in respect of natural oil.

30. (1) Any lease under section 25 (1) (g) shall provide for the payment by the holder of the lease to the owner and any person entitled to use the surface of the land, who suffers any surface damage or any damage to crops or improvements on the land caused by the exercise by the holder of the lease of his rights under the lease, or of any act or omission incidental thereto, of compensation for such damage.
 (2) The provisions of section 26, other than the provisions of subsection (1) (a) (iii) and (iv) and (b), the proviso to subsection (8) and subsection (9) (b), (c), (d), (e) and (f) (i) of that section, shall *mutatis mutandis* apply in connection with a lease referred to in this section.
 (3) There shall be payable by the State to or for the benefit of the holder of the right to natural oil in respect of any private land over which a lease has been granted under section 25 (1) (g)—
 (a) in the case of land in respect of which the South African Bantu Trust is the holder of the right to natural oil, an amount equal to the sum by which the normal tax received by the State under the provisions of the Income Tax Act, 1962 (Act No. 58 of 1962), in respect of the taxable income derived by the holder of the lease from the disposal of natural oil won in the course of mining operations carried on in terms of such lease exceeds thirty-three and one-third per cent of such taxable income; or
 (b) in the case of any other land, an amount equal to one-fifth of the sum referred to in paragraph (a), and the provisions of section 27 (2) of this Act shall *mutatis mutandis* apply in connection with any payment under this subsection: Provided that if any such lease has been granted over an area comprising two or more pieces of private land in respect of which the right to natural oil is held by different persons under separate titles, or over one or more pieces of private land and any other land, the holder of the right to natural oil in respect of each such piece of private land shall be entitled to so much of the amount payable under this subsection as bears to that amount the same proportion as the extent of the land in respect of which he holds the right to natural oil bears to the extent of such area.
 (4) The provisions of section 27 (3) shall *mutatis mutandis* apply in connection with any lease referred to in this section over land in respect of which the South African Bantu Trust is the holder of the right to natural oil or alienated State land of which the said Trust or a Bantu is the owner or which is held in trust for a Bantu.
 (5) The provisions of section 23 of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), shall not apply in connection with any such lease.
 (6) (a) The Minister shall from time to time, on the application of any interested party, if he is satisfied, after consultation with the board, that there has been included in any area referred to in section 25 (5) (e) any land which should not have been included therein, or that any land which should have been included therein has not been so included, amend the lease by excluding or including the land in question, and any amendment so made to the lease shall be binding upon the holder thereof.

28. (1) Ondanks andersluidende bepalings van hierdie Wet of 'n ander wet—

- (a) kan 'n myn huur kragtens artikel 25 (1) (c) aan die huurder van grond toegeken, nie deur hom gesedeer of oorgedra word tensy die koopprys van die grond ten volle afbetaal is nie;
- (b) verval so 'n myn huur waar bedoelde koopprys nie ten volle afbetaal is nie, indien die huur van die huurder om enige rede ingevolge 'n wetsbepaling op neder setting ingetrek of beëindig word, hetsy geheel en al of vir sover dit op die grond onderhewig aan sodanige myn huur betrekking het.

(2) Die bepalings van artikel 27 (1) is *mutatis mutandis* in verband met so 'n myn huur van toepassing.

Voorwaardes verbode aan myn huur toegeken aan eienaar of huurder of benoemde van eienaar van vervreemde Staatsgrond.

29. Die bepalings van artikel 27 (1) en (3) is *mutatis mutandis* van toepassing in verband met 'n myn huur ingevolge artikel 25 (1) (d) aan die houer van 'n in gemelde artikel 25 (1) (d) bedoelde prospekter huur toegeken.

Bepalings van toepassing op myn huur toegeken aan houer van prospekter huur oor Staatsgrond of sekere vervreemde Staatsgrond.

30. (1) 'n Huur ingevolge artikel 25 (1) (g) moet voorsiening maak vir die betaling deur die houer van die huur aan die eienaar en enigiemand wat reg het op die gebruik van die oppervlakte van die grond, wat as gevolg van die uitoefening deur die houer van die huur van sy regte ingevolge die huur, of van 'n doen of late wat daarmee in verband staan, skade ly aan die oppervlakte of aan gewasse of verbeterings op die grond, van vergoeding vir daardie skade.

Voorwaardes verbode aan myn huur ten opsigte van aardolie.

(2) Die bepalings van artikel 26, uitgesonderd die bepalings van subartikel (1) (a) (iii) en (iv) en (b), die voorbehoudsbepaling by subartikel (8) en subartikel (9) (b), (c), (d), (e) en (f) (i) van daardie artikel, is *mutatis mutandis* van toepassing in verband met 'n huur in hierdie artikel bedoel.

(3) Die Staat moet aan of ten bate van die houer van die reg op aardolie ten opsigte van private grond waaroor 'n huur ingevolge artikel 25 (1) (g) toegeken is, betaal—

(a) in die geval van grond ten opsigte waarvan die Suid-Afrikaanse Bantoe trust die houer van die reg op aardolie is, 'n bedrag gelyk aan die som waarby die normale belasting deur die Staat ingevolge die bepalings van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), ontvang ten opsigte van die belasbare inkomste deur die houer van die huur verkry uit die vandiehandsetting van aardolie gewin in die loop van mynwerksaamhede ingevolge bedoelde huur uitgevoer, drie-en-dertig en een-derde persent van sodanige belasbare inkomste oorskry; of

(b) in die geval van enige ander grond, 'n bedrag gelyk aan een-vyfde van die in paragraaf (a) bedoelde bedrag, en die bepalings van artikel 27 (2) van hierdie Wet is *mutatis mutandis* van toepassing in verband met enige betaling ingevolge hierdie subartikel: Met dien verstande dat indien so 'n huur toegeken is oor 'n terrein wat bestaan uit twee of meer stukke private grond ten opsigte waarvan die reg op aardolie deur verskillende persone kragtens aparte titels gehou word, of oor een of meer stukke private grond en enige ander grond, die houer van die reg op aardolie ten opsigte van elke sodanige stuk private grond geregtig is op dié deel van die ingevolge hierdie subartikel betaalbare bedrag wat in dieselfde verhouding staan tot daardie bedrag as die verhouding van die grootte van die grond ten opsigte waarvan hy die houer van die reg op aardolie is, tot die grootte van bedoelde terrein.

(4) Die bepalings van artikel 27 (3) is *mutatis mutandis* van toepassing in verband met 'n in hierdie artikel bedoelde huur oor grond ten opsigte waarvan die Suid-Afrikaanse Bantoe trust die houer van die reg op aardolie is of vervreemde Staatsgrond waarvan bedoelde Trust of 'n Bantoe die eienaar is of wat in trust vir 'n Bantoe gehou word.

(5) Die bepalings van artikel 23 van die Bantoe trust en -grond Wet, 1936 (Wet No. 18 van 1936), is nie in verband met so 'n huur van toepassing nie.

(6) (a) Die Minister moet van tyd tot tyd, op aansoek deur 'n belanghebbende party, indien hy na oorlegpleging met die raad oortuig is dat daar by 'n in artikel 25 (5) (e) bedoelde terrein grond ingesluit is wat nie daarby ingesluit moes gewees het nie, of dat grond wat daarby ingesluit moes gewees het, nie aldus ingesluit is nie, die huur wysig deur die betrokke grond uit te sluit of in te sluit, en 'n wysiging aldus aangebring is bindend vir die houer van die huur.

- (b) Before amending any lease in terms of paragraph (a) the Minister shall by notice in writing call upon the holder of the lease, if he is not the applicant for the amendment thereof, and upon every holder of the right to natural oil (other than the applicant) in respect of land comprised in the area subject to the lease or land desired to be included therein in terms of the application, to lodge with the Minister, within a period (not being less than one month) specified in the notice, any representations he may wish to make in connection with the proposed amendment.
- (c) The Minister shall cause particulars of any such amendment made by him to be notified to the Registrar of Mining Titles who shall register such amendment.

Conditions attaching to mining lease granted to holder of prospecting lease over private land or certain alienated State land.

31. (1) (a) There shall be payable by the State to the holder of the right to the precious metal or base mineral in question in respect of private land over which a lease has been granted under section 25 (1)(e) an amount equal to one-quarter of the moneys received by the State as share of profits, royalty or other consideration in terms of the lease, and such amount shall be payable within three months after the receipt of such share of profits, royalty or other consideration by the State: Provided that if any such lease has been granted over an area comprising two or more pieces of private land in respect of which the right to such precious metal or base mineral is held by different persons under separate titles, or over an area comprising one or more pieces of private land and alienated State land, the holder of the right to such precious metal or base mineral in respect of each piece of private land included in the lease area shall be entitled to so much of the amount payable under this subsection as may from time to time be determined by the Minister after consultation with the board.
- (b) The provisions of paragraph (a) shall also apply where any such lease relates to two or more precious metals or two or more base minerals or to one or more precious metals and one or more base minerals.
- (2) The provisions of section 26 shall *mutatis mutandis* apply in connection with a lease referred to in this section.

Conditions attaching to mining lease granted under section 25 (1) (f).

32. (1) Any lease under section 25 (1) (f) shall provide for the payment by the holder of the lease to the mining commissioner as from a date to be determined by the Minister which shall not be earlier than the date on which such holder was notified under section 25 (6) of the grant to him of the lease—
- (a) in respect of land (other than land held by a lessee) owned by the State and included in the lease area, of a rent to be determined by the Minister on the recommendation of the board, which shall be payable in advance for periods of not less than one and not more than twelve months;
 - (b) in respect of land so included which is not owned by the State or which (if owned by the State) is held by a lessee, of a rent payable in advance as provided in paragraph (a) of thirty cents per morgen per month for every morgen or fraction of a morgen of such land so included, and any such rent received by the mining commissioner shall, subject to the provisions of section 33 (6), be disposed of by him in the manner provided by section 26 (1) (b).
- (2) (a) If any such lease is granted to a person other than the co-holder of the right to the precious metal or base mineral in question, the State shall pay to such co-holder so much of the share of profits, royalty or other consideration received by it in terms of the lease as the Minister may from time to time determine after consultation with the board, which shall in making any recommendation to the Minister have regard *inter alia* to the proportionate undivided share held by such co-holder in the right to such precious metal or base mineral and the extent to which the holder of the

- (b) Voordat hy 'n huur ingevolge paragraaf (a) wysig, moet die Minister die houer van die huur, as hy nie die aansoeker om die wysiging daarvan is nie, en elke houer van die reg op aardolie (behalwe die aansoeker) ten opsigte van grond wat binne die terrein onderhewig aan die huur val of van grond waarvan die insluiting daarby volgens die aansoek verlang word, by skriftelike kennisgewing aansê om enige vertoë wat hy in verband met die voorgestelde wysiging aan die Minister wil rig, binne 'n tydperk (nie minder as een maand nie) in die kennisgewing vermeld by die Minister in te dien.
- (c) Die Minister moet besonderhede van so 'n wysiging deur hom aangebring, laat meedeel aan die Registrateur van Mynbriewe wat die wysiging moet registreer.
31. (1) (a) Die Staat betaal aan die houer van die reg op die betrokke edelmetaal of onedele mineraal ten opsigte van private grond waaroor 'n huur ingevolge artikel 25 (1) (e) toegeken is, 'n bedrag gelyk aan een-kwart van die gelde ingevolge die huur by wyse van winsaandeel, tantième of ander vergoeding deur die Staat ontvang, en bedoelde bedrag is binne drie maande na die ontvangs deur die Staat van bedoelde winsaandeel, tantième of ander vergoeding betaalbaar: Met dien verstande dat indien so 'n huur toegeken is oor 'n terrein wat bestaan uit twee of meer stukke private grond ten opsigte waarvan die reg op bedoelde edelmetaal of onedele mineraal deur verskillende persone kragtens aparte titels gehou word, of oor 'n terrein wat uit een of meer stukke private grond en vervreemde Staatsgrond bestaan, die houer van die reg op bedoelde edelmetaal of onedele mineraal ten opsigte van elke stuk private grond ingesluit by die huurterrein geregtig is op soveel van die bedrag ingevolge hierdie subartikel betaalbaar as wat die Minister van tyd tot tyd na oorlegpleging met die raad bepaal.
- (b) Die bepalinge van paragraaf (a) is ook van toepassing waar so 'n huur op twee of meer edelmetale of twee of meer onedele minerale of op een of meer edelmetale en een of meer onedele minerale betrekking het.
- (2) Die bepalinge van artikel 26 is *mutatis mutandis* van toepassing in verband met 'n huur in hierdie artikel bedoel.
32. (1) 'n Huur ingevolge artikel 25 (1) (f) moet voorsiening maak vir die betaling deur die houer van die huur aan die mynkommissaris, vanaf 'n deur die Minister bepaalde datum wat nie vroeër is as die datum waarop bedoelde houer ingevolge artikel 25 (6) van die toekenning aan hom van die huur in kennis gestel is nie—
- (a) ten opsigte van grond (behalwe grond deur 'n huurder gehou) waarvan die eiendomsreg by die Staat berus en wat by die huurterrein ingesluit is, van 'n huurgeld wat die Minister op aanbeveling van die raad bepaal en wat vir tydperke van minstens een en hoogstens twaalf maande vooruitbetaalbaar is;
- (b) ten opsigte van grond aldus ingesluit waarvan die eiendomsreg nie by die Staat berus nie of wat (indien die eiendomsreg by die Staat berus) deur 'n huurder gehou word, van 'n huurgeld, vooruitbetaalbaar soos in paragraaf (a) bepaal, teen dertig sent per morg per maand vir elke morg of breukdeel van 'n morg van bedoelde grond wat aldus ingesluit is, en sodanige huurgeld deur die mynkommissaris ontvang, word, behoudens die bepalinge van artikel 33 (6), deur hom volgens voorskrif van artikel 26 (1) (b) oorbetal.
- (2) (a) Indien so 'n huur aan iemand anders as die medehouer van die reg op die betrokke edelmetaal of onedele mineraal toegeken word, betaal die Staat aan bedoelde medehouer soveel van die winsaandeel, tantième of ander vergoeding deur die Staat ingevolge die huur ontvang as wat die Minister van tyd tot tyd bepaal na oorlegpleging met die raad, wat by die verstrekking van 'n aanbeveling aan die Minister onder meer rekening moet hou met die proporsionele onverdeelde aandeel wat deur bedoelde medehouer in die reg op bedoelde edelmetaal of onedele mineraal gehou word en die mate waarin die houer van die reg op edelmetale of onedele minerale ten opsigte van private grond uit

Voorwaardes verbode aan myn-huur toegeken aan houer van prospekteerhuur oor private grond of sekere vervreemde Staatsgrond.

Voorwaardes verbode aan myn-huur toegeken ingevolge artikel 25 (1) (f).

right to precious metals or base minerals in respect of private land is by virtue of the provisions of section 31 (1) entitled to participate in the moneys received by the State as share of profits, royalty or other consideration in terms of a lease referred to in section 31.

- (b) Any amounts which such co-holder is entitled to receive under paragraph (a) shall be paid to him within three months after the receipt by the State of the share of profits, royalty or other consideration in terms of the lease.
- (3) The provisions of section 26 (1) (a) (i), (ii) and (iii) and (2) to (11), inclusive, shall *mutatis mutandis* apply in connection with any lease referred to in this section.

General provisions in regard to mining leases under this Chapter.

33. (1) If as a result of prospecting on any land the Minister is satisfied that there are reasonable grounds for believing that precious metals, base minerals or natural oil exist in workable quantities on that land, and the person who qualifies for a mining lease under this Chapter in respect of such precious metals, base minerals or natural oil fails to apply for such lease within a period of three months after having been called upon in writing by the Minister to do so, or within such further period as the Minister may allow, or having applied for such a lease fails—

- (a) to satisfy the Minister within a period of six months after the date of such application or within such further period as the Minister may allow that the scheme according to which he proposes to mine the precious metals or base minerals in question or natural oil is satisfactory, and either that his financial resources are adequate for the proper mining of such precious metals, base minerals or natural oil or that the arrangements by which he proposes to obtain capital for the said purposes are satisfactory; or
- (b) within a period of six months after the receipt by the mining commissioner of the diagram or sketch plan, as the case may be, defining the lease area, or within such further period as the Minister may allow, to do all such things as he may be required to do to enable the lease to be issued to him,

he shall be deemed to have abandoned his right to such lease.

- (2) (a) As soon as may be after the framing of the diagram or sketch plan defining the area of any mining lease to be granted under this Chapter, the mining commissioner shall serve written notice on the person entitled to such lease calling upon him to construct on such area within the period (not being less than one month) specified in the notice beacons and trenches in accordance with this section and the regulations applicable to beacons defining claims situated in a mining district comprised in class A, and if such person does not comply with such notice within the period so specified or within such further period as the mining commissioner may allow, he shall be deemed to have abandoned his right to the lease.
- (b) Any such beacons shall be constructed at the angular points of the area in question and, except where natural boundaries exist, line beacons shall be constructed at clearly visible distances (not exceeding one thousand yards) along its sides, and whenever possible trenches shall be constructed so as to indicate the direction of the boundaries at each beacon.
- (c) The beacons and trenches shall be maintained in repair to the satisfaction of the mining commissioner by the person entitled to the mining lease or the holder thereof, as the case may be, and if such person or holder fails to comply with a notice in writing by the mining commissioner calling upon him to put the beacons and trenches in repair within the period stated in the notice, the mining commissioner may cause the necessary repairs to be effected and recover the cost incurred from such person or holder.
- (3) The following provisions shall apply to every mining lease granted under this Chapter, namely—
- (a) all costs in connection with or incidental to the preparation, execution and registration of such lease shall be borne by the applicant for the lease;

hoofde van die bepalings van artikel 31 (1) geregtig is om te deel in die gelde wat by wyse van winsaandeel, tantième of ander vergoeding ingevolge 'n in artikel 31 bedoelde huur deur die Staat ontvang word.

- (b) Enige bedrae waarop bedoelde medehouer kragtens paragraaf (a) geregtig is, moet binne drie maande na die ontvangs deur die Staat van die winsaandeel, tantième of ander vergoeding ingevolge die huur, aan hom betaal word.
- (3) Die bepalings van artikel 26 (1) (a) (i), (ii) en (iii) en (2) tot en met (11) is *mutatis mutandis* in verband met 'n in hierdie artikel bedoelde huur van toepassing.

33. (1) Indien die Minister, as gevolg van prospektering op enige grond, oortuig is dat daar redelike gronde bestaan om te vermoed dat edelmetale, onedele minerale of aardolie in ontginbare hoeveelhede op daardie grond voorkom, en die persoon wat vir 'n mynhuur ingevolge hierdie Hoofstuk ten opsigte van bedoelde edelmetale, onedele minerale of aardolie in aanmerking kan kom, versuim om binne 'n tydperk van drie maande nadat hy skriftelik deur die Minister daartoe aangesê is of binne die verdere tydperk wat die Minister toelaat, om so 'n huur aansoek te doen, of nadat hy om so 'n huur aansoek gedoen het, versuim—

Algemene bepalings met betrekking tot mynhure ingevolge hierdie Hoofstuk.

- (a) om die Minister binne 'n tydperk van ses maande na die datum van bedoelde aansoek, of binne die verdere tydperk wat die Minister toelaat, te oortuig dat die skema waarvolgens hy voornemens is om die betrokke edelmetale of onedele minerale of aardolie te ontgin, bevredigend is, en of dat sy geldmiddele voldoende is om bedoelde edelmetale, onedele minerale of aardolie na behore te ontgin of dat die reëlins waardeur hy voornemens is om kapitaal vir die doel te verkry, bevredigend is; of
- (b) om binne 'n tydperk van ses maande na die ontvangs deur die mynkommissaris van die kaart of sketskaart, na gelang van die geval, wat die huurterrein aantoon, of binne die verdere tydperk wat die Minister toelaat, alles te doen wat van hom vereis word sodat die huurkontrak aan hom uitgereik kan word,
- word hy geag sy reg op so 'n huur te laat vaar het.

- (2) (a) So spoedig doenlik na die opstel van die kaart of sketskaart wat die terrein aantoon van 'n mynhuur wat ingevolge hierdie Hoofstuk toegestaan gaan word, moet die mynkommissaris 'n skriftelike kennisgewing aan die persoon wat op die huur geregtig is, bestel waarin hy aangesê word om binne die tydperk (nie minder as een maand nie) in die kennisgewing vermeld op bedoelde terrein bakens en slote aan te bring ooreenkomstig hierdie artikel en die regulasies van toepassing op bakens wat kleims geleë in 'n myndistrik wat in klas A ingedeel is, aantoon, en indien bedoelde persoon nie binne die aldus vermelde tydperk of binne die verdere tydperk wat die mynkommissaris toelaat, aan bedoelde kennisgewing voldoen nie, word hy geag sy reg op die huur te laat vaar het.
- (b) Sodanige bakens moet by die hoekpunte van die betrokke terrein opgerig word en, behalwe waar natuurlike grense bestaan, moet lynbakens op duidelik sigbare tussen-afstande (van hoogstens duisend jaart) op die grenslyne daarvan opgerig word, en wanneer moontlik, moet slote gegrawe word wat die rigting van die grense by elke baken aandui.
- (c) Die bakens en slote moet deur die persoon wat op die mynhuur geregtig is of die houer daarvan, na gelang van die geval, tot die mynkommissaris se bevrediging in stand gehou word, en indien bedoelde persoon of houer in gebreke bly om te voldoen aan 'n skriftelike kennisgewing deur die mynkommissaris waarby hy aangesê word om die bakens en slote binne die in die kennisgewing vermelde tydperk te herstel, kan die mynkommissaris die nodige herstelwerk laat aanbring en die onkoste aangegaan op bedoelde persoon of houer verhaal.

(3) Die volgende bepalings is van toepassing op elke mynhuur ingevolge hierdie Hoofstuk toegeken, te wete—

- (a) alle onkoste wat met die voorbereiding, verlyding en registrasie van so 'n huur in verband staan of daaruit voortvloei, moet deur die aansoeker om die huur gedra word;

- (b) with the prior approval of the Minister the holder's rights and obligations under such lease may be ceded or transferred and the said rights may be mortgaged;
- (c) any such lease shall be registered in the Mining Titles Office;
- (d) (i) the last holder of the lease or any person entitled to the plant, machinery or equipment on the area leased shall, subject to the provisions of sections 165 and 166, when any such lease terminates or is for any reason terminated, remove such plant, machinery or equipment, but such holder or person shall not remove or destroy any material used for supporting underground workings or plant or material required to prevent damage to the mine or workings, and no compensation shall be payable in respect thereof: Provided that if such plant, machinery or equipment not required for the maintenance of the mine or workings is not removed within six months after the date of termination of the lease, the Minister may, unless he allows an extension of time for removal, cause the same to be sold after public tender or by public auction after notice of the proposed sale has been published in the *Gazette* and in one or more newspapers circulating in the mining district and has been served upon the registered holder of any mortgage bond over the lease;
- (ii) the proceeds of the sale shall, after deducting the costs thereof and any moneys which remain due to the State under the lease, be paid to the last holder of the lease;
- (iii) the Minister may, instead of selling any plant, machinery or equipment, after written notice to the last holder of the lease, take over all or any part of the plant, machinery or equipment of the mine upon the area leased as he may determine, upon such terms and conditions as shall be agreed between the parties or as may in default of agreement be determined by arbitration as provided for in section 174;
- (e) within six months after the termination of such lease the last holder thereof shall, subject to the provisions of sections 165 and 166, be entitled to remove any buildings or structures on the area leased and situated on land held by him under surface right permit at the date of such termination, and if such buildings or structures are not removed within that period or within such further period as the Minister may allow, the provisions of paragraph (d) of this subsection shall *mutatis mutandis* apply in connection with the buildings or structures as if they were plant, machinery or equipment referred to in that paragraph;
- (f) the State shall not be responsible or liable to pay any compensation whatsoever for any improvements made by the holder of the lease or his predecessors in title upon the area leased.
- (4) (a) The holder of a mining lease under this Chapter shall not mine in or on any place or land mentioned in section 17 (1) (a) except with the Minister's consent in writing and in accordance with such conditions as may be imposed by him with due regard to the provisions of the Mines and Works Act, 1956 (Act No. 27 of 1956), and the regulations made thereunder.
- (b) In the event of any building or structure on land which is subject to a mortgage bond being damaged as a result of mining on or under the land in question, the amount outstanding on such mortgage bond shall be a first charge on any compensation payable in respect of such damage.
- (5) The provisions of section 23 (2) (a) shall *mutatis mutandis* apply to the holder of a mining lease granted under this Chapter.

- (b) met voorafgaande goedkeuring van die Minister kan die houer se regte en verpligtings ingevolge so 'n huur gesedeer of oorgedra word en kan bedoelde regte met verband beswaar word;
- (c) so 'n huur moet in die Mynbriewekantoor geregistreer word;
- (d) (i) die laaste houer van die huur of iemand wat reg het op die installasies, masjinerie of toerusting op die verhuurde terrein moet, behoudens die bepalings van artikels 165 en 166, bedoelde installasies, masjinerie of toerusting verwyder wanneer so 'n huur verstryk of om enige rede beëindig word, maar so 'n houer of so iemand verwyder of vernietig nie materiaal wat gebruik word om ondergrondse werkplekke te stut of installasies of materiaal wat nodig is om skade aan die myn of werkplekke te voorkom nie, en geen vergoeding is ten opsigte daarvan betaalbaar nie: Met dien verstande dat die Minister sodanige installasies, masjinerie of toerusting wat nie vir die instandhouding van die myn of werkplekke nodig is nie, indien dit nie binne ses maande na die datum van beëindiging van die huur verwyder word nie, nadat 'n kennisgewing van die voorgestelde verkoping in die *Staatskoerant* en in een of meer nuusblaaië in omloop in die myndistrik gepubliseer en aan die geregistreerde houer van enige verband op die huur bestel is, na openbare tender of by openbare veiling kan laat verkoop, tensy hy die tydperk vir die verwydering daarvan verleng;
- (ii) die oprings van die verkoping word, na aftrekking van die koste daarvan en enige gelde wat ingevolge die huur nog aan die Staat verskuldig is, aan die laaste houer van die huur betaal;
- (iii) die Minister kan, in plaas daarvan om enige installasies, masjinerie of toerusting te verkoop, na skriftelike kennisgewing aan die laaste houer van die huur, al die installasies, masjinerie of toerusting van die myn op die verhuurde terrein, of 'n gedeelte daarvan, al na hy bepaal, oorneem op die bedinge en voorwaardes waarop die partye ooreenkom of wat by ontstentenis van ooreenkoms, by arbitrasie volgens voorskrif van artikel 174 bepaal word;
- (e) binne ses maande na die beëindiging van so 'n huur is die laaste houer daarvan, behoudens die bepalings van artikels 165 en 166, geregtig om geboue of strukture op die verhuurde terrein en geleë op grond wat op die datum van sodanige beëindiging deur hom kragtens oppervlakteregpermit gehou was, te verwyder, en indien bedoelde geboue of strukture nie binne daardie tydperk, of binne die verdere tydperk wat die Minister toelaat, verwyder word nie, is die bepalings van paragraaf (d) van hierdie subartikel *mutatis mutandis* in verband met die geboue of strukture van toepassing asof dit in daardie paragraaf bedoelde installasies, masjinerie of toerusting was;
- (f) die Staat is nie verantwoordelik of aanspreeklik om enige vergoeding hoegenaamd te betaal vir verbeterings deur die houer van die huur of sy regsvoorgangers op die verhuurde terrein aangebring nie.
- (4) (a) Die houer van 'n mynhuur ingevolge hierdie Hoofstuk mag nie in of op enige in artikel 17 (1) (a) vermelde plek of grond myn nie, behalwe met die Minister se skriftelike toestemming en ooreenkomstig die voorwaardes wat hy met inagneming van die bepalings van die Wet op Myne en Bedrywe, 1956 (Wet No. 27 van 1956), en die regulasies daarkragtens uitgevaardig, opgelê het.
- (b) Indien enige gebou of struktuur op grond wat die onderwerp van 'n verband is, as gevolg van mynwerk-saamhede op of onder die betrokke grond beskadig word, maak die onbetaalde bedrag van bedoelde verband 'n eerste las uit teen enige vergoeding ten opsigte van sodanige skade betaalbaar.
- (5) Die bepalings van artikel 23 (2) (a) is *mutatis mutandis* van toepassing op die houer van 'n mynhuur ingevolge hierdie Hoofstuk toegeken.

(6) If a mining lease under this Chapter embraces two or more pieces of land in a lawfully established township registered in the names of persons other than the township owner, any rent payable under such lease which but for the provisions of this subsection would have accrued to such persons under this Chapter, shall, unless the township owner has lawfully reserved to himself or to his successors in title to the township the right to receive such rent or the share of the rent which would have been payable to him if such lease had been granted under a prior law, be paid over to the local authority within whose area of jurisdiction such township is situated or, in the absence of any such local authority, to the provincial revenue fund.

(7) Whenever any land which is the subject of a mining lease granted under this Chapter, or the right to precious metals, base minerals or natural oil in respect of such land, or any certificate of registered real rights in respect of the land, is transferred to any person, and such transfer has the effect of vesting in the transferee the right to receive the rent payable under such lease or the right to any moneys payable to the holder or co-holder of the right to precious metals, base minerals or natural oil in respect of the land under section 30 (3), 31 (1) or 32 (2), the transferee shall notify the mining commissioner (if the right to receive such rent has by such transfer been vested in the transferee), or the Secretary for Inland Revenue (if the right to receive such moneys has been so vested in the transferee), in writing of the transfer, failing which the transferee shall have no claim against the State in respect of any such rent or any such moneys which subsequent to the transfer have been paid to the transferor up to the date of receipt by the mining commissioner or the said Secretary, as the case may be, of such notification.

(8) (a) The Minister may, on the written application of the holder of a mining lease granted under this Chapter and on the recommendation of the board, amend the terms and conditions of such lease.

(b) Any amendment of a lease under paragraph (a) which in the opinion of the board alters the share of profits, royalty or other consideration payable to the State under such lease shall operate subject to such conditions and for such period as may be recommended by the board, whose report shall, within fourteen days after any such amendment to any lease has been approved by the Minister, be laid upon the Table in the Senate and in the House of Assembly, if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

(c) Any amendment of a lease under this subsection shall be registered in the Mining Titles Office.

Certain mining rights applied for under prior laws.

34. (1) (a) Where any person has—

(i) before the commencement of this Act notified the mining commissioner in writing of his intention to apply in accordance with the provisions of the Natal Mines Act, 1899 (Act No. 43 of 1899), of Natal, for the registration in his name of a mining claim over a prospecting claim held by him which is deemed to be a prospecting area under this Act, and lodges an application accordingly within five years after such commencement; or

(ii) before such commencement signed a declaration referred to in section 42 of the Mineral Law Amendment Act, 1907 (Act No. 16 of 1907), of the Cape of Good Hope, and the mining commissioner is satisfied that such person has found base minerals in workable quantities on the prospecting area to which the declaration relates,

the relevant application under subparagraph (i) or, as the case may be, the pegging of an area by and the issue of a lease to the person concerned under subparagraph (ii) of this paragraph in terms of the said section 42 shall be proceeded with as if this Act had not been passed, except where the right to the prospecting area in question has lapsed or been declared forfeited.

(6) Indien 'n mynhuur ingevolge hierdie Hoofstuk twee of meer stukke grond in 'n wettiglik gestigte dorp omvat wat op die naam van ander persone as die dorpseienaar geregistreer is, word enige huurgeld ingevolge daardie huur betaalbaar wat ingevolge hierdie Hoofstuk by ontstentenis van die bepalings van hierdie subartikel aan bedoelde persone sou toegeval het, oorbetaal aan die plaaslike owerheid binne wie se regsgebied bedoelde dorp geleë is of, as daar nie so 'n plaaslike owerheid is nie, aan die provinsiale inkomstefonds, tensy die dorps-eienaar die reg om bedoelde huurgeld of die aandeel in die huurgeld wat aan hom betaalbaar sou gewees het indien bedoelde huur ingevolge 'n vorige wet toegeken was, te ontvang, wettiglik vir homself of sy regsopvolgers ten opsigte van die dorp voorbehou het.

(7) Wanneer grond wat die onderwerp is van 'n mynhuur ingevolge hierdie Hoofstuk toegeken, of die reg op edelmetale, onedele minerale of aardolie ten opsigte van sodanige grond of 'n sertifikaat van geregistreerde saaklike regte ten opsigte van die grond aan iemand oorgedra word, en die oordrag tot gevolg het dat die reg om die huurgeld wat ingevolge bedoelde huur betaalbaar is, te ontvang of die reg op gelde wat ingevolge artikel 30 (3), artikel 31 (1) of artikel 32 (2) aan die houer of medehouer van die reg op edelmetale, onedele minerale of aardolie ten opsigte van die grond betaalbaar is, by die oordragnemer berus, moet die oordragnemer die mynkommissaris (indien die reg om bedoelde huurgeld te ontvang vanweë sodanige oordrag in die oordragnemer gevestig is) of die Sekretaris van Binnelandse Inkomste (indien die reg om bedoelde gelde te ontvang, aldus in die oordragnemer gevestig is) skriftelik van die oordrag in kennis stel, by versuim waarvan die oordragnemer geen vordering teen die Staat het ten opsigte van enige sodanige huurgeld of enige sodanige gelde wat, na die oordrag en tot die datum van ontvangs deur die mynkommissaris of genoemde Sekretaris, na gelang van die geval, van bedoelde kennisgewing, aan die oordraggewer betaal is nie.

(8) (a) Die Minister kan op skriftelike aansoek van die houer van 'n mynhuur ingevolge hierdie Hoofstuk toegeken, en op aanbeveling van die raad, die bedinge en voorwaardes van so 'n huurkontrak wysig.

(b) 'n Wysiging van 'n huurkontrak kragtens paragraaf (a), wat volgens die raad se oordeel 'n verandering teweegbring wat betref die winsaandeel, tantième of ander vergoeding wat ingevolge bedoelde huur aan die Staat betaalbaar is, geld onderworpe aan die voorwaardes en vir die tydperk aanbeveel deur die raad, wie se verslag binne veertien dae nadat so 'n wysiging van 'n huur deur die Minister goedgekeur is, in die Senaat en in die Volksraad ter Tafel gelê moet word indien die Parlement dan in gewone sessie is, of indien die Parlement dan nie in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.

(c) 'n Wysiging van 'n huurkontrak ingevolge hierdie subartikel word in die Mynbriewekantoor geregistreer.

34. (1) (a) Waar iemand—

- (i) die mynkommissaris voor die inwerkingtreding van hierdie Wet skriftelik van sy voorneme in kennis gestel het om ooreenkomstig die bepalings van die „Natal Mines Act, 1899” (Wet No. 43 van 1899), van Natal, aansoek te doen om die registrasie op sy naam van 'n mynkleim oor 'n prospekterkleim deur hom gehou wat ingevolge hierdie Wet geag word 'n prospekteergebied te wees, en binne vyf jaar na bedoelde inwerkingtreding 'n aansoek dien ooreenkomstig indien; of
- (ii) voor sodanige inwerkingtreding 'n verklaring bedoel in artikel 42 van die „Mineral Law Amendment Act, 1907” (Wet No. 16 van 1907), van die Kaap die Goeie Hoop, onderteken het, en die mynkommissaris oortuig is dat so iemand onedele minerale in ontginbare hoeveelhede gevind het op die prospekteergebied waarop die verklaring betrekking het,

word daar, behalwe waar die reg op die betrokke prospekteergebied verval het of verbeurd verklaar is, met die toepaslike aansoek kragtens subparagraaf (i) of, na gelang van die geval, met die afpenning van 'n terrein deur en die uitreiking van 'n huurkontrak ingevolge gemelde artikel 42 aan die betrokke persoon kragtens subparagraaf (ii) van hierdie paragraaf voortgegaan asof hierdie Wet nie aangeneem is nie.

**Sekere mynregte
waarom ingevolge
vorige wette aan-
soek gedoen is.**

- (b) The provisions of this Act relating to mining claims registered under the said Natal Mines Act, 1899, and leases issued in terms of the said Mineral Law Amendment Act, 1907, before the commencement of this Act shall apply in respect of mining claims registered or leases issued pursuant to the provisions of this subsection.
- (2) (a) If any holder of the right to precious metals in respect of unproclaimed private land has before the commencement of this Act applied in terms of section 20 or 20bis of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908), of the Transvaal, or of that Act as applied to the province of the Orange Free State by the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936), for the grant to him of a mynpacht or mining lease over such land, and—
- (i) the Minister is satisfied, as a result of prospecting carried out on the land prior to the commencement of this Act, that there are reasonable grounds for believing that precious metals exist in workable quantities on the land; and
- (ii) the board, in the case of an application by such holder for a mining lease under the said section 20bis, has satisfied itself as provided in subsection (3) of the said section,

such holder shall, notwithstanding anything to the contrary in this Act contained, be entitled, if he so elects, to receive and the Minister shall have the power to grant to him over the land concerned a mynpacht or mining lease, as the case may be, subject to the provisions of the said Precious and Base Metals Act, 1908, or of that Act as so applied, as if this Act had not been passed, and any mynpacht-brief issued pursuant to the provisions of this subsection shall not be for a limited period.

- (b) Any reference in this Act to a mynpacht or mining lease granted under the said sections 20 and 20bis shall be construed as a reference also to a mynpacht or mining lease, as the case may be, granted pursuant to the provisions of this subsection.

CHAPTER IV.

GRANTING OF FURTHER MINING RIGHTS, PROCLAMATION OF PUBLIC DIGGINGS AND ESTABLISHMENT OF STATE MINES.

Disposal of right to mine on certain unproclaimed private land.

35. (1) Whenever in respect of any land included in an entity of private land a grant has been made of a mining lease in respect of precious metals under section 25 (1) (e), the Minister may, if he is satisfied that there are reasonable grounds for believing that precious metals exist in workable quantities on any portion of such entity of land not included in such lease, deal with such portion in either or both of the following ways, namely—

- (a) by leasing the exclusive right to mine for precious metals on such portion to any tenderer or any other person as provided in section 42;
- (b) by the establishment, with the approval, by resolution, of the Senate and of the House of Assembly, of a State mine for the mining of precious metals on such portion.

(2) The provisions of subsection (1) shall *mutatis mutandis* apply—

- (a) where a mining lease in respect of any base mineral has in terms of section 25 (1) (e) been granted over any land included in an entity of private land, and the Minister is satisfied that there are reasonable grounds for believing that such base mineral occurs in workable quantities on any portion of such entity of land not included in the area in respect of which such mining lease has been granted;
- (b) where the Minister is satisfied that there are reasonable grounds for believing that precious metals occur in workable quantities on any entity of unproclaimed private land, not being land referred to in section 7 (2)

- (b) Die bepalings van hierdie Wet met betrekking tot mynkleims wat voor die inwerkingtreding van hierdie Wet ingevolge bedoelde „Natal Mines Act, 1899”, geregistreer is, en huurkontrakte wat voor sodanige inwerkingtreding ingevolge bedoelde „Mineral Law Amendment Act, 1907”, uitgereik is, is van toepassing ten opsigte van mynkleims geregistreer of huurkontrakte uitgereik kragtens die bepalings van hierdie subartikel.
- (2) (a) Indien 'n houër van die reg op edelmetale ten opsigte van ongeproklameerde private grond voor die inwerkingtreding van hierdie Wet ingevolge artikel 20 of 20*bis* van die „Precious and Base Metals Act, 1908” (Wet No. 35 van 1908), van Transvaal, of van daardie Wet soos by die Oranje-Vrystaatse Metaal-myn Wet, 1936 (Wet No. 13 van 1936), op die provinsie Oranje-Vrystaat toegepas, aansoek gedoen het om die toekenning aan hom van 'n mynpag of mynhuur oor bedoelde grond en—
- (i) die Minister as gevolg van prospekterwerkzaamhede wat voor die inwerkingtreding van hierdie Wet op die grond verrig is, oortuig is dat daar redelike gronde bestaan om te vermoed dat edelmetale in ontginbare hoeveelhede op die grond voorkom; en
- (ii) die raad homself in die geval van 'n aansoek deur bedoelde houër om 'n mynhuur ingevolge bedoelde artikel 20*bis* oortuig het soos in subartikel (3) van daardie artikel bepaal, is bedoelde houër, ondanks andersluidende bepalings van hierdie Wet, geregtig, indien hy dit verkies, om 'n mynpag of mynhuur, na gelang van die geval, onderworpe aan die bepalings van bedoelde „Precious and Base Metals Act, 1908”, of van daardie Wet soos aldus toegepas, oor die betrokke grond te ontvang en het die Minister die bevoegdheid om so 'n mynpag of mynhuur aan hom toe te ken, asof hierdie Wet nie aangeneem is nie, en 'n mynpag-brief ingevolge die bepalings van hierdie subartikel uitgereik, geld nie vir 'n beperkte tydperk nie.
- (b) 'n Verwysing in hierdie Wet na 'n mynpag of mynhuur wat kragtens gemelde artikels 20 en 20*bis* toegeken is, word uitgelê ook as 'n verwysing na 'n mynpag of mynhuur, na gelang van die geval, ooreenkomstig die bepalings van hierdie subartikel uitgereik.

HOOFSTUK IV.

TOEKENNING VAN VERDERE MYNREGTE, PROKLAMERING VAN OPENBARE DELWERYE EN INSTELLING VAN STAATSMYNE.

35. (1) Wanneer 'n mynhuur ten opsigte van edelmetale ingevolge artikel 25 (1) (e) toegeken is ten opsigte van grond wat by 'n eenheid private grond ingesluit is, kan die Minister, indien hy oortuig is dat daar redelike gronde bestaan om te vermoed dat edelmetale in ontginbare hoeveelhede voorkom op enige gedeelte van dié eenheid grond wat nie by bedoelde huur ingesluit is nie, met daardie gedeelte op een van of albei die volgende maniere handel, te wete—

Beskikking oor reg om op sekere ongeproklameerde private grond te myn.

- (a) deur die alleenreg om edelmetale op daardie gedeelte te ontgin aan 'n tenderaar of enigiemand anders volgens voorskrif van artikel 42 te verhuur;
- (b) deur met goedkeuring, by besluit, van die Senaat en van die Volksraad, 'n Staatsmyn vir die ontginning van edelmetale op daardie gedeelte in te stel.
- (2) Die bepalings van subartikel (1) is *mutatis mutandis* van toepassing—
- (a) waar 'n mynhuur ingevolge artikel 25 (1) (e) ten opsigte van 'n onedele mineraal toegeken is oor grond wat by 'n eenheid private grond ingesluit is, en die Minister oortuig is dat daar redelike gronde bestaan om te vermoed dat dié onedele mineraal in ontginbare hoeveelhede voorkom op enige gedeelte van daardie eenheid grond wat nie ingesluit is by die terrein ten opsigte waarvan bedoelde mynhuur toegeken is nie;
- (b) waar die Minister oortuig is dat daar redelike gronde bestaan om te vermoed dat edelmetale in ontginbare hoeveelhede voorkom op 'n eenheid ongeproklameerde private grond wat nie in artikel 7 (2) (c) bedoelde

- (c), and the holder of the right to precious metals in respect of that entity of land is in terms of any provision of this Act deemed to have abandoned his right to a mining lease in respect of that land; and
- (c) where the Minister is, in respect of any entity of private land, satisfied as a result of prospecting carried out on the land, that there are reasonable grounds for believing that precious metals or base minerals occur thereon in workable quantities, and the prospector concerned is in terms of any provision of this Act deemed to have abandoned his right to a mining lease in respect of that land.

(3) The powers conferred upon the Minister by this section shall not be exercised—

- (a) in the circumstances referred to in subsection (1) or subsection (2) (a), after the expiration of a period of two years subsequent to the date upon which the Minister approved of the grant of a mining lease over any portion of the entity of private land in question;
- (b) in the circumstances referred to in subsection (2) (b) or (c), after the expiration of a period of eighteen months subsequent to the date upon which the prospector concerned was deemed to have abandoned his right to the relevant mining lease.

Disposal of right to mine on certain areas of unproclaimed alienated State land.

36. (1) Whenever in respect of any alienated State land a grant has been made of a mining lease under section 25 (1) (d) or (e) of this Act or under the Base Minerals Amendment Act, 1942 (Act No. 39 of 1942), the Minister may, if he is satisfied that there are reasonable grounds for believing that any precious metals or base minerals the right to which is in respect of such land reserved to the State, exist in workable quantities on any portion of such land not included in that mining lease, deal with such portion in any or all of the following ways, namely—

- (a) by recommending to the State President that such portion be proclaimed, according to the circumstances, as a public digging for precious metals or as a public digging for base minerals;
- (b) by leasing the exclusive right to mine on such portion for such precious metals or base minerals to any tenderer or any other person as provided in section 42;
- (c) by the establishment, with the approval, by resolution, of the Senate and of the House of Assembly, of a State mine on such portion for the mining of such precious metals or base minerals:

Provided that, if in respect of such land a notarial deed has been registered as provided in section 19 of this Act or a corresponding provision of a prior law, the Minister shall before exercising his powers under this subsection cause written notice to be served upon the holder of such deed calling upon him to submit in writing, within one month of such notice, any representations which he may wish to make in connection with the Minister's proposals.

(2) If the Minister is satisfied—

- (a) that there are reasonable grounds for believing that precious metals or base minerals occur in workable quantities on alienated State land which is available for leasing under section 13;
- (b) as a result of prospecting carried out on alienated State land under the authority of—
- (i) a prospecting licence issued or deemed to have been issued in terms of section 12; or
 - (ii) a prospecting lease issued or deemed to have been issued in terms of section 13; or
 - (iii) a prospecting lease issued or deemed to have been issued in terms of section 15,

that there are reasonable grounds for believing that precious metals or base minerals occur in workable quantities on any land on which such prospecting has been carried out and in relation to which the owner or lessee concerned or the holder of any notarial deed contemplated in section 19 or, as the case may be, the prospector concerned, is in terms of any provision of this Act deemed to have abandoned his right to a mining lease,

the Minister may in relation to that land or any portion thereof in respect of which he is so satisfied take any or all of the steps prescribed in subsection (1) (a), (b) and (c) of this section:

- grond is nie, en die houer van die reg op edelmetale ten opsigte van daardie eenheid grond ingevolge 'n bepaling van hierdie Wet geag word sy reg op 'n myn-huur ten opsigte van daardie grond te laat vaar het; en
- (c) waar die Minister ten opsigte van 'n eenheid private grond op grond van prospektering op die grond verrig, oortuig is dat daar redelike gronde bestaan om te vermoed dat edelmetale of onedele minerale in ontginbare hoeveelhede daarop voorkom, en die betrokke prospekterder ingevolge 'n bepaling van hierdie Wet geag word sy reg op 'n myn-huur ten opsigte van daardie grond te laat vaar het.
- (3) Die bevoegdhede by hierdie artikel aan die Minister verleen, word nie uitgeoefen—
- (a) onder die omstandighede in subartikel (1) of subartikel (2) (a) bedoel, na verstryking van 'n tydperk van twee jaar na die datum waarop die Minister die toekenning van 'n myn-huur oor enige gedeelte van die betrokke eenheid private grond goedgekeur het nie;
- (b) onder die omstandighede in subartikel (2) (b) of (c) bedoel, na verstryking van 'n tydperk van agtien maande na die datum waarop die betrokke prospekterder geag was sy reg op die toepaslike myn-huur te laat vaar het nie.

36. (1) Wanneer 'n myn-huur ingevolge artikel 25 (1) (d) of (e) van hierdie Wet of kragtens die Wysigingswet op Onedele Minerale, 1942 (Wet No. 39 van 1942), ten opsigte van vervreemde Staatsgrond toegeken is, kan die Minister, indien hy oortuig is dat daar redelike gronde bestaan om te vermoed dat enige edelmetale of onedele minerale waarop die reg ten opsigte van bedoelde grond vir die Staat voorbehou is, in ontginbare hoeveelhede voorkom op enige gedeelte van bedoelde grond wat nie by daardie myn-huur ingesluit is nie, met so 'n gedeelte op enige van of al die volgende maniere handel, te wete—

Beskikking oor reg om op sekere gebiede wat ongeklaarde vervreemde Staatsgrond is, te myn.

- (a) deur by die Staatspresident aan te beveel dat dié gedeelte na gelang van die omstandighede tot 'n openbare delwery vir edelmetale of tot 'n openbare delwery vir onedele minerale geklameer word;
- (b) deur die alleenreg om sodanige edelmetale of onedele minerale op dié gedeelte te ontgin aan enige tenderaar of enigiemand anders volgens voorskrif van artikel 42 te verhuur;
- (c) deur met goedkeuring, by besluit, van die Senaat en van die Volksraad, 'n Staatsmyn op dié gedeelte vir die ontginning van bedoelde edelmetale of onedele minerale in te stel:

Met dien verstande dat indien 'n notariële akte volgens voorskrif van artikel 19 van hierdie Wet of 'n ooreenstemmende bepaling van 'n vorige wet ten opsigte van sodanige grond geregistreer is, die Minister, voordat hy sy bevoegdhede kragtens hierdie subartikel uitoefen, 'n skriftelike kennisgewing aan die houer van bedoelde akte moet laat bestel waarby hy aangesê word om binne een maand na daardie kennisgewing enige vertoë wat hy in verband met die Minister se voorstelle wil voorlê, skriftelik in te dien.

(2) Indien die Minister oortuig is—

- (a) dat daar redelike gronde bestaan om te vermoed dat edelmetale of onedele minerale in ontginbare hoeveelhede voorkom op vervreemde Staatsgrond wat vir verhuring kragtens artikel 13 beskikbaar is;
- (b) op grond van prospektering op vervreemde Staatsgrond verrig kragtens magtiging verleen by—
- (i) 'n prospekteerlisensie wat kragtens artikel 12 uitgereik is of geag word te wees; of
- (ii) 'n prospekteerhuur wat kragtens artikel 13 uitgereik is of geag word te wees; of
- (iii) 'n prospekteerhuur wat kragtens artikel 15 uitgereik is of geag word te wees,
- dat daar redelike gronde bestaan om te vermoed dat edelmetale of onedele minerale in ontginbare hoeveelhede voorkom op grond waarop sodanige prospektering plaasgevind het en met betrekking waartoe die betrokke eienaar of huurder of die houer van 'n in artikel 19 bedoelde notariële akte of, na gelang van die geval, die betrokke prospekterder ingevolge 'n bepaling van hierdie Wet geag word sy reg op 'n myn-huur te laat vaar het,

kan die Minister met betrekking tot daardie grond of 'n gedeelte daarvan ten opsigte waarvan hy aldus oortuig is, enige van of al die in subartikel (1) (a), (b) en (c) van hierdie artikel voorge-

Provided that before taking any such steps in relation to land in respect of which paragraph (b) (i) or (iii) of this subsection applies, the Minister shall cause written notice to be served upon the owner or lessee concerned and, if the land is the subject of any such notarial deed, also upon the holder of such deed, calling upon such owner or lessee and such holder to submit in writing, within one month of such notice, any representations which they may wish to make in connection with the Minister's proposals.

Disposal of right to mine on certain areas of State land.

37. The provisions of section 36 (2) shall *mutatis mutandis* apply—

- (a) in relation to State land not held as a prospecting area and not open to the pegging of prospecting areas, in respect of which the Minister is satisfied that there are reasonable grounds for believing that precious metals or base minerals occur thereon in workable quantities; and
- (b) in relation to State land in respect of which the Minister is so satisfied as a result of prospecting carried out on that land—
 - (i) by the holder of a prospecting area; or
 - (ii) under the authority of a prospecting lease issued or deemed to have been issued in terms of section 13,
 and in relation to which the holder of such prospecting area or, as the case may be, the prospector concerned, is in terms of any provision of this Act deemed to have abandoned his right to a mining lease.

Disposal of rights to mine for natural oil in certain circumstances.

38. (1) Whenever—

- (a) the Minister is satisfied, otherwise than as a result of prospecting carried out under authority of a prospecting lease granted under section 14 of this Act or section 4 of the Natural Oil Act, 1942 (Act No. 46 of 1942), that there are reasonable grounds for believing that natural oil exists in workable quantities under any land; or
- (b) as a result of prospecting so carried out, the Minister is so satisfied in respect of any land in relation to which the prospector concerned is in terms of any provision of this Act deemed to have abandoned his right to a mining lease; or
- (c) for any reason a lease for the mining of natural oil granted under this Act or a prior law terminates or is terminated before the natural oil which can be profitably mined on the lease area has become exhausted,

the Minister may—

- (i) by notice in the *Gazette* and in one or more newspapers circulating in the area in which the land in question is situated call for tenders for a mining lease in respect of natural oil over such land, and may, subject to such terms and conditions as may be determined by him on the recommendation of the board, grant to any tenderer in respect of whom he is satisfied as provided in section 25 (3) (b) a mining lease in respect of natural oil over an area of such land whereof the extent and location shall be determined by the board; or
- (ii) with the approval, by resolution, of the Senate and of the House of Assembly, establish a State mine in respect of such an area for mining natural oil on such land.

(2) The provisions of sections 25 (5) (e), 30 and 33 (2) to (5), inclusive, (7) and (8) shall *mutatis mutandis* apply in connection with any lease granted under this section.

Proclamation of public diggings.

39. (1) The State President may, subject to the provisions of sections 46 and 47, proclaim as a public digging for precious metals or base minerals—

- (a) any land in respect of which a recommendation has been made under section 36 or 37; or
- (b) any other land which he deems it expedient to proclaim as a public digging.

(2) No land shall be proclaimed under subsection (1) (b), except with the written consent—

skrewe stappe doen: Met dien verstande dat voordat hy sodanige stappe doen met betrekking tot grond ten opsigte waarvan paragraaf (b) (i) of (iii) van hierdie subartikel van toepassing is, die Minister 'n skriftelike kennisgewing aan die betrokke eienaar of huurder en, as die grond die onderwerp van so 'n notariële akte is, ook aan die houer van bedoelde akte moet laat bestel waarby bedoelde eienaar of huurder en bedoelde houer aangesê word om enige verstoë wat hulle in verband met die Minister se voorstelle wil voorlê, binne een maand na daardie kennisgewing skriftelik in te dien.

37. Die bepalinge van artikel 36 (2) is *mutatis mutandis* van toepassing—

Beskikking oor reg om op sekere gebiede Staatsgrond te myn.

- (a) met betrekking tot Staatsgrond wat nie as 'n prospektergebied gehou word nie en nie vir die afpenning van prospektergebiede oop is nie en ten opsigte waarvan die Minister oortuig is dat daar redelike gronde bestaan om aan te neem dat edelmetale of onedele minerale in ontginbare hoeveelhede daarop voorkom; en
- (b) met betrekking tot Staatsgrond ten opsigte waarvan die Minister aldus oortuig is op grond van prospektering wat op daardie grond verrig is—
- (i) deur die houer van 'n prospektergebied; of
- (ii) ingevolge magtiging verleen by 'n prospekterhuur wat kragtens artikel 13 uitgereik is of geag word te wees,
- en met betrekking waartoe die houer van bedoelde prospektergebied of, na gelang van die geval, die betrokke prospekterder ingevolge 'n bepaling van hierdie Wet geag word sy reg op 'n mynhuur te laat vaar het.

38. (1) Wanneer—

Beskikking onder sekere omstandighede oor regte om aardolie te ontgin.

- (a) die Minister anders as op grond van prospektering wat plaasgevind het ingevolge magtiging verleen by 'n prospekterhuur toegeken kragtens artikel 14 van hierdie Wet of artikel 4 van die Wet op Aardolie, 1942 (Wet No. 46 van 1942), oortuig is dat daar redelike gronde bestaan om te vermoed dat aardolie in ontginbare hoeveelhede onder enige grond voorkom; of
- (b) die Minister op grond van prospektering wat aldus plaasgevind het, aldus oortuig is ten opsigte van grond met betrekking waartoe die betrokke prospekterder ingevolge 'n bepaling van hierdie Wet geag word sy reg op 'n mynhuur te laat vaar het; of
- (c) 'n huur vir die ontginning van aardolie wat kragtens hierdie Wet of 'n vorige wet toegeken is om enige rede verstryk of beëindig word voordat die aardolie wat met voordeel op die huurterrein ontgin kan word, uitgeput geraak het,

kan die Minister—

- (i) by kennisgewing in die *Staatskoerant* en in een of meer nuusblaaië in omloop in die gebied waarin die betrokke grond geleë is, tenders vir 'n mynhuur ten opsigte van aardolie oor bedoelde grond aanvra, en, onderworpe aan die bedinge en voorwaardes wat hy op aanbeveling van die raad bepaal, aan enige tenderaar ten aansien van wie hy oortuig is soos in artikel 25 (3) (b) bedoel, 'n mynhuur ten opsigte van aardolie toeken oor 'n terrein op daardie grond waarvan die grootte en ligging deur die raad bepaal word; of
- (ii) met goedkeuring, by besluit, van die Senaat en van die Volksraad, 'n Staatsmyn ten opsigte van so 'n terrein vir die ontginning van aardolie op bedoelde grond instel.

(2) Die bepalinge van artikels 25 (5) (e), 30 en 33 (2) tot en met (5), (7) en (8) is *mutatis mutandis* van toepassing in verband met 'n huur kragtens hierdie artikel toegeken.

39. (1) Die Staatspresident kan, behoudens die bepalinge van artikels 46 en 47—

Proklamering van openbare delwerye.

- (a) enige grond ten opsigte waarvan 'n aanbeveling ingevolge artikel 36 of 37 gedoen is; of
- (b) enige ander grond wat hy dienstig ag om tot 'n openbare delwery te proklameer,

tot 'n openbare delwery vir edelmetale of onedele minerale proklameer.

(2) Geen grond word kragtens subartikel (1) (b) geproklameer nie behalwe met skriftelike toestemming—

- (a) in the case of private land, of the holder of the right to precious metals in respect of such land;
- (b) in the case of alienated State land, of the owner or lessee of such land and, if the land is the subject of a notarial deed registered as provided in section 19 of this Act or a corresponding provision of a prior law, of the holder of such deed;
- (c) in the case of land referred to in section 16, of the co-holder of the right to precious metals or base minerals, as the case may be, in respect of such land.

(3) No land which is not necessary for mining or purposes incidental thereto shall be proclaimed under this section.

(4) Any proclamation under this section shall specify the date (not being less than thirty days after the publication thereof) on which it shall take effect, and shall, in respect of any portion of the public digging in question which is to be open to the pegging of claims by the public, describe that portion and indicate the hour at which pegging may be commenced.

(5) The Minister shall cause notice to be given in the *Gazette* and in one or more newspapers circulating in the mining district concerned, of the places at which and the date upon and after which licences under section 48 may be obtained to peg claims on such portion.

(6) No land shall be proclaimed a public digging under this section until beacons at the angular points thereof and line beacons at clearly visible distances have been erected in accordance with the regulations applicable to beacons defining claims situated in a mining district of class A, and a diagram of the land has been lodged at the office of the mining commissioner, nor until the beacons and trenches referred to in sections 33 (2) and 47 (5) have been constructed.

Certain land to be proclaimed land for purposes of Act.

40. (1) Any land which immediately prior to the commencement of this Act was proclaimed land or land deemed to have been proclaimed in respect of precious metals or base minerals under the Precious and Base Metals Act, 1908 (Act No. 35 of 1908), of the Transvaal, or that Act as applied to the province of the Orange Free State by the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936), shall, notwithstanding anything to the contrary in any law contained, be proclaimed land for the purposes of this Act.

(2) Any private land or alienated State land included in a mining lease for precious metals granted under section 25 (1) (a) or (b), which immediately prior to the registration of such lease in the Mining Titles Office was not proclaimed land for precious metals, and any private land included in a mining lease or mynpacht granted pursuant to the provisions of section 34 (2), shall upon registration of such mining lease or mynpacht-brief be proclaimed land for precious metals under this Act.

(3) Any State land included in a mining lease granted under section 25 (1) (b), and any land included in a mining lease granted under section 25 (1) (c), (d), (e) or (f) or section 42, which immediately prior to the registration of such lease in the Mining Titles Office was not proclaimed land for precious metals (if the lease is in respect of precious metals) or for base minerals (if the lease is in respect of base minerals) shall upon such registration be proclaimed land under this Act for precious metals or for base minerals according to whether the holder of the lease is in terms of his lease entitled to mine for precious metals or for base minerals on that land.

(4) Any land on which a State mine for precious metals or base minerals has been established under section 43, and which immediately prior to such establishment was not proclaimed land for precious metals (if precious metals are to be mined thereon) or for base minerals (if base minerals are to be mined thereon) shall, as from the date of such establishment, be proclaimed land under this Act for precious metals or for base minerals according to whether precious metals or base minerals are to be so mined.

Methods of dealing with proclaimed land.

41. (1) The Minister may deal with proclaimed land not held under mining title for precious metals or base minerals in any or all of the following ways, namely—

- (a) by declaring such land or any portion thereof open to the public for the pegging of precious metal claims or base mineral claims according to whether the land is proclaimed for precious metals or for base minerals;

- (a) in die geval van private grond, van die houer van die reg op edelmetale ten opsigte van bedoelde grond;
- (b) in die geval van vervreemde Staatsgrond, van die eienaar of huurder van bedoelde grond en, indien die grond die onderwerp is van 'n notariële akte wat volgens voorskrif van artikel 19 van hierdie Wet of 'n ooreenstemmende bepaling van 'n vorige wet geregistreer is, van die houer van bedoelde akte;
- (c) in die geval van in artikel 16 bedoelde grond, van die medehouer van die reg op edelmetale of onedele minerale, na gelang van die geval, ten opsigte van daardie grond.

(3) Geen grond wat nie vir myn- of daarmee in verband staande doeleindes nodig is, word kragtens hierdie artikel geproklameer nie.

(4) 'n Proklamasie kragtens hierdie artikel moet die datum (nie minder as dertig dae na die publikasie daarvan nie) vermeld waarop dit in werking tree, en moet ten opsigte van enige gedeelte van die betrokke openbare delwery wat vir die afpenning van kleims deur die publiek oop sal wees, daardie gedeelte beskrywe en die uur vermeld waarop afpenning kan begin.

(5) Die Minister moet in die *Staatskoerant* en in een of meer nuusblaaie in omloop in die betrokke myndistrik kennis laat gee van die plekke waar en die datum waarop en waarna lisensies kragtens artikel 48 vir die afpenning van kleims op bedoelde gedeelte verkry kan word.

(6) Geen grond word kragtens hierdie artikel tot 'n openbare delwery geproklameer nie alvorens bakens by die hoekpunte daarvan en lynbakens op duidelik sigbare tussen-afstande ooreenkomstig die regulasies van toepassing op bakens wat kleims geleë in 'n myndistrik in klas A aantoon, opgerig is en 'n kaart van die grond by die mynkommissaris se kantoor ingedien is nie, en ook nie voordat die in artikels 33 (2) en 47 (5) bedoelde bakens en slote aangebring is nie.

40. (1) Grond wat onmiddellik voor die inwerkingtreding van hierdie Wet geproklameerde grond was ten opsigte van edelmetale of onedele minerale kragtens die „Precious and Base Metals Act, 1908” (Wet No. 35 van 1908), van Transvaal, of kragtens daardie Wet soos by die Oranje-Vrystaatse Metaalmyn Wet, 1936 (Wet No. 13 van 1936), op die provinsie Oranje-Vrystaat toegepas, of geag was aldus geproklameerde grond te wees, is ondanks andersluidende wetsbepalings geproklameerde grond vir die doeleindes van hierdie Wet.

Sekere grond is geproklameerde grond vir doeleindes van Wet.

(2) Private grond of vervreemde Staatsgrond wat by 'n ingevolge artikel 25 (1) (a) of (b) toegekende mynhuur vir edelmetale ingesluit is, en wat onmiddellik voor die registrasie van bedoelde huur in die Mynbriewekantoor nie geproklameerde grond vir edelmetale was nie, en private grond wat ingesluit is by 'n mynhuur of mynpag wat kragtens die bepaling van artikel 34 (2) toegeken is, is by registrasie van so 'n mynhuur of mynpagbrief geproklameerde grond vir edelmetale kragtens hierdie Wet.

(3) Staatsgrond wat by 'n ingevolge artikel 25 (1) (b) toegekende mynhuur ingesluit is, en enige grond wat by 'n ingevolge artikel 25 (1) (c), (d), (e) of (f) of artikel 42 toegekende mynhuur ingesluit is, en wat onmiddellik voor die registrasie van bedoelde huur in die Mynbriewekantoor nie geproklameerde grond vir edelmetale (indien die huur ten opsigte van edelmetale is) of vir onedele minerale (indien die huur ten opsigte van onedele minerale is) was nie, is by sodanige registrasie geproklameerde grond ingevolge hierdie Wet vir edelmetale of vir onedele minerale na gelang die houer van die huur ingevolge sy huur geregtig is om vir edelmetale of vir onedele minerale op daardie grond te myn.

(4) Grond waarop 'n Staatsmyn vir edelmetale of onedele minerale kragtens artikel 43 ingestel is en wat onmiddellik voor sodanige instelling nie geproklameerde grond vir edelmetale (indien edelmetale daarop ontgin gaan word) of vir onedele minerale (indien onedele minerale daarop ontgin gaan word) was nie, is vanaf die datum van bedoelde instelling geproklameerde grond ingevolge hierdie Wet vir edelmetale of vir onedele minerale na gelang edelmetale of onedele minerale aldus ontgin gaan word.

41. (1) Die Minister kan met geproklameerde grond wat nie kragtens myntitel vir edelmetale of onedele minerale gehou word nie, op enige van of al die volgende maniere handel, te wete—

Maniere waarop met geproklameerde grond gehandel word.

- (a) deur bedoelde grond of 'n gedeelte daarvan oop te verklaar vir die afpenning deur die publiek van edelmetaalkleims of onedele minerale-kleims, na gelang die grond vir edelmetale of vir onedele minerale geproklameer is;

- (b) by granting a lease as provided in section 42 of the exclusive right to mine on such land or any portion thereof for precious metals or for any base minerals according to whether the land is proclaimed for precious metals or for base minerals;
- (c) by the establishment, with the approval, by resolution, of the Senate and of the House of Assembly, of a State mine upon such land or any portion thereof for the mining of any precious metal or of any base mineral according to whether the land is proclaimed for precious metals or for base minerals:

Provided that private land which was previously held under a mining lease for base minerals and which has become proclaimed land for base minerals by virtue of the provisions of section 40 (3) shall not be declared open to the pegging of base mineral claims: Provided further that the Minister shall deal with such land under paragraph (b) or (c) of this subsection only in respect of the base minerals for which the last previous holder of such lease was entitled to mine on the land.

(2) Nothing in this section contained shall be deemed to restrict pegging of precious metal claims or base mineral claims upon proclaimed land which was open to the pegging of such claims on the day immediately preceding the commencement of this Act.

(3) The Minister may by notice in the *Gazette* withdraw any proclaimed land from the pegging of claims.

Mining lease
over proclaimed
land and
certain other land.

42. (1) Whenever the Minister proposes to grant a mining lease for precious metals or base minerals in pursuance of the powers vested in him by section 35, 36, 37 or 41 in respect of any land, he may—

- (a) by notice in the *Gazette* and in one or more newspapers circulating in the area in which the land is situated, call for tenders for a mining lease over such land in respect of the precious metals or base minerals in question, and if after consultation with the board he is satisfied that the scheme according to which any tenderer proposes to mine such precious metals or base minerals is satisfactory, and either that such tenderer's financial resources are adequate for the proper mining of such precious metals or base minerals or that the arrangements by which he proposes to obtain capital for that purpose are satisfactory, grant to such tenderer a mining lease in respect of such precious metals or base minerals over such area of the land as may be determined by the board; or
- (b) without calling for such tenders grant a mining lease in respect of such precious metals or base minerals over such area of the land as may be determined by the board, to any person applying therefor who so satisfies him.

(2) Any mining lease under subsection (1) shall be granted subject to the provisions of this section and of sections 46 and 47.

(3) Any tender or application for a lease under this section shall be lodged with the chairman of the board, and the tenderer or applicant shall furnish full particulars as to—

- (a) the matters mentioned in section 25 (4) (a) (ii), (iii) and (iv); and
- (b) any matter which may be specified in the relevant notice published under subsection (1) (a) of this section or in connection with which information may be called for by the board.

(4) As soon as possible after the opening by the chairman of the board of any tenders submitted pursuant to and within the period specified in any notice under subsection (1) (a) or the receipt of any application under subsection (1) (b), the board shall submit its report and recommendations to the Minister.

(5) Any lease granted under this section shall be subject to such terms and conditions as the Minister may determine on the recommendation of the board.

(6) The provisions of sections 25 (6) (a) (i) and (b), (7) and (8), 26 (1) (a) (i), (ii) and (iii) and (2) to (11), inclusive, and 33 (2) to (8), inclusive, shall *mutatis mutandis* apply in connection with a lease under this section.

(7) A lease under this section shall provide for the payment by the holder thereof to the mining commissioner, as from a date to be determined by the Minister, which shall not be earlier than the date on which such holder was notified under section 25 (6)

- (b) deur 'n huur van die alleenreg om op bedoelde grond of 'n gedeelte daarvan te myn vir edelmetale of vir enige onedele minerale, na gelang die grond vir edelmetale of vir onedele minerale geproklameer is, volgens voorskrif van artikel 42 toe te ken;
- (c) deur met goedkeuring, by besluit, van die Senaat en van die Volksraad, 'n Staatsmyn op bedoelde grond of 'n gedeelte daarvan vir die ontginning van enige edelmetaal of van enige onedele mineraal, na gelang die grond vir edelmetale of vir onedele minerale geproklameer is, in te stel:

Met dien verstande dat private grond wat voorheen kragtens 'n mynhuur vir onedele minerale gehou was en wat uit hoofde van die bepalings van artikel 40 (3) geproklameerde grond vir onedele minerale geword het, nie vir die afpenning van onedele minerale-kleims oopverklaar word nie: Met dien verstande voorts dat die Minister met bedoelde grond kragtens paragraaf (b) of (c) van hierdie subartikel handel slegs wat betref die onedele minerale wat die laaste vorige houer van bedoelde huur geregtig was om op die grond te ontgin.

(2) Die bepalings van hierdie artikel word nie geag die afpenning van edelmetaalkleims of onedele minerale-kleims op geproklameerde grond wat op die dag onmiddellik voor die inwerkingtreding van hierdie Wet vir die afpenning van sulke kleims oop was, te beperk nie.

(3) Die Minister kan enige geproklameerde grond by kennisgewing in die *Staatskoerant* aan die afpenning van kleims onttrek.

42. (1) Wanneer die Minister voornemens is om ingevolge die bevoegdhede hom by artikel 35, 36, 37 of 41 verleen, 'n mynhuur vir edelmetale of onedele minerale ten opsigte van enige grond toe te ken, kan hy—

Mynhuur oor geproklameerde grond en sekere ander grond.

- (a) by kennisgewing in die *Staatskoerant* en in een of meer nuusblaaië in omloop in die gebied waarin die grond geleë is, tenders vir 'n mynhuur oor bedoelde grond ten opsigte van die betrokke edelmetale of onedele minerale aanvra, en indien hy na oorlegpleging met die raad oortuig is dat die skema waarvolgens enige tenderaar voornemens is om bedoelde edelmetale of onedele minerale te ontgin, bevredigend is en of dat bedoelde tenderaar se geldmiddele voldoende is om bedoelde edelmetale of onedele minerale na behore te ontgin of dat die reëlins waardeur hy voornemens is om kapitaal vir daardie doel te verkry, bevredigend is, 'n mynhuur aan bedoelde tenderaar toeken ten opsigte van bedoelde edelmetale of onedele minerale oor die deel van die grond wat die raad bepaal; of
- (b) sonder om sodanige tenders aan te vra, 'n mynhuur ten opsigte van bedoelde edelmetale of onedele minerale oor die deel van die grond wat die raad bepaal, toeken aan enigiemand wat daarom aansoek doen en hom aldus oortuig.

(2) 'n Mynhuur ingevolge subartikel (1) word onderworpe aan die bepalings van hierdie artikel en van artikels 46 en 47 toegeken.

(3) Enige tender of aansoek om 'n huur ingevolge hierdie artikel moet by die voorsitter van die raad ingedien word, en die tenderaar of aansoeker moet volledige besonderhede verstrek betreffende—

- (a) die aangeleenthede in artikel 25 (4) (a) (ii), (iii) en (iv) vermeld; en
- (b) enige aangeleentheid vermeld in die toepaslike kennisgewing gepubliseer kragtens subartikel (1) (a) van hierdie artikel of in verband waarmee inligting deur die raad aangevra word.

(4) So spoedig moontlik nadat die voorsitter van die raad enige tenders oopgemaak het wat na aanleiding van en binne die tydperk bepaal in 'n kennisgewing ingevolge subartikel (1) (a) ingedien is, of na die ontvangs van enige aansoek ingevolge subartikel (1) (b), moet die raad sy verslag en aanbevelings aan die Minister voorlê.

(5) 'n Huur ingevolge hierdie artikel toegeken, is onderworpe aan die bedinge en voorwaardes wat die Minister op aanbeveling van die raad bepaal.

(6) Die bepalings van artikels 25 (6) (a) (i) en (b), (7) en (8), 26 (1) (a) (i), (ii) en (iii) en (2) tot en met (11) en 33 (2) tot en met (8) is *mutatis mutandis* van toepassing in verband met 'n huur ingevolge hierdie artikel.

(7) 'n Huur ingevolge hierdie artikel moet voorsiening maak vir die betaling deur die houer daarvan aan die mynkommissaris, vanaf 'n deur die Minister bepaalde datum wat nie vroeër is as die datum waarop bedoelde houer ingevolge artikel 25 (6)

(a) (i) (as applied by subsection (6) of this section in connection with leases under this section) of the grant of the lease, of a rent—

(a) of thirty cents per month in respect of every morgen or fraction of a morgen of—

(i) private land;

(ii) alienated State land in respect of which the owner or lessee has obtained or is entitled to obtain or would (in the case of proclaimed land) if the land were not proclaimed be entitled to obtain a prospecting licence under section 12; or

(iii) land referred to in section 16 which is not owned by the State or which (if so owned) is held by a lessee,

included in the lease area;

(b) to be determined by the Minister, on the recommendation of the board, in respect of—

(i) State land;

(ii) alienated State land in respect of which the owner or lessee does not qualify, otherwise than by reason only of the fact that the land is proclaimed, for a prospecting licence under section 12; or

(iii) land referred to in section 16 which is owned by the State, not being land held by a lessee,

included in the lease area.

(8) 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 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).

(9) The provisions of section 31 (1) shall apply in connection with any lease granted under this section in respect of—

(a) any base mineral on private land which was not proclaimed land for base minerals at the commencement of this Act;

(b) precious metals, if such lease has been granted over an entity of private land or portion thereof in the circumstances mentioned in section 35 (2) (b) or (c).

(10) Notwithstanding anything in this Act contained relating to prospecting and mining for and the granting of prospecting and mining rights in respect of precious metals and base minerals, the Minister may, if no prospecting or mining for precious metals or base minerals is taking place in conformity with the provisions of this Act underneath two or more pieces of unproclaimed land situated in a lawfully established township and not held under mining title, and in accordance with and subject to the provisions of this section, lease to any person the exclusive right of mining for any precious metal or base mineral underneath such pieces of land: Provided that no lease under this subsection shall be granted—

(a) unless the local authority concerned has first been consulted in writing in connection with the proposed lease;

(b) in the case of a lease over private land, if the right to the precious metal or base mineral in question over all such pieces of private land is held by any one person or by two or more persons in undivided shares;

(c) in the case of a lease over alienated State land, if any one person is the owner or lessee of all such pieces of alienated State land or holds in respect of all such pieces of land a notarial deed registered as provided by section 19 of this Act or a corresponding provision of a prior law.

State mines.

43. (1) Any area of land selected for the purposes of a State mine shall be surveyed and demarcated by beacons, and the mining commissioner shall deliver a copy of a diagram of such area to the owner of the land on which that area has been selected.

(a) (i) (soos by subartikel (6) van hierdie artikel in verband met hure ingevolge hierdie artikel toegepas) van die toekenning van die huur in kennis gestel is nie, van 'n huurgeld—

(a) van dertig sent per maand ten opsigte van elke morg of breukdeel van 'n morg—

(i) private grond;

(ii) vervreemde Staatsgrond ten opsigte waarvan die eienaar of huurder 'n prospekteeerlisensie kragtens artikel 12 verkry het of geregtig is om dit te verkry of (in die geval van geproklameerde grond) geregtig sou gewees het om dit te verkry indien die grond nie geproklameer was nie; of

(iii) grond in artikel 16 bedoel waarvan die eiendomsreg nie by die Staat berus nie of wat (indien die eiendomsreg by die Staat berus) deur 'n huurder gehou word,

wat by die huurterrein ingesluit is;

(b) deur die Minister op aanbeveling van die raad bepaal, ten opsigte van—

(i) Staatsgrond;

(ii) vervreemde Staatsgrond ten opsigte waarvan die eienaar of huurder om ander redes as bloot omdat die grond geproklameer is, nie vir 'n prospekteeerlisensie ingevolge artikel 12 in aanmerking kan kom nie; of

(iii) grond in artikel 16 bedoel waarvan die eiendomsreg by die Staat berus, maar wat nie deur 'n huurder gehou word nie,

wat by die huurterrein ingesluit is.

(8) Huurgeld ingevolge subartikel (7) is vooruitbetaalbaar vir tydperke van minstens een en hoogstens twaalf maande, en die huurgeld kragtens paragraaf (a) van daardie subartikel deur die mynkommissaris ontvang, word, behoudens die bepaling 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.

(9) Die bepaling van artikel 31 (1) is van toepassing in verband met 'n huur ingevolge hierdie artikel toegeken ten opsigte van—

(a) enige onedele mineraal op private grond wat nie by die inwerkingtreding van hierdie Wet geproklameerde grond vir onedele minerale was nie;

(b) edelmetale, indien so 'n huur oor 'n eenheid private grond of gedeelte daarvan onder die in artikel 35 (2) (b) of (c) vermelde omstandighede toegeken is.

(10) Ondanks andersluidende bepaling van hierdie Wet met betrekking tot prospekteeer na en die ontginning van en die toekenning van prospekteeer- en mynregte ten opsigte van edelmetale en onedele minerale, kan die Minister, indien daar onder twee of meer stukke ongeproklameerde grond wat in 'n wettiglik gestigte dorp geleë is, en nie kragtens myntitel gehou word nie, geen prospektering na of ontginning van edelmetale of onedele minerale in ooreenstemming met die bepaling van hierdie Wet plaasvind nie, ooreenkomstig en onderworpe aan die bepaling van hierdie artikel die alleenreg om enige edelmetaal of onedele mineraal onder bedoelde stukke grond te ontgin aan enigiemand verhuur: Met dien verstande dat geen huur ingevolge hierdie subartikel toegeken word nie—

(a) tensy die betrokke plaaslike bestuur eers skriftelik in verband met die voorgestelde huur geraadpleeg is;

(b) in die geval van 'n huur oor private grond, indien die reg op die betrokke edelmetaal of onedele mineraal oor al die bedoelde stukke private grond deur een bepaalde persoon of deur twee of meer persone in onverdeelde aandeel gehou word;

(c) in die geval van 'n huur oor vervreemde Staatsgrond, indien een bepaalde persoon die eienaar of huurder van al die bedoelde stukke vervreemde Staatsgrond is of ten opsigte van al die bedoelde stukke grond 'n notariële akte hou wat volgens voorskrif van artikel 19 van hierdie Wet of 'n ooreenstemmende bepaling van 'n vorige wet geregistreer is.

43. (1) 'n Terrein wat vir die doeleindes van 'n Staatsmyn Staatsmyne gekies is, moet opgemeet en afgebaken word, en die mynkommissaris moet 'n afskrif van 'n kaart van bedoelde terrein aan die eienaar van die grond waarop daardie terrein gekies is, besorg.

(2) Subject to the provisions of sections 46 and 47, a State mine shall be deemed to have been established as from a date to be notified by the Minister in the *Gazette*.

(3) A State mine shall be developed and worked in accordance with instructions given from time to time by the Minister acting upon the advice of the Government Mining Engineer.

(4) (a) Any funds appropriated by Parliament for the purpose of a State mine shall be deemed to be the capital thereof, and accounts shall be kept showing the gross receipts of, the capital and other expenditure on and the net profits of the mine.

(b) The methods of calculating any such gross receipts, expenditure and profits shall be in accordance with normal accounting practice, and all accounts shall be audited in the manner prescribed by regulation.

(c) The accounts kept as aforesaid, together with all reports of the Government Mining Engineer concerning the mine, shall be laid upon the Table in the Senate and in the House of Assembly not later than one month after the commencement of the first ordinary session of Parliament held after the close of the financial year of the mine.

(5) All mining operations on a State mine shall be conducted in accordance with the Mines and Works Act, 1956 (Act No. 27 of 1956), and the regulations in force thereunder.

(6) The Minister may, in connection with a State mine—

(a) enter into such contracts as he may think fit for the acquisition and erection of plant, machinery and equipment;

(b) make such arrangements and appoint such persons (including, subject to the laws governing the public service, officers and employees in the public service) as he may deem necessary for the effective management and working of any such mine or (with the concurrence of the Minister of Finance) for ensuring the welfare of the persons employed in connection therewith, and may, subject to the provisions of subsection (7), determine the remuneration and conditions of service of any person so appointed; and

(c) do or cause to be done whatsoever shall be conducive or incidental to the development of the mine and the winning therefrom of precious metals, base minerals or natural oil, as the case may be.

(7) Any person appointed under subsection (6) (b), who is an officer or employee in the public service, shall in all respects remain subject to the laws governing the public service.

(8) In respect of any land upon which a State mine has been established there shall be payable by the State—

(a) in the case of a State mine for natural oil, to the holder of the right to natural oil in respect of that land, subject to such minimum annual payments as may be determined by the Minister on the recommendation of the board, such royalty as may be so determined;

(b) in the case of a State mine for precious metals or base minerals established in the circumstances mentioned in section 35 (2) on an entity of private land or any portion thereof, to the holder of the right to such precious metals or base minerals, such royalty, share of profits or other consideration as may be so determined;

(c) in the case of any State mine for precious metals or base minerals, to the owner or lessee of the land, as from the date of establishment of the mine, a rent of thirty cents per month for every morgen or fraction of a morgen demarcated in accordance with subsection (1): Provided that no such rent shall be payable in respect of alienated State land in respect of which the owner or lessee does not qualify (otherwise than by reason only of the fact that the land is proclaimed) for a prospecting licence under section 12: Provided further that if the State mine is situated on land held by a lessee, the moneys payable to him under this paragraph shall, until such time as the purchase price of the land has been paid in full, be paid over by the Secretary, to the Secretary for Agricultural Credit and Land Tenure who shall credit it against the lessee's account;

(d) to the owner, lessee or any person entitled to use the surface of any land on which a State mine for natural oil has been established, who suffers any surface damage or any damage to crops or improvements on the land caused by the mining operations or by any

- (2) Behoudens die bepalinge van artikels 46 en 47, word 'n Staatsmyn geag vanaf 'n datum deur die Minister in die *Staatskoerant* bekendgemaak, ingestel te wees.
- (3) 'n Staatsmyn word ontwikkel en ontgin ooreenkomstig opdragte van tyd tot tyd deur die Minister handelend op die advies van die Staatsmyningenieur gegee.
- (4) (a) Gelde wat deur die Parlement vir die doel van 'n Staatsmyn bewillig is, word geag die kapitaal daarvan te wees, en rekenings moet gehou word wat die bruto ontvangste van, die kapitaal- en ander uitgawes op en die netto winste van die myn aantoon.
- (b) Die berekening van enige sodanige bruto ontvangste, uitgawes en winste moet ooreenkomstig normale boekhouprosedure geskied, en alle rekenings moet op die by regulasie voorgeskrewe wyse geouditeer word.
- (c) Die rekenings wat soos voormeld gehou word, tesame met alle verslae van die Staatsmyningenieur betreffende die myn, word nie later nie as een maand na die aanvang van die eerste gewone sessie van die Parlement gehou na die afsluiting van die myn se boekjaar, in die Senaat en in die Volksraad ter Tafel gelê.
- (5) Alle mynwerkzaamhede op 'n Staatsmyn word ooreenkomstig die Wet op Myne en Bedrywe, 1956 (Wet No. 27 van 1956), en die daarkragtens geldende regulasies verrig.
- (6) Die Minister kan, in verband met 'n Staatsmyn—
- (a) die ooreenkomste wat hy goedvind, aangaan vir die verkryging en oprigting van installasies, masjinerie en toerusting;
- (b) die reëlins tref en die persone aanstel (met inbegrip, behoudens die wette op die Staatsdiens, van beamptes en werknemers in die Staatsdiens) wat hy vir die doeltreffende bestuur en ontginning van so 'n myn of (met instemming van die Minister van Finansies) ter versekering van die welsyn van persone wat in verband daarmee in diens is, nodig ag, en kan, behoudens die bepalinge van subartikel (7), die besoldiging en diensvoorwaardes van aldus aangestelde persone bepaal; en
- (c) enigiets doen of laat doen wat vir die ontwikkeling van die myn en die win daaruit van edelmetale, onedele minerale of aardolie, na gelang van die geval, bevorderlik is of daarmee in verband staan.
- (7) Iemand kragtens subartikel (6) (b) aangestel wat 'n beampte of werknemer in die Staatsdiens is, bly in alle opsigte onderworpe aan die wette op die Staatsdiens.
- (8) Daar is ten opsigte van enige grond waarop 'n Staatsmyn ingestel is, deur die Staat betaalbaar—
- (a) in die geval van 'n Staatsmyn vir aardolie, aan die houer van die reg op aardolie ten opsigte van daardie grond, onderworpe aan die minimum jaarlikse betalings wat die Minister op aanbeveling van die raad bepaal, die tantième wat aldus bepaal word;
- (b) in die geval van 'n Staatsmyn vir edelmetale of onedele minerale onder die in artikel 35(2) vermelde omstandighede op 'n eenheid private grond of 'n gedeelte daarvan ingestel, aan die houer van die reg op bedoelde edelmetale of onedele minerale, die tantième, winsaandeel of ander vergoeding aldus bepaal;
- (c) in die geval van 'n Staatsmyn vir edelmetale of onedele minerale, aan die eienaar of huurder van die grond, vanaf die datum waarop die myn ingestel word, 'n huurgeld van dertig sent per maand vir elke morg of breukdeel van 'n morg ooreenkomstig subartikel (1) afgebaken: Met dien verstande dat sodanige huurgeld nie betaalbaar is nie ten opsigte van vervreemde Staatsgrond ten opsigte waarvan die eienaar of huurder om ander redes as bloot dat die grond geproklameer is, nie vir 'n prospekteeerlisensie ingevolge artikel 12 in aanmerking kan kom nie: Met dien verstande voorts dat, indien die Staatsmyn geleë is op grond deur 'n huurder gehou, die gelde ingevolge hierdie paragraaf aan hom betaalbaar, tot tyd en wyl die koopprys van die grond ten volle betaal is, deur die Sekretaris aan die Sekretaris van Landboukrediet en Grondbesit oorbetal moet word wat dit teen die huurder se rekening moet krediteer;
- (d) aan die eienaar, huurder of enigiemand wat reg het op die gebruik van die oppervlakte van grond waarop 'n Staatsmyn vir aardolie ingestel is, wat skade ly aan die oppervlakte of aan gewasse of verbeterings op die grond veroorsaak deur die mynwerkzaamhede

act or omission incidental thereto, compensation for such damage;

- (e) to any person entitled to use the surface of any such land as is referred to in the first proviso to paragraph (c), or which is owned by the State (not being land held by a lessee to whom rent is payable under that paragraph), on which a State mine for precious metals or base minerals has been established, who suffers any such damage as is mentioned in paragraph (d), compensation for that damage.

(9) The provisions of the proviso to section 30 (3) or the proviso to paragraph (a), and paragraph (b) of section 31 (1), whichever provisions are applicable, shall *mutatis mutandis* apply in connection with the apportionment of payments by the State under subsection (8) (a) or (b) of this section, according to whether the State mine has been established for natural oil or for precious metals or for base minerals.

(10) Any State mine established under this section or any portion of such a mine may, with the approval, by resolution, of the Senate and of the House of Assembly, be disestablished by the Minister as from a date to be notified in the *Gazette*.

Deproclamation
of land.

44. (1) The State President may—

- (a) on the recommendation of a majority of a committee consisting of the Secretary, the Government Mining Engineer and the Director of the Geological Survey; or
(b) with the approval, by resolution, of the Senate and of the House of Assembly,

by proclamation in the *Gazette* deproclaim any land in respect of precious metals or base minerals according to whether such land is proclaimed land for precious metals or for base minerals.

(2) The committee referred to in subsection (1) (a) shall, in considering the advisability of making any recommendation for the purposes of subsection (1), have due regard to the question whether precious metals or base minerals, as the circumstances may require, are likely to occur in workable quantities on the land in question and whether mining for precious metals or base minerals is being carried out or is likely to be carried out within a reasonable period on such land.

(3) No deproclamation under this section shall take place until the expiration of one month after the publication in the *Gazette* of notice of intention so to deproclaim the land in question.

(4) The deproclamation of any land under this section shall not affect—

- (a) any mining title;
(b) any surface right or water right granted under Chapter X or XI of this Act or corresponding provisions of a prior law;
(c) any stand;
(d) any trading stand referred to in section 113;
(e) any trading site reserved under this Act or reserved or set apart under a prior law;
(f) any permit issued under section 161,

existing on or held in respect of that land at the date on which it is so deproclaimed: Provided that if after that date any moneys due in respect of any such mining title, surface right or stand become or are nine months in arrear, or if any such surface right or water right is in the opinion of the Minister not being exercised by the holder thereof or is being exercised for purposes other than those for which it was granted, such mining title, surface right, water right or stand shall, notwithstanding anything to the contrary in this Act contained, determine and shall forthwith be cancelled by the mining commissioner: Provided further that the owner of such land may at any time after the date on which it is so deproclaimed, and subject to the payment of compensation, the amount whereof shall in the absence of agreement be determined by arbitration, expropriate any such surface right or stand, not being a surface right or stand—

- (i) required for purposes incidental to mining;
(ii) held or exercised by the State;
(iii) held in respect of a pipe line, overhead power line, electric cable, works, structure or building used in connection with any public utility undertaking;

of deur 'n doen of late wat daarmee in verband staan, vergoeding vir daardie skade;

- (e) aan enigiemand wat reg het op die gebruik van die oppervlakte van grond in die eerste voorbehoudsbepaling by paragraaf (c) bedoel, of waarvan die eiendomsreg by die Staat berus (uitgesonderd grond gehou deur 'n huurder aan wie 'n huurgeld ingevolge daardie paragraaf betaalbaar is), waarop 'n Staatsmyn vir edelmetale of onedele minerale ingestel is, wat enige in paragraaf (d) vermelde skade ly, vergoeding vir daardie skade.

(9) Die bepaling van die voorbehoudsbepaling by artikel 30 (3) of die voorbehoudsbepaling by paragraaf (a), en paragraaf (b) van artikel 31 (1), watter bepaling ook al van toepassing is, is *mutatis mutandis* van toepassing in verband met die verdeling van betalings deur die Staat ingevolge subartikel (8) (a) of (b) van hierdie artikel, na gelang die Staatsmyn vir aardolie of vir edelmetale of vir onedele minerale ingestel is.

(10) 'n Ingevolge hierdie artikel ingestelde Staatsmyn of 'n gedeelte van so 'n myn kan met die goedkeuring, by besluit, van die Senaat en van die Volksraad, deur die Minister gesluit word vanaf 'n datum wat in die *Staatskoerant* bekendgemaak moet word.

44. (1) Die Staatspresident kan—

Deproklamering
van grond.

- (a) op aanbeveling van 'n meerderheid van 'n komitee wat uit die Sekretaris, die Staatsmyningenieur en die Direkteur van die Geologiese Opname bestaan; of
(b) met die goedkeuring, by besluit, van die Senaat en van die Volksraad,

enige grond ten opsigte van edelmetale of onedele minerale, na gelang bedoelde grond geproklameerde grond vir edelmetale of vir onedele minerale is, by proklamasie in die *Staatskoerant* deproklameer.

(2) Die in subartikel (1) (a) bedoelde komitee moet by ooreenstemming van die wenslikheid daarvan om 'n aanbeveling vir die doeleindes van subartikel (1) te doen, rekening hou met die vraag of edelmetale of onedele minerale, na gelang van omstandighede, waarskynlik in ontginbare hoeveelhede op die betrokke grond voorkom, en of die ontginning van edelmetale of onedele minerale op bedoelde grond onderneem word of waarskynlik binne 'n redelike tydperk daarop onderneem sal word.

(3) Geen deproklamering geskied ingevolge hierdie artikel voordat een maand na die publikasie in die *Staatskoerant* van kennisgewing van die voorneme om die betrokke grond aldus te deproklameer, verstryk het nie.

(4) Die deproklamering van enige grond ingevolge hierdie artikel raak nie—

- (a) enige myntitel;
(b) enige oppervlaktereg of waterreg kragtens Hoofdstuk X of XI van hierdie Wet of ooreenstemmende bepaling van 'n vorige wet toegeken;
(c) enige standplaas;
(d) enige in artikel 113 bedoelde handelstandplaas;
(e) enige handelsterrein ingevolge hierdie Wet uitgehou of ingevolge 'n vorige wet uitgehou of opsygesit;
(f) enige permit kragtens artikel 161 uitgereik,

wat op die datum waarop daardie grond aldus gedeproklameer word, daarop bestaan of ten opsigte daarvan gehou word nie: Met dien verstande dat indien enige gelde verskuldig ten opsigte van so 'n myntitel, oppervlaktereg of standplaas na bedoelde datum nege maande agterstallig raak of is, of indien so 'n oppervlaktereg of waterreg volgens die Minister se oordeel nie deur die houer daarvan uitgeoefen word nie of uitgeoefen word vir ander doeleindes as dié waarvoor dit toegeken is, bedoelde myntitel, oppervlaktereg, waterreg of standplaas ondanks andersluidende bepaling van hierdie Wet verval en onverwyld deur die mynkommissaris gekanselleer moet word: Met dien verstande voorts dat die eienaar van bedoelde grond te eniger tyd na die datum waarop dit aldus gedeproklameer word, en onderworpe aan die betaling van vergoeding waarvan die bedrag by ontstentenis van ooreenkoms by arbitrasie bepaal word, so 'n oppervlaktereg of standplaas kan oteien, maar nie 'n oppervlaktereg of standplaas—

- (i) benodig vir doeleindes wat met mynbou in verband staan nie;
(ii) deur die Staat gehou of uitgeoefen nie;
(iii) gehou ten opsigte van 'n pyplyn, bogrondse kraglyn, elektriese kabel, bedryf, struktuur of gebou wat in verband met 'n openbare utiliteitsonderneming gebruik word nie;

- (iv) granted under section 69 or 71 of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908), of the Transvaal, or of that Act as applied to the province of the Orange Free State by the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936), or for any of the purposes of or for the carrying on of any activity mentioned in section 91 (13) (a) of this Act.

Proclamation of land to be reflected in deeds registry.

45. (1) Whenever any land not situated in a lawfully established township is proclaimed under section 39 or becomes proclaimed land by virtue of the provisions of section 40 (2), (3) or (4), or any land is deproclaimed under section 44, the owner or lessee of such land shall produce or cause to be produced to the Registrar of Mining Titles his title deed or lease in respect of that land within a period of thirty days, or within such longer period as the said Registrar may allow, after having received written notice from the said Registrar requiring him to produce such title deed or lease.

(2) Upon receipt of such title deed or lease the said Registrar shall make such endorsements on that title deed or lease as may be necessary adequately to reflect that the land is proclaimed land or has been deproclaimed, as the case may be, and give notice of such endorsements to the registrar of deeds concerned and, if the land is held by a lessee, to the Secretary for Agricultural Credit and Land Tenure who shall thereupon make such endorsements and entries in their records as they may consider necessary.

(3) If any such owner or lessee fails to comply with such notice or if as a result of his whereabouts not being readily ascertainable no such notice is served, the Registrar of Mining Titles shall advise the registrar of deeds concerned accordingly, and after receipt of such advice the said registrar of deeds shall make such entries in his records as he may consider necessary to reflect that the land is proclaimed land or has been deproclaimed, as the case may be, and no further transactions relating to the land or the lease shall thereafter be registered in the deeds registry concerned until the endorsements and entries referred to in subsection (2) have been made.

(4) No endorsements required by this section in connection with the deproclamation of any land shall be made unless the relevant title deed or lease bears an endorsement or contains a statement to the effect that the land is proclaimed land.

CHAPTER V.

WRITTEN NOTICE OF INTENTION TO PROCLAIM, ETC., AND RESERVATION TO OWNER OR LESSEE OF RIGHT TO USE SURFACE OF LAND FOR CERTAIN PURPOSES.

Notice to be given before land proclaimed or mining rights leased or State mine established.

46. Before—

- (a) any private land or alienated State land or land referred to in section 16 is proclaimed a public digging under section 39;
- (b) any mining lease for precious metals or base minerals under Chapter III or IV is entered into in respect of, or any State mine for precious metals or base minerals is established under section 43 on, any such land which is not already proclaimed land for the purposes of this Act; or
- (c) a mynpacht is granted or a mining lease entered into pursuant to the provisions of section 34 (2) over private land,

the Secretary shall give to the owner or lessee of such land and, if such land is private land or land referred to in section 16, to any holder or co-holder of the right to precious metals or base minerals in respect of the land, written notice of the intention so to proclaim the land or to grant a mining lease or mynpacht thereover or to establish a State mine thereon, and shall, in the case of land held by a lessee, transmit a copy of such notice to the Secretary for Agricultural Credit and Land Tenure: Provided that no such notice shall be required to be given in respect of land situated in a lawfully established township or to any such holder or co-holder in respect of land to be included in any such mining lease or mynpacht to be granted to him.

- (iv) toegeken kragtens artikel 69 of 71 van die „Precious and Base Metals Act, 1908” (Wet No. 35 van 1908), van Transvaal, of van daardie Wet soos by die Oranje-Vrystaatse Metaal-myn Wet, 1936 (Wet No. 13 van 1936), op die provinsie Oranje-Vrystaat toegepas, of vir enige van die doeleindes van of vir die voortsetting van enige werksaamheid vermeld in artikel 91 (13) (a) van hierdie Wet nie.

45. (1) Wanneer grond wat nie in 'n wettiglik gestigte dorp geleë is nie, ingevolge artikel 39 geproklameer word of uit hoofde van die bepalings van artikel 40 (2), (3) of (4) geproklameerde grond word, of grond ingevolge artikel 44 gedeproklameer word, moet die eienaar of huurder van bedoelde grond sy titelbewys of huurkontrak ten opsigte van daardie grond aan die Registrateur van Mynbriewe oorlê of laat oorlê binne 'n tydperk van dertig dae, of binne die langer tydperk wat genoemde Registrateur toelaat, na ontvangs van skriftelike kennisgewing van dié Registrateur waarby hy aangesê word om bedoelde titelbewys of huur oor te lê.

Proklamering van grond moet in aktekantoor aangetoon word.

(2) By ontvangs van bedoelde titelbewys of huurkontrak moet genoemde Registrateur die endossemente op daardie titelbewys of huurkontrak maak wat nodig is om duidelik aan te toon dat die grond al na die geval geproklameerde grond is of gedeproklameer is, en van sodanige endossemente kennis gee aan die betrokke registrateur van aktes en, indien die grond deur in huurder gehou word, aan die Sekretaris van Landboukrediet en Grondbesit, wat daarop die endossemente en inskrywings wat hulle nodig ag in hul stukke moet maak.

(3) Indien so 'n eienaar of huurder versuim om aan bedoelde kennisgewing te voldoen of indien daar, omrede sy verblyfplek nie geredelik vasgestel kan word nie, geen sodanige kennisgewing bestel word nie, moet die Registrateur van Mynbriewe die betrokke registrateur van aktes dienooreenkomstig in kennis stel, en na ontvangs van so 'n kennisgewing moet genoemde registrateur van aktes die inskrywings in sy stukke maak wat hy nodig ag om aan te toon dat die grond geproklameerde grond is of gedeproklameer is, na gelang van die geval, en geen verdere transaksies word daarna met betrekking tot die grond of die huurkontrak in die betrokke aktekantoor geregistreer alvorens die in subartikel (2) bedoelde endossemente en inskrywings gemaak is nie.

(4) Geen ingevolge hierdie artikel vereiste endossemente in verband met die deproklamering van grond word gemaak tensy daar op die betrokke titelbewys of huurkontrak 'n endossement of verklaring voorkom ten effekte dat die grond geproklameerde grond is nie.

HOOFSTUK V.

SKRIFTELIKE KENNISGEWING VAN VOORGENOME PROKLAMERING, ENS., EN UITHOU AAN EIENAAR OF HUURDER VAN REG OM OPPERVLAKTE VAN GROND VIR SEKERE DOELEINDES TE GEBRUIK.

46. Voordat—

- (a) private grond of vervreemde Staatsgrond of grond in artikel 16 bedoel ingevolge artikel 39 tot 'n openbare delwery geproklameer word;
- (b) 'n mynhuur vir edelmetale of onedele minerale kragtens Hoofstuk III of IV aangegaan word ten opsigte van, of 'n Staatsmyn vir edelmetale of onedele minerale ingevolge artikel 43 ingestel word op sodanige grond wat nie reeds geproklameerde grond vir die doeleindes van hierdie Wet is nie; of
- (c) 'n mynpag ingevolge die bepalings van artikel 34 (2) oor private grond toegeken of 'n mynhuur ingevolge daardie bepalings oor sodanige grond aangegaan word,

Kennis moet gegee word voordat grond geproklameer of mynregte verhuur of Staatsmyn ingestel word.

moet die Sekretaris aan die eienaar of huurder van bedoelde grond en, indien bedoelde grond private grond of in artikel 16 bedoelde grond is, aan enige houer of medehouer van die reg op edelmetale of onedele minerale ten opsigte van die grond, skriftelik kennis gee van die voorneme om die grond aldus te proklameer of om 'n mynhuur of mynpag daarvoor toe te ken of 'n Staatsmyn daarop in te stel, en, in die geval van grond deur 'n huurder gehou, 'n afskrif van bedoelde kennisgewing aan die Sekretaris van Landboukrediet en Grondbesit stuur: Met dien verstande dat so 'n kennisgewing nie vereis word ten opsigte van grond wat in 'n wettiglik gestigte dorp geleë is of aan so 'n houer of medehouer ten opsigte van grond wat ingesluit staan te word in so 'n mynhuur of mynpag wat aan hom toegestaan gaan word nie.

Reservation of homestead, land under cultivation, buildings, etc., to owner or lessee of land.

47. (1) Before any land referred to in section 46 which is not situated in a lawfully established township is dealt with in any of the ways mentioned in that section, there shall, subject to the provisions of this section, be reserved to the owner or lessee of the land concerned and his successors in title the use—

- (a) of any homestead on the land and its curtilage;
- (b) of all buildings capable of beneficial use, cemeteries, silos, threshing sites, dipping-tanks, reservoirs, watering troughs and kraals situated outside any such homestead and its curtilage, but excluding buildings and structures, wherever situated and of whatever nature, erected or built on the land—
 - (i) by the State in the course of its prospecting operations or in anticipation of the establishment thereon of a State mine; or
 - (ii) by the applicant for a mining lease or mynpacht referred to in section 46 (b) or (c) in the course of his prospecting operations or in anticipation of the grant and issue to him of the lease or mynpacht-brief;
- (c) for agricultural purposes or purposes incidental thereto, of all land which has been under *bona fide* cultivation for the two years immediately preceding the date of the notice given to the owner or lessee in terms of section 46, or which was placed under *bona fide* cultivation not less than two years immediately prior to such date but which has been rested or allowed to lie fallow during the whole or part of the first-mentioned period of two years as part of a recognized system of cultivation followed in the area in which the land is situated;
- (d) of all springs, wells, boreholes and dams on the land, excluding wells or boreholes sunk thereon by the State or by the applicant for such mining lease or mynpacht in the circumstances mentioned in paragraph (b) (i) or (ii).

(2) Notwithstanding the provisions of subsection (1) of this section—

- (a) any right of user conferred by virtue of a reservation under this section shall be subject to the provisions of sections 90 (8) and 139 (1) and (2);
- (b) if a mining lease or mynpacht is to be granted over or a State mine is to be established on land referred to in section 46 (b) or (c), any portion of any area of the land which is capable of being reserved to the owner or lessee under subsection (1) of this section, may, whether or not the land is to be proclaimed, be excised by the mining commissioner from the proposed reservation if the Government Mining Engineer has certified (in the case of an application for a mining lease or mynpacht, after consultation with the applicant for such lease or mynpacht) that in his opinion such portion is required for mining purposes or purposes incidental to mining, and in the event of such excision compensation in such amount as may in the absence of agreement between the parties concerned be determined by arbitration shall be payable by the applicant for such lease or mynpacht or, if a State mine is established, by the State—
 - (i) in the case of land not held by a lessee, to the owner thereof; and
 - (ii) in the case of land held by a lessee, to the Secretary for Agricultural Credit and Land Tenure, who shall, if such lessee does not under any law relating to land settlement avail himself of any right to surrender his holding or the part thereof excised under this subsection, cause the relevant amount to be credited against the lessee's account.

(3) In determining the amount to be paid by way of compensation as provided in subsection (2) (b), regard shall be had *inter alia*—

- (a) to the use to which the land in question was being put at the time of the excision;
- (b) to the rent, if any, which will in terms of the provisions of this Act be payable in respect of the land in question;
- (c) to the additional expenditure, if any, which will in consequence of the excision have to be incurred by the owner or lessee of the land in connection with the erection of beacons in accordance with the provisions of subsection (5); and

47. (1) Voordat daar met grond in artikel 46 bedoel wat nie in 'n wettiglik gestigte dorp geleë is nie, gehandel word op 'n wyse in daardie artikel vermeld, word daar, behoudens die bepalings van hierdie artikel, vir die eienaar of huurder van die betrokke grond en sy regsopvolgers die gebruik uitgehou—

Uithouding van opstal, grond onder verbouing, geboue, ens., vir eienaar of huurder van grond.

- (a) van enige opstal op die grond en sy omliggende werf;
- (b) van alle geboue wat voordelig gebruik kan word, begraaftplase, voerkuile, dorsterreine, dipbakke, opgaardamme, watertrôe en krale wat buite so 'n opstal en sy omliggende werf geleë is, maar uitgesonderd geboue en strukture, waar ook al geleë en van watter aard ook al, op die grond opgerig of gebou—

- (i) deur die Staat in die loop van sy prospekterwerkzaamhede of in afwagting van die instelling daarop van 'n Staatsmyn; of

- (ii) deur die aansoeker om 'n in artikel 46 (b) of (c) bedoelde mynhuur of mynpag in die loop van sy prospekterwerkzaamhede of in afwagting van die toekenning en uitreiking aan hom van die huur of mynpagbrief;

- (c) vir landboudoeleindes of doeleindes wat daarmee in verband staan, van alle grond wat vir die twee jaar onmiddellik voor die datum van die kennisgewing ingevolge artikel 46 aan die eienaar of huurder gegee, onder *bona fide*-verbouing was, of wat minstens twee jaar onmiddellik voor bedoelde datum onder *bona fide*-verbouing gebring is, maar wat gedurende eersbedoelde tydperk van twee jaar of 'n deel daarvan gerus of braak gelê het as deel van 'n erkende stelsel van verbouing wat in die gebied waarin die grond geleë is, gevolg word;

- (d) van alle fonteine, putte, boorgate en damme op die grond, uitgesonderd putte of boorgate wat onder die in paragraaf (b) (i) of (ii) vermelde omstandighede deur die Staat of deur die aansoeker om so 'n mynhuur of mynpag daarop gegrawe of gesink is.

(2) Ondanks die bepalings van subartikel (1) van hierdie artikel—

- (a) is enige gebruiksreg wat uit hoofde van 'n uithouding ingevolge hierdie artikel verleen word, onderworpe aan die bepalings van artikels 90 (8) en 139 (1) en (2);

- (b) kan, waar 'n mynhuur of mynpag oor in artikel 46 (b) of (c) bedoelde grond toegeken of 'n Staatsmyn daarop ingestel staan te word, enige gedeelte van 'n terrein op die grond wat kragtens subartikel (1) van hierdie artikel ten gunste van die eienaar of huurder uitgehou kan word, deur die mynkommissaris uitgesluit word uit die deel bedoel om uitgehou te word, hetsy die grond geproklameer gaan word al dan nie, indien die Staatsmyningenieur gesertifiseer het (in die geval van 'n aansoek om 'n mynhuur of mynpag, na oorlegpleging met die aansoeker om bedoelde huur of mynpag) dat bedoelde gedeelte volgens sy oordeel benodig is vir myndoelindes of doeleindes wat met mynbou in verband staan, en in geval van so 'n uitsluiting is vergoeding, waarvan die bedrag by ontstentenis van ooreenkoms tussen die betrokke partye by arbitrasie bepaal word, deur die aansoeker om so 'n mynhuur of mynpag of, indien 'n Staatsmyn ingestel word, deur die Staat, betaalbaar—

- (i) in die geval van grond wat nie deur 'n huurder gehou word nie, aan die eienaar daarvan; en

- (ii) in die geval van grond deur 'n huurder gehou, aan die Sekretaris van Landboukrediet en Grondbesit, wat, indien die huurder nie kragtens 'n wetsbepaling op nedersetting die reg uitoefen om van sy hoewe of die deel daarvan kragtens hierdie subartikel uitgesluit, afstand te doen nie, die toepaslike bedrag teen die huurder se rekening moet laat krediteer.

(3) By die vasstelling van die bedrag wat volgens voorskrif van subartikel (2) (b) by wyse van vergoeding betaal moet word, word onder meer in ag geneem—

- (a) die doel waarvoor die betrokke grond ten tyde van die uitsluiting gebruik was;

- (b) die huurgeld, as daar is, wat ingevolge die bepalings van hierdie Wet ten opsigte van die betrokke grond betaalbaar sal wees;

- (c) die addisionele uitgawes, as daar is, wat as gevolg van die uitsluiting deur die eienaar of huurder van die grond in verband met die oprigting van bakens ooreenkomstig die bepalings van subartikel (5) aangegaan sal moet word; en

- (d) to the effect (in the case of an application for a mining lease or mynpacht) of any agreement between the applicant for the mining lease or mynpacht and the owner of the land relating to the use of the surface or of any portion of the surface of the area over which the mining lease or mynpacht is to be granted, and to any terms and conditions relating to such use contained in any cession or reservation of the right to precious metals or base minerals or in any certificate of reservation of rights to precious metals or base minerals or in any certificate of registered real rights in favour of or held by such applicant in respect of such area.
- (4) (a) An owner or lessee shall within three months after receipt of any notice under section 46, or within such further period as the Secretary may allow, submit to the mining commissioner a sketch plan showing clearly all portions of the land in question which he desires to have reserved in terms of subsection (1) of this section.
- (b) After the expiry of any period or extended period referred to in paragraph (a), the mining commissioner shall, whether or not the owner or lessee has submitted a sketch plan in accordance with that paragraph, subject to the provisions of this section and to confirmation by the Minister, determine which portions of the land shall be so reserved.
- (c) If in respect of any portion of land excised by the mining commissioner in terms of subsection (2) (b) compensation as provided therein is not paid by the applicant for the mining lease or mynpacht within three months after confirmation by the Minister of the mining commissioner's determination as to the portions of the land to be reserved to the owner or lessee concerned, or, where the decision as to the compensation to be paid has been submitted to arbitration, within one month after the arbitrator has fixed the amount of such compensation, the portion so excised shall be deemed to be included in the portion so reserved.
- (5) (a) As soon as may be after the confirmation by the Minister of any reservation under this section the mining commissioner shall—
- (i) transmit a sketch plan showing the areas so reserved and any portions excised by him under subsection (2) (b), to the Registrar of Mining Titles for registration;
- (ii) give written notice to the person in whose favour the reservation has been made requiring him to construct beacons and trenches on such areas in the manner provided by section 33 (2) (a) and (b), and if such person fails to comply with such notice within thirty days of the date thereof or within such further period as the mining commissioner may allow, the mining commissioner may cause such beacons and trenches to be constructed and recover the cost incurred from the person concerned.
- (b) The provisions of section 33 (2) (c) shall *mutatis mutandis* apply in connection with the maintenance of any beacons defining areas reserved under this section or the corresponding provisions of a prior law.
- (6) The owner or lessee of land of which portions have been reserved in terms of this section may at any time lodge with the mining commissioner a diagram of such portions, and any diagram so lodged shall be registered in the Mining Titles Office.
- (7) The rights conferred by virtue of a reservation under this section shall not be severed from the ownership of the land to which they attach.
- (8) The provisions of this section shall apply notwithstanding anything to the contrary contained in any lease held in respect of alienated State land under the laws relating to land settlement or in the title deed of any such land.

- (d) die uitwerking (in die geval van 'n aansoek om 'n mynhuur of mynpag) van enige ooreenkoms tussen die aansoeker om die mynhuur of mynpag en die eienaar van die grond met betrekking tot die gebruik van die oppervlakte of van enige gedeelte van die oppervlakte van die terrein waaroor die mynhuur of mynpag toegestaan gaan word, en die bedinge en voorwaardes met betrekking tot sodanige gebruik vervat in enige sessie of voorbehoud van die reg op edelmetale of onedele minerale of in enige sertifikaat van voorbehoud van regte op edelmetale of onedele minerale of in enige sertifikaat van geregistreerde saaklike regte ten gunste van of deur bedoelde aansoeker ten opsigte van bedoelde terrein gehou.
- (4) (a) 'n Eienaar of huurder moet binne drie maande na ontvangs van 'n kennisgewing ingevolge artikel 46, of binne die verdere tydperk wat die Sekretaris toelaat, 'n sketskaart aan die mynkommissaris voorlê waarop duidelik al die gedeeltes van die betrokke grond aangetoon word waarvan uithouding kragtens subartikel (1) van hierdie artikel deur hom verlang word.
- (b) Na verstryking van 'n in paragraaf (a) bedoelde tydperk of verlengde tydperk moet die mynkommissaris, hetsy die eienaar of huurder 'n sketskaart ooreenkomsstig daardie paragraaf voorgelê het al dan nie, behoudens die bepalings van hierdie artikel, en onderworpe aan bekragtiging deur die Minister, bepaal watter gedeeltes van die grond aldus uitgehou moet word.
- (c) Indien vergoeding ten opsigte van enige gedeelte grond ingevolge subartikel (2) (b) deur die mynkommissaris uitgesluit, nie soos daarin bepaal deur die aansoeker om die mynhuur of mynpag betaal word binne drie maande na bekragtiging deur die Minister van die mynkommissaris se bepaling betreffende die gedeeltes van die grond wat vir die betrokke eienaar of huurder uitgehou moet word nie of, waar die beslissing betreffende die vergoeding wat betaal moet word aan arbitrasie onderwerp is, binne een maand nadat die arbiter die bedrag van sodanige vergoeding vasgestel het nie, word die gedeelte aldus uitgesluit, geag by die gedeelte aldus uitgehou ingesluit te wees.
- (5) (a) So spoedig doenlik na die bekragtiging deur die Minister van 'n uithouding kragtens hierdie artikel moet die mynkommissaris—
- (i) 'n sketskaart wat die terreine aantoon wat aldus uitgehou is en enige gedeeltes ingevolge subartikel (2) (b) deur hom uitgesluit, aan die Registrateur van Mynbriewe vir registrasie deurstuur;
- (ii) skriftelik kennis gee aan die persoon ten gunste van wie die uithouding gemaak is waarby hy aangesê word om op die in artikel 33 (2) (a) en (b) bepaalde wyse bakens en slote op bedoelde terreine aan te bring, en indien bedoelde persoon versuim om binne dertig dae na die datum van bedoelde kennisgewing of binne die verdere tydperk wat die mynkommissaris toelaat aan die kennisgewing te voldoen, kan die mynkommissaris bedoelde bakens en slote laat aanbring en die onkoste aangegaan op die betrokke persoon verhaal.
- (b) Die bepalings van artikel 33 (2) (c) is *mutatis mutandis* van toepassing in verband met die instandhouding van bakens wat terreine uitgehou kragtens hierdie artikel of die ooreenstemmende bepalings van 'n vorige wet aantoon.
- (6) Die eienaar of huurder van grond waarvan gedeeltes ingevolge hierdie artikel uitgehou is, kan te eniger tyd 'n kaart van daardie gedeeltes by die mynkommissaris indien, en 'n kaart aldus ingedien, word in die Mynbriewekantoor geregistreer.
- (7) Die regte wat uit hoofde van 'n uithouding kragtens hierdie artikel verleen word, word nie geskei van die eiendomsreg op die grond waaraan hulle verbonde is nie.
- (8) Die bepalings van hierdie artikel geld ondanks andersluidende bepalings in enige huurkontrak kragtens die wetsbepalings op nedersetting ten opsigte van vervreemde Staatsgrond gehou of in die titelbewys van sodanige grond vervat.

- (9) (a) The rights conferred by a reservation under this section may in respect of any area determined under subsection (4) be abandoned either wholly or in part at any time by notice in writing given to the mining commissioner by the owner of the land in the case of land not held by a lessee or by the Secretary for Agricultural Credit and Land Tenure with the written consent of the lessee in the case of land held by a lessee.
- (b) If such abandonment relates to part only of any area referred to in paragraph (a), the owner or lessee concerned shall furnish the mining commissioner—
- (i) if such area is defined by a diagram, with a diagram of the part of the area in respect of which the rights conferred by the reservation are abandoned; and
 - (ii) if such area is not defined by a diagram, with a sketch plan acceptable to the mining commissioner depicting such part.
- (c) Every such abandonment shall be registered in the Mining Titles Office.

(10) The provisions of subsections (2) (a), (6), (7) and (9) of this section shall *mutatis mutandis* apply in connection with any reservation made in accordance with the provisions of section 23, 24 or 24bis of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908), of the Transvaal, or of that Act as applied to the province of the Orange Free State by the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936).

CHAPTER VI.

PEGGING OF CLAIMS AND MATTERS INCIDENTAL THERETO.

Issue of claim
licences and
pegging of claims.

48. (1) Claims shall be divided into two classes, namely, precious metal claims and base mineral claims, depending on whether the claims were pegged under authority of a claim licence for precious metals or for base minerals: Provided that, save as provided in section 56, no claim licence shall be issued for precious metals in respect of land not proclaimed for precious metals or for base minerals in respect of land not proclaimed for base minerals.

- (2) (a) Any natural person of the age of eighteen years or upwards may, on payment of licence moneys in accordance with section 55 (1), and subject to the provisions of this section, obtain from the mining commissioner one or more claim licences in the form prescribed by regulation entitling the holder to peg, during a period of one month in the manner prescribed by regulation upon proclaimed land which is open to pegging and to which the licences relate, the number of claims authorized by such licences.
- (b) No claim licence shall be issued—
- (i) for more than fifty claims;
 - (ii) to a coloured person, except in respect of State land situated in the province of the Cape of Good Hope or land of which the ownership vests in a coloured person or an association of coloured persons or a corporate body or company in which coloured persons hold a controlling interest;
 - (iii) to a Bantu, except in respect of land of which the South African Bantu Trust or a Bantu is the owner or which is held in trust for a Bantu.

(3) Any person who desires to obtain a claim licence may apply for such licence personally at the office of the mining commissioner for the mining district in which the land in question is situated or of any other mining commissioner or any officer or employee of the Government designated by the Minister as a person before whom applications for claim licences may be completed, and shall—

- (a) complete an application in the form prescribed by regulation; and
- (b) if required by the mining commissioner furnish proof to his satisfaction that the applicant is qualified in terms of subsection (2) to obtain such licence.

- (9) (a) Daar kan te eniger tyd van die regte by 'n uithouding kragtens hierdie artikel ten opsigte van 'n kragtens subartikel (4) bepaalde terrein verleen of geheel en al of gedeeltelik afstand gedoen word deur skriftelike kennisgewing aan die mynkommissaris gegee, in die geval van grond wat nie deur 'n huurder gehou word nie, deur die eienaar van die grond of, in die geval van grond deur 'n huurder gehou, deur die Sekretaris van Landboukrediet en Grondbesit met skriftelike toestemming van die huurder.
- (b) Indien so 'n afstanddoening slegs op 'n gedeelte van 'n in paragraaf (a) bedoelde terrein betrekking het, moet die betrokke eienaar of huurder—
- (i) waar dié terrein deur 'n kaart aangedui word, aan die mynkommissaris 'n kaart verstrek van die gedeelte van die terrein ten opsigte waarvan afstand gedoen word van die regte by die uithouding verleen; en
 - (ii) waar die terrein nie deur 'n kaart aangedui word nie, aan die mynkommissaris 'n vir hom aanneemlike sketskaart verstrek waarop bedoelde gedeelte aangedui word.
- (c) So 'n afstanddoening word in die Mynbriewekantoor geregistreer.

(10) Die bepalings van subartikels (2) (a), (6), (7) en (9) van hierdie artikel is *mutatis mutandis* van toepassing in verband met enige uithouding gemaak ooreenkomstig die bepalings van artikel 23, 24 of 24bis van die „Precious and Base Metals Act, 1908” (Wet No. 35 van 1908), van Transvaal, of van daardie Wet soos by die Oranje-Vrystaatse Metaal-myn Wet, 1936 (Wet No. 13 van 1936), op die provinsie Oranje-Vrystaat toegepas.

HOOFTUK VI.

AFPENNING VAN KLEIMS EN AANGELEENTHEDE WAT DAARMEE IN VERBAND STAAN.

48. (1) Kleims word in twee klasse ingedeel, te wete, edelmetaalkleims en onedele minerale-kleims, na gelang die kleims kragtens magtiging verleen by 'n kleimlisensie vir edelmetale of vir onedele minerale afgepen is: Met dien verstande dat, behoudens die bepalings van artikel 56, geen kleimlisensie uitgereik word vir edelmetale ten opsigte van grond wat nie vir edelmetale geproklameer is nie of vir onedele minerale ten opsigte van grond wat nie vir onedele minerale geproklameer is nie.

Uitreiking van kleimlisensies en afpenning van kleims.

- (2) (a) Enige natuurlike persoon wat agtien jaar oud of ouer is, kan by betaling van lisensiegelde ooreenkomstig artikel 55 (1), en behoudens die bepalings van hierdie artikel, van die mynkommissaris een of meer kleimlisensies in die by regulasie voorgeskrewe vorm verkry wat aan die houder die reg verleen om gedurende 'n tydperk van een maand die getal kleims deur daardie lisensies gemagtig op die by regulasie voorgeskrewe wyse af te pen op geproklameerde grond wat vir afpenning oop is en waarop die lisensies betrekking het.
- (b) Geen kleimlisensie word—
- (i) vir meer as vyftig kleims uitgereik nie;
 - (ii) aan 'n kleurling uitgereik nie, behalwe ten opsigte van Staatsgrond geleë in die provinsie die Kaap die Goeie Hoop of grond waarvan die eiendomsreg berus by 'n kleurling of 'n assosiasie van kleurlinge of 'n regspersoon of maatskappy waarin kleurlinge 'n beherende belang besit;
 - (iii) aan 'n Bantoe uitgereik nie, behalwe ten opsigte van grond waarvan die Suid-Afrikaanse Bantoe-trust of 'n Bantoe die eienaar is of wat in trust vir 'n Bantoe gehou word.
- (3) Iemand wat 'n kleimlisensie wil bekom, kan persoonlik om so 'n lisensie aansoek doen by die kantoor van die mynkommissaris vir die myndistrik waarin die betrokke grond geleë is of van enige ander mynkommissaris of enige beamppte of werknemer van die Regering deur die Minister aangewys as iemand voor wie aansoeke om kleimlisensies voltooi kan word, en moet—
- (a) 'n aansoek in die by regulasie voorgeskrewe vorm voltooi; en
 - (b) indien die mynkommissaris dit verlang, bewys tot sy bevrediging lewer dat die aansoeker ingevolge subartikel (2) vir so 'n lisensie in aanmerking kan kom.

- (4) No person shall peg a claim—
- (a) between sunset and sunrise or on a Sunday or on any public holiday mentioned in the Second Schedule to the Public Holidays Act, 1952 (Act No. 5 of 1952);
 - (b) unless the holder of the relevant claim licence or his agent is present with the licence on the land on which the claim is pegged;
 - (c) save as provided in section 58, on any land or in any place—
 - (i) referred to in section 17 (1) (a) (i) or (ii);
 - (ii) which is closed to pegging or digging by virtue of the provisions of this Act or by notice published in the *Gazette* in terms of this Act or a prior law;
 - (iii) over which any prospecting area or prospecting lease for precious metals or base minerals or any mining title is held;
 - (iv) over which any right to the use of the surface or water is held under this Act or by virtue of the provisions of any other law or any prior law relating to minerals: Provided that this subparagraph shall not be construed as prohibiting the pegging of claims on any strip of land the surface of which may, pursuant to any right granted under this Act or any such law, be used for the purpose of a pipe line, overhead power line, electric cable or aerial tramway;
 - (v) over which any mining title, or any right to the use of the surface under section 91 of this Act, or any like right under a corresponding provision of a prior law which existed at the commencement of this Act, was previously held and which has not subsequently been declared open to the pegging of claims by notice published in the *Gazette*.

Dimensions and shape of claims.

49. (1) A claim shall as far as possible be rectangular in shape and shall be one hundred and fifty feet in breadth and four hundred feet in length, and, in the case of a claim pegged over a reef, the breadth shall be taken along the strike of the reef and the length across the strike.

(2) Where the nature of the ground will not permit of a claim being so pegged as to be rectangular in shape, the area pegged shall not exceed sixty thousand square feet.

Erection of beacons and lodging of sketch plans.

50. Every person who pegs claims shall within seven days of such pegging demarcate the area pegged as claims by erecting beacons as required by regulation and shall within one month from the date of pegging or before the relevant claim licence is renewed in terms of section 56 lodge at the office of the mining commissioner a sketch plan showing the situation of the claims and such other particulars as are prescribed by regulation.

Mining commissioner may require diagram.

51. If, before or after the lodging of any sketch plan in terms of section 50, the mining commissioner considers it necessary or expedient that a diagram of the claims affected should be lodged at his office, he may by notice in writing call upon the holder of the relevant claim licence to lodge such a diagram with him within two months of the date of such notice or within such further period as the mining commissioner may allow.

Maintenance of beacons.

52. Every holder of a claim shall maintain his beacons in proper repair and in accordance with the regulations, and if any beacons are found to be out of repair the mining commissioner shall serve written notice upon the holder concerned calling upon him to put the beacons in proper repair within a period to be stated in the notice.

Procedure to be followed in case of failure to comply with provisions as to sketch plans, diagrams and beacons.

53. If the holder of a claim fails to comply with any provision of section 50 or any requirement of the mining commissioner under section 51 or 52, renewal of the relevant claim licence may be refused by the mining commissioner until such provision or requirement has been complied with.

- (4) Niemand mag 'n kleim afpen nie—
- (a) tussen sonder en sonop of op 'n Sondag of op 'n openbare feesdag in die Tweede Bylae by die Wet op Openbare Feesdae, 1952 (Wet No. 5 van 1952), vermeld;
 - (b) tensy die houer van die toepaslike kleimlisensie of sy agent met die lisensie aanwesig is op die grond waarop die kleim afgepen word;
 - (c) behoudens die bepalings van artikel 58, op grond of in 'n plek—
 - (i) in artikel 17 (1) (a) (i) of (ii) bedoel;
 - (ii) wat uit hoofde van die bepalings van hierdie Wet of by kennisgewing ingevolge hierdie Wet of 'n vorige wet in die *Staatskoerant* gepubliseer vir afpenning of delf gesluit is;
 - (iii) waaroor 'n prospektergebied of prospekterhuur vir edelmetale of onedele minerale of 'n myntitel gehou word;
 - (iv) waaroor 'n reg op die gebruik van die oppervlakte of water gehou word kragtens hierdie Wet of uit hoofde van die bepalings van enige ander wet of 'n vorige wet wat op minerale betrekking het: Met dien verstande dat hierdie subparagraaf nie uitgelê word as sou dit die afpenning van kleims verbied op enige strook grond waarvan die oppervlakte kragtens 'n reg ingevolge hierdie Wet of enige sodanige wet verleen vir die doel van 'n pyplyn, bogrondse kraglyn, elektriese kabel of lugspoorbaan gebruik mag word nie;
 - (v) waaroor enige myntitel, of 'n reg op die gebruik van die oppervlakte kragtens artikel 91 van hierdie Wet, of 'n soortgelyke reg kragtens 'n ooreenstemmende bepaling van 'n vorige wet wat by die inwerkingtrede van hierdie Wet bestaan het, voorheen gehou was, en wat nie daarna by kennisgewing in die *Staatskoerant* gepubliseer vir die afpenning van kleims oopverklaar is nie.

49. (1) 'n Kleim moet sover moontlik reghoekig in vorm wees en moet honderd-en-vyftig voet breed en vierhonderd voet lank wees, en, in die geval van 'n kleim wat oor 'n rif afgepen word, moet die breedte langs die strekking van die rif en die lengte dwarsoor die strekking afgepen word.

(2) Waar die aard van die grond nie toelaat dat 'n kleim so afgepen word dat dit 'n reghoekige vorm het nie, mag die terrein wat afgepen word nie sestigduisend vierkante voet oorskry nie.

50. Elkeen wat kleims afpen, moet binne sewe dae na die afpenning die terrein wat as kleims afgepen is, afbaken deur bakens volgens voorskrif van die regulasies op te rig, en moet binne een maand na die datum van afpenning of voordat die toepaslike kleimlisensie ingevolge artikel 56 hernieu word, 'n sketskaart wat die ligging van die kleims en die ander by regulasie voorgeskrewe besonderhede aantoon, by die kantoor van die mynkommissaris indien.

51. Indien die mynkommissaris voor of na die indiening van 'n sketskaart ingevolge artikel 50 dit nodig of dienstig ag dat 'n kaart van die betrokke kleims by sy kantoor ingedien word, kan hy die houer van die betrokke kleimlisensie by skriftelike kennisgewing aansê om so 'n kaart binne twee maande na die datum van daardie kennisgewing of binne die verdere tydperk wat die mynkommissaris toelaat, by hom in te dien.

52. Elke houer van 'n kleim moet sy bakens behoorlik en ooreenkomstig die regulasies in stand hou, en indien gevind word dat enige bakens nie in orde is nie, moet die mynkommissaris 'n skriftelike kennisgewing aan die betrokke houer bestel waarby hy aangesê word om die bakens binne 'n tydperk in die kennisgewing vermeld in orde te bring.

53. Indien die houer van 'n kleim in gebreke bly om aan 'n bepaling van artikel 50 of 'n vereiste van die mynkommissaris ingevolge artikel 51 of 52 te voldoen, kan die hernuwing van die betrokke kleimlisensie deur die mynkommissaris geweier word tot tyd en wyl aan bedoelde bepaling of vereiste voldoen is.

Afmetings en vorm van kleims.

Oprigting van bakens en indiening van sketskaarte.

Mynkommissaris kan kaart vereis.

Instandhouding van bakens.

Prosedure wat gevolg moet word by versuim om aan bepalings betreffende sketskaarte, kaarte en bakens te voldoen.

Pegging in excess of number of claims allowed by licence.

54. (1) (a) Where any person (hereinafter referred to as the first pegger) has pegged on any piece of land a larger area than he is entitled to peg in terms of his licence, any other person (hereinafter referred to as the second pegger) who is duly licensed may peg off within the pegs or beacons of the first pegger and along the whole length of one of the sides of the area pegged by him, any number of claims included in that area in excess of the number the first pegger was entitled to peg.
- (b) No claims shall be pegged under paragraph (a) in places that have been worked or in such a manner as to interfere with the mining operations of the first pegger, and notice of any pegging under that paragraph shall within seven days after such pegging be given in writing by the second pegger to the mining commissioner and to the first pegger.
- (c) The second pegger shall within two months of such pegging or within such further period as the mining commissioner may allow, transmit to the mining commissioner a diagram showing the position of the claims pegged by him and of the area pegged by the first pegger.
- (2) (a) On receipt of such diagram the mining commissioner may award to the second pegger the claims pegged by him in accordance with subsection (1), and shall notify the first and second peggers in writing of his decision.
- (b) The first or second pegger may within fourteen days after having received notice of the decision of the mining commissioner appeal against such decision to the Minister whose decision on the appeal shall be final, and shall be deemed to be the decision of the mining commissioner.
- (3) Any person who wilfully pegs an area which exceeds by more than ten per cent the area represented by the number of claims allowed by his licence, or who, having pegged such an area, fails to make the necessary adjustments within seven days after being required by the mining commissioner to do so, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand.

Licence moneys in respect of claims.

55. (1) (a) Subject to the provisions of subsection (2) there shall be payable in advance to the mining commissioner in respect of every claim licence, whether the claims held thereunder were pegged before or after the commencement of this Act—
- (i) in the case of precious metal claims on land referred to in section 42 (7) (a), thirty-five cents per claim per month;
- (ii) in the case of precious metal claims on land referred to in section 42 (7) (b), twenty cents per claim per month; and
- (iii) in the case of base mineral claims, five cents per claim per month.
- (b) Any claim licence issued or renewed under any law before the commencement of this Act shall be deemed to have been issued or renewed under this Act, and shall remain valid for the period for which it would have been valid if this Act had not been passed.
- (2) (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 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.

54. (1) (a) Wanneer iemand (hieronder die eerste afpenner genoem) op 'n stuk grond 'n groter terrein afgepen het as wat hy ingevolge sy lisensie geregtig is om af te pen, kan enigiemand anders (hieronder die tweede afpenner genoem) wat behoorlik gelisensieer is, binne die penne of bakens van die eerste afpenner en langs die hele lengte van een van die sye van die terrein deur hom afgepen, enige getal kleims afpen wat by daardie terrein ingesluit is en wat die getal wat die eerste afpenner geregtig was om af te pen, te bowe gaan.
- (b) Geen kleims word kragtens paragraaf (a) afgepen in plekke wat ontgin is of op so 'n wyse dat die eerste afpenner se mynwerkzaamhede belemmer word nie, en die tweede afpenner moet binne sewe dae na enige afpenning ingevolge daardie paragraaf, skriftelik kennis van bedoelde afpenning aan die mynkommissaris en aan die eerste afpenner gee.
- (c) Die tweede afpenner moet binne twee maande na bedoelde afpenning of binne die verdere tydperk wat die mynkommissaris toelaat, aan die mynkommissaris 'n kaart stuur wat die ligging aantoon van die kleims deur hom afgepen en van die terrein deur die eerste afpenner afgepen.
- (2) (a) Die mynkommissaris kan by ontvangs van so 'n kaart aan die tweede afpenner die kleims toeken wat hy ingevolge subartikel (1) afgepen het, en moet die eerste en tweede afpenners skriftelik van sy beslissing in kennis stel.
- (b) Die eerste of tweede afpenner kan binne veertien dae na ontvangs van 'n kennisgewing van die mynkommissaris se beslissing, teen daardie beslissing appèl aanteken by die Minister wie se beslissing op die appèl afdoende is en die beslissing van die mynkommissaris geag word.
- (3) Iemand wat met opset 'n terrein afpen wat meer as tien persent groter is as die terrein verteenwoordig deur die getal kleims wat sy lisensie veroorloof, of wat nadat hy so 'n terrein afgepen het, versuim om die nodige aanpassings te maak binne sewe dae nadat hy deur die mynkommissaris daartoe aangesê is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand.
55. (1) (a) Behoudens die bepalings van subartikel (2), is daar ten opsigte van elke kleimlisensie, ongeag of die kleims daarkragtens gehou voor of na die inwerking-treding van hierdie Wet afgepen is, aan die mynkommissaris vooruitbetaalbaar—
- (i) in die geval van edelmetaalkleims op in artikel 42 (7) (a) bedoelde grond, vyf-en-dertig sent per kleim per maand;
- (ii) in die geval van edelmetaalkleims op in artikel 42 (7) (b) bedoelde grond, twintig sent per kleim per maand; en
- (iii) in die geval van onedele minerale-kleims, vyf sent per kleim per maand.
- (b) 'n Kleimlisensie wat voor die inwerkingtreding van hierdie Wet kragtens enige wetsbepaling uitgereik of hernieu is, word geag kragtens hierdie Wet uitgereik of hernieu te wees en bly geldig vir die tydperk waarvoor dit geldig sou gewees het indien hierdie Wet nie aangeneem was nie.
- (2) (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 per kleim per maand in die geval van edelmetaalkleims of kleims gehou kragtens lisensie wat vir beide edelmetaale en onedele minerale beskikbaar is en dertig sent per kleim per maand in die geval van onedele minerale-kleims vorder.

Afpenning van
meer kleims as
deur lisensie
veroorloof.

Lisensiegelde ten
opsigte van kleims.

- (b) If at any time after such increase in licence moneys the mining commissioner is satisfied that adequate mining operations have been commenced or resumed on the land by the holder of the licence, the mining commissioner shall upon application by the holder of the licence at the next renewal thereof reduce the licence moneys to the rate applicable prior to such increase with effect from the day following upon the date to which the licence was last renewed.
- (c) Any person who is aggrieved by any decision of the mining commissioner under this subsection may, within a period of one month after the date of such decision, appeal to the Minister who may allow or dismiss the appeal and whose decision shall be final and shall be deemed to be a decision of the mining commissioner.
- (d) Any additional licence moneys received by the mining commissioner in consequence of any increase of licence moneys under this section shall accrue to the State.

Rights
conferred by
and renewal of
claim licences.

56. (1) A claim licence shall entitle the holder thereof to mine on the claims pegged thereunder for precious metals or base minerals according to whether the licence was issued for precious metals or for base minerals: Provided that—

- (a) in the case of claims held under a licence for precious metals and situated on—
 - (i) land referred to in section 16 of this Act or section 23 (1) of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), which is proclaimed land for both precious metals and base minerals; or
 - (ii) land in respect of which the right to base minerals is held by the State,

the holder of such licence may also mine on such claims for base minerals on payment by him to the mining commissioner of an amount of five cents per claim per month in addition to the amount payable in terms of the appropriate provision of section 55 (1) and endorsement of the licence by the mining commissioner to the effect that it is also available for the mining of base minerals;

- (b) the holder of a licence for base minerals may mine on the claims held thereunder for precious metals on payment by him of additional licence moneys at the rate applicable to precious metal claims on the land on which the claims are situated and endorsement of the licence by the mining commissioner to the effect that it is also available for the mining of precious metals.
- (2) (a) A claim licence for precious metals, not being a claim licence relating to land referred to in section 16 or private land which is not proclaimed land for both precious metals and base minerals or land in respect of which the right to base minerals is not held by the State, may, whether or not it is also available for base minerals, be converted into a licence available exclusively for base minerals.
- (b) An application for such conversion by the holder of such licence shall be lodged in writing with the mining commissioner who may, after consultation with the Government Mining Engineer, convert such licence into a licence available exclusively for the mining of base minerals if he is satisfied that there is no reasonable prospect of precious metals being found in workable quantities on the claims held under such licence and that there is a reasonable certainty of base minerals being found thereon in workable quantities.
- (3) (a) Whenever the Government Mining Engineer has expressed the opinion—
- (i) that there is reasonable certainty that precious metals will be found in workable quantities on claims available exclusively for base minerals, and that there is no reasonable prospect of base minerals being found in workable quantities on such claims; or
 - (ii) that in the winning of base minerals on such claims by the holder of the claim licence or any other person, precious metals have been found in conjunction with such base minerals and that such base minerals do not preponderate in value,

- (b) Indien die mynkommissaris te eniger tyd na so 'n verhoging van lisensiegelde oortuig is dat behoorlike mynwerkzaamhede deur die houer van die lisensie op die grond begin of hervat is, moet die mynkommissaris op aansoek deur die houer van die lisensie by die volgende hernuwing daarvan die lisensiegelde met ingang van die dag wat volg op die datum tot wanneer die lisensie laas hernieu was, verminder tot die skaal wat voor bedoelde verhoging gegeld het.
- (c) Iemand wat hom deur 'n beslissing van die mynkommissaris ingevolge hierdie subartikel veronreg ag, kan binne 'n tydperk van een maand na die datum van bedoelde beslissing appèl aanteken by die Minister wat die appèl kan handhaaf of van die hand wys en wie se beslissing afdoende is, en 'n beslissing van die mynkommissaris geag word.
- (d) Enige addisionele lisensiegelde as gevolg van 'n verhoging in lisensiegelde kragtens hierdie artikel deur die mynkommissaris ontvang, val die Staat toe.

56. (1) 'n Kleimlisensie verleen aan die houer daarvan die reg om edelmetale of onedele minerale, na gelang die lisensie vir edelmetale of vir onedele minerale uitgereik is, te ontgin op die kleims daarkragtens afgepen: Met dien verstande dat—

Regte verleen by en hernuwing van kleimlisensies.

- (a) in die geval van kleims gehou kragtens 'n lisensie vir edelmetale en geleë op—
 - (i) grond in artikel 16 van hierdie Wet of artikel 23 (1) van die Bantoetrust en -grond Wet, 1936 (Wet No. 18 van 1936), bedoel, wat geproklameerde grond vir sowel edelmetale as onedele minerale is; of
 - (ii) grond ten opsigte waarvan die reg op onedele minerale deur die Staat gehou word, die houer van bedoelde lisensie ook onedele minerale op bedoelde kleims kan ontgin by betaling deur hom aan die mynkommissaris van 'n bedrag van vyf sent per kleim per maand bo en behalwe die bedrag ingevolge die toepaslike bepaling van artikel 55 (1) betaalbaar, en endossering van die lisensie deur die mynkommissaris ten effekte dat dit ook vir die ontginning van onedele minerale beskikbaar is;
- (b) die houer van 'n lisensie vir onedele minerale, op die kleims daarkragtens gehou edelmetale kan ontgin by betaling deur hom van addisionele lisensiegelde teen die skaal wat geld vir edelmetaalkleims op die grond waarop die kleims geleë is, en endossering van die lisensie deur die mynkommissaris ten effekte dat dit ook vir die ontginning van edelmetale beskikbaar is.
- (2) (a) 'n Kleimlisensie vir edelmetale, behalwe 'n kleimlisensie ten opsigte van in artikel 16 bedoelde grond of private grond wat nie geproklameerde grond vir sowel edelmetale as onedele minerale is nie of grond ten opsigte waarvan die reg op onedele minerale nie deur die Staat gehou word nie, kan, ongeag of dit ook vir onedele minerale beskikbaar is al dan nie, in 'n lisensie beskikbaar uitsluitlik vir onedele minerale omgeskep word.
- (b) 'n Aansoek om so 'n omskepping deur die houer van bedoelde lisensie moet skriftelik ingedien word by die mynkommissaris wat, na oorlegpleging met die Staatsmyningenieur, bedoelde lisensie in 'n lisensie beskikbaar uitsluitlik vir die ontginning van onedele minerale kan omskep, indien hy oortuig is dat daar geen redelike vooruitsig bestaan dat edelmetale in ontginbare hoeveelhede op die kleims kragtens bedoelde lisensie gehou, gevind sal word nie en dat daar redelike sekerheid bestaan dat onedele minerale in ontginbare hoeveelhede daarop gevind sal word.
- (3) (a) Wanneer die Staatsmyningenieur die mening uitgespreek het—
 - (i) dat daar redelike sekerheid bestaan dat edelmetale in ontginbare hoeveelhede op kleims beskikbaar uitsluitlik vir onedele minerale gevind sal word, en dat daar geen redelike vooruitsig bestaan dat onedele minerale in ontginbare hoeveelhede op daardie kleims gevind sal word nie; of
 - (ii) dat daar by die win van onedele minerale op bedoelde kleims deur die houer van die kleimlisensie of enigiemand anders, edelmetale saam met sodanige onedele minerale gevind is en dat bedoelde onedele minerale nie vir sover dit waarde betref oorheersend is nie,

the mining commissioner may require the holder of the licence to produce his licence for endorsement in the manner provided by and subject to the payments mentioned in paragraph (b) of the proviso to subsection (1) or, at the option of such holder, for conversion into a claim licence available exclusively for precious metals.

- (b) In any requirement under paragraph (a) the mining commissioner shall stipulate the date from which licence moneys or additional licence moneys at the rate applicable to precious metal claims on the land in question shall become payable by the holder of the claims, and no licence in respect of such claims shall be renewed after that date in terms of this Chapter unless the appropriate amount due has been paid to the mining commissioner by the holder of such licence.
- (4) (a) The holder of a claim licence shall, subject to the provisions of this Act, be entitled, upon payment of licence moneys in accordance with the provisions of section 55, to obtain a renewal of the licence from time to time for a period not exceeding twelve months in the case of claims situated in a mining district of class A and not exceeding three months in the case of claims situated in a mining district of class B.
- (b) The renewal of a claim licence shall be refused by the mining commissioner—
- (i) if on investigating a dispute as to pegging he finds that any claim held under such licence has been lawfully pegged by a person other than the applicant for renewal or is lawfully held by some other person; or
 - (ii) if he finds that any person professing to act under such licence has pegged claims at a time when pegging is prohibited by this Act or on land lawfully reserved from pegging or in an area where pegging is not authorized by this Act.
- (5) (a) If any holder of a claim licence, who has tendered at the office of the mining commissioner the amount due for renewal of the licence, is dissatisfied with any decision of the mining commissioner under subsection (4), he may within fourteen days after such decision appeal against that decision to the Minister, whose decision on the appeal shall be final and shall be deemed to be a decision of the mining commissioner.
- (b) In the event of any such appeal being dismissed, the amount tendered under paragraph (a) shall be refunded to the holder concerned by the mining commissioner.

Applications for and conditions of grant of certificate of bezitrecht.

57. (1) (a) The holder of a claim may at any time apply in writing to the mining commissioner for a certificate of bezitrecht in respect of that claim.
- (b) Any such application shall be accompanied by a diagram of the claim.
- (2) (a) Notice of such application shall be published at the cost of the applicant in the *Gazette* and in one Afrikaans and one English newspaper circulating in the mining district concerned, and shall be served by the mining commissioner upon the registered holders of mining title adjoining such claim and upon the last previous holder (if any) of such claim at his last known address.
- (b) Such notice shall require written notice of any objections to the issue of a certificate of bezitrecht and of the grounds of such objections to be lodged with the mining commissioner and the applicant within a period of three months from the date of publication of the notice of application in the *Gazette*.
- (3) If upon the expiry of the said period no notice of objection has been lodged in terms of subsection (2) (b), the mining commissioner shall forthwith issue to the applicant a certificate of bezitrecht in the form prescribed by regulation in respect of the claim mentioned in the notice so published, and, if any notice of objection has been so lodged, the mining commissioner shall determine a date for hearing the application and shall notify the applicant and any objector in writing of such date.

- kan die mynkommisaris die houer van die lisensie aansê om sy lisensie oor te lê om op die wyse voorgeskryf by en onderworpe aan die betalings uiteengesit in paragraaf (b) van die voorbehoudsbepaling by subartikel (1) geëndosseer te word of na keuse van die houer in 'n kleimlisensie beskikbaar uitsluitlik vir edelmetale omgeskep te word.
- (b) Die mynkommisaris moet by 'n aansegging ingevolge paragraaf (a) die datum vermeld met ingang waarvan lisensiegelde of addisionele lisensiegelde teen die skaal van toepassing op edelmetalkleims op die betrokke grond deur die houer van die kleims betaalbaar word, en geen lisensie ten opsigte van bedoelde kleims word na daardie datum ingevolge hierdie Hoofstuk hernieu nie tensy die gepaste bedrag verskuldig deur die houer van bedoelde lisensie aan die mynkommisaris betaal is.
- (4) (a) Die houer van 'n kleimlisensie is, behoudens die bepalings van hierdie Wet, by betaling van lisensiegelde ooreenkomstig die bepalings van artikel 55 geregtig om van tyd tot tyd 'n hernuwing van die lisensie vir 'n tydperk van hoogstens twaalf maande in die geval van kleims geleë in 'n myndistrik in klas A en hoogstens drie maande in die geval van kleims geleë in 'n myndistrik in klas B te verkry.
- (b) Die hernuwing van 'n kleimlisensie word deur die mynkommisaris geweier—
- (i) indien hy by ondersoek van 'n afpenning geskil bevind dat enige kleim uit hoofde van bedoelde lisensie gehou, wettiglik deur iemand anders as die aansoeker om hernuwing afgepen is of wettiglik deur iemand anders gehou word; of
 - (ii) indien hy bevind dat iemand wat ingevolge bedoelde lisensie heet te handel, kleims afgepen het op 'n tyd waarop afpenning by hierdie Wet verbied word of op grond wat wettiglik van afpenning uitgehou is of in 'n gebied waar afpenning nie ingevolge hierdie Wet gemagtig is nie.
- (5) (a) Indien 'n houer van 'n kleimlisensie wat die bedrag verskuldig vir die hernuwing van die lisensie, by die kantoor van die mynkommisaris aangebied het, met die mynkommisaris se beslissing ingevolge subartikel (4) ontevrede is, kan hy binne veertien dae na bedoelde beslissing daarteen appèl aanteken by die Minister, wie se beslissing op die appèl afdoende is en 'n beslissing van die mynkommisaris geag word.
- (b) Indien so 'n appèl van die hand gewys word, word die bedrag ingevolge paragraaf (a) aangebied, deur die mynkommisaris aan die betrokke houer terugbetaal.
57. (1) (a) Die houer van 'n kleim kan te eniger tyd skriftelik by die mynkommisaris om 'n sertifikaat van besitreg ten opsigte van daardie kleim aansoek doen.
- (b) So 'n aansoek moet van 'n kaart van die kleim vergesel gaan.
- (2) (a) 'n Kennisgewing van so 'n aansoek word op koste van die aansoeker in die *Staatskoerant* en in een Afrikaanse en een Engelse nuusblad in omloop in die betrokke myndistrik gepubliseer, en word deur die mynkommisaris aan die geregistreerde houers van myntitel wat aan bedoelde kleim grens en aan die laaste vorige houer (as daar een was) van bedoelde kleim by sy laaste bekende adres bestel.
- (b) Bedoelde kennisgewing moet bepaal dat skriftelike kennisgewing van enige besware teen die uitreiking van 'n sertifikaat van besitreg en van die redes vir daardie besware binne 'n tydperk van drie maande vanaf die datum van publikasie van die kennisgewing van die aansoek in die *Staatskoerant* by die mynkommisaris en die aansoeker ingedien moet word.
- (3) Indien by die verstryking van gemelde tydperk geen kennisgewing van besware ingevolge subartikel (2) (b) ingedien is nie, reik die mynkommisaris onverwyld 'n sertifikaat van besitreg in die by regulasie voorgeskrewe vorm ten opsigte van die kleim in die aldus gepubliseerde kennisgewing vermeld, aan die aansoeker uit, en, indien kennisgewing van besware wel aldus ingedien is, stel die mynkommisaris 'n datum vas vir die verhoor van die aansoek en gee hy die aansoeker en enige beswaarmaker skriftelik kennis van daardie datum.

Aansoeke om en voorwaardes van toekenning van sertifikaat van besitreg.

(4) At such hearing the mining commissioner shall record the evidence given before him, and his decision thereon shall be in writing and filed of record.

(5) (a) The applicant or any objector who is dissatisfied with the decision of the mining commissioner, may, within a period of three months after the date of such decision, appeal against such decision to the competent division of the Supreme Court of South Africa.

(b) In the event of such an appeal, the mining commissioner shall give effect to the decision of the court thereon, but if no such appeal is lodged within the said period of three months, the decision of the mining commissioner shall be final and a certificate of bezitrecht shall be issued or refused in accordance with that decision.

(6) A certificate of bezitrecht shall be registered in the Mining Titles Office and shall thereafter be conclusive evidence that the person to whom it was issued was at the time of its issue the lawful holder of the claim mentioned therein, and be indisputable and unassailable unless it has been obtained by fraud on the part of the possessor thereof.

Permission to
peg claims on
certain land
and in certain
places.

58. (1) (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 to mine for precious metals or base minerals on or underneath any open proclaimed land not available for the pegging of claims by virtue of the provisions of section 48 (4) (c) 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, 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 the number of precious metal claims or base mineral claims authorized by the Minister.

(b) No such permission shall be granted—

(i) for the pegging of precious metal claims if the land is not proclaimed for precious metals or for the pegging of base mineral claims if the land is not proclaimed for base minerals;

(ii) over land held by any other person under a prospecting lease for precious metals or base minerals or as a prospecting area,

and if any such permission is granted over land in respect of which a permission referred to in section 91 (8) is held, regard shall be had to the provisions of section 91 (3) (b) and the conditions contained in such lastmentioned permission.

(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 be subject to all the provisions of this Act relating to claims pegged under section 48.

Pegging of
claims on mining
concession
or mynpacht.

59. (1) (a) The holder of a mining concession or mynpacht-brief may permit any person to mine for precious metals on his own behalf on the mining concession or mynpacht or any part thereof on such terms and conditions as may be mutually agreed upon, provided such person is in possession of a claim licence for precious metals for a number of claims corresponding with the extent of the land on which he has permission to mine, and such land shall for the purposes of this Act (except sections 63 (3), 64, 65 and 66) be deemed to be claims.

(b) Such holder shall forthwith advise the mining commissioner in writing of any permission so given by him.

(c) If for any reason the mining concession or mynpacht-brief is cancelled or terminated, any claims or rights to claims held on the land in question in pursuance of such permission shall lapse as from the date of such cancellation or termination.

(d) Nothing in this section contained shall relieve the holder concerned from the obligation to comply with the terms and conditions of his mining concession or mynpacht-brief.

(4) Die mynkommissaris moet by so 'n verhoor die getuienis opteken wat voor hom gelewer word en sy beslissing in verband daarmee moet skriftelik wees en geliasseer word.

(5) (a) Die aansoeker of 'n beswaarmaker wat met die mynkommissaris se beslissing ontevrede is, kan, binne 'n tydperk van drie maande na die datum van bedoelde beslissing by die bevoegde afdeling van die Hooggeregshof van Suid-Afrika daarteen appèl aanteken.

(b) In geval van so 'n appèl moet die mynkommissaris aan die hof se beslissing daaroor gevolg gee, maar indien geen appèl binne gemelde tydperk van drie maande aldus aangeteken word nie, is die mynkommissaris se beslissing afdoende en word 'n sertifikaat van besitreg daarvolgens uitgereik of geweier.

(6) 'n Sertifikaat van besitreg word in die Mynbriewekantoor geregistreer en is daarna afdoende bewys dat die persoon aan wie dit uitgereik is, ten tyde van die uitreiking daarvan die wettige houër van die daarin vermelde kleim was en is nie betwisbaar of aanvegbaar nie tensy dit deur bedrog aan die kant van die besitter daarvan verkry is.

58. (1) (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 om edelmetale of onedele minerale te ontgin op of onder oop geproklameerde grond wat vanweë die bepalings van artikel 48 (4) (c) nie vir die afpenning van kleims beskikbaar is nie, bevredigend is, en of dat sy geldmiddele voldoende is om bedoelde ontginningswerkzaamhede uit te voer of dat die reëlings waardeur hy voornemens is om kapitaal vir die doel te verkry, bevredigend is, onderworpe aan die bedinge en voorwaardes wat die Minister bepaal, aan so iemand toestemming verleen om binne 'n tydperk van een maand die getal edelmetaalkleims of onedele minerale-kleims deur die Minister gemagtig op bedoelde grond af te pen.

Toestemming om kleims op sekere grond en op sekere plekke af te pen.

(b) Sodanige toestemming word nie verleen nie—
(i) vir die afpenning van edelmetaalkleims indien die grond nie vir edelmetale geproklameer is nie, of vir die afpenning van onedele minerale-kleims indien die grond nie vir onedele minerale geproklameer is nie;
(ii) oor grond wat deur iemand anders kragtens 'n prospekterhuur vir edelmetale of onedele minerale of as 'n prospekteergebied gehou word, en indien so 'n toestemming oor grond verleen word ten opsigte waarvan 'n in artikel 91 (8) bedoelde vergunning gehou word, moet die bepalings van artikel 91 (3) (b) en die voorwaardes in laasbedoelde vergunning vervat, in ag geneem word.

(2) Iemand wat op grond van toestemming ingevolge subartikel (1) kleims wil afpen, moet voor sodanige afpenning 'n kleimlisensie vir die getal edelmetaalkleims of onedele minerale-kleims in die toestemming vermeld van die mynkommissaris verkry, en kleims wat ingevolge so 'n lisensie afgepen is, is onderworpe aan al die bepalings van hierdie Wet met betrekking tot kleims kragtens artikel 48 afgepen.

59. (1) (a) Die houër van 'n mynkonsessie of mynpag-brief kan enige persoon toelaat om edelmetale vir eie gewin op die mynkonsessie of mynpag of enige gedeelte daarvan te ontgin op die bedinge en voorwaardes waarop onderling ooreengekom word, mits daardie persoon in besit is van 'n kleimlisensie vir edelmetale vir 'n getal kleims wat ooreenstem met die grootte van die grond waarop hy toestemming het om te myn, en bedoelde grond word by die toepassing van hierdie Wet (behalwe artikels 63 (3), 64, 65 en 66) geag kleims te wees.

Afpenning van kleims op myn-konsessie of mynpag.

(b) Bedoelde houër moet die mynkommissaris onverwyld skriftelik verwittig van enige toestemming aldus deur hom verleen.

(c) Indien die mynkonsessie of mynpag-brief om enige rede ingetrek of beëindig word, verval enige kleims of regte op kleims op die betrokke grond kragtens so 'n toestemming gehou, vanaf die datum van die intrekking of beëindiging.

(d) Die bepalings van hierdie artikel onthef die betrokke houër nie van die verpligting om die bedinge en voorwaardes van sy mynkonsessie of mynpag-brief na te kom nie.

(2) If the licence moneys in respect of any claims pegged in pursuance of a permission referred to in subsection (1) become or are three months in arrear, the claim licence under authority of which the claims were pegged shall lapse.

(3) The provisions of this section shall apply also in connection with claims pegged under corresponding provisions of a prior law and held under a claim licence current at the commencement of this Act.

Licence moneys to be paid over to owner or lessee of land.

60. (1) The licence moneys received by the mining commissioner for the issue or renewal of claim licences in respect of private land or alienated State land in respect of which the owner or lessee has obtained or is or would (in the case of proclaimed land) if the land were not proclaimed be entitled to obtain a prospecting licence under section 12 or in respect of land referred to in section 16 shall, subject to the provisions of subsection (2) of this section and section 55 (2) (d), be disposed of by the mining commissioner in the manner provided by section 26 (1) (b) as if such moneys were rent referred to in the said section 26 (1) (b).

(2) The provisions of section 33 (6) and (7) shall *mutatis mutandis* apply in connection with proclaimed land open to the pegging of claims and any land on which claims are held.

Transfer of claims.

61. (1) Subject to the provisions of this section, a claim may be transferred either wholly or in part and such transfer shall be registered in the Mining Titles Office.

(2) If any part of a claim is transferred such part and the remaining part of the claim shall, notwithstanding anything in section 49 contained, be deemed to constitute separate claims.

(3) No such transfer shall be registered in the Mining Titles Office except upon production of a diagram depicting the claim or part of the claim to be transferred: Provided that in the case of a claim situated in a mining district comprised in class B, transfer may be so registered on production of a sketch plan endorsed by the mining commissioner to the effect that it is sufficient for the purpose of passing transfer of the claim shown thereon, if the claim inspector has certified that all regulations relating to pegs and beacons have been complied with.

(4) No claim shall be transferred, either wholly or in part—

(a) to a coloured person or an association of coloured persons or a corporate body or company in which coloured persons hold a controlling interest, unless the claim is situated on State land in the province of the Cape of Good Hope or on land of which the ownership vests in any coloured person or association of coloured persons or any such corporate body or company;

(b) to a Bantu unless the claim is situated on land of which the South African Bantu Trust or a Bantu is the owner or which is held in trust for a Bantu.

Mortgage of claims.

62. The holder of a claim specially registered in terms of article 102 of Law No. 15 of 1898 of the Transvaal or a corresponding provision of a prior law or in respect of which a certificate of *bezitrecht* has been issued or which is defined by a diagram, may mortgage such claim, and such mortgage shall be registered in the Mining Titles Office.

Abandonment of claims.

63. (1) The holder of a claim may at any time give notice in writing to the mining commissioner that he has abandoned the claim.

(2) Any such notice shall, if the rights in the claim are mortgaged, be accompanied by written consent to the abandonment from the registered holder of the mortgage bond.

(3) The right to any claim abandoned in terms of this section shall lapse and the claim may, if situated on proclaimed land, thereafter be dealt with in any or all of the ways provided in section 41.

Lapsing of claims on non-renewal of licences.

64. (1) Subject to the provisions of section 44 (4), all rights in any claim, not being a claim referred to in subsection (3) of this section, in respect of which the licence moneys are three months in arrear, shall lapse, and the land over which the claim was held may thereafter, if the land is proclaimed land, be dealt with in any or all of the ways provided in section 41.

(2) Indien die lisensiegelde ten opsigte van kleims ingevolge 'n in subartikel (1) bedoelde toestemming afgepen, drie maande agterstallig raak of is, verval die kleimlisensie waarkragtens die kleims afgepen is.

(3) Die bepalings van hierdie artikel is van toepassing ook in verband met kleims wat ingevolge ooreenstemmende bepalings van 'n vorige wet afgepen is en ingevolge 'n by die inwerking-treding van hierdie Wet gangbare kleimlisensie gehou word.

60. (1) Die lisensiegelde deur die mynkommissaris ontvang vir die uitreiking of hernuwing van kleimlisensies ten opsigte van private grond of vervreemde Staatsgrond ten opsigte waarvan die eienaar of huurder 'n prospekterlisensie ingevolge artikel 12 verkry het of geregtig is of (in die geval van geproklameerde grond), indien die grond nie geproklameer was nie, geregtig sou gewees het om so 'n lisensie te verkry, of ten opsigte van grond in artikel 16 bedoel, word, behoudens die bepalings van subartikel (2) van hierdie artikel en artikel 55 (2) (d), deur die mynkommissaris op die by artikel 26 (1) (b) bepaalde wyse oorbetal asof daardie gelde in gemelde artikel 26 (1) (b) bedoelde huurgeld was.

Lisensiegelde moet aan eienaar of huurder van grond oorbetal word.

(2) Die bepalings van artikel 33 (6) en (7) is *mutatis mutandis* van toepassing in verband met geproklameerde grond wat vir die afpenning van kleims oop is en grond waarop kleims gehou word.

61. (1) Behoudens die bepalings van hierdie artikel, kan 'n kleim of geheel en al of gedeeltelik oorgedra word, en so 'n oordrag word in die Mynbriewekantoor geregistreer.

Oordrag van kleims.

(2) Indien 'n gedeelte van 'n kleim oorgedra word, word daardie gedeelte en die oorblywende gedeelte van die kleim, ondanks andersluidende bepalings in artikel 49 vervat, geag aparte kleims uit te maak.

(3) So 'n oordrag word nie in die Mynbriewekantoor geregistreer nie behalwe by oorlegging van 'n kaart wat die kleim of gedeelte van die kleim aantoon wat oorgedra staan te word: Met dien verstande dat in die geval van 'n kleim geleë in 'n myndistrik wat in klas B ingedeel is, oordrag aldus geregistreer kan word by oorlegging van 'n sketskaart deur die mynkommissaris geëndosseer ten effekte dat dit voldoende is vir die doel van oordrag van die kleim daarop aangetoon, indien die kleim-inspekteur gesertifiseer het dat alle regulasies met betrekking tot penne en bakens nagekom is.

(4) Geen kleim word of geheel en al of gedeeltelik oorgedra—

(a) aan 'n kleurling of 'n vereniging van kleurlinge of 'n regspersoon of maatskappy waarin kleurlinge 'n beherende belang besit nie, tensy die kleim geleë is op Staatsgrond in die provinsie die Kaap die Goeie Hoop of op grond waarvan die eiendomsreg by 'n kleurling of assosiasie van kleurlinge of so 'n regspersoon of maatskappy berus;

(b) aan 'n Bantoe nie, tensy die kleim geleë is op grond waarvan die Suid-Afrikaanse Bantoe-trust of 'n Bantoe die eienaar is of wat in trust vir 'n Bantoe gehou word.

62. Die houer van 'n kleim wat spesiaal ingevolge artikel 102 van Wet No. 15 van 1898 van Transvaal of 'n ooreenstemmende bepaling van 'n vorige wet geregistreer is of ten opsigte waarvan 'n sertifikaat van besitreg uitgereik is of wat op 'n kaart omskryf word, kan bedoelde kleim met verband beswaar, en so 'n verband word in die Mynbriewekantoor geregistreer.

Beswaring van kleims met verband.

63. (1) Die houer van 'n kleim kan te eniger tyd aan die mynkommissaris skriftelik kennis gee dat hy die kleim opgegee het.

Opsegging van kleims.

(2) So 'n kennisgewing moet, indien die regte op die kleim met verband beswaar is, van die skriftelike toestemming van die geregistreerde houer van die verband tot die opsegging vergesel gaan.

(3) Die reg op 'n kleim wat ingevolge hierdie artikel opgesê is, verval, en daarna kan met die kleim, indien dit op geproklameerde grond geleë is, op enige van of al die in artikel 41 bepaalde maniere gehandel word.

64. (1) Behoudens die bepalings van artikel 44 (4), verval alle regte op 'n kleim wat nie 'n in subartikel (3) van hierdie artikel bedoelde kleim is nie en ten opsigte waarvan die lisensiegelde drie maande agterstallig is, en daar kan daarna met die grond waaroor die kleim gehou was, indien dit geproklameerde grond is, op enige van of al die in artikel 41 bepaalde maniere gehandel word.

Verval van kleims wanneer lisensies nie hernieu word nie.

(2) If the licence moneys in respect of any claim to which the provisions of subsection (1) apply are not more than three months in arrear, the holder of the claim licence under authority of which such claim is held shall, subject to the provisions of this Chapter, be entitled to obtain a renewal of the licence by paying the amount of arrears due up to date, together with an additional sum equal to one quarter of such amount: Provided that, if renewal of the licence is obtained within fourteen days after the date to which the licence was last paid or renewed, no such additional sum shall be payable.

(3) (a) Whenever the licence moneys in respect of any claim—

- (i) specially registered in terms of article 102 of Law No. 15 of 1898 of the Transvaal or a corresponding provision of a prior law; or
- (ii) in respect of which a certificate of bezitrecht is held,

are six months in arrear, the mining commissioner shall as soon as possible serve written notice upon the holder of such claim demanding payment of such moneys, and shall at the same time serve a copy of such notice upon the registered holder of any mortgage bond over the claim.

(b) In the event of non-payment, within one month of the date of such notice, of all arrear licence moneys in respect of the claim due up to date and an additional sum calculated at one-quarter of the moneys so in arrear, all rights in such claim shall lapse and the land over which the claim was held may thereafter, if the land is proclaimed land, be dealt with in any or all of the ways provided in section 41.

(4) Any additional sum paid to the mining commissioner under subsection (2) or (3) (b) shall accrue to the State.

Special provisions relating to lapsing of claims if holder of claim dies or his estate is placed under sequestration, etc.

65. (1) Subject to the provisions of this Chapter, and notwithstanding anything to the contrary contained in section 64 (1) or (2), the rights in any claim referred to in the said section 64 (2) belonging to—

- (a) the estate of a deceased person; or
- (b) any estate under sequestration; or
- (c) any company under judicial management or in liquidation,

shall not lapse by reason only of the fact that the licence moneys in respect of such claim are three months in arrear, if written notice of the death of the holder of such claim or of the sequestration of such estate or of the fact that such company has been placed under judicial management or in liquidation, has been given to the mining commissioner within three months after the date up to which such licence moneys were last paid, and the moneys so in arrear together with an amount equal to one quarter of such moneys, are paid to the mining commissioner by the person authorized by law to administer the estate in question, or the judicial manager or liquidator concerned, within thirty days after his appointment or (if confirmation of such appointment is required by law) after confirmation thereof.

(2) The additional amount paid under subsection (1) shall accrue to the State.

Privileges of persons called out on service under Act 44 of 1957.

66. (1) Subject to the provisions of this Chapter, and notwithstanding the provisions of section 64, any holder of a claim who is called out under Chapter X of the Defence Act, 1957, on service—

- (a) in defence of the Republic;
- (b) in the prevention or suppression of internal disorder in the Republic; or
- (c) in the preservation of life, health or property or the maintenance of essential services,

shall be entitled within a period of three months after he has been released or discharged from such service to obtain a renewal of such licence, provided he has before the expiration of a period of three months from the date up to which licence moneys in respect of the claim were last paid, in writing informed the mining commissioner of the fact that he has been called out on such service.

(2) In the event of the renewal of any claim licence under subsection (1), no licence moneys shall be payable in respect of the period of the service in question.

(2) Indien die lisensiegelde ten opsigte van 'n kleim waarop die bepaling van subartikel (1) van toepassing is, nie meer as drie maande agterstallig is nie, is die houër van die kleimlisensie waarkragtens die kleim gehou word, behoudens die bepaling van hierdie Hoofstuk, geregtig om 'n hernuwing van die lisensie te verkry deur die agterstallige bedrag tot datum verskuldig, tesame met 'n addisionele som gelyk aan een-kwart van bedoelde bedrag, te betaal: Met dien verstande dat so 'n addisionele som nie betaalbaar is indien die hernuwing van die lisensie verkry word binne veertien dae na die datum tot wanneer die lisensie laas opbetaal of hernieu was nie.

(3) (a) Wanneer die lisensiegelde ten opsigte van 'n kleim—

(i) wat spesiaal ingevolge artikel 102 van Wet No 15 van 1898 van Transvaal of 'n ooreenstemmende bepaling van 'n vorige wet geregistreer is; of

(ii) ten opsigte waarvan 'n sertifikaat van besitreg gehou word,

ses maande agterstallig is, moet die mynkommissaris so spoedig moontlik 'n skriftelike kennisgewing aan die houër van dié kleim bestel waarby betaling van bedoelde gelde geëis word, en terselfdertyd 'n afskrif van die kennisgewing aan die geregistreerde houër van enige verband op die kleim bestel.

(b) In geval van wanbetaling, binne een maand na die datum van bedoelde kennisgewing, van alle agterstallige lisensiegelde tot datum ten opsigte van die kleim verskuldig en 'n addisionele som geld bereken teen een-kwart van die gelde aldus agterstallig, verval alle regte op bedoelde kleim en daarna kan met die grond waaroor die kleim gehou was, indien dit geproklameerde grond is, op enige van of al die in artikel 41 bepaalde maniere gehandel word.

(4) Enige addisionele bedrag ingevolge subartikel (2) of (3) (b) aan die mynkommissaris betaal, val die Staat toe.

65. (1) Behoudens die bepaling van hierdie Hoofstuk, en ondanks andersluidende bepaling in artikel 64 (1) of (2) vervat, verval die regte op 'n in gemelde artikel 64 (2) bedoelde kleim wat behoort aan—

(a) die boedel van 'n gestorwe persoon; of

(b) 'n boedel onder sekwestrasie; of

(c) 'n maatskappy onder geregtelike bestuur of in likwidasië,

nie bloot op grond daarvan dat die lisensiegelde ten opsigte van dié kleim drie maande agterstallig is nie, indien skriftelike kennisgewing van die afsterwe van die houër van bedoelde kleim of van die sekwestrasie van bedoelde boedel of van die feit dat bedoelde maatskappy onder geregtelike bestuur of in likwidasië geplaas is, binne drie maande na die datum tot wanneer bedoelde lisensiegelde laas betaal was aan die mynkommissaris gegee is en die aldus agterstallige gelde, tesame met 'n bedrag gelyk aan een-kwart van bedoelde gelde, binne dertig dae na sy aanstelling of (indien bekragtiging van sodanige aanstelling volgens wet vereis word) na bekragtiging daarvan, deur die persoon wat regtens bevoeg is om die betrokke boedel te administreer of die betrokke geregtelike bestuurder of likwidateur aan die mynkommissaris betaal word.

(2) Die addisionele bedrag ingevolge subartikel (1) betaal, val die Staat toe.

66. (1) Behoudens die bepaling van hierdie Hoofstuk, en ondanks die bepaling van artikel 64, is 'n houër van 'n kleim wat ingevolge Hoofstuk X van die Verdedigingswet, 1957, opgeroep word om diens—

(a) ter verdediging van die Republiek;

(b) ter voorkoming of onderdrukking van binnelandse onluste in die Republiek; of

(c) ter behoud of bewaring van lewens, gesondheid of eiendom of ter instandhouding van noodsaaklike dienste,

te doen, geregtig om binne 'n tydperk van drie maande nadat hy uit bedoelde diens vrygelaat of ontslaan is 'n hernuwing van bedoelde lisensie te verkry, mits hy voor die verstryking van 'n tydperk van drie maande vanaf die datum tot wanneer lisensiegelde ten opsigte van die kleim laas betaal is, die mynkommissaris skriftelik in kennis gestel het dat hy vir sodanige diens opgeroep is.

(2) Ingeval 'n kleimlisensie kragtens subartikel (1) hernieu word, is geen lisensiegelde ten opsigte van die tydperk van die betrokke diens betaalbaar nie.

Spesiale bepalinge betreffende verval van kleims indien houër van kleim sterf of sy boedel gesekwestreer word, ens.

Voorregte van persone wat ingevolge Wet 44 van 1957 vir diens opgeroep word.

Certain provisions to apply in connection with claims. 67. The provisions of sections 23 (2) (a) and 33 (4) shall *mutatis mutandis* apply to the holder of a claim, and the provisions of section 33 (3) (d), (e) and (f) shall *mutatis mutandis* apply in connection with any plant, machinery, equipment, buildings, structures or improvements on the land over which a claim was previously held and the removal or destruction of any material used for supporting any underground workings or plant or material required to prevent damage to any mine or workings on such land.

CHAPTER VII.

MYPNACHTEN.

Existing mynpacht-brieven deemed to have been granted for indefinite period. 68. Every mynpacht-brief held at the commencement of this Act shall, notwithstanding anything to the contrary in the mynpacht-brief or in any endorsement thereon contained, be deemed to have been granted for an indefinite period, and the Registrar of Mining Titles shall, upon application by the holder of any such mynpacht-brief, and if proof is produced to him that the dues in respect of the mynpacht concerned have been paid up to date, endorse that mynpacht-brief accordingly.

Sub-division of mynpacht. 69. Whenever a mynpacht-brief is held by two or more persons having undivided interests in the mynpacht, and such persons desire that the mynpacht be divided in a manner mutually agreed upon between them in writing, mynpacht-brieven may be issued by the Registrar of Mining Titles for as many parts as there are divisions of the mynpacht, provided diagrams in respect of all such divisions have been lodged with him.

Mynpacht dues. 70. (1) A sum of one rand in respect of every morgen or fraction of a morgen included in any mynpacht shall be payable annually in advance at the office of the mining commissioner by the holder of the mynpacht-brief.

(2) On the issue to any person of a mynpacht-brief under section 69, such person shall be liable to make payment as provided in subsection (1) of this section as from the day following the date to which the moneys in respect of the original mynpacht were last paid.

(3) If the moneys payable in respect of a mynpacht are six months in arrear, the mining commissioner shall in writing demand payment of the relevant amount from the holder of the mynpacht-brief and shall at the same time serve a copy of such demand upon the registered holder of any mortgage bond over the mynpacht, and if the said amount is not paid within three months after the date of such demand, the Minister shall declare the mynpacht-brief cancelled.

(4) The provisions of section 23 (2) of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), shall apply in connection with any mynpacht dues received by the mining commissioner in respect of any mynpacht situated on land referred to in the said section 23 (2).

Abandonment of mynpacht. 71. (1) The holder of a mynpacht may at any time give notice in writing to the mining commissioner that he desires to abandon that mynpacht or such part thereof as may be specified in the notice.

(2) Any such notice shall—

(a) if the mynpacht is mortgaged, be accompanied by written consent to the abandonment from the registered holder of the mortgage bond;

(b) if the mynpacht is to be abandoned as to part only, be accompanied by a diagram defining the part to be abandoned.

(3) Any such notice, together with any consent or diagram which may be required under subsection (2), shall on receipt thereof by the mining commissioner be transmitted by him to the Registrar of Mining Titles who shall, if the mining commissioner has certified that all amounts due under section 70 in respect of the mynpacht up to the date of receipt by the mining commissioner of the notice have been paid, record the abandonment, which shall be effective as from the date of such recording, and the Minister shall thereupon declare the mynpacht-brief cancelled to the extent to which the mynpacht has been abandoned.

Transfer and mortgage of mynpacht. 72. (1) A mynpacht may be transferred or mortgaged, either wholly or in part, and any such transfer or mortgage shall be registered in the Mining Titles Office, and where any part of a mynpacht is transferred, a separate mynpacht-brief in respect of such part shall be issued by the Registrar of Mining Titles.

67. Die bepalings van artikels 23 (2) (a) en 33 (4) is *mutatis mutandis* van toepassing op die houer van 'n kleim, en die bepalings van artikel 33 (3) (d), (e) en (f) is *mutatis mutandis* van toepassing in verband met enige installasies, masjinerie, toerusting, geboue, strukture of verbeterings op die grond waaroor 'n kleim voorheen gehou was en die verwydering of vernietiging van materiaal gebruik om ondergrondse werkplekke te stut of installasies of materiaal wat nodig is ten einde skade aan enige myn of werkplekke op bedoelde grond te voorkom.

Sekere bepalings van toepassing in verband met kleims.

HOOFSTUK VII.

MYNPAGTE.

68. Elke mynpag-brief wat by die inwerkingtreding van hierdie Wet gehou word, word ondanks andersluidende bepalings van die mynpag-brief of van enige endossement daarop, geag vir 'n onbepaalde tydperk toegeken te gewees het, en die Registrateur van Mynbriewe moet, op aansoek van die houer van so 'n mynpag-brief, en indien bewys aan hom gelewer word dat die gelde ten opsigte van die betrokke mynpag verskuldig tot datum betaal is, daardie mynpag-brief dienoreenkstig endosseer.

Bestaande mynpag-briewe word geag vir onbepaalde tydperk toegeken te gewees het.

69. Wanneer 'n mynpag-brief gehou word deur twee of meer persone wat onverdeelde belange in die mynpag het, en bedoelde persone verlang dat die mynpag verdeel word op 'n wyse waarop hulle skriftelik onderling ooreengekom het, kan mynpag-briewe deur die Registrateur van Mynbriewe vir soveel gedeeltes as wat daar verdelings van die mynpag is, uitgereik word, mits kaarte ten opsigte van al die verdelings by hom ingedien is.

Onderverdeling van mynpag.

70. (1) 'n Bedrag van een rand ten opsigte van elke morg of breukdeel van 'n morg wat by 'n mynpag ingesluit is, is jaarliks deur die houer van die mynpag-brief by die kantoor van die mynkommissaris vooruitbetaalbaar.

Mynpaggelde.

(2) By die uitreiking aan enigiemand van 'n mynpag-brief ooreenkstig artikel 69, is so iemand aanspreeklik vir betaling volgens voorskrif van subartikel (1) van hierdie artikel met ingang van die dag wat volg op die datum tot wanneer die gelde ten opsigte van die oorspronklike mynpag laas betaal is.

(3) Indien die gelde ten opsigte van 'n mynpag betaalbaar ses maande agterstallig is, moet die mynkommissaris skriftelik betaling van die toepaslike bedrag van die houer van die mynpag-brief eis en terselfdertyd 'n afskrif van bedoelde eis aan die geregistreerde houer van enige verband op die mynpag bestel, en indien bedoelde bedrag nie binne drie maande na die datum van bedoelde eis betaal word nie, word die mynpag-brief deur die Minister gekanselleer verklaar.

(4) Die bepalings van artikel 23 (2) van die Bantoetrust en -grond Wet, 1936 (Wet No. 18 van 1936), is van toepassing in verband met mynpaggelde deur die mynkommissaris ontvang ten opsigte van 'n mynpag geleë op grond in gemelde artikel 23 (2) bedoel.

71. (1) Die houer van 'n mynpag kan te eniger tyd skriftelik aan die mynkommissaris kennis gee dat hy daardie mynpag of 'n in die kennisgewing vermelde gedeelte daarvan wil opsê.

Opsegging van mynpag.

(2) So 'n kennisgewing moet—

(a) indien die mynpag met verband beswaar is, van die skriftelike toestemming van die geregistreerde houer van die verband tot die opsegging vergesel gaan;

(b) indien die mynpag slegs gedeeltelik opgesê gaan word, vergesel gaan van 'n kaart wat die gedeelte omskryf wat opgesê staan te word.

(3) So 'n kennisgewing, tesame met enige toestemming of kaart wat ingevolge subartikel (2) vereis word, word, by ontvangs daarvan deur die mynkommissaris, deur hom gestuur aan die Registrateur van Mynbriewe wat, indien die mynkommissaris gesertifiseer het dat alle ingevolge artikel 70 ten opsigte van die mynpag verskuldigde gelde tot die datum van ontvangs deur die mynkommissaris van die kennisgewing betaal is, die opsegging aanteken wat vanaf die datum van aantekening van krag word, en daarop word die mynpag-brief deur die Minister gekanselleer verklaar vir sover die mynpag opgesê is.

72. (1) 'n Mynpag kan òf geheel en al òf gedeeltelik oorgedra of met verband beswaar word, en so 'n oordrag of verband word in die Mynbriewekantoor geregistreer, en waar 'n gedeelte van 'n mynpag oorgedra word, word 'n aparte mynpag-brief deur die Registrateur van Mynbriewe ten opsigte van bedoelde gedeelte uitgereik.

Oordrag van mynpag en beswaring daarvan met verband.

(2) The provisions of section 61 (4) shall *mutatis mutandis* apply in connection with the transfer of a mynpacht or part thereof.

Methods of dealing with land previously held under mynpacht-brief.

73. Any proclaimed land comprising a mynpacht or part of a mynpacht in respect of which the relevant mynpacht-brief has been declared cancelled may be dealt with in any or all of the ways provided in section 41 or may be deproclaimed as provided in section 44.

Certain provisions to apply in connection with mynpachten, etc.

74. The provisions of section 33 (2) and (4) shall *mutatis mutandis* apply in connection with any mynpacht, and the provisions of section 33 (3) (d), (e) and (f) shall *mutatis mutandis* apply in connection with any plant, machinery, equipment, buildings, structures or improvements on the land over which a mynpacht-brief was previously held, and the removal or destruction of any material used for supporting underground workings or plant or material required to prevent damage to the mine or workings on such land.

CHAPTER VIII.

MINING AND MINERAL LEASES GRANTED UNDER PRIOR LAWS IN RESPECT OF PRECIOUS METALS AND BASE MINERALS.

Terms and conditions of existing leases.

75. Save as is otherwise provided in this Act, all the rights and obligations attaching at the commencement of this Act to any mining lease or mineral lease granted under a prior law shall remain in force as if this Act had not been passed.

Leases in respect of base minerals granted under Ordinance 42 of 1903 (Transvaal).

76. (1) The holder of a lease granted under section 3 of the Base Metal Law Amendment Ordinance, 1903, of the Transvaal, shall, upon expiration by effluxion of time of such lease, and if the lease is not capable of being renewed for any further period, be entitled, upon written application to the mining commissioner at least six months prior to the date of such expiration, to the grant to him of a new mining lease in accordance with the provisions of section 42 of this Act for the mining on the land subject to the firstmentioned lease, of the base minerals for which he was entitled to mine in terms of that lease.

(2) (a) If any lease granted under the said Ordinance provides for the annual payment by the holder thereof to the State of a rent calculated at five pence per month for every base mineral claim area included in the lease area, such holder shall, after the commencement of this Act and as from the day following the date to which such rent was last paid, pay in respect of such lease to the mining commissioner yearly in advance a rent of fifty cents in respect of each such claim area.

(b) In the event of non-payment by such holder of the rent prescribed by this subsection, the provisions of such lease relating to non-payment of the rent due to the State shall apply.

Leases in respect of base minerals granted under Act 16 of 1907 (Cape).

77. (1) The provisions of section 76 (1) shall *mutatis mutandis* apply in connection with any lease in respect of base minerals granted under the Mineral Law Amendment Act, 1907, of the Cape of Good Hope, and current at the commencement of this Act, not being a lease which at the date of its expiry by effluxion of time is held over land in respect of which the right to base minerals is not held by the State.

(2) Notwithstanding the provisions of section 75 of this Act, every holder of a lease granted under the said Mineral Law Amendment Act, 1907, shall as from the commencement of this Act be released from compliance with any condition contained in such lease in terms of which such holder is required to submit annually a declaration such as is provided for in section 42 (j) of that Act.

(3) Subject to the provisions of subsection (2), the mining commissioner may at any time serve upon the holder of a lease granted under the said Act who fails to comply with any condition of such lease, other than a condition relating to the non-working of the lease area or payment of the rent stipulated

(2) Die bepalings van artikel 61 (4) is *mutatis mutandis* in verband met die oordrag van 'n mynpag of gedeelte daarvan van toepassing.

73. Daar kan met enige geproklameerde grond wat 'n mynpag of gedeelte van 'n mynpag uitmaak ten opsigte waarvan die toepaslike mynpag-brief gekanselleer verklaar is, op enige van of al die in artikel 41 voorgeskrewe maniere gehandel word of dit kan ooreenkomstig artikel 44 gedepronklameer word.

Maniere waarop met grond wat voorheen kragtens mynpag-brief gehou was, gehandel word.

74. Die bepalings van artikel 33 (2) en (4) is *mutatis mutandis* van toepassing in verband met 'n mynpag, en die bepalings van artikel 33 (3) (d), (e) en (f) is *mutatis mutandis* van toepassing in verband met enige installasies, masjinerie, toerusting, geboue, strukture of verbeterings op die grond waaroor 'n mynpag-brief voorheen gehou was en die verwydering of vernietiging van materiaal gebruik om ondergrondse werkplekke te stut of installasies of materiaal wat nodig is ten einde skade aan die myn of werkplekke op bedoelde grond te voorkom.

Sekere bepalings in verband met mynpagte, ens., van toepassing.

HOOFSTUK VIII.

MYN- EN MINERALEVERHURINGS KRAGTENS VORIGE WETTE TEN OPSIGTE VAN EDELMETALE EN ONEDELE MINERALE TOEGEKEN.

75. Behalwe vir sover hierdie Wet anders bepaal, bly al die regte en verpligtings waaraan enige mynhuur of mineraleverhuring kragtens 'n vorige wet toegeken, by die inwerking-treding van hierdie Wet onderworpe is, van krag asof hierdie Wet nie aangeneem is nie.

Bedinge en voorwaardes van bestaande hure.

76. (1) Die houer van 'n huur wat kragtens artikel 3 van die „Base Metal Law Amendment Ordinance, 1903” van Transvaal, toegeken is, is by verstryking weens tydsverloop van bedoelde huur, en indien die huur nie vir 'n verdere tydperk hernieubaar is nie, by skriftelike aansoek aan die mynkommissaris minstens ses maande voor die datum van bedoelde verstryking, geregtig op die toekenning aan hom van 'n nuwe mynhuur ooreenkomstig die bepalings van artikel 42 van hierdie Wet vir die ontginning op die grond waarvoor eersgemelde huur gehou was van die onedele minerale wat hy ingevolge daardie huur geregtig was om te ontgin.

Hure ten opsigte van onedele minerale kragtens Ordonnansie 42 van 1903 (Transvaal) toegeken.

(2) (a) Indien 'n huur kragtens gemelde Ordonnansie toegeken, voorsiening maak vir die jaarlikse betaling deur die houer daarvan aan die Staat van 'n huurgeld bereken teen vyf pennies per maand vir elke onedele minerale-kleimterrein wat by die huurterrein ingesluit is, is daar na die inwerkingtreding van hierdie Wet en met ingang van die dag wat volg op die datum tot wanneer bedoelde huurgeld laas betaal is, 'n jaarlikse huurgeld van vyftig sent vir elke sodanige kleimterrein deur bedoelde houer aan die mynkommissaris ten opsigte van bedoelde huur vooruitbetaalbaar.

(b) In geval van wanbetaling deur bedoelde houer van die huurgeld by hierdie subartikel voorgeskryf, is die bepalings van bedoelde huur betreffende wanbetaling van die huurgeld aan die Staat betaalbaar, van toepassing.

77. (1) Die bepalings van artikel 76 (1) is *mutatis mutandis* van toepassing in verband met 'n huur ten opsigte van onedele minerale kragtens die „Mineral Law Amendment Act, 1907”, van die Kaap die Goeie Hoop, toegeken en gangbaar by die inwerkingtreding van hierdie Wet, behalwe 'n huur wat by die datum van verstryking daarvan weens tydsverloop oor grond gehou word ten opsigte waarvan die reg op onedele minerale nie deur die Staat gehou word nie.

Hure ten opsigte van onedele minerale kragtens Wet 16 van 1907 (Kaap) toegeken.

(2) Ondanks die bepalings van artikel 75 van hierdie Wet, word elke houer van 'n huur kragtens gemelde „Mineral Law Amendment Act, 1907”, toegeken, met ingang van die inwerkingtreding van hierdie Wet vrygestel van nakoming van enige voorwaarde in bedoelde huur vervat ingevolge waarvan bedoelde houer verplig is om jaarliks 'n verklaring volgens voorskrif van artikel 42 (j) van daardie Wet voor te lê.

(3) Behoudens die bepalings van subartikel (2), kan die mynkommissaris te eniger tyd aan die houer van 'n huur kragtens gemelde Wet toegeken wat versuim om te voldoen aan enige voorwaarde van bedoelde huur, behalwe 'n voorwaarde wat betrekking het op versuim om die huurterrein te ontgin of op betaling van die huurgeld in die huur bepaal 'n

in the lease, a notice in writing calling upon him to remedy the defect within a period specified in the notice, and if the holder fails to comply with the notice within such period or within such further period as the mining commissioner may allow, the Minister may declare the lease cancelled.

(4) Any—

- (a) rent payable in terms of any such lease to any civil commissioner;
- (b) other moneys payable in terms of such lease at the office of any civil commissioner or resident magistrate for the benefit of any board of management established under the Rural Coloured Areas Act, 1963 (Act No. 24 of 1963),

shall after the commencement of this Act be payable to the mining commissioner.

(5) If any such lease relates to land—

- (a) to which the Rural Coloured Areas Act, 1963, applies; or
 - (b) in respect of which the South African Bantu Trust or a Bantu is the owner or which is held in trust for a Bantu,
- any rent paid to the mining commissioner under the lease after the commencement of this Act shall be paid over—
- (i) in the case of rent paid under a lease over land referred to in paragraph (a), to the appropriate board of management contemplated in subsection (4) (b) or, if no such board has been established in respect of the land in question, to the Secretary for Coloured Affairs for payment into the Consolidated Revenue Fund; or
 - (ii) subject to the provisions of section 51 of the Transkei Constitution Act, 1963 (Act No. 48 of 1963), in the case of rent paid under a lease over land referred to in paragraph (b), to the South African Bantu Trust Fund referred to in section 8 of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936).

(6) The provisions of section 27 (1) (b) shall *mutatis mutandis* apply with reference to any amount paid to the Secretary for Coloured Affairs in terms of subsection (5) (i).

- (7) (a) As soon as may be after the commencement of this Act every holder of a lease referred to in subsection (1) and every mining commissioner concerned shall forward his copy of such lease to the Secretary who shall endorse each such lease to the effect that the lease has been renewed for a period expiring on a date ninety-nine years from the date of the grant thereof, and thereupon the aforementioned copies together with the Secretary's copy of every such lease, duly endorsed as aforesaid, shall be forwarded to the Registrar of Mining Titles, who shall free of charge register each such lease and retain the Secretary's copy thereof as his registry duplicate.
- (b) Notwithstanding any provisions to the contrary contained in any such lease, no sub-letting or assignment of any such lease shall after the commencement of this Act be registered elsewhere than in the Mining Titles Office.
- (c) The transfer of any such lease shall not be subject to the payment of stamp duty or transfer duty under any law relating to stamp duty or transfer duty.

Leases under Acts 35 of 1908 (Transvaal), 30 of 1918 and 13 of 1936.

78. (1) If any lease granted under the Precious and Base Metals Act, 1908, of the Transvaal, or under the Transvaal Mining Leases and Mineral Law Amendment Act, 1918, or under either of the said Acts as applied to the province of the Orange Free State by the Orange Free State Metals Mining Act, 1936, provides for the payment to the State by the holder of the lease of a rent at such a rate and in such a manner as would have applied in terms of section 40 (1) and (3) or section 119 of the said Precious and Base Metals Act, 1908, or of that Act as so applied, if the lease area had consisted of claims, such holder shall after the commencement of this Act pay to the mining commissioner in advance with effect from the day following the date to which such rent was last paid—

- (a) in the case of a lease in respect of precious metals, the moneys prescribed by subparagraph (i) or (ii) of section 55 (1) (a) of this Act, whichever subparagraph applies in respect of the land which is the subject of the lease; or

skriftelike kennisgewing bestel waarby hy aangesê word om die versuim binne 'n in die kennisgewing vermelde tydperk aan te suiwer, en indien die houer versuim om binne bedoelde tydperk of binne die verdere tydperk wat die mynkommissaris toelaat, aan die kennisgewing te voldoen, kan die Minister die huur gekanselleer verklaar.

(4) Enige—

- (a) huurgeld wat ingevolge so 'n huur aan 'n siviele kommissaris betaalbaar is;
- (b) ander gelde wat ingevolge so 'n huur by die kantoor van 'n siviele kommissaris of resident-landdros betaalbaar is, ten bate van 'n bestuursraad kragtens die Wet op Landelike Kleurlinggebiede, 1963 (Wet No. 24 van 1963), ingestel,

is na die inwerkingtreding van hierdie Wet aan die mynkommissaris betaalbaar.

(5) Indien so 'n huur betrekking het op grond—

- (a) waarop die Wet op Landelike Kleurlinggebiede, 1963, van toepassing is; of
- (b) ten opsigte waarvan die Suid-Afrikaanse Bantoe trust of 'n Bantoe die eienaar is of wat in trust vir 'n Bantoe gehou word,

word enige huurgeld wat na die inwerkingtreding van hierdie Wet ingevolge die huur aan die mynkommissaris betaal word, oorbetaal—

- (i) in die geval van huurgeld betaal ingevolge 'n huur oor in paragraaf (a) bedoelde grond, aan die betrokke bestuursraad in subartikel (4) (b) bedoel of, indien so 'n raad nie ten opsigte van die betrokke grond ingestel is nie, aan die Sekretaris van Kleurlingsake vir inbetaling in die Gekonsolideerde Inkomstefonds; of
- (ii) behoudens die bepalinge van artikel 51 van die Transkeise Grondwet, 1963 (Wet No. 48 van 1963), in die geval van huurgeld betaal ingevolge 'n huur oor grond in paragraaf (b) bedoel, aan die in artikel 8 van die Bantoe trust en -grond Wet, 1936 (Wet No. 18 van 1936), bedoelde Suid-Afrikaanse Bantoe trustfonds.

(6) Die bepalinge van artikel 27 (1) (b) is *mutatis mutandis* van toepassing met betrekking tot enige bedrag ingevolge subartikel (5) (i) aan die Sekretaris van Kleurlingsake betaal.

- (7) (a) So spoedig doenlik na die inwerkingtreding van hierdie Wet stuur elke houer van 'n in subartikel (1) bedoelde huur en elke betrokke mynkommissaris sy afskrif van bedoelde huur aan die Sekretaris wat elke sodanige huur endosseer ten effekte dat dit hernieu is vir 'n tydperk wat op 'n datum nege-en-negentig jaar vanaf die datum van toekenning daarvan verstryk, en daarop word voormelde afskrifte, tesame met die Sekretaris se afskrif van elke sodanige huur, behoorlik soos voormeld geëndosseer, aan die Registrateur van Mynbriewe gestuur wat elke sodanige huur gratis registreer en die Sekretaris se afskrif daarvan as sy registrasie-duplikaat bewaar.
- (b) Ondanks andersluidende bepalinge in so 'n huur vervat, word geen onderverhuring of oordrag van so 'n huur na die inwerkingtreding van hierdie Wet elders as in die Mynbriewekantoor geregistreer nie.
- (c) Die oordrag van so 'n huur is nie ingevolge enige wetsbepaling op seëlregte of hereregte aan die betaling van seëlregte of hereregte onderhewig nie.

78. (1) Indien 'n huur toegeken kragtens die „Precious and Base Metals Act, 1908”, van Transvaal, of kragtens die „Transvaal Mynverhuring en Minerale Wet Wijzigings Wet, 1918”, of kragtens enige van gemelde Wette soos by die Oranje-Vrystaatse Metaal-myn Wet, 1936, op die provinsie Oranje-Vrystaat toegepas, voorsiening maak vir die betaling aan die Staat deur die houer van die huur van 'n huurgeld teen 'n skaal en op 'n wyse wat, indien die huurterrein uit kleins bestaan het, ingevolge die bepalinge van artikel 40 (1) en (3) of artikel 119 van gemelde „Precious and Base Metals Act, 1908”, of van daardie Wet soos aldus toegepas, van toepassing sou gewees het, is daar na die inwerkingtreding van hierdie Wet en met ingang van die dag wat volg op die datum tot wanneer sodanige huurgeld laas betaal is, deur bedoelde houer aan die mynkommissaris vooruitbetaalbaar—

- (a) in die geval van 'n huur ten opsigte van edelmetale, die gelde voorgeskryf by subparagraaf (i) of (ii) van artikel 55 (1) (a) van hierdie Wet, watter subparagraaf ook al ten opsigte van die grond waaroor die huur gehou word van toepassing is; of

Hure kragtens Wette 35 van 1908 (Transvaal), 30 van 1918 en 13 van 1936.

(b) in the case of a lease in respect of base minerals, the moneys prescribed by section 55 (1) (a) (iii), as if the lease area consisted of claims.

(2) If any lease referred to in subsection (1), not being a lease granted under section 19 of the said Precious and Base Metals Act, 1908, or of that Act as applied as aforesaid, provides for the payment to the State by the holder of the lease of a rent based upon the extent of the lease area or any portion thereof as expressed in morgen, such holder shall after the commencement of this Act pay to the mining commissioner in respect of such area or portion thereof in advance with effect from the day following the date to which such rent was last paid, the rent prescribed in section 26 (1) (a) (iv) of this Act.

(3) The provisions of section 33 (6) and (7) shall *mutatis mutandis* apply in connection with any moneys paid or payable in accordance with subsection (1) or (2) of this section, and the moneys so paid shall, subject to the provisions of section 33 (6), and in so far as they relate to private land or to alienated State land in respect of which the owner or lessee has obtained or would if the land were not proclaimed land be entitled to obtain a prospecting licence under section 12, be disposed of by the mining commissioner in the manner prescribed in section 26 (1) (b).

(4) Any reference in any lease referred to in subsection (1) of this section to the provisions of section 102 of the said Precious and Base Metals Act, 1908, or of that Act as applied as aforesaid, shall as from the commencement of this Act be deemed to be a reference to the provisions of section 64 (3) and (4) of this Act.

Leases under Act 55 of 1926.

79. The provisions of section 78 (2), (3) and (4) shall *mutatis mutandis* apply in connection with any rent payable under any mineral lease granted under the Reserved Minerals Development Act, 1926.

Leases under Act 39 of 1942.

80. The provisions of sections 77 (5) and 78 (1) of this Act shall *mutatis mutandis* apply in connection with any mining lease granted under the Base Minerals Amendment Act, 1942.

General provisions concerning mining leases granted under prior laws.

81. (1) If any mining lease or mineral lease granted under a prior law contains a provision to the effect that such lease may be ceded, transferred, sub-let, assigned or mortgaged only with the prior approval of the State President, such lease may, after the commencement of this Act, and notwithstanding any such provision, be ceded, transferred, sub-let, assigned or mortgaged either wholly or in part with the written permission of the Minister.

(2) (a) The holder of any lease referred to in subsection (1) shall maintain in proper repair beacons defining the lease area whether or not such lease contains specific provision relating to the maintenance of such beacons by the holder of the lease.

(b) If at any time such beacons are found to be out of repair, the mining commissioner shall, unless the lease provides otherwise, serve written notice upon such holder calling upon him to put the beacons in proper repair to the satisfaction of the mining commissioner within a period (not being less than one month) to be stated in the notice, and if such holder fails to comply with the notice within that period or within such further period as the mining commissioner may allow, the mining commissioner may cause the beacons to be placed in proper repair and recover the cost incurred from such holder.

(3) The provisions of sections 23 (2) (a) and 33 (4) and (8) shall *mutatis mutandis* apply in connection with any lease referred to in this section, unless otherwise provided in such lease, and the provisions of section 33 (3) (d), (e) and (f) shall *mutatis mutandis* apply in connection with any plant, machinery, equipment, buildings, structures or improvements on the land over which such lease was previously held, and the removal or destruction of any material used for supporting underground workings or plant, or material required to prevent damage to the mine or workings on such land.

(b) in die geval van 'n huur ten opsigte van onedele minerale, die gelde voorgeskryf by artikel 55 (1) (a) (iii), asof die huurterrein uit kleims bestaan.

(2) Indien 'n in subartikel (1) bedoelde huur wat nie 'n huur is wat kragtens artikel 19 van gemelde „Precious and Base Metals Act, 1908”, of van daardie Wet soos aldus toegepas, toegeken is nie, voorsiening maak vir die betaling aan die Staat deur die houer van die huur van 'n huurgeld gebaseer op die grootte van die huurterrein of enige gedeelte daarvan, in morge uitgedruk, is daar na die inwerkingtreding van hierdie Wet en met ingang van die dag wat volg op die datum tot wanneer sodanige huurgeld laas betaal is, die in artikel 26 (1) (a) (iv) van hierdie Wet voorgeskrewe huurgeld deur bedoelde houer ten opsigte van bedoelde terrein of gedeelte daarvan aan die mynkommissaris vooruitbetaalbaar.

(3) Die bepalinge van artikel 33 (6) en (7) is *mutatis mutandis* van toepassing in verband met enige gelde ooreenkomstig subartikel (1) of (2) van hierdie artikel betaal of betaalbaar, en die aldus betaalde gelde word, behoudens die bepalinge van artikel 33 (6), en vir sover hulle betrekking het op private grond of op vervreemde Staatsgrond ten opsigte waarvan die eenaar of huurder 'n prospekterlisensie kragtens artikel 12 verkry het of, indien die grond nie geproklameerde grond was nie, geregtig sou wees om so 'n lisensie te verkry, deur die mynkommissaris op die in artikel 26 (1) (b) voorgeskrewe wyse oorbetal.

(4) Enige verwysing in 'n in subartikel (1) van hierdie artikel bedoelde huur na die bepalinge van artikel 102 van gemelde „Precious and Base Metals Act, 1908”, of van daardie Wet soos aldus toegepas, word vanaf die inwerkingtreding van hierdie Wet geag 'n verwysing na die bepalinge van artikel 64 (3) en (4) van hierdie Wet te wees.

79. Die bepalinge van artikel 78 (2), (3) en (4) is *mutatis mutandis* van toepassing in verband met enige huurgeld betaalbaar ingevolge 'n mineraleverhuring kragtens die „Wet op de Ontginning van Voorbehouden Mineralen, 1926”, toegeken. Hure kragtens
Wet 55 van 1926.

80. Die bepalinge van artikels 77 (5) en 78 (1) van hierdie Wet is *mutatis mutandis* van toepassing in verband met enige mynhuur kragtens die Wysigingswet op Onedele Minerale, 1942, toegeken. Hure kragtens
Wet 39 van 1942.

81. (1) Indien 'n mynhuur of mineraleverhuring kragtens 'n vorige Wet toegeken 'n bepaling bevat ten effekte dat sodanige huur slegs met die voorafgaande goedkeuring van die Staatspresident gesedeer, oorgedra, onderverhuur of met verband beswaar mag word, kan bedoelde huur ondanks so 'n bepaling na die inwerkingtreding van hierdie Wet met die Minister se skriftelike toestemming geheel en al of gedeeltelik gesedeer, oorgedra, onderverhuur of met verband beswaar word. Algemene bepalings betreffende mynhure kragtens vorige wette toegeken.

(2) (a) Die houer van 'n in subartikel (1) bedoelde huur moet bakens wat die huurterrein aantoon, behoorlik in stand hou, ongeag of bedoelde huur uitdruklike voorsiening met betrekking tot die instandhouding van sodanige bakens deur die houer van die huur bevat al dan nie.

(b) Indien sodanige bakens te eniger tyd uit orde gevind word, moet die mynkommissaris, tensy die huur anders bepaal, 'n skriftelike kennisgewing aan bedoelde houer bestel waarby hy aangesê word om die bakens binne 'n in die kennisgewing vermelde tydperk (nie minder as een maand nie) tot die mynkommissaris se bevrediging in orde te bring, en indien bedoelde houer in gebreke bly om binne daardie tydperk of binne die verdere tydperk wat die mynkommissaris toelaat aan die kennisgewing te voldoen, kan die mynkommissaris die bakens behoorlik in orde laat bring en die koste aangegaan op bedoelde houer verhaal.

(3) Die bepalinge van artikels 23 (2) (a) en 33 (4) en (8) is *mutatis mutandis* van toepassing in verband met enige in hierdie artikel bedoelde huur, tensy daar in bedoelde huur anders bepaal word, en die bepalinge van artikel 33 (3) (d), (e) en (f) is *mutatis mutandis* van toepassing in verband met enige installasies, masjinerie, toerusting, geboue, strukture of verbeterings op die grond waarvoor sodanige huur voorheen gehou was en die verwydering of vernietiging van enige materiaal gebruik om ondergrondse werkplekke te stut of installasies of materiaal wat nodig is ten einde skade aan die myn of werkplekke op bedoelde grond te voorkom.

CHAPTER IX.

MINING CLAIMS.

Lapsing of certain mining claims.

82. (1) Whenever the licence moneys in respect of a mining claim held on private land by the holder of the right to precious metals and base minerals in respect of that land become or are three months in arrear, all rights in such claim shall lapse.

(2) Any mining claim which was acquired pursuant to any lease entered into with a local authority as provided in section 92 (b) of the Natal Mines Act, 1899 (Act No. 43 of 1899), of Natal, or any corresponding provision of a prior law, shall, unless the rights in such claim have lapsed in terms of any provision of this Chapter, lapse on the date on which such lease for any reason terminates or is terminated.

Rights of holder of mining claim, and issue and renewal of mining claim licences.

83. (1) The holder of any mining claim shall, subject to the provisions of this Chapter, be entitled to continue to exercise all such rights of mining for precious metals or base minerals on such claim as he enjoyed prior to the commencement of this Act.

(2) In respect of every mining claim there shall be payable in advance to the mining commissioner as from the day following the date to which licence moneys in respect of the claim were last paid in terms of a prior law—

(a) a licence fee of—

- (i) four rand per month if the claim was in terms of a prior law classified as an alluvial mining claim or a mineral mining claim;
- (ii) two rand per month if the claim was so classified as a metal mining claim;

(b) any additional fee payable under section 85:

Provided that if the mining claim is situated on private land or alienated State land and the owner or lessee of the land or his predecessor in title has prior to the commencement of this Act agreed in writing to relinquish or forgo the share of any mining claim licence fees to which he would, if this Act had not been passed, have been entitled in terms of section 57 of the Natal Mines Act, 1899 (Act No. 43 of 1899), of Natal, in connection with the issue and renewal of any mining claim licence in respect of such claim, a licence fee calculated at one-half of the fee prescribed by paragraph (a) shall be payable by the holder of the claim.

(3) (a) Upon the initial payment to the mining commissioner of the moneys prescribed by subsection (2) (a) of this section, and the moneys (if any) payable under section 85 in respect of any mining claim, he shall issue to the holder of the claim a mining claim licence in the form prescribed by regulation.

(b) If such claim is situated on land in respect of which the right to precious metals or base minerals is held by or in trust for the South African Bantu Trust or a Bantu, and the holder of the claim was at the commencement of this Act entitled to mine thereon under authority of a mining claim licence issued pursuant to the written permission of the Minister of Bantu Administration and Development granted in terms of a prior law, particulars of the period of such permission and of the conditions to which such permission is subject shall be endorsed by the mining commissioner on any licence issued by him under paragraph (a) in respect of the claim.

(c) Any licence under paragraph (a) may be issued for any period not exceeding twelve months, and may thereafter, subject to the provisions of this Chapter, upon application to the mining commissioner by the holder of the claim and upon payment in advance of the moneys referred to in that paragraph, be renewed from time to time for a period of not less than one month or more than twelve months at a time: Provided that, in respect of any claim referred to in paragraph (b), no such licence shall be issued or renewed for any period extending beyond the date of expiration of any permission referred to in that paragraph or any extension of such permission.

HOOFSTUK IX.

MYNKLEIMS.

82. (1) Wanneer die lisensiegelde ten opsigte van 'n mynkleim gehou op private grond deur die houer van die reg op edelmetale en onedele minerale ten opsigte van daardie grond, drie maande agterstallig raak of is, verval alle regte op bedoelde kleim. Verval van sekere mynkleims.

(2) 'n Mynkleim verkry kragtens 'n huur met 'n plaaslike owerheid aangegaan ooreenkomstig artikel 92 (b) van die „Natal Mines Act, 1899” (Wet No. 43 van 1899), van Natal, of 'n ooreenstemmende bepaling van 'n vorige wet, verval op die datum waarop bedoelde huur om enige rede ten einde loop of beëindig word, tensy die regte op bedoelde kleim reeds ingevolge 'n bepaling van hierdie Hoofstuk verval het.

83. (1) Die houer van 'n mynkleim is, behoudens die bepalings van hierdie Hoofstuk, geregtig om alle regte om edelmetale of onedele minerale op bedoelde kleim te ontgin wat hy voor die inwerkingtreding van hierdie Wet geniet het, te bly uitoefen. Regte van houer van mynkleim, en uitreiking en hernuwing van mynkleimlisensies.

(2) Ten opsigte van elke mynkleim is daar met ingang van die dag wat volg op die datum tot wanneer lisensiegelde ten opsigte van die kleim laas ingevolge 'n vorige wet betaal is, aan die mynkommissaris vooruitbetaalbaar—

(a) 'n lisensiegeld van—

- (i) vier rand per maand indien die kleim ingevolge 'n vorige wet as 'n alluviale mynkleim of 'n mineraalmynkleim geklassifiseer was;
- (ii) twee rand per maand indien die kleim aldus as 'n metaalmynkleim geklassifiseer was;

(b) enige addisionele bedrag ingevolge artikel 85 betaalbaar:

Met dien verstande dat indien die mynkleim op private grond of vervreemde Staatsgrond geleë is en die eienaar of huurder van die grond of sy regsvoorganger voor die inwerkingtreding van hierdie Wet skriftelik ingestem het om van die aandeel in enige mynkleimlisensiegelde waarop hy, indien hierdie Wet nie aangeneem was nie, ingevolge artikel 57 van die „Natal Mines Act, 1899” (Wet No. 43 van 1899), van Natal, geregtig sou gewees het in verband met die uitreiking en hernuwing van enige mynkleimlisensie ten opsigte van bedoelde kleim, afstand te doen of dit te laat vaar, 'n lisensiegeld, bereken teen die helfte van die bedrag by paragraaf (a) voorgeskryf, deur die houer van die kleim betaalbaar is.

(3) (a) By die aanvanklike betaling aan die mynkommissaris ten opsigte van enige mynkleim van die by subartikel (2) (a) van hierdie artikel voorgeskrewe gelde en die gelde (as daar is) ingevolge artikel 85 betaalbaar, reik hy aan die houer van die kleim 'n mynkleimlisensie in die by regulasie voorgeskrewe vorm uit.

(b) Indien bedoelde kleim geleë is op grond ten opsigte waarvan die reg op edelmetale of onedele minerale deur of in trust vir die Suid-Afrikaanse Bantoe-trust of 'n Bantoe gehou word, en die houer van die kleim by die inwerkingtreding van hierdie Wet geregtig was om daarop te myn op grond van 'n mynkleimlisensie uitgereik ingevolge die skriftelike toestemming van die Minister van Bantoe-administrasie en -ontwikkeling kragtens 'n vorige wet verleen, word besonderhede van die tydperk van bedoelde toestemming en van die voorwaardes waaraan bedoelde toestemming onderworpe is, deur die mynkommissaris geëndosseer op enige lisensie deur hom kragtens paragraaf (a) ten opsigte van die kleim uitgereik.

(c) 'n Lisensie ingevolge paragraaf (a) kan vir 'n tydperk van hoogstens twaalf maande uitgereik word, en kan daarna, behoudens die bepalings van hierdie Hoofstuk, op aansoek by die mynkommissaris deur die houer van die kleim en by vooruitbetaling van die in daardie paragraaf bedoelde gelde, van tyd tot tyd vir 'n tydperk van minstens een maand en hoogstens twaalf maande op 'n keer hernieu word: Met dien verstande dat ten opsigte van 'n in paragraaf (b) bedoelde kleim, so 'n lisensie nie vir 'n tydperk wat die verstrykingsdatum van 'n in daardie paragraaf bedoelde toestemming of verlenging van so 'n toestemming oorskry, uitgereik of hernieu word nie.

(4) Notwithstanding the provisions of subsection (2) of this section, no licence fee prescribed by paragraph (a) of that subsection or additional fee prescribed by section 85 shall be payable in respect of any mining claim acquired in terms of section 3 (2) of the Reserved Minerals Development Act, 1926 (Act No. 55 of 1926), prior to the repeal of the said section 3 by section 57 of the Mineral Law Amendment Act, 1934 (Act No. 36 of 1934), so long as such claim is being worked to the satisfaction of the mining commissioner.

(5) Whenever the licence moneys in respect of any mining claim are three months in arrear, the mining commissioner shall, subject to the provisions of section 82, and whether or not the last previous licence in respect of the claim expired before or after the commencement of this Act, forthwith in writing demand from the holder of the claim payment of all arrear licence fees payable under subsection (2) (a) of this section, together with any arrear fees payable under section 85, and shall in writing notify the registered holder of any mortgage bond over the claim that payment has been so demanded, and if all such arrears due up to date are not paid within three months after the date of such demand, such holder's rights to the claim shall lapse.

(6) All licence fees paid to the mining commissioner under subsection (2) (a) of this section shall be disposed of by him in the manner provided by section 26 (1) (b) as if the fees so paid were rent referred to in the said section 26 (1) (b).

Provisions relating to permission by Minister of Bantu Administration and Development.

84. (1) The period of any permission referred to in section 83 (3) (b) may from time to time upon application by the holder of the relevant mining claim be extended by the Minister of Bantu Administration and Development, provided application for such extension is made in writing to the Chief Bantu Affairs Commissioner for the area concerned at least one month prior to the date of expiry of such permission, and in the event of any such extension the provisions of section 83 (3) (b) and (c) shall *mutatis mutandis* apply.

(2) If application is not made in accordance with the provisions of subsection (1) for the extension of the period of any such permission, or any application so made is refused by the said Minister, the relevant mining claim shall be deemed to have lapsed as from the day following the date of expiry of the permission.

(3) If at any time the holder of a mining claim licence issued pursuant to any such permission fails to comply with any condition of the permission, the mining commissioner shall serve written notice upon such holder calling upon him to remedy the defect within the period (not being less than fourteen days) specified in such notice, and if such holder fails to comply with the notice, the Minister may instruct the mining commissioner to cancel the mining claim licence in respect of the claim, and upon such cancellation all rights to the claim shall lapse.

(4) The grant of any extension of a permission referred to in this section may be proved by a certificate under the hand of the Secretary for Bantu Administration and Development or the Chief Bantu Affairs Commissioner for the area concerned.

Non-working of mining claims.

85. (1) Whenever application is made by the holder of a mining claim for the issue, in terms of section 83, of a mining claim licence in respect of that claim or for the renewal of any licence so issued, and the mining commissioner is of the opinion that the claim is at the time of such application not being adequately worked and that such holder has not been prevented from so working the claim by the influx or scarcity of water, serious accident or damage to the workings or equipment or by any other cause deemed sufficient by the mining commissioner, such holder shall pay to the mining commissioner, in addition to the licence fees prescribed by section 83 (2) (a), an additional fee calculated at one rand per claim per month in respect of the period for which the licence is to be issued or renewed: Provided that, if such claim forms part of a block of two or more mining claims registered in the name of such holder and mining operations to the satisfaction of the mining commissioner are being carried out on any other claim forming part of such block, there shall be payable to the mining commissioner, in respect of any such claim on which such operations are not being carried out, a reduced additional fee calculated at twenty cents per claim per month.

(2) Any additional fee paid to the mining commissioner under subsection (1) shall accrue to the State.

(4) Ondanks die bepalings van subartikel (2) van hierdie artikel, is geen by paragraaf (a) van daardie subartikel voorgeskrewe lisensiegeld of by artikel 85 voorgeskrewe addisionele bedrag betaalbaar nie ten opsigte van enige mynkleim wat ingevolge artikel 3 (2) van die „Wet op de Ontginning van Voorbehouden Mineralen, 1926” (Wet No. 55 van 1926), verkry is voor die herroeping van gemelde artikel 3 by artikel 57 van die Minerale Wysigingswet, 1934 (Wet No. 36 van 1934), solank bedoelde kleim tot die mynkommissaris se bevrediging ontgin word.

(5) Wanneer die lisensiegelde ten opsigte van 'n mynkleim drie maande agterstallig is, moet die mynkommissaris, behoudens die bepalings van artikel 82, en ongeag of die laaste vorige lisensie ten opsigte van die kleim voor of na die inwerking-treding van hierdie Wet verstryk het, onverwyld skriftelik van die houer van die kleim die betaling eis van alle agterstallige lisensiegelde ingevolge subartikel (2) (a) van hierdie artikel betaalbaar, tesame met enige agterstallige gelde ingevolge artikel 85 betaalbaar, en moet hy die geregistreerde houer van enige verband op die kleim skriftelik in kennis stel dat die betaling aldus geëis is, en indien die bedoelde agterstallige gelde tot op datum verskuldig nie binne drie maande na die datum van bedoelde eis betaal word nie, verval bedoelde houer se regte op die kleim.

(6) Alle lisensiegelde ingevolge subartikel (2) (a) van hierdie artikel aan die mynkommissaris betaal, word deur hom op die in artikel 26 (1) (b) voorgeskrewe wyse oorbetaal asof die gelde aldus betaal, in gemelde artikel 26 (1) (b) bedoelde huurgeld was.

84. (1) Die tydperk van enige in artikel 83 (3) (b) bedoelde toestemming kan van tyd tot tyd op aansoek deur die houer van die betrokke mynkleim deur die Minister van Bantoe-administrasie en -ontwikkeling verleng word, mits skriftelike aansoek om sodanige verlenging minstens een maand voor die verstrykingsdatum van bedoelde toestemming by die Hoofbantoesake-kommissaris vir die betrokke gebied gedoen word, en in die geval van so 'n verlenging is die bepalings van artikel 83 (3) (b) en (c) *mutatis mutandis* van toepassing.

Bepalings betreffende toestemming deur Minister van Bantoe-administrasie en -ontwikkeling verleen.

(2) Indien aansoek nie ooreenkomstig die bepalings van subartikel (1) om die verlenging van die tydperk van so 'n toestemming gedoen word nie, of enige aansoek aldus gedoen deur genoemde Minister geweier word, word die betrokke mynkleim geag met ingang van die dag wat op die verstrykingsdatum van die toestemming volg, te verval het.

(3) Indien die houer van 'n mynkleimlisensie kragtens so 'n toestemming uitgereik te eniger tyd versuim om enige voorwaarde van die toestemming na te kom, bestel die mynkommissaris 'n skriftelike kennisgewing aan bedoelde houer waarby hy aangesê word om die versuim binne 'n in bedoelde kennisgewing vermelde tydperk (nie minder as veertien dae nie) aan te suiwer, en indien bedoelde houer versuim om aan die kennisgewing te voldoen, kan die Minister die mynkommissaris gelas om die mynkleimlisensie ten opsigte van die kleim te kanselleer en by so 'n kansellering verval alle regte op die kleim.

(4) Bewys van die toestaan van enige verlenging van 'n in hierdie artikel bedoelde toestemming kan by wyse van 'n sertifikaat onder die handtekening van die Sekretaris van Bantoe-administrasie en -ontwikkeling of die Hoofbantoesakekommissaris vir die betrokke gebied gelewer word.

85. (1) Wanneer die houer van 'n mynkleim om die uitreiking kragtens artikel 83 van 'n mynkleimlisensie ten opsigte van daardie kleim of om die hernuwing van 'n aldus uitgereikte lisensie aansoek doen, en die mynkommissaris van oordeel is dat die kleim ten tyde van sodanige aansoek nie behoorlik ontgin word nie en dat bedoelde houer nie as gevolg van die instroming van of skaarste aan water, ernstige ongeluk of skade aan die werkplekke of toerusting of weens enige ander oorsaak wat die mynkommissaris voldoende ag, verhinder is om die kleim aldus te ontgin nie, moet bedoelde houer, benewens die in artikel 83 (2) (a) voorgeskrewe lisensiegelde, aan die mynkommissaris 'n addisionele bedrag betaal wat bereken word teen een rand per kleim per maand ten opsigte van die tydperk waarvoor die lisensie uitgereik of hernieu staan te word: Met dien verstande dat indien bedoelde kleim deel uitmaak van 'n blok van twee of meer mynkleims op naam van bedoelde houer geregistreer, en ontginningswerk tot die mynkommissaris se bevrediging verrig word op enige ander kleim wat deel van bedoelde blok uitmaak, daar ten opsigte van so 'n kleim waarop bedoelde werksaamhede nie verrig word nie, 'n verminderde addisionele bedrag aan die mynkommissaris betaalbaar is wat teen twintig sent per kleim per maand bereken word.

Nie-ontginning van mynkleims.

(2) Enige addisionele bedrag ingevolge subartikel (1) aan die mynkommissaris betaal, val die Staat toe.

Registration of mining claims in Mining Titles Office.

86. (1) Every holder of a mining claim shall, if called upon in writing by the mining commissioner to do so, forward to the mining commissioner the certificate of title issued under the Natal Mines Act, 1899 (Act No. 43 of 1899), of Natal, in respect of the claim: Provided that, if such certificate has been lost or destroyed, the holder of the claim may, upon written application being made to the mining commissioner and on production of an affidavit to the effect that such certificate has been lost or destroyed, obtain from the mining commissioner a certified copy of the certificate.

(2) All such certificates received by the mining commissioner from the holders of the claims in question and all certified copies of such certificates issued by the mining commissioner under subsection (1) shall as soon as possible be transmitted by him (together with his office copies of the certificates) to the Registrar of Mining Titles who shall thereupon free of charge register each such certificate or certified copy thereof and retain the mining commissioner's copies of the certificates as his registry duplicates.

Abandonment of mining claims.

87. (1) The holder of any mining claim may at any time give notice in writing to the mining commissioner that he desires to abandon the claim or such part thereof as may be specified in the notice.

(2) Any such notice shall—

(a) if the claim is mortgaged, be accompanied by written consent to the abandonment from the registered holder of the mortgage bond;

(b) if the claim is to be abandoned as to part only, be accompanied by a diagram defining the part to be abandoned.

(3) Any such notice, together with any consent or diagram which may be required under subsection (2), shall on receipt be transmitted to the Registrar of Mining Titles who shall, if the mining commissioner has certified that all moneys due under sections 83 and 85 in respect of the claim up to the date of receipt by the mining commissioner of the notice have been paid, record the abandonment which shall be effective as from the date of such recording.

Transfer and mortgage of mining rights in mining claims.

88. (1) The holder of a mining claim may transfer or mortgage his rights therein, either wholly or in part, and such transfer or mortgage shall be registered in the Mining Titles Office: Provided that if any such claim, the rights to which it is sought to transfer or mortgage in whole or in part, is held under a mining claim licence issued pursuant to the written permission of the Minister of Bantu Administration and Development granted in terms of a prior law, no transfer or mortgage thereof shall take place except with the written permission of the said Minister.

(2) The provisions of section 61 (4) shall *mutatis mutandis* apply in connection with the transfer of the rights in respect of a mining claim or part thereof.

(3) No transfer in respect of part only of a mining claim shall be registered in the Mining Titles Office except upon production of a diagram depicting such part, and on the registration of such transfer the part transferred and the remaining part of the claim shall for the purposes of this Chapter constitute separate mining claims.

(4) The transfer of the rights in respect of a mining claim shall not be subject to payment of stamp duty or transfer duty under any law relating to stamp duty or transfer duty.

Certain provisions to apply in connection with mining claims.

89. The provisions of sections 23 (2) (a), 33 (4) and (7) and 81 (2) shall *mutatis mutandis* apply in connection with mining claims.

CHAPTER X.

SURFACE RIGHTS.

Surface rights for mining purposes and purposes incidental thereto.

90. (1) The right of disposal over the surface of proclaimed land and land held under mining title is reserved to the State for the purposes of this Act or any other law, and, save as is specially otherwise provided in this Act, the surface of land held under such title shall not without the written permission of the mining commissioner be used otherwise than for mining.

(2) (a) Any person entitled to mine on proclaimed land or land held under mining title may apply to the mining commissioner for permission to use the surface of land

86. (1) Elke houër van 'n mynkleim moet, indien hy skriftelik deur die mynkommissaris daartoe aangesê word, die sertifikaat van titel kragtens die „Natal Mines Act, 1899” (Wet No. 43 van 1899), van Natal, ten opsigte van die kleim uitgereik, aan die mynkommissaris stuur: Met dien verstande dat indien bedoelde sertifikaat verlore gegaan het of vernietig is, die houër van die kleim by skriftelike aansoek aan die mynkommissaris gerig en oorlegging van 'n beëdigde verklaring ten effekte dat bedoelde sertifikaat verlore gegaan het of vernietig is, 'n gesertifiseerde afskrif van die sertifikaat van die mynkommissaris kan verkry.

Registrasie van mynkleims in Mynbriewekantoor.

(2) Alle sodanige sertifikate deur die mynkommissaris van die houers van die betrokke kleims ontvang, en alle gesertifiseerde afskrifte van sodanige sertifikate ingevolge subartikel (1) deur die mynkommissaris uitgereik, moet so spoedig doenlik deur hom (tesame met sy kantoor-afskrifte van die sertifikate) deurgestuur word aan die Registrateur van Mynbriewe wat daarop elke sodanige sertifikaat of gesertifiseerde afskrif daarvan gratis registreer en die mynkommissaris se afskrifte van die sertifikate as sy registrasie-duplikate bewaar.

87. (1) Die houër van 'n mynkleim kan te eniger tyd aan die mynkommissaris skriftelik kennis gee dat hy die kleim of 'n gedeelte daarvan in die kennisgewing vermeld, wil opsê.

Opsegging van mynkleims.

(2) So 'n kennisgewing moet—

(a) indien die kleim met verband beswaar is, van die geregistreerde houër van die verband se skriftelike toestemming tot die opsegging vergesel gaan;

(b) indien die kleim slegs gedeeltelik opgesê gaan word, vergesel gaan van 'n kaart wat die gedeelte omskryf wat opgesê gaan word.

(3) So 'n kennisgewing, tesame met enige toestemming of kaart ingevolge subartikel (2) vereis, word by ontvangs deurgestuur aan die Registrateur van Mynbriewe wat, indien die mynkommissaris gesertifiseer het dat alle gelde ingevolge artikels 83 en 85 ten opsigte van die kleim verskuldig, tot die datum van ontvangs deur die mynkommissaris van die kennisgewing opbetaal is, die opsegging aanteken, wat vanaf die datum van sodanige aantekening geld.

88. (1) Die houër van 'n mynkleim kan sy regte daarop of geheel en al of gedeeltelik oordra of met verband beswaar, en so 'n oordrag of verband moet in die Mynbriewekantoor geregistreer word: Met dien verstande dat indien so 'n kleim ten opsigte waarvan die regte geheel en al of gedeeltelik oorgedra of met verband beswaar staan te word, gehou word ingevolge 'n mynkleimlisensie uitgereik op grond van skriftelike toestemming deur die Minister van Bantoe-administrasie en -ontwikkeling kragtens 'n vorige Wet verleen, geen oordrag of beswaring met verband daarvan sonder die skriftelike toestemming van genoemde Minister mag plaasvind nie.

Oordrag en verhipotekering van mynregte op mynkleims.

(2) Die bepalings van artikel 61 (4) is *mutatis mutandis* van toepassing in verband met die oordrag van die regte ten opsigte van 'n mynkleim of gedeelte daarvan.

(3) Geen oordrag van slegs 'n gedeelte van 'n mynkleim word in die Mynbriewekantoor geregistreer nie, behalwe by oorlegging van 'n kaart wat bedoelde gedeelte aantoon, en by registrasie van so 'n oordrag maak die gedeelte wat oorgedra is en die oorblywende gedeelte van die kleim vir die doeleindes van hierdie Hoofstuk afsonderlike mynkleims uit.

(4) Die oordrag van die regte ten opsigte van 'n mynkleim is nie ingevolge enige wetsbepaling op seëlregte of hereregte aan die betaling van seëlregte of hereregte onderhewig nie.

89. Die bepalings van artikels 23 (2) (a), 33 (4) en (7) en 81 (2) is *mutatis mutandis* in verband met mynkleims van toepassing.

Sekere bepalings van toepassing in verband met mynkleims.

HOOFSTUK X.

OPPERVLAKTEREGTE.

90. (1) Die reg van beskikking oor die oppervlakte van geproklameerde grond en grond kragtens myntitel gehou, is vir die doeleindes van hierdie Wet of enige ander wetsbepalings vir die Staat voorbehou, en, behalwe vir sover hierdie Wet uitdruklik anders bepaal, word die oppervlakte van grond kragtens so 'n titel gehou, nie sonder die skriftelike vergunning van die mynkommissaris vir ander doeleindes as myndoeleindes gebruik nie.

Oppervlakteregte vir myn- en aanverwante doeleindes.

(2) (a) Iemand wat geregtig is om te myn op geproklameerde grond of grond kragtens myntitel gehou, kan by die mynkommissaris aansoek doen om vergunning om

so held and any open proclaimed land for purposes of mining or any purpose incidental thereto.

- (b) No permission shall be granted under this subsection to use the surface of any such land for agriculture or afforestation.
- (3) Any permission granted under this section may include the right to erect fencing, but not in respect of a larger area than is necessary to protect any works or other mine property on the land in respect of which application for the permission is made or to safeguard such works or property from damage, destruction or interference by any person or to ensure the safety of the public.
- (4) Any application for permission under this section shall be in writing, shall specify the purpose for which the surface of the land is to be used and shall be accompanied by a sketch plan acceptable to the mining commissioner of the area to be so used.
- (5) (a) If any permission under this section is applied for in respect of land held under mining title by a person other than the applicant, and the holder of such title has not agreed in writing to the grant of such permission, the mining commissioner shall appoint a date and place for the hearing of any objections by such holder to the grant of the application and shall cause a notice signed by him and containing particulars of the application and of the time and place so appointed to be served upon such holder at least one month prior to the date so appointed.
- (b) No person shall at any hearing under paragraph (a) be heard as an objector unless he has, at least seven days before the date set down for the hearing, in writing lodged particulars of his objection at the office of the mining commissioner and served such particulars upon the applicant at the address stated in the notice of the application.
- (6) (a) The mining commissioner may refuse any application under this section or may grant the application with or without modifications and subject to such special conditions as he may deem fit.
- (b) The mining commissioner shall notify the applicant and any objector in writing of his decision on the application, and, if the application is granted, of any modifications or special conditions subject to which it is granted.
- (c) The provisions of section 18 (8) (a) shall *mutatis mutandis* apply in connection with any permission under this section for a purpose incidental to the mining for natural oil.
- (7) The applicant or any objector who is dissatisfied with the mining commissioner's decision or with any special conditions which the mining commissioner proposes to incorporate in any permission under this section, may within fourteen days of the date of the notification served upon him in terms of subsection (6) (b) appeal to the Minister who may confirm, reverse or vary such decision or confirm or vary such conditions and whose decision shall be final.
- (8) (a) Permission under this section for the use of the surface of land over which there is a reservation under section 47 of this Act or corresponding provisions of a prior law, shall not, unless the applicant for the permission holds in respect of the land concerned a registered servitude or other real right entitling him to use the surface thereof for the purpose for which the permission is applied for, be granted by the mining commissioner except with the written consent of the owner of the land or, if the land is held by a lessee, of the Secretary for Agricultural Credit and Land Tenure: Provided that if such consent is withheld and the Minister is of the opinion that it is in the interests of mining that the permission applied for should be granted, he may direct the mining commissioner to grant the permission with or without modifications and subject to the payment by the applicant for the permission of compensation to the owner or lessee concerned and to such other conditions as the Minister may deem fit.

die oppervlakte van grond aldus gehou en enige oop geproklameerde grond vir myn- en daarmee in verband staande doeleindes te gebruik.

(b) Geen vergunning word kragtens hierdie subartikel vir die gebruik van die oppervlakte van sodanige grond vir landboudeleindes of bosaanplanting verleen nie.

(3) 'n Vergunning kragtens hierdie artikel verleen, kan die reg insluit om te omhein, maar nie ten opsigte van 'n groter gebied as wat nodig is om enige bedryf of ander myneïendom op die grond ten opsigte waarvan aansoek om die vergunning gedoen word, te beskerm of om sodanige bedryf of eiendom teen skade, vernietiging of bemoeiing deur enigiemand te beveilig of om die publiek se veiligheid te verseker nie.

(4) 'n Aansoek om vergunning kragtens hierdie artikel moet skriftelik gedoen word, moet die doel vermeld waarvoor die oppervlakte van die grond gebruik gaan word, en moet versesel gaan van 'n vir die mynkommissaris aanneemlike sketskaart van die gebied wat aldus gebruik gaan word.

(5) (a) Indien ingevolge hierdie artikel aansoek gedoen word om 'n vergunning ten opsigte van grond deur iemand anders as die aansoeker kragtens myntitel gehou, en die houer van bedoelde titel nie skriftelik tot die verlening van bedoelde vergunning ingestem het nie, bepaal die mynkommissaris 'n datum en plek vir die verhoor van enige besware deur bedoelde houer teen die toestaan van die aansoek en laat hy minstens een maand voor die aldus bepaalde datum 'n deur hom ondertekende kennisgewing wat besonderhede van die aansoek en van die aldus bepaalde tyd en plek bevat, aan bedoelde houer bestel.

(b) Niemand word by 'n verhoor ingevolge paragraaf (a) as 'n beswaarmaker aangehoor nie, tensy hy minstens sewe dae voor die datum vir die verhoor bepaal, besonderhede van sy besware skriftelik by die mynkommissaris se kantoor ingedien het en bedoelde besonderhede aan die aansoeker bestel het by die adres in die kennisgewing van die aansoek vermeld.

(6) (a) Die mynkommissaris kan enige aansoek ingevolge hierdie artikel weier of dit toestaan met of sonder wysigings en onderworpe aan die spesiale voorwaardes wat hy goedvind.

(b) Die mynkommissaris moet die aansoeker en enige beswaarmaker skriftelik in kennis stel van sy besluit oor die aansoek en, indien die aansoek toegestaan word, van enige wysigings of spesiale voorwaardes onderworpe waaraan dit toegestaan word.

(c) Die bepalinge van artikel 18 (8) (a) is *mutatis mutandis* van toepassing in verband met 'n vergunning kragtens hierdie artikel vir 'n doel wat met die ontginning van aardolie in verband staan.

(7) Die aansoeker of enige beswaarmaker wat ontevrede is met die mynkommissaris se besluit of met enige spesiale voorwaardes wat die mynkommissaris voornemens is om in 'n vergunning kragtens hierdie artikel in te sluit, kan binne veertien dae na die datum van die kennisgewing ingevolge subartikel (6) (b) aan hom bestel, appèl aanteken by die Minister wat bedoelde besluit kan bekragtig, tersyde stel of wysig of bedoelde voorwaardes kan bekragtig of wysig en wie se beslissing afdoende is.

(8) (a) Vergunning kragtens hierdie artikel vir die gebruik van die oppervlakte van grond waarvoor daar 'n uithouding ingevolge artikel 47 van hierdie Wet of ooreenstemmende bepalinge van 'n vorige wet bestaan, word nie deur die mynkommissaris verleen nie, tensy die aansoeker om die vergunning 'n geregistreerde serwituut of ander saaklike reg ten opsigte van die betrokke grond hou wat hom die reg verleen om die oppervlakte daarvan te gebruik vir die doel waarvoor die vergunning aangevra word, behalwe met die skriftelike toestemming van die eienaar van die grond of, indien die grond deur 'n huurder gehou word, van die Sekretaris van Landboukrediet en Grondbesit: Met dien verstande dat indien bedoelde toestemming weierhou word en die Minister van oordeel is dat dit in die belang van die mynbou is dat die aangevraagde vergunning verleen moet word, hy die mynkommissaris kan gelas om die vergunning met of sonder wysigings te verleen onderworpe aan die betaling deur die aansoeker om die vergunning van vergoeding aan die betrokke eienaar of huurder en aan die ander voorwaardes wat die Minister goedvind.

- (b) The provisions of section 47 (2) (b) and (3) (a), (b) and (d) shall *mutatis mutandis* apply in connection with any compensation payable under paragraph (a) of this subsection.
- (c) Whenever the mining commissioner has granted a permission under this section over land in respect of which a certificate of owner's reservation issued under a prior law is held, he shall, unless such certificate has already been endorsed in accordance with the provisions of this paragraph, request the owner of the land to lodge the certificate at the office of the Registrar of Mining Titles, and the said Registrar shall on receipt of the certificate or, if the request is not complied with, whenever the certificate is lodged in his office for any purpose, endorse the certificate to the effect that it is subject to any right to the use of the surface granted over the land in question under this Act or any such law.
- (9) (a) With the written consent of the person to whom any permission to use the surface of land has been granted under—
- (i) this section;
 - (ii) section 68 of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908), of the Transvaal, or of that Act as applied to the province of the Orange Free State by the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936); or
 - (iii) section 12 of the Base Minerals Amendment Act, 1942 (Act No. 39 of 1942), or that section as applied by section 9 of the Natural Oil Act, 1942 (Act No. 46 of 1942),
- or whenever such permission is in the opinion of the mining commissioner no longer being properly exercised, the mining commissioner may in his discretion on the application of any holder of mining title consent to the transfer of such permission either wholly or in part to such holder for purposes incidental to mining on land held by him under mining title.
- (b) Any transfer in terms of a consent by the mining commissioner under paragraph (a) shall be registered in the Mining Titles Office.
- (c) Notwithstanding anything in any law contained, no transfer duty shall be payable in respect of any transfer effected in terms of this subsection.
- (10) (a) If any area of land over which a permission referred to in subsection (9) is held or any portion of any such area is or becomes open proclaimed land, the holder of such permission shall pay to the owner or lessee of the land, in respect of the area or portion which is or has become open proclaimed land, such surface rent, not exceeding thirty cents per morgen per month, as may in the absence of agreement between the parties concerned be determined by arbitration: Provided that such rent shall not be payable in respect of—
- (i) land which is owned by the State and is not held by a lessee; or
 - (ii) any strip of land in respect of which such permission is held, if the extent or width of such strip is not mentioned or geometrically depicted on the sketch plan or diagram referred to in the permission.
- (b) The provisions of section 47 (3) (a) and (d) shall *mutatis mutandis* apply in connection with the determination of any rent payable under paragraph (a) of this subsection.
- (11) Any permission referred to in subsection (9) shall *ipso facto* lapse upon the lapsing of the mining title to which it relates.

Surface rights for
agriculture or
afforestation.

91. (1) The mining commissioner may grant permission to any person to use the surface of any proclaimed land or land held under mining title for agriculture or afforestation, and the State President may authorize any department as defined in section 1 of the Public Service Act, 1957 (Act No. 54 of 1957), or the railway administration to use for such purposes the surface of any such land owned by the State and not held by a lessee.

- (b) Die bepalings van artikel 47 (2) (b) en (3) (a), (b) en (d) is *mutatis mutandis* van toepassing in verband met enige vergoeding ingevolge paragraaf (a) van hierdie subartikel betaalbaar.
- (c) Wanneer die mynkommissaris 'n vergunning kragtens hierdie artikel verleen het oor grond ten opsigte waarvan 'n ingevolge 'n vorige wet uitgereikte sertifikaat van eienaarsvoorbehoud gehou word, moet hy, tensy bedoelde sertifikaat reeds ooreenkomstig die bepalings van hierdie paragraaf geëndosseer is, die eienaar van die grond versoek om die sertifikaat by die kantoor van die Registrateur van Mynbriewe in te dien, en bedoelde Registrateur moet by ontvangs van die sertifikaat of, indien daar nie aan die versoek voldoen word nie, wanneer die sertifikaat vir enige doel by sy kantoor ingedien word, die sertifikaat endosseer ten effekte dat dit onderworpe is aan enige reg tot die gebruik van die oppervlakte wat ingevolge hierdie Wet of so 'n wet oor die betrokke grond verleen is.
- (9) (a) Met die skriftelike toestemming van iemand aan wie vergunning tot die gebruik van die oppervlakte van grond verleen is kragtens—
- (i) hierdie artikel;
 - (ii) artikel 68 van die „Precious and Base Metals Act, 1908” (Wet No. 35 van 1908), van Transvaal, of van daardie Wet soos by die Oranje-Vrystaatse Metaal-myn Wet, 1936 (Wet No. 13 van 1936), op die provinsie Oranje-Vrystaat toegepas; of
 - (iii) artikel 12 van die Wysigingswet op Onedele Minerale, 1942 (Wet No. 39 van 1942), of daardie artikel soos by artikel 9 van die Wet op Aardolie, 1942 (Wet No. 46 van 1942), toegepas, of wanneer bedoelde vergunning volgens die mynkommissaris se oordeel nie meer behoorlik uitgeoefen word nie, kan die mynkommissaris na goeëduke op aansoek van enige houër van myntitel toestem tot die oordrag van bedoelde vergunning aan bedoelde houër òf in die geheel òf ten dele vir doeleindes wat met mynbou op grond deur hom kragtens myntitel gehou in verband staan.
- (b) Enige oordrag ingevolge die mynkommissaris se toestemming kragtens paragraaf (a) word in die Mynbriewekantoor geregistreer.
- (c) Ondanks andersluidende wetsbepalings is geen here-regte ten opsigte van 'n oordrag ingevolge hierdie subartikel bewerkstellig, betaalbaar nie.
- (10) (a) Indien enige gebied waaroor 'n in subartikel (9) bedoelde vergunning gehou word of enige gedeelte van so 'n gebied oop geproklameerde grond is of word, betaal die houër van bedoelde vergunning aan die eienaar of huurder van die grond, ten opsigte van die gebied of gedeelte wat oop geproklameerde grond is of geword het, die oppervlaktehuurgeld van hoogstens dertig sent per morg per maand wat, by ontstentenis van ooreenkoms tussen die betrokke partye, by arbitrasie bepaal word: Met dien verstande dat bedoelde huurgeld nie betaalbaar is nie ten opsigte van—
- (i) grond waarvan die eiendomsreg by die Staat berus en wat nie deur 'n huurder gehou word nie; of
 - (ii) enige strook grond ten opsigte waarvan bedoelde vergunning gehou word, indien die grootte of wydte van dié strook nie genoem of geometries aangetoon word op die sketskaart of kaart waarna in die vergunning verwys word nie.
- (b) Die bepalings van artikel 47 (3) (a) en (d) is *mutatis mutandis* van toepassing in verband met die bepaling van enige ingevolge paragraaf (a) van hierdie subartikel betaalbare huurgeld.
- (11) 'n In subartikel (9) bedoelde vergunning verval *ipso facto* by die verval van die myntitel waarop dit betrekking het.

91. (1) Die mynkommissaris kan aan enigiemand vergunning verleen om die oppervlakte van enige geproklameerde grond of grond kragtens myntitel gehou, vir landboudoeleindes of bosaanplanting te gebruik, en die Staatspresident kan 'n in artikel 1 van die Staatsdienswet, 1957 (Wet No. 54 van 1957), omskrewende departement of die spoorwegadministrasie magtig om die oppervlakte van enige sodanige grond waarvan die eiendomsreg by die Staat berus en wat nie deur 'n huurder gehou word nie, vir sodanige doeleindes of bosaanplanting te gebruik.

Oppervlakteregte vir landbou-doeleindes of bosaanplanting.

- (2) No such permission shall be granted—
- (a) in respect of any land which is not owned by the State, except upon the written request or with the written consent of the owner of the land and upon conditions to which he agrees;
 - (b) in respect of any land which is the subject of a lease granted under the provisions of any law relating to land settlement, except to the holder of such lease;
 - (c) if in the opinion of the Government Mining Engineer the land in question is required for mining purposes or purposes incidental to mining.
- (3) If in the opinion of the Government Mining Engineer—
- (a) the land in question is not immediately required for mining purposes or purposes incidental to mining, but is likely at a later date to be so required, the permission shall contain such provisions for its cancellation as the mining commissioner may determine, and if any portion of such land is at any time thereafter required for mining or purposes incidental to mining, the permission in so far as it applies to that portion may be cancelled by the mining commissioner in accordance with such provisions and without payment of compensation to the holder of the permission;
 - (b) such land is not likely at any time to be required for mining purposes or purposes incidental to mining, and such land or any portion thereof is thereafter required for such purposes, the permission in so far as it applies to the land so required may be cancelled by the mining commissioner, subject to payment by the person requiring the land for those purposes of such compensation to the holder of the permission for any damage which may be caused to any crops or trees thereon or to any improvements made thereon or in connection therewith as shall in the absence of agreement be determined by arbitration.
- (4) Before expressing any opinion under subsection (2) (c) or (3) (a) or (b), the Government Mining Engineer shall, if the land in question is held under mining title, consult the holder of such title.
- (5) Any permission granted by the mining commissioner under this section in respect of land which is owned by the State shall be subject to confirmation by the Minister.
- (6) The provisions of section 90 (4) shall *mutatis mutandis* apply in connection with any application for a permission under this section.
- (7) (a) Any permission by the mining commissioner under this section may be granted for a period to be stated in the permission.
- (b) Such period may, subject to the provisions of subsections (2) (c) and (4), from time to time be extended by the mining commissioner if written application for such extension is made to him within a period of three months prior to the date of expiration of the permission, provided the extension has in the case of land owned by the State been approved by the Minister or the permission is, in the case of land not owned by the State, held by the owner or he has agreed to the extension thereof.
- (c) Whenever such extension has been granted by the mining commissioner, the Registrar of Mining Titles shall suitably endorse the permission to reflect the extension.
- (8) Any permission granted by the mining commissioner under this section or a corresponding provision of a prior law shall include the right to erect fencing and to make improvements reasonably necessary in connection with the use of the land, but subject to such restrictions as the mining commissioner may think fit to impose from time to time.
- (9) The holder of any permission referred to in subsection (8) shall at all times provide such rights of way over the area in respect of which the permission is held as may be determined by the mining commissioner.

- (2) So 'n vergunning word nie verleen nie—
- (a) ten opsigte van grond waarvan die eiendomsreg nie by die Staat berus nie, behalwe op skriftelike versoek of met die skriftelike toestemming van die eienaar van die grond en op voorwaardes waartoe hy instem;
 - (b) ten opsigte van grond wat die onderwerp is van 'n huur kragtens die bepalings van 'n wet op nederstelling toegeken, behalwe aan die houer van bedoelde huur;
 - (c) indien die betrokke grond volgens die Staatsmyningenieur se oordeel nodig is vir myndoeleindes of doeleindes wat met mynbou in verband staan.
- (3) Indien die Staatsmyningenieur oordeel—
- (a) dat die betrokke grond nie onmiddellik vir myndoeleindes of doeleindes wat met mynbou in verband staan, nodig is nie, maar waarskynlik op 'n later tydstip aldus nodig sal word, moet die vergunning sodanige bepalings bevat vir die intrekking daarvan as wat die mynkommissaris bepaal, en indien enige gedeelte van bedoelde grond te eniger tyd daarna vir myndoeleindes of doeleindes wat met mynbou in verband staan, nodig word, kan die vergunning vir sover dit op daardie gedeelte betrekking het, deur die mynkommissaris ooreenkomstig bedoelde bepalings en sonder betaling van vergoeding aan die houer van die vergunning, ingetrek word;
 - (b) dat dit onwaarskynlik is dat bedoelde grond te eniger tyd vir myndoeleindes of doeleindes wat met mynbou in verband staan, nodig sal word, en bedoelde grond of enige gedeelte daarvan daarna vir sodanige doeleindes nodig word, kan die vergunning, vir sover dit op die aldus benodigde grond betrekking het, deur die mynkommissaris ingetrek word, onderworpe aan betaling deur die persoon wat die grond vir daardie doeleindes nodig het van vergoeding aan die houer van die vergunning vir enige skade veroorsaak aan gewasse of bome daarop of aan verbeterings daarop of in verband daarmee aangebring, wat by ontstentenis van ooreenkoms by arbitrasie bepaal word.
- (4) Alvorens hy 'n mening ingevolge subartikel (2) (c) of (3) (a) of (b) uitspreek, moet die Staatsmyningenieur, indien die betrokke grond kragtens myntitel gehou word, die houer van bedoelde titel raadpleeg.
- (5) 'n Vergunning deur die mynkommissaris kragtens hierdie artikel verleen ten opsigte van grond waarvan die eiendomsreg by die Staat berus, is onderworpe aan bekragtiging deur die Minister.
- (6) Die bepalings van artikel 90 (4) is *mutatis mutandis* van toepassing in verband met 'n aansoek om 'n vergunning kragtens hierdie artikel.
- (7) (a) 'n Vergunning deur die mynkommissaris kragtens hierdie artikel kan vir 'n in die vergunning vermelde tydperk verleen word.
- (b) So 'n tydperk kan, behoudens die bepalings van subartikels (2) (c) en (4) van tyd tot tyd deur die mynkommissaris verleng word indien skriftelik om die verlenging by hom aansoek gedoen word binne 'n tydperk van drie maande voor die verstrykingsdatum van die vergunning, mits die verlenging in die geval van grond waarvan die eiendomsreg by die Staat berus deur die Minister goedgekeur is, of die vergunning, in die geval van grond waarvan die eiendomsreg nie by die Staat berus nie, deur die eienaar gehou word of hy tot die verlenging daarvan ingestem het.
- (c) Wanneer so 'n verlenging deur die mynkommissaris toegestaan is, moet die Registrateur van Mynbriewe 'n gepaste endossement op die vergunning aanbring om die verlenging aan te toon.
- (8) 'n Vergunning deur die mynkommissaris kragtens hierdie artikel of 'n ooreenstemmende bepaling van 'n vorige wet verleen, sluit die reg in om omheinings op te rig en verbeterings aan te bring wat redelikerwys in verband met die gebruik van die grond nodig is, maar onderworpe aan die beperkings wat die mynkommissaris goeuvind om van tyd tot tyd op te lê.
- (9) Die houer van 'n in subartikel (8) bedoelde vergunning moet te alle tye sodanige regte van weg verleen oor die gebied ten opsigte waarvan die vergunning gehou word as wat die mynkommissaris bepaal.

(10) Any person to whom any permission has been granted by the mining commissioner under this section in respect of land which is owned by the State, not being the holder of a lease referred to in subsection (2) (b), shall pay annually in advance to the mining commissioner, as from the date on which the relevant permit is issued to him, such rent as the Minister may determine.

(11) Any permission referred to in subsection (8) registered in the name of the holder of a lease contemplated in subsection (2) (b) shall, notwithstanding anything in this section or in the permission contained, *ipso facto* lapse if such lease is cancelled or is terminated otherwise than by reason of the issue to the holder of the lease of a deed of grant or deed of transfer in respect of the land.

(12) Any permission referred to in subsection (8), not being a permission held by the holder of a lease referred to in subsection (2) (b), may be transferred or mortgaged, either wholly or in part, by the holder of such permission, and any such transfer or mortgage shall be registered in the Mining Titles Office.

(13) (a) The State President or the mining commissioner may, notwithstanding any permission referred to in subsection (8) granted by the mining commissioner for the use of the surface of any proclaimed land or land held under mining title, permit the use, under and subject to the provisions of section 92, of any portion of the area subject to such permission, for the carrying on of any activity by the Government, the railway administration, any body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), or any council, board or other body established by or under any law, or for the erection of public buildings, schools and places of worship or for the construction of roads or for burial grounds, residential areas for coloured persons or Bantu or for sanitary purposes or any public purpose or any purpose conducive to the promotion of health and recreation.

(b) Before any surface right permit is issued pursuant to the provisions of paragraph (a), the mining commissioner shall, subject to any conditions contained in the permission granted for the use of the surface of the land in question for the purpose of agriculture or afforestation, and to the payment of compensation *mutatis mutandis* as provided in subsection (3) (b) to the holder of such permission, modify such permission or cancel it wholly or to such extent as he may consider necessary.

(c) The payment of compensation to any person in the circumstances mentioned in paragraph (b) shall not affect any right to compensation which such person may have in terms of section 92 (6).

Surface rights for purposes other than those contemplated in sections 90 and 91.

92. (1) Subject to the provisions of this section and section 172, the State President may permit any department referred to in section 91 (1), or the railway administration, and the mining commissioner may permit any person, to use the surface of proclaimed land or land held under mining title for any purpose for which permission is not capable of being granted under section 90 or 91 or in respect of which the provisions of section 139 (1) or (2) do not apply, provided such use is not in the opinion of the Government Mining Engineer likely to interfere with mining or purposes incidental to mining.

(2) Any area for the use of which permission is required to be given by the State President under this section shall be selected by the mining commissioner after consultation with the owner or lessee of the land and the holder of any mining title which may be affected by the application, and such selection shall be subject to confirmation by the Minister.

(3) (a) An application by any department referred to in subsection (1), or the railway administration or any person, for permission to use the surface of any land for a purpose contemplated by this section, shall be submitted in writing to the mining commissioner and shall specify the purpose for which the surface of such land is intended to be used.

(b) Such application shall, unless the mining commissioner considers it necessary that the area so selected be

(10) Iemand aan wie 'n vergunning kragtens hierdie artikel deur die mynkommissaris verleen is ten opsigte van grond waarvan die eiendomsreg by die Staat berus, en wat nie die houer van 'n in subartikel (2) (b) bedoelde huur is nie, moet vanaf die datum waarop die toepaslike permit aan hom uitgereik word, jaarliks die deur die Minister bepaalde huurgeld aan die mynkommissaris vooruitbetaal.

(11) Enige in subartikel (8) bedoelde vergunning geregiſtreer op naam van die houer van 'n in subartikel (2) (b) bedoelde huur, verval (ondanks enigiets in hierdie artikel of in die vergunning vervat) *ipso facto* indien bedoelde huur anders as vanweë die uitreiking aan die houer van die huur van 'n grondbrief of transportakte ten opsigte van die grond ingetrek of beëindig word.

(12) 'n In subartikel (8) bedoelde vergunning, behalwe 'n vergunning deur die houer van 'n in subartikel (2) (b) bedoelde huur gehou, kan òf in geheel òf gedeeltelik deur die houer van bedoelde vergunning oorgedra of met verband beswaar word, en so 'n oordrag of verband word in die Mynbriewekantoor geregiſtreer.

(13) (a) Die Staatspresident of die mynkommissaris kan, ondanks enige in subartikel (8) bedoelde vergunning deur die mynkommissaris verleen vir die gebruik van die oppervlakte van geproklameerde grond of grond kragtens myntitel gehou, die gebruik, kragtens en onderworpe aan die bepalings van artikel 92, van enige gedeelte van die gebied wat aan bedoelde vergunning onderhewig is, toelaat vir die voortsetting van enige aktiwiteit deur die Staat, die spoorwegadministrasie, enige liggaam in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), beoog, of enige raad of ander liggaam deur of kragtens enige wet ingestel, of vir die oprigting van openbare geboue, skole en plekke van aanbidding of vir die aanlê van paaie of vir begraaflase, woongebiede vir kleurlinge of Bantoes of vir sanitêre doeleindes of enige openbare doel of enige doel wat vir gesondheid en ontspanning bevorderlik is.

(b) Voordat enige oppervlakteregpermit ingevolge die bepalings van paragraaf (a) uitgereik word, moet die mynkommissaris, behoudens enige voorwaardes vervat in die vergunning wat vir die gebruik van die oppervlakte van die betrokke grond vir landboudeleindes of bosaanplanting toegestaan is, en die betaling van vergoeding *mutatis mutandis* volgens voorskrif van subartikel (3) (b) aan die houer van bedoelde vergunning, daardie vergunning wysig of dit in sy geheel of vir sover hy dit nodig ag, intrek.

(c) Die betaling van vergoeding aan enigiemand in die in paragraaf (b) vermelde omstandighede, benadeel nie enige reg op vergoeding wat so iemand ingevolge artikel 92 (6) het nie.

92. (1) Behoudens die bepalings van hierdie artikel en artikel 172, kan die Staatspresident enige in artikel 91 (1) bedoelde departement of die spoorwegadministrasie toelaat, en kan die mynkommissaris enigiemand toelaat, om die oppervlakte van geproklameerde grond of grond kragtens myntitel gehou, te gebruik vir enige doel waarvoor vergunning nie ingevolge artikel 90 of 91 verleen kan word nie of ten opsigte waarvan die bepalings van artikel 139 (1) of (2) nie van toepassing is nie, mits sodanige gebruik volgens die Staatsmyningenieur se oordeel waarskynlik nie inbreuk sal maak op mynbou of doeleindes wat met mynbou in verband staan nie.

Oppervlakteregte vir ander doeleindes as dié in artikels 90 en 91 beoog.

(2) Enige gebied vir die gebruik waarvan vergunning deur die Staatspresident kragtens hierdie artikel vereis word, word deur die mynkommissaris aangewys na oorlegpleging met die eienaar of huurder van die grond en die houer van enige myntitel wat deur die aansoek geraak word, en so 'n aanwysing is onderworpe aan bekragtiging deur die Minister.

(3) (a) 'n Aansoek deur 'n in subartikel (1) bedoelde departement of die spoorwegadministrasie of enige persoon om vergunning om die oppervlakte van enige grond vir 'n in hierdie artikel beoogde doel te gebruik, moet skriftelik aan die mynkommissaris voorgelê word en moet die doel vermeld waarvoor die oppervlakte van bedoelde grond gebruik staan te word.

(b) So 'n aansoek moet, tensy die mynkommissaris dit nodig ag dat die aldus aangewese gebied afgebaken,

demarcated by beacons and a diagram thereof lodged at his office by or on behalf of the applicant, be accompanied by a sketch plan acceptable to the mining commissioner of such area.

(4) The provisions of section 90 (5), (6) and (7) shall *mutatis mutandis* apply in connection with any application for the mining commissioner's permission under this section and his decision thereon.

(5) (a) The use of the surface of any land over which there is a reservation under section 47 of this Act or corresponding provisions of a prior law shall not be permitted under this section, except with the written consent of the owner of the land or, if the land is held by a lessee, of the Secretary for Agricultural Credit and Land Tenure, and upon conditions to which he agrees: Provided that no such consent shall be necessary if the land is subject to any real right or any registered servitude for the purpose for which the permission is required.

(b) If the use of the surface of land in respect of which there is held a certificate of owner's reservation issued under a prior law is permitted in terms of this section, the provisions of section 90 (8) (c) of this Act shall *mutatis mutandis* apply.

(6) (a) There shall be payable in respect of the grant of permission to use the surface of any land under this section, to the owner of the land, or, if the land is held by a lessee, to the Secretary for Agricultural Credit and Land Tenure, and to any other person whose rights in respect of the use of the surface of the land are adversely affected by such permission, compensation in such amount as may in the absence of agreement be determined by arbitration.

(b) In determining the amount to be paid in compensation under paragraph (a), regard shall be had to the effect of any agreement between the applicant for the permission and the owner of the land in connection with the use of the surface of the land.

(c) Any dispute as to the amount of compensation payable by the railway administration under paragraph (a) shall be determined in accordance with the provisions of section 8 of the Railway Expropriation Act, 1955 (Act No. 37 of 1955).

(d) The provisions of section 47 (2) (b) shall *mutatis mutandis* apply in connection with any compensation paid under paragraph (a) of this subsection to the Secretary for Agricultural Credit and Land Tenure in respect of land held by a lessee.

(e) No compensation shall be payable under paragraph (a) in respect of the use of the surface of land which is owned by the State and is not held by a lessee, but any permission granted under this section over such land may provide for the payment to the mining commissioner, as from the date on which the relevant permit is issued, of such rent as the Minister may determine.

(7) Any permission granted under this section may include the right to erect fencing.

(8) Any permission granted under this section or section 69, 71, 73 or 74 of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908), of the Transvaal, or of that Act as applied to the province of the Orange Free State by the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936), or under any corresponding provision of a prior law, may be transferred or mortgaged, either wholly or in part, and such transfer or mortgage shall be registered in the Mining Titles Office, and any permission granted under section 76 of the said Precious and Base Metals Act, 1908, or of that Act as so applied, may be transferred or mortgaged and such transfer or mortgage shall be so registered.

en 'n kaart daarvan deur of namens die aansoeker by sy kantoor ingedien word, van 'n vir die mynkommissaris aanneemlike sketskaart van bedoelde gebied vergesel gaan.

(4) Die bepalings van artikel 90 (5), (6) en (7) is *mutatis mutandis* van toepassing in verband met 'n aansoek om die mynkommissaris se vergunning kragtens hierdie artikel en sy besluit daaroor.

- (5) (a) Die gebruik van die oppervlakte van grond wat kragtens artikel 47 van hierdie Wet of ooreenstemmende bepalings van 'n vorige wet uitgehou is, word nie ingevolge hierdie artikel toegelaat nie, behalwe met die skriftelike toestemming van die eenaar van die grond of, indien die grond deur 'n huurder gehou word, van die Sekretaris van Landboukrediet en Grondbesit, en op voorwaardes waartoe hy instem; Met dien verstande dat sodanige instemming nie nodig is indien die grond aan 'n saaklike reg of 'n geregistreerde serwituut vir die doel waarvoor die vergunning verlang word, onderworpe is nie.
- (b) Indien die gebruik van die oppervlakte van grond ten opsigte waarvan 'n sertifikaat van eenaarsvoorbehoud uitgereik kragtens 'n vorige wet gehou word, ingevolge hierdie artikel toegelaat word, is die bepalings van artikel 90 (8) (c) van hierdie Wet *mutatis mutandis* van toepassing.
- (6) (a) Daar is ten opsigte van die verlening van vergunning vir die gebruik van die oppervlakte van grond kragtens hierdie artikel, aan die eenaar van die grond, of, indien die grond deur 'n huurder gehou word, aan die Sekretaris van Landboukrediet en Grondbesit, en aan enigiemand anders wie se regte ten opsigte van die gebruik van die oppervlakte van die grond deur bedoelde vergunning nadelig geraak word, vergoeding betaalbaar waarvan die bedrag by ontstentenis van ooreenkoms by arbitrasie bepaal word.
- (b) By die bepaling van die bedrag wat ingevolge paragraaf (a) as vergoeding betaal moet word, moet die uitwerking van enige ooreenkoms tussen die aansoeker om die vergunning en die eenaar van die grond in verband met die gebruik van die oppervlakte van die grond in ag geneem word.
- (c) Enige geskil betreffende die bedrag van vergoeding ingevolge paragraaf (a) deur die spoorwegadministrasie betaalbaar, word ooreenkomstig die bepalings van artikel 8 van die Spoorwegonteieningswet, 1955 (Wet No. 37 van 1955), besleg.
- (d) Die bepalings van artikel 47 (2) (b) is *mutatis mutandis* van toepassing in verband met vergoeding ingevolge paragraaf (a) van hierdie subartikel aan die Sekretaris van Landboukrediet en Grondbesit betaal ten opsigte van grond wat deur 'n huurder gehou word.
- (e) Geen vergoeding is ingevolge paragraaf (a) betaalbaar ten opsigte van die gebruik van die oppervlakte van grond waarvan die eiendomsreg by die Staat berus en wat nie deur 'n huurder gehou word nie, maar enige vergunning kragtens hierdie artikel oor sodanige grond verleen, kan voorsiening maak vir die betaling aan die mynkommissaris, vanaf die datum waarop die toepaslike permit uitgereik word, van 'n huurgeld wat die Minister bepaal.

(7) 'n Kragtens hierdie artikel verleende vergunning kan die reg insluit om omheining op te rig.

(8) 'n Vergunning kragtens hierdie artikel of artikel 69, 71, 73 of 74 van die „Precious and Base Metals Act, 1908” (Wet No. 35 van 1908), van Transvaal, of van daardie Wet soos by die Oranje-Vrystaatse Metaal-myn Wet, 1936 (Wet No. 13 van 1936), op die provinsie Oranje-Vrystaat toegepas, of kragtens 'n ooreenstemmende bepaling van 'n vorige wet verleen, kan oorgedra of met verband beswaar word, hetsy geheel of gedeeltelik, en so 'n oordrag of verband moet in die Mynbriewekantoor geregistreer word, en 'n vergunning verleen kragtens artikel 76 van gemelde „Precious and Base Metals Act, 1908”, of van daardie Wet soos aldus toegepas, kan oorgedra of met verband beswaar word, en bedoelde oordrag of verband moet aldus geregistreer word.

General provisions relating to the use of the surface of proclaimed land and land held under mining title.

93. (1) Any surface right permit issued pursuant to the provisions of this Chapter shall be in the form prescribed by regulation.

(2) (a) If any person has unlawfully erected any structure or fence on proclaimed land or land held under mining title, the mining commissioner may in writing direct him to remove such structure or fence, and if it is not removed within the period specified by the mining commissioner, he may cause it to be removed and recover the cost of removal from such person.

(b) Any competent court may on the application of the mining commissioner order the ejection of any person from any structure referred to in paragraph (a).

(3) (a) The mining commissioner may, upon written application by the holder of a surface right permit issued under section 76 of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908), of the Transvaal, or of that Act as applied to the province of the Orange Free State by the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936), and subject to the provisions of this subsection, approve of any structural alteration or addition to any building in respect of which the permit is held.

(b) The mining commissioner shall, before granting his approval under paragraph (a), satisfy himself that the structural alteration or addition to such building is or was reasonable and necessary, and, in the case of land not owned by the State, consult the owner of the land.

(c) In granting his approval under paragraph (a), the mining commissioner may, as from a date to be determined by him, and subject to confirmation by the Minister, increase the rent payable in respect of the relevant surface right permit, and upon endorsement of the permit as provided in paragraph (d), any reference in such permit to rent shall be construed as a reference to such increased rent.

(d) As soon as possible after the mining commissioner has approved of any alteration or addition to any such building, or has in accordance with the provisions of paragraph (c) increased the rent payable in respect of any such permit, he shall in writing furnish full particulars to the Registrar of Mining Titles who shall thereupon suitably endorse the permit.

(e) If any structural alteration or addition to any such building has been made without the mining commissioner's approval having been obtained under this subsection, he may, after three month's written notice to the holder of the relevant surface right permit, cancel the permit, and such holder shall not in that event be entitled to compensation in respect of the cancellation of the permit.

(4) (a) Save as is otherwise provided in this Act, all the rights and obligations attaching at the commencement of this Act to any surface right permit granted—

(i) under Chapter IX of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908), of the Transvaal, or of that Act as applied to the province of the Orange Free State by the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936), or under corresponding provisions of a prior law; or

(ii) under section 12 of the Base Minerals Amendment Act, 1942 (Act No. 39 of 1942), or under that section as applied by section 9 of the Natural Oil Act, 1942 (Act No. 46 of 1942),

shall remain in force as if this Act had not been passed.

(b) One-half of the moneys payable to the mining commissioner in respect of any permission granted under section 75 or 76 of the said Precious and Base Metals Act, 1908, or of that Act as so applied, in respect of land which is not owned by the State, shall, after the commencement of this Act, and upon receipt thereof by the mining commissioner, be paid over to the owner of the land.

93. (1) Enige oppervlakteregpermit kragtens die bepalinge van hierdie Hoofstuk uitgereik, moet in die by regulasie voorgeskrewe vorm wees.
- (2) (a) Indien enige persoon 'n struktuur of heining onwettiglik opgerig het op geproklameerde grond of grond kragtens myntitel gehou, kan die mynkommissaris hom skriftelik gelas om bedoelde struktuur of heining te verwyder, en indien dit nie binne die deur die mynkommissaris bepaalde tydperk verwyder word nie, kan hy dit laat verwyder en die koste van verwydering op bedoelde persoon verhaal.
- (b) Enige bevoegde hof kan op aansoek van die mynkommissaris die uitsetting van enigiemand uit enige in paragraaf (a) bedoelde struktuur gelas.
- (3) (a) Die mynkommissaris kan op skriftelike aansoek van die houer van 'n oppervlakteregpermit uitgereik kragtens artikel 76 van die „Precious and Base Metals Act, 1908” (Wet No. 35 van 1908), van Transvaal, of van daardie Wet soos by die Oranje-Vrystaatse Metaal-myn Wet, 1936 (Wet No. 13 van 1936), op die provinsie Oranje-Vrystaat toegepas, en behoudens die bepalinge van hierdie subartikel, enige boukundige verandering van of toevoeging tot enige gebou ten opsigte waarvan die permit gehou word, goedkeur.
- (b) Die mynkommissaris moet, voordat hy sy goedkeuring ingevolge paragraaf (a) verleen, homself daarvan oortuig dat die boukundige verandering van of toevoeging tot bedoelde gebou redelik en nodig is of was, en, in die geval van grond waarvan die eiendomsreg nie by die Staat berus nie, die eienaar van die grond raadpleeg.
- (c) By die verlening van sy goedkeuring kragtens paragraaf (a), kan die mynkommissaris, vanaf 'n deur hom bepaalde datum, en onderworpe aan bekragtiging deur die Minister, die ten opsigte van die toepaslike oppervlakteregpermit betaalbare huurgeld verhoog, en by endossering van die permit volgens voorskrif van paragraaf (d) word enige verwysing in bedoelde permit na huurgeld as 'n verwysing na bedoelde verhoogde huurgeld uitgelê.
- (d) So spoedig moontlik nadat die mynkommissaris enige verandering van of toevoeging tot so 'n gebou goedgekeur het, of ooreenkomstig die bepalinge van paragraaf (c) die huurgeld betaalbaar ten opsigte van so 'n permit verhoog het, moet hy skriftelik volledige besonderhede verstrek aan die Registrateur van Mynbriewe wat daarop die permit op gepaste wyse moet endosseer.
- (e) Indien enige boukundige verandering van of toevoeging tot so 'n gebou gemaak is sonder dat die mynkommissaris se goedkeuring ingevolge hierdie subartikel verkry is, kan hy, na drie maande skriftelike kennisgewing aan die houer van die toepaslike oppervlakteregpermit, die permit intrek, en in so 'n geval is bedoelde houer nie op vergoeding ten opsigte van die intrekking van die permit geregtig nie.
- (4) (a) Behalwe vir sover hierdie Wet anders bepaal, bly alle regte en verpligtings by die inwerkingtreding van hierdie Wet verbonde aan enige oppervlakteregpermit toegestaan—
- (i) kragtens Hoofstuk IX van die „Precious and Base Metals Act, 1908” (Wet No. 35 van 1908), van Transvaal, of van daardie Wet soos by die Oranje-Vrystaatse Metaal-myn Wet, 1936 (Wet No. 13 van 1936), op die provinsie Oranje-Vrystaat toegepas, of kragtens ooreenstemmende bepalinge van 'n vorige wet; of
- (ii) kragtens artikel 12 van die Wysigingswet op Onedele Minerale, 1942 (Wet No. 39 van 1942), of kragtens daardie artikel soos by artikel 9 van die Wet op Aardolie, 1942 (Wet No. 46 van 1942), toegepas,
- van krag asof hierdie Wet nie aangeneem is nie.
- (b) Die helfte van die gelde aan die mynkommissaris betaalbaar ten opsigte van 'n vergunning verleen kragtens artikel 75 of 76 van gemelde „Precious and Base Metals Act, 1908”, of van daardie Wet soos aldus toegepas, ten opsigte van grond waarvan die eiendomsreg nie by die Staat berus nie, word na die inwerkingtreding van hierdie Wet, en by ontvangs daarvan deur die mynkommissaris, aan die eienaar van die grond oorbetaal.

Algemene bepalinge betreffende die gebruik van die oppervlakte van geproklameerde grond en grond kragtens myntitel gehou.

(5) The reference in section 10 (3) of the Atomic Energy Act, 1948 (Act No. 35 of 1948), to Chapter IX of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908), of the Transvaal, or of that Act as applied to the province of the Orange Free State by the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936), shall be construed as a reference to section 90 of this Act, and the provisions of the said section 90 shall *mutatis mutandis* apply in connection with any permission relating to the use of the surface of proclaimed land applied for or granted pursuant to the provisions of the said section 10 (3).

(6) The provisions of this Chapter shall not apply in connection with any land over which any person holds a lease granted under Part II of the Mineral Law Amendment Act, 1907 (Act No. 16 of 1907), of the Cape of Good Hope, or a mining concession.

(7) Any holder of a mining claim shall be entitled without obtaining any permission under this Chapter to use the surface of such claim for purposes of mining or any purpose incidental thereto: Provided that, if such claim is situated on land of which the South African Bantu Trust or a Bantu is the owner or which is held in trust for a Bantu and is held under a mining claim licence issued pursuant to the written permission of the Minister of Bantu Administration and Development, such right of use shall be subject to the provisions of the regulations made under section 48 (1) (n) of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936).

(8) (a) Notwithstanding the provisions of this Chapter, an application made by any person before the commencement of this Act, in accordance with the provisions of Chapter IX of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908), of the Transvaal, or of that Act as applied to the province of the Orange Free State by the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936), for any permission contemplated in the said Chapter, shall be dealt with as if this Act had not been passed.

(b) The provisions of subsection (4) of this section shall apply to any permission granted pursuant to the provisions of paragraph (a) of this subsection.

CHAPTER XI.

WATER RIGHTS.

Mining title
not to confer
right to water.

94. (1) No person shall upon proclaimed land or land held under mining title have any proprietary right to or in the water in any stream, river or watercourse flowing through or forming a boundary of such land or any other water on or underneath such land, by reason of any mining title or other right (other than a certificate of water reservation or a water right) held by him under this Act or by virtue of the provisions of any prior law relating to prospecting and mining.

(2) Save as is otherwise provided in this Act and in the Water Act, 1956 (Act No. 54 of 1956), no person shall upon proclaimed land or land held under mining title be entitled to the use of any such water unless—

(a) he holds in respect of the water or any part thereof a water right granted under this Act or a prior law; or

(b) he has with the written approval of the mining commissioner acquired from the holder of a water right written permission to use for mining purposes or purposes incidental thereto water abstracted under the authority of such a right.

(3) Any approval by the mining commissioner under subsection (2) (b) may be given subject to such conditions as he may deem fit.

Granting of
water rights.

95. (1) Subject to the provisions of this Act and of section 172 of the Water Act, 1956 (Act No. 54 of 1956), a water right in respect of water in any stream, river or watercourse flowing through or forming a boundary of proclaimed land or land held under mining title or any other water on or underneath such land may be granted—

(5) Die verwysing in artikel 10 (3) van die Wet op Atoomkrag, 1948 (Wet No. 35 van 1948), na Hoofstuk IX van die „Precious and Base Metals Act, 1908” (Wet No. 35 van 1908), van Transvaal, of van daardie Wet soos by die Oranje-Vrystaatse Metaalmyn Wet, 1936 (Wet No. 13 van 1936), op die Provinsie Oranje-Vrystaat toegepas, word uitgelê as 'n verwysing na artikel 90 van hierdie Wet, en die bepalings van gemelde artikel 90 is *mutatis mutandis* van toepassing in verband met enige vergunning met betrekking tot die gebruik van die oppervlakte van geproklameerde grond waarom ingevolge die bepalings van gemelde artikel 10 (3) aansoek gedoen word of wat daarkragtens toegestaan is.

(6) Die bepalings van hierdie Hoofstuk is nie van toepassing in verband met enige grond waarvoor enigiemand 'n huur toegeken kragtens Deel II van die „Mineral Law Amendment Act, 1907” (Wet No. 16 van 1907), van die Kaap die Goeie Hoop, of 'n mynkoncessie hou nie.

(7) Enige houer van 'n mynkleim is geregtig om sonder die verkryging van 'n vergunning kragtens hierdie Hoofstuk, die oppervlakte van bedoelde kleim vir myndoelindes of enige doel wat daarmee in verband staan, te gebruik: Met dien verstande dat indien bedoelde kleim geleë is op grond waarvan die Suid-Afrikaanse Bantoe-trust of 'n Bantoe die eienaar is of wat in trust vir 'n Bantoe gehou word en wat gehou word kragtens 'n mynkleimlisensie wat ingevolge die skriftelike toestemming van die Minister van Bantoe-administrasie en -ontwikkeling uitgereik is, bedoelde gebruiksreg onderworpe is aan die bepalings van die regulasies ingevolge artikel 48 (1) (n) van die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936), uitgevaardig.

(8) (a) Ondanks die bepalings van hierdie Hoofstuk, word met 'n aansoek wat enigiemand voor die inwerking-treding van hierdie Wet ooreenkomstig die bepalings van Hoofstuk IX van die „Precious and Base Metals Act, 1908” (Wet No. 35 van 1908), van Transvaal, of van daardie Wet soos by die Oranje-Vrystaatse Metaalmyn Wet, 1936 (Wet No. 13 van 1936), op die provinsie Oranje-Vrystaat toegepas, gedoen het om enige vergunning in gemelde Hoofstuk beoog, gehandel asof hierdie Wet nie aangeneem is nie.

(b) Die bepalings van subartikel (4) van hierdie artikel is van toepassing op enige vergunning kragtens die bepalings van paragraaf (a) van hierdie subartikel verleen.

HOOFSTUK XI.

WATERREGTE.

94. (1) Niemand het op geproklameerde grond of grond kragtens myntitel gehou enige eiendomsreg op of in die water in enige stroom, rivier of waterloop wat deur bedoelde grond vloei of 'n grens daarvan uitmaak of enige ander water op of onder sodanige grond nie, vanweë enige myntitel of ander reg (uitgesonderd 'n sertifikaat van watervoorbehoud of 'n waterreg) deur hom kragtens hierdie Wet of uit hoofde van die bepalings van 'n vorige wet met betrekking tot prospektering en mynbou gehou.

Myntitel
verleen nie
reg op water nie.

(2) Behalwe vir sover hierdie Wet en die Waterwet, 1956 (Wet No. 54 van 1956), anders bepaal, is niemand op geproklameerde grond of grond kragtens myntitel gehou, geregtig op die gebruik van enige sodanige water nie, tensy—

(a) hy ten opsigte van die water of 'n gedeelte daarvan 'n kragtens hierdie Wet of 'n vorige wet toegekende waterreg hou; of

(b) hy met die mynkommissaris se skriftelike goedkeuring, skriftelike toestemming van die houer van 'n waterreg verkry het om water wat hy uitgehaal het ingevolge magtiging by so 'n reg verleen, te gebruik vir myndoelindes of doeleindes wat daarmee in verband staan.

(3) Goedkeuring deur die mynkommissaris kragtens subartikel (2) (b) kan verleen word onderworpe aan die voorwaardes wat hy goedvind.

95. (1) Behoudens die bepalings van hierdie Wet en van artikel 172 van die Waterwet, 1956 (Wet No. 54 van 1956), kan 'n waterreg ten opsigte van water in enige stroom, rivier of waterloop wat vloei deur geproklameerde grond of grond kragtens myntitel gehou of 'n grens daarvan uitmaak of enige ander water op of onder sodanige grond—

Toekenning van
waterregte.

- (a) to any person for prospecting and mining purposes or purposes incidental thereto;
- (b) for any purpose to any Government department, provincial administration, the railway administration, any body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), or any council, board or other body established by or under any law;
- (c) to the owner or lessee of such land for agricultural purposes; or
- (d) to any person lawfully occupying any portion of such land, for any purpose incidental to such occupation:

Provided that no such right shall be granted under paragraph (b), (c) or (d) in respect of private water as defined by the Water Act, 1956.

(2) A water right grant shall be in the form prescribed by regulation.

(3) No water right shall be granted under this Chapter in respect of water on or underneath any land which is held by any person under a mining concession.

Application for water rights.

96. (1) Application for a water right shall be made to the mining commissioner in the form prescribed by regulation and shall be accompanied by a sketch plan acceptable to the mining commissioner and signed by the applicant, showing *inter alia*—

- (a) the points of intake and use and the point of return (if any) of any water which may be used in terms of such water right, if granted;
- (b) in the case of a water right for generating any form of power, the point or points at which the plant or machinery for generating the power is to be erected;
- (c) the position of any dam, reservoir, weir, embankment, sump, pipeline, watercourse or appliance to be constructed or erected;
- (d) the mining title or other right to which the water right is to be attached and any mining title held in respect of any adjoining land, and the names of the holders thereof,

and the applicant shall furnish such further particulars as the mining commissioner may in any particular case specially require.

(2) (a) The mining commissioner shall appoint a date and place for the hearing of the application, and notice of the application, signed by the mining commissioner and containing full particulars in regard to the water right applied for, shall at least one month prior to the date so appointed—

(i) be posted up by the mining commissioner in a conspicuous place at his office and by the applicant at the proposed point of intake of water in terms of the water right which is the subject of the application; and

(ii) be served by the applicant to the satisfaction of the mining commissioner upon every person, including any holder of a mining title, who in the opinion of the mining commissioner may be adversely affected by the grant of the application, and, in the case of an application relating to private water as defined by the Water Act, 1956 (Act No. 54 of 1956), upon the owner of the land affected.

(b) Any notice required to be posted up under paragraph (a) shall remain so posted up for a period of at least thirty days.

(c) As soon as possible after the signing of such notice the mining commissioner shall consult the Secretary for Water Affairs in connection with the relevant application and transmit to the said Secretary a copy of the notice and of the sketch plan defining the water right applied for.

(3) Any person who desires to object to the granting of a water right shall serve written notice of such objection and of the grounds thereof upon the mining commissioner and the applicant not later than seven days prior to the date appointed for the hearing of the application.

- (a) aan enigiemand toegeken word vir prospekter- en myndoeleindes of doeleindes wat daarmee in verband staan;
- (b) vir enige doel toegeken word aan 'n Staatsdepartement, provinsiale administrasie, die spoorwegadministrasie, 'n liggaam in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), beoog of 'n raad of ander liggaam deur of kragtens enige wet ingestel;
- (c) aan die eienaar of huurder van sodanige grond vir landboudoeleindes toegeken word; of
- (d) aan enigiemand wat enige gedeelte van bedoelde grond wettiglik okkupeer, toegeken word vir enige doel wat met bedoelde okkupasie in verband staan:

Met dien verstande dat so 'n reg nie kragtens paragraaf (b), (c) of (d) toegeken word ten opsigte van private water soos in die Waterwet, 1956, omskryf nie.

(2) 'n Waterregtoekenning moet in die by regulasie voorgeskrewe vorm wees.

(3) Geen waterreg word kragtens hierdie Hoofstuk toegeken ten opsigte van water op of onder grond wat deur enigiemand kragtens 'n mynkonseisie gehou word nie.

96. (1) Aansoek om 'n waterreg moet by die mynkommissaris in die by regulasie voorgeskrewe vorm gedoen word en moet van 'n vir die mynkommissaris aanneemlike sketskaart vergesel gaan wat deur die aansoeker onderteken is en onder meer aantoon—

Aansoek om waterregte.

- (a) die plekke waar die water wat ingevolge bedoelde waterreg, indien toegeken, gebruik word, uitgekeer en gebruik staan te word, en, as dit teruggekeer gaan word, waar dit terruggekeer gaan word;
- (b) in die geval van 'n waterreg vir die verwekking van enige vorm van krag, die plek of plekke waar die installasie of masjinerie vir die verwekking van die krag opgerig staan te word;
- (c) die ligging van enige dam, opgaardam, dwarswal, opdamming, opvangput, pyplyn, waterloop of toestel wat aangelê of opgerig staan te word;
- (d) die myntitel of ander reg waaraan die waterreg verbonde sal wees, en enige myntitel ten opsigte van aanliggende grond gehou, en die name van die houters daarvan,

en die aansoeker moet die verdere besonderhede verstrek wat in 'n bepaalde geval spesiaal deur die mynkommissaris verlang word.

(2) (a) Die mynkommissaris bepaal 'n datum en plek vir die verhoor van die aansoek, en 'n kennisgewing van die aansoek, wat deur die mynkommissaris onderteken is en volledige besonderhede betreffende die aangevraagde waterreg bevat, moet minstens een maand voor die aldus bepaalde datum—

- (i) aangeplak word deur die mynkommissaris op 'n opvallende plek by sy kantoor en deur die aansoeker by die plek waar die water wat die onderwerp van die aansoek is, uitgekeer gaan word; en
- (ii) tot bevrediging van die mynkommissaris deur die aansoeker bestel word aan elke persoon, met inbegrip van enige houer van 'n myntitel, wat volgens die mynkommissaris se oordeel deur die toestaan van die aansoek benadeel sou kon word, en, in die geval van 'n aansoek wat betrekking het op private water soos in die Waterwet, 1956 (Wet No. 54 van 1956), omskryf, aan die eienaar van die betrokke grond.
- (b) 'n Kennisgewing wat ingevolge paragraaf (a) aangeplak moet word, moet vir 'n tydperk van minstens dertig dae aldus aangeplak bly.
- (c) So spoedig doenlik na die ondertekening van bedoelde kennisgewing moet die mynkommissaris die Sekretaris van Waterwese in verband met die betrokke aansoek raadpleeg en aan bedoelde Sekretaris 'n afskrif stuur van die kennisgewing en van die sketskaart wat die aangevraagde waterreg aantoon.

(3) Iemand wat beswaar teen die toekenning van 'n waterreg wil aanteken, moet nie later nie as sewe dae voor die datum vir die verhoor van die aansoek vasgestel, skriftelike kennisgewing van daardie beswaar en van die gronde waarop dit berus aan die mynkommissaris en die aansoeker bestel.

(4) (a) The mining commissioner shall at the hearing of an application for a water right record the evidence for and against the application and shall as soon as possible after the hearing notify any objector in writing of his decision on the application, and, if the application is granted, of any modifications or special conditions subject to which it is granted.

(b) No application shall without the approval of the Minister be granted by the mining commissioner, if the Secretary for Water Affairs has recommended against the granting thereof, or be granted for an indefinite period or a period exceeding five years.

(5) The applicant or any person who is dissatisfied with the mining commissioner's decision or with any special conditions which the mining commissioner proposes to incorporate in any water right grant, may within one month of the notification served upon him in terms of subsection (4) appeal to the Minister who may confirm, reverse or vary such decision or confirm or vary such conditions, and whose decision shall be final.

Rights which may be included in a water right grant.

97. (1) The grant of a water right may include the right—

(a) to collect and store water in any stream or river and to use such water or so much thereof as is authorized by the grant for the purpose for which the grant has been made;

(b) to build any dam, reservoir, weir or embankment or to sink any sump for the purpose of enabling the holder to abstract water from the stream, river, watercourse, spring, well or borehole in question or to accumulate water for the purpose of securing a constant supply;

(c) to construct water-furrows or to lay pipelines and to erect any appliance necessary for obtaining water from such stream, river, watercourse, spring, well or borehole.

(2) Nothing in this Act or in any water right grant contained (whether such right was granted before or after the commencement of this Act) shall be construed as giving the grantee any rights over or upon any land placed under water in terms of such grant, except such rights of access as are necessary for the purpose of constructing and maintaining dams, weirs, embankments or other works and of taking water therefrom.

Water rights to be defined by beacons and mining commissioner may call for diagram.

98. (1) The point of intake and the point of return (if any) of any water used in terms of a water right and, if such water right embraces an area, the angular points of such area, shall be defined by beacons erected in accordance with the regulations applicable to beacons defining claims situated in a mining district comprised in class A.

(2) If the mining commissioner considers it necessary that a water right granted by him under this Chapter be defined by a diagram, he may serve written notice upon the applicant for the water right calling upon him to furnish such a diagram within a period (not being less than three months) to be stated in the notice, and if the applicant fails to comply with such notice within that period or within such further period as the mining commissioner may allow, the mining commissioner may withdraw the grant by him of the water right.

Renewal of water rights.

99. (1) Subject to the provisions of this section, any water right (other than a temporary water right granted under a prior law) granted for a fixed period may, upon the written application of the holder of the water right grant, be renewed from time to time by the mining commissioner for periods not exceeding at any one time five years or such longer periods as may be approved by the Minister, and in the event of such renewal the grant in question shall be suitably endorsed by the Registrar of Mining Titles.

(2) If such an application is not made before the date of expiration of the water right grant, the mining commissioner shall serve written notice of such expiration upon such holder, and if the holder fails to submit such an application within one month of the date of such notice, the water right grant shall lapse.

(3) The provisions of section 96 (2), (3), (4) and (5) (other than the provisions relating to the imposition of special conditions by the mining commissioner) shall *mutatis mutandis*

- (4) (a) Die mynkommissaris moet by die verhoor van 'n aansoek om 'n waterreg die getuienis vir en teen die aansoek opteken, en moet so spoedig moontlik ná die verhoor enige beswaarmaker skriftelik van sy besluit oor die aansoek en, indien die aansoek toegestaan word, van enige wysigings of spesiale voorwaardes onderworpe waaraan dit toegestaan word, in kennis stel.
- (b) Geen aansoek word sonder die Minister se goedkeuring deur die mynkommissaris toegestaan indien die Sekretaris van Waterwese aanbeveel het dat dit nie toegestaan word nie, of vir 'n onbepaalde tydperk of 'n langer tydperk as vyf jaar toegestaan nie.
- (5) Die aansoeker of iemand wat ontevrede is met die mynkommissaris se beslissing of met enige spesiale voorwaardes wat die mynkommissaris voornemens is om in 'n waterregtoekenning in te sluit, kan binne een maand nadat die kennisgewing ingevolge subartikel (4) aan hom bestel is, appèl aanteken by die Minister wat bedoelde beslissing kan bekragtig, tersyde stel of wysig of bedoelde voorwaardes kan bekragtig of wysig en wie se beslissing afdoende is.

97. (1) 'n Waterregtoekenning kan die reg insluit—

- (a) om water in enige stroom of rivier op te gaar en te bewaar en dié water of soveel daarvan as wat die toekenning magtig, te gebruik vir die doel waarvoor die toekenning gemaak is;
- (b) om 'n dam, opgaardam, dwarswal of opdamming te bou of 'n opvangput te sink ten einde die houer in staat te stel om water uit die betrokke stroom, rivier, waterloop, fontein, put of boorgat te gebruik of om water op te gaar ten einde 'n bestendige voorraad te verseker;
- (c) om watervore te maak of pyplyne te lê en om enige toestel wat vir die verkryging van water uit bedoelde stroom, rivier, waterloop, fontein, put of boorgat nodig is, op te rig.

Regte wat in 'n waterregtoekenning ingesluit kan word.

(2) Die bepalinge van hierdie Wet of 'n waterregtoekenning (hetsy bedoelde reg voor of na die inwerkingtreding van hierdie Wet toegeken is) word nie uitgelê asof dit die begiftigde enige regte verleen oor of op grond wat kragtens bedoelde toekenning onder water geplaas is nie, behalwe sodanige toegangsregte as wat nodig is om damme, dwarswalle, opdamminge of ander werke te bou en in stand te hou en water daaruit te neem.

98. (1) Die plek waar water wat ingevolge 'n waterreg gebruik word, uitgekeer en (as daar so 'n plek is) teruggekeer word, en, indien bedoelde waterreg oor 'n terrein strek, die hoekpunte van bedoelde terrein, moet aangetoon word deur bakens, opgerig volgens voorskrif van die regulasies van toepassing op bakens wat kleims, geleë in 'n myndistrik wat in klas A ingedeel is, aantoon.

Waterregte moet deur bakens aangetoon word en mynkommissaris kan kaart aanvra.

(2) Indien die mynkommissaris dit nodig ag dat 'n waterreg deur hom kragtens hierdie Hoofstuk toegeken, deur 'n kaart omskryf moet word, kan hy 'n skriftelike kennisgewing aan die aansoeker om die waterreg bestel waarby hy aangesê word om so 'n kaart binne 'n in die kennisgewing vermelde tydperk (nie minder as drie maande nie) te verstrek, en, indien die aansoeker in gebreke bly om binne daardie tydperk, of binne die verdere tydperk wat die mynkommissaris toelaat, aan bedoelde kennisgewing te voldoen, kan die mynkommissaris die toekenning deur hom van die waterreg intrek.

99. (1) Behoudens die bepalinge van hierdie artikel, kan 'n waterreg (behalwe 'n tydelike waterreg kragtens 'n vorige wet toegeken) wat vir 'n vasgestelde tydperk toegeken is, op skriftelike aansoek deur die houer van die waterregtoekenning van tyd tot tyd deur die mynkommissaris vir tydperke van hoogstens vyf jaar, of sodanige langer tydperke as wat die Minister goedkeur, op 'n keer hernieu word, en in die geval van so 'n hernuwing moet die betrokke toekenning op gepaste wyse deur die Registrateur van Mynbriewe geëndosseer word.

Hernuwing van waterregte.

(2) Indien so 'n aansoek nie voor die verstrykingsdatum van die waterregtoekenning gedoen word nie, moet die mynkommissaris 'n skriftelike kennisgewing van die verstryking aan bedoelde houer bestel, en indien die houer versuim om so 'n aansoek binne een maand na die datum van bedoelde kennisgewing voor te lê, verval die waterregtoekenning.

(3) Die bepalinge van artikel 96 (2), (3), (4) en (5) (behalwe die bepalinge met betrekking tot die oplê van spesiale voorwaardes deur die mynkommissaris) is *mutatis mutandis* van

apply in connection with any application for the renewal of a water right granted under this Chapter and the mining commissioner's decision thereon: Provided that it shall not be necessary in connection with such an application for the mining commissioner to transmit a further copy of the sketch plan defining the water right to the Secretary for Water Affairs.

(4) A water right grant may be renewed by the mining commissioner in respect of a lesser quantity of water than that specified in such grant, and in that event the Registrar of Mining Titles shall suitably endorse the grant to reflect the decrease in the quantity of water authorized by the grant.

Transfer of water rights and attaching of such rights to other mining title.

100. (1) A water right (not being a temporary water right granted under a prior law) may, whether granted before or after the commencement of this Act, be transferred by the holder thereof to another person if the mining title or other right to which the water right is attached is transferred to that other person or the mining commissioner has certified that the water right is required by the proposed transferee for the purpose of working land held under mining title on which he is entitled to mine, and any such transfer shall be registered in the Mining Titles Office.

(2) The holder of a water right attached to a specific mining title may upon written application to the mining commissioner have that water right attached to any other mining title by virtue of which he is entitled to mine.

(3) Whenever a water right is transferred without transfer of the mining title to which it is attached or is in accordance with the provisions of subsection (2) attached to any other mining title by virtue of which the holder of such water right is entitled to mine, the Registrar of Mining Titles shall endorse the relevant water right and any other relevant title deed to the effect that the water right is attached to the mining title by virtue of which the transferee is entitled to mine or to such other mining title.

Termination of water rights.

101. (1) A water right, whether granted before or after the commencement of this Act—

(a) may be cancelled by the mining commissioner—

- (i) if any condition of the grant is not being observed;
- (ii) if the beacons defining the water right are not being maintained in proper repair; or
- (iii) if the water right is in the opinion of the mining commissioner not being put to proper or sufficient use,

and the holder of the water right has failed to comply with a written notice served upon him by the mining commissioner calling upon him to observe such condition or to put any beacons in proper repair to the satisfaction of the mining commissioner or to satisfy the mining commissioner that he is making proper and sufficient use of the water right within the period specified in such notice;

(b) shall lapse if the mining title or right to which it is attached—

- (i) lapses or is for any reason terminated; or
- (ii) is transferred without the water right being transferred to the transferee of such mining title or right within three months of the date of the transfer of such title or right.

(2) Whenever the mining commissioner has decided to cancel a water right grant under the powers conferred upon him by subsection (1), he shall in writing notify the holder of such grant of his decision, and, if such holder is dissatisfied with such decision, he may within one month of the date of the notification appeal to the Minister who may confirm or reverse the mining commissioner's decision, and whose decision shall be final.

CHAPTER XII.

STANDS FOR BUSINESS AND INDUSTRIAL PURPOSES.

Granting of stands on proclaimed land for business purposes.

102. (1) If any person desires to erect—

- (a) any place of business on open proclaimed land to which the provisions of section 126 do not apply; or

toepassing in verband met 'n aansoek om die hernuwing van 'n waterreg kragtens hierdie Hoofstuk toegeken en die mynkommissaris se beslissing daarvoor: Met dien verstande dat dit nie in verband met so 'n aansoek vir die mynkommissaris nodig is om 'n verdere afskrif van die sketskaart wat die waterreg omskryf aan die Sekretaris van Waterwese te stuur nie.

(4) 'n Waterregtoekenning kan deur die mynkommissaris hernieu word ten opsigte van 'n kleiner hoeveelheid water as dié in die toekenning vermeld, en in so 'n geval moet die Registrateur van Mynbriewe die toekenning op gepaste wyse endosseer ten einde die vermindering in die hoeveelheid water deur die toekenning gemagtig, aan te toon.

100. (1) 'n Waterreg (behalwe 'n tydelike waterreg kragtens 'n vorige wet toegeken) kan, ongeag of dit voor of na die inwerkingtreding van hierdie Wet toegeken is, deur die houder daarvan aan 'n ander persoon oorgedra word, indien die myntitel of ander reg waaraan die waterreg verbonde is aan daardie ander persoon oorgedra word of die mynkommissaris gesertifiseer het dat die waterreg deur die beoogde oordragnemer benodig is vir die ontginning van grond gehou kragtens myntitel waarop hy geregtig is om te myn, en enige sodanige oordrag moet in die Mynbriewekantoor geregistreer word.

Oordrag van waterregte en oorgang van sodanige regte op ander myntitel.

(2) Die houder van 'n waterreg wat aan 'n spesifieke myntitel verbonde is, kan op skriftelike aansoek by die mynkommissaris die waterreg laat verbind aan enige ander myntitel uit hoofde waarvan hy geregtig is om te myn.

(3) Wanneer 'n waterreg oorgedra word sonder oordrag van die myntitel waaraan dit verbonde is, of ooreenkomstig die bepalinge van subartikel (2) verbind word aan enige ander myntitel uit hoofde waarvan die houder van bedoelde waterreg geregtig is om te myn, moet die Registrateur van Mynbriewe die toepaslike waterreg en enige ander toepaslike titelbewys endosseer ten effekte dat die waterreg verbonde is aan die myntitel uit hoofde waarvan die oordragnemer geregtig is om te myn of aan daardie ander myntitel.

101. (1) 'n Waterreg, hetsy voor of na die inwerkingtreding van hierdie Wet toegeken—

Beëindiging van waterregte.

(a) kan deur die mynkommissaris ingetrek word—

(i) indien enige voorwaarde van die toekenning nie nagekom word nie;

(ii) indien die bakens wat die waterreg aantoon nie behoorlik in stand gehou word nie; of

(iii) indien die waterreg volgens die mynkommissaris se oordeel nie behoorlik of in voldoende mate gebruik word nie,

en die houder van die waterreg versuim het om binne die tydperk in bedoelde kennisgewing vermeld, te voldoen aan 'n skriftelike kennisgewing deur die mynkommissaris aan hom bestel waarby hy aangesê word om bedoelde voorwaarde na te kom of om enige bakens behoorlik tot die mynkommissaris se bevrediging te herstel of om die mynkommissaris te oortuig dat hy behoorlike en voldoende gebruik van die waterreg maak;

(b) verval indien die myntitel of reg waaraan dit verbonde is—

(i) verval of om enige rede beëindig word; of

(ii) oorgedra word sonder dat die waterreg binne drie maande na die datum van die oordrag van bedoelde myntitel of reg aan die oordragnemer van bedoelde myntitel of reg oorgedra word.

(2) Wanneer die mynkommissaris besluit het om kragtens die bevoegdheid hom by subartikel (1) verleen 'n waterregtoekenning in te trek, moet hy die houder van bedoelde toekenning skriftelik van sy besluit in kennis stel, en, indien bedoelde houder met dié besluit ontevrede is, kan hy binne een maand na die datum van die kennisgewing appél aanteken by die Minister wat die mynkommissaris se besluit kan bekragtig of tersyde stel en wie se beslissing afdoende is.

HOOFSTUK XII.

STANDPLASE VIR BESIGHEIDS- EN NYWERHEIDSDOELEINDES.

102. (1) Indien iemand—

(a) 'n besigheidsplek op oop geproklameerde grond waarop die bepalinge van artikel 126 nie van toepassing is nie; of

Toekenning van standplase op geproklameerde grond vir besigheidsdoeleindes.

- (b) any place of business (not being the business of a general dealer, butcher or keeper of an eating house for coloured persons or Bantu) on proclaimed land to which the said provisions apply or which is held under mining title,

he may, if the land is not situated in a lawfully established township, make written application to the mining commissioner for a stand on the land, submitting with the application a sketch plan clearly indicating the site required.

(2) A notice of any such application, signed by the mining commissioner and having affixed thereto a copy of the relevant sketch plan, shall not later than ten days after the date of such notice—

- (a) be posted up by the mining commissioner in a conspicuous place at his office and by the applicant on the land to which the application relates; and
- (b) be served by the mining commissioner upon the holder of the mining title affected (if the stand applied for is situated on land held under mining title) and the owner or lessee of the land in question.

(3) After the posting up of such notice the land applied for shall, if open to the pegging of claims, be deemed to have been withdrawn from such pegging until the application has been disposed of.

(4) Any person who desires to object to the granting of such application shall serve written notice of such objection and of the grounds therefor upon the mining commissioner and the applicant not later than one month after the date of the notice referred to in subsection (2).

(5) As soon as possible after the expiry of the period mentioned in subsection (4) the mining commissioner shall in writing notify the applicant and any objector of his decision on the application.

(6) The applicant or any person who is dissatisfied with the mining commissioner's decision or with any special conditions which the mining commissioner proposes to incorporate in a stand grant under this Chapter, may within one month of the date of the notification served upon him in terms of subsection (5) appeal to the Minister who may confirm, reverse or vary such decision or confirm or vary such conditions, and whose decision shall be final.

Granting of stands for industrial purposes.

103. (1) Any person who on any proclaimed land or land held under mining title (other than land situated in a lawfully established township or held under a mining concession) desires to carry on—

- (a) any works as defined in section 1 of the Mines and Works Act, 1956 (Act No. 27 of 1956); or
- (b) any activity included in the definition of "factory" in section 3 of the Factories, Machinery and Building Work Act, 1941 (Act No. 22 of 1941),

may lodge a written application, accompanied by a sketch plan clearly indicating the site required, to the mining commissioner for a stand for industrial purposes.

- (2) (a) Written notice of the application shall be served by the mining commissioner upon—
- (i) the holder of the mining title, if the site required is situated on land held under such title;
 - (ii) the owner or lessee of the land in question, if such owner or lessee is not the applicant; and
 - (iii) the local authority concerned, if such site is within the area of jurisdiction of a local authority, and any objections by such holder, owner, lessee or local authority to the granting of the application and the grounds therefor may be lodged in writing with the mining commissioner and the applicant within thirty days of the date of such notice.
- (b) If any such objection is received, the mining commissioner shall appoint a date and place for the hearing of the application and the objection, and shall notify the applicant and the objector in writing of such date and place.
- (c) At such hearing the mining commissioner shall record the evidence for and against the application.

(b) 'n besigheidsplek (behalwe vir die besigheid van 'n algemene handelaar, slagter of houer van 'n eethuis vir kleurlinge of Bantoes) op geproklameerde grond waarop bedoelde bepaling van toepassing is of wat kragtens myntitel gehou word, wil oprig, kan hy, indien die grond nie in 'n wettiglik gestigte dorp geleë is nie, skriftelik by die mynkommissaris om 'n standplaas op die grond aansoek doen en daarby 'n sketskaart indien wat die verlangde terrein duidelik aantoon.

(2) 'n Kennisgewing van so 'n aansoek, wat deur die mynkommissaris onderteken is en waarby 'n afdruk van die toepaslike sketskaart aangeheg is, moet nie later nie as tien dae na die datum van bedoelde kennisgewing—

(a) deur die mynkommissaris op 'n opvallende plek by sy kantoor en deur die aansoeker op die grond waarop die aansoek betrekking het, aangeplak word; en

(b) deur die mynkommissaris aan die houer van die myntitel wat geraak word (indien die standplaas waarom aansoek gedoen word, geleë is op grond kragtens myntitel gehou) en die eienaar of huurder van die betrokke grond bestel word.

(3) Na die aanplak van bedoelde kennisgewing word die grond waarom aansoek gedoen is, indien dit vir die afpenning van kleims oop is, geag aan sodanige afpenning onttrek te wees tot tyd en wyl die aansoek afgehandel is.

(4) Iemand wat teen die toestaan van so 'n aansoek beswaar wil aanteken, moet skriftelike kennisgewing van bedoelde beswaar en van die gronde waarop dit berus nie later as een maand na die datum van die in subartikel (2) bedoelde kennisgewing nie aan die mynkommissaris en die aansoeker bestel.

(5) So spoedig moontlik na die verstryking van die in subartikel (4) vermelde tydperk moet die mynkommissaris die aansoeker en enige beswaarmaker skriftelik van sy besluit oor die aansoek in kennis stel.

(6) Die aansoeker of iemand wat ontevrede is met die mynkommissaris se besluit of met enige spesiale voorwaardes wat die mynkommissaris voornemens is om in 'n standplaastoekening kragtens hierdie Hoofstuk in te sluit, kan binne een maand na die datum van die kennisgewing ingevolge subartikel (5) aan hom bestel, appèl aanteken by die Minister wat bedoelde besluit kan bekragtig, tersyde stel of wysig of bedoelde voorwaardes kan bekragtig of wysig en wie se beslissing afdoende is.

103. (1) Iemand wat op geproklameerde grond of grond kragtens myntitel gehou (behalwe grond in 'n wettiglik gestigte dorp geleë of kragtens 'n mynkonsessie gehou)—

Toekenning van standplase vir nywerheidsdoeleindes.

(a) 'n bedryf soos omskryf in artikel 1 van die Wet op Myne en Bedrywe, 1956 (Wet No. 27 van 1956); of

(b) enige bedrywigheid binne die omskrywing van „fabriek” in artikel 3 van die Wet op Fabriek, Masjinerie en Bouwerk, 1941 (Wet No. 22 van 1941),

wil voortsit, kan 'n skriftelike aansoek om 'n standplaas vir nywerheidsdoeleindes, vergesel van 'n sketskaart wat die benodigde terrein duidelik aantoon, by die mynkommissaris indien.

(2) (a) 'n Skriftelike kennisgewing van die aansoek moet deur die mynkommissaris bestel word aan—

(i) die houer van die myntitel, indien die benodigde terrein geleë is op grond kragtens so 'n titel gehou;

(ii) die eienaar of huurder van die betrokke grond, indien bedoelde eienaar of huurder nie die aansoeker is nie; en

(iii) die betrokke plaaslike owerheid, indien bedoelde terrein binne die regsgebied van 'n plaaslike owerheid is,

en enige besware deur so 'n houer, eienaar, huurder of plaaslike owerheid teen die toestaan van die aansoek, en die gronde waarop dit berus, kan binne dertig dae na die datum van bedoelde kennisgewing skriftelik by die mynkommissaris en die aansoeker ingedien word.

(b) Indien so 'n beswaar ontvang word, moet die mynkommissaris 'n datum en plek vir die verhoor van die aansoek en die beswaar bepaal, en die aansoeker en die beswaarmaker skriftelik van bedoelde datum en plek in kennis stel.

(c) By so 'n verhoor moet die mynkommissaris die getuie-nis vir en teen die aansoek opteken.

(3) If any stand applied for under this section is required for any purpose not incidental to mining, such application shall not be granted except with the written consent of the owner of the land and upon conditions to which he agrees.

(4) The supply of light, heat or power other than for mining or purposes incidental to mining shall not be permitted from works on a stand for industrial purposes without the consent of the local authority, if any, having jurisdiction in the area of supply.

(5) The grant or refusal by the mining commissioner of any application for a stand under this section shall be subject to confirmation by the Minister, who may in his discretion confirm, reverse or vary the mining commissioner's decision on such application or confirm or vary any special conditions (not being conditions referred to in subsection (3)) which the mining commissioner proposes to incorporate in the stand grant.

(6) The provisions of subsection (1) shall not apply in connection with—

- (a) any works for the crushing, screening or classifying of waste rock obtained as a result of mining operations;
- (b) the working or treating of any tailings, slimes, waste rock or other mine residues for the recovery of any valuable content thereof;
- (c) any overhead power line or any electric cable or any works for the transmission or distribution of any form of power which may from time to time be specified by the Minister.

Notice to grantee to erect beacons and to lodge diagram or sketch plan.

104. (1) Whenever the mining commissioner—

- (a) has granted an application for a stand—
 - (i) under section 102, and no appeal against the granting of the application has been lodged with the Minister in terms of subsection (6) of that section or any appeal so lodged has been dismissed;
 - (ii) under section 103, and such grant has been confirmed by the Minister; or
- (b) has refused an application for a stand under section 102 or 103 and the refusal has been set aside by the Minister in accordance with the provisions of the appropriate section,

the mining commissioner shall serve written notice upon the grantee calling upon him to erect beacons at the angular points of the stand in accordance with the regulations applicable to beacons defining claims situated in a mining district comprised in class A, and to lodge a diagram of the stand or, if deemed sufficient by the mining commissioner, a sketch plan thereof acceptable to the mining commissioner, within such period (not being less than three months) as may be specified in such notice.

(2) If the grantee fails to comply with any such notice within the period specified by the mining commissioner or within such further period as the mining commissioner may allow, the mining commissioner may withdraw the grant of the stand.

Stand grants and matters incidental thereto.

105. (1) A stand grant under this Chapter shall be in the form prescribed by regulation and shall set forth the conditions subject to which the stand has been granted, the particular purpose for which the stand may be used and, if the stand has been granted for a limited period, the period for which it has been granted.

(2) Such grant may include the right to erect a dwelling on the stand.

(3) (a) The mining commissioner may, upon written application by the holder of any stand and with the written consent of the registered holder of any mortgage bond over such stand, amend any condition subject to which the stand was granted in so far as it relates to the purpose for which the stand may be used, and in that event the title to the stand shall be suitably endorsed by the Registrar of Mining Titles to reflect the amendment: Provided that the mining commissioner shall not, in the case of a stand for business purposes on land to which the provisions of section 126 apply or which is held under mining title, amend the conditions subject to which the stand has been granted

(3) Indien 'n standplaas waarom kragtens hierdie artikel aansoek gedoen word, vir 'n doel benodig is wat nie met mynbou in verband staan nie, word dié aansoek nie toegestaan nie behalwe met die skriftelike toestemming van die eienaar van die grond en op voorwaardes waartoe hy instem.

(4) Die voorsiening van lig, hitte of krag behalwe vir myn-doeleindes of doeleindes wat met mynbou in verband staan, deur 'n bedryf op 'n standplaas vir nywerheidsdoeleindes word nie toegelaat nie sonder die toestemming van die plaaslike owerheid, as daar een is, wat regsbevoeg is in die gebied waarin voorsiening geskied.

(5) Die toestaan of weiering deur die mynkommissaris van 'n aansoek om 'n standplaas kragtens hierdie artikel is onderworpe aan bekragtiging deur die Minister, wat na goeie dinge die mynkommissaris se besluit in verband met die aansoek kan bekragtig, tersyde stel of wysig of enige spesiale voorwaardes (behalwe in subartikel (3) bedoelde voorwaardes) wat die mynkommissaris voornemens is om in die standplaastoekening in te sluit, kan bekragtig of wysig.

(6) Die bepaling van subartikel (1) is nie van toepassing nie in verband met—

- (a) enige bedryf vir die vergruising, sif of klassifisering van afvalrots as gevolg van mynwerksaamhede verkry;
- (b) die bewerking of behandeling van uitskot, slyk, afvalrots of ander mynresidu vir die win van enige waardevolle inhoud daarvan;
- (c) 'n bogrondse kraglyn of 'n elektriese kabel of enige bedryf vir die geleiding of verspreiding van enige vorm van krag wat die Minister van tyd tot tyd aandui.

104. (1) Wanneer die mynkommissaris—

(a) 'n aansoek om 'n standplaas—

(i) kragtens artikel 102 toegestaan het, en geen appèl teen die toestaan van die aansoek ingevolge subartikel (6) van daardie artikel by die Minister aangeteken is nie of 'n aldus aangetekende appèl van die hand gewys is;

(ii) kragtens artikel 103 toegestaan het, en die toestaan daarvan deur die Minister bekragtig is; of

(b) 'n aansoek om 'n standplaas kragtens artikel 102 of 103 geweier het, en die weiering ingevolge die bepaling van die toepaslike artikel deur die Minister tersyde gestel is,

moet die mynkommissaris 'n skriftelike kennisgewing aan die begiftigde bestel waarby hy aangesê word om binne die in die kennisgewing vermelde tydperk (nie minder as drie maande nie) bakens by die hoekpunte van die standplaas op te rig volgens voorskrif van die regulasies van toepassing op bakens wat kleims geleë in 'n myndistrik wat in klas A ingedeel is, aantoon, en 'n kaart van die standplaas of, indien die mynkommissaris dit voldoende ag, 'n vir die mynkommissaris aanneemlike sketskaart daarvan in te dien.

(2) Indien die begiftigde in gebreke bly om binne die deur die mynkommissaris vermelde tydperk, of binne die verdere tydperk wat die mynkommissaris toelaat, aan bedoelde kennisgewing te voldoen, kan die mynkommissaris die toekening van die standplaas intrek.

105. (1) 'n Standplaastoekening kragtens hierdie Hoofdstuk moet in die by regulasie voorgeskrewe vorm wees, en moet die voorwaardes onderworpe waaraan die standplaas toegeken is, die besondere doel waarvoor die standplaas gebruik mag word en, indien die standplaas vir 'n beperkte tydperk toegeken is, die tydperk waarvoor dit toegeken is, aangee.

(2) So 'n toekening kan die reg insluit om 'n woning op die standplaas op te rig.

(3) (a) Die mynkommissaris kan op skriftelike aansoek van die houër van 'n standplaas, en met die skriftelike toestemming van die geregistreerde houër van 'n verband op dié standplaas, enige voorwaarde onderworpe waaraan die standplaas toegeken is, wysig vir sover dit betrekking het op die doel waarvoor die standplaas gebruik mag word, en in so 'n geval moet die titel ten opsigte van die standplaas op gepaste wyse deur die Registrateur van Mynbriewe geëndosseer word om die wysiging aan te toon: Met dien verstande dat in die geval van 'n standplaas vir besigheidsdoeleindes op grond waarop die bepaling van artikel 126 van toepassing is of wat kragtens myntitel gehou word, die mynkommissaris die voorwaardes onderworpe waaraan die standplaas toegeken is, nie mag wysig indien

Kennisgewing aan begiftigde om bakens op te rig en kaart of sketskaart in te dien.

Standplaas-toekennings en aangeleenthede wat daarmee in verband staan.

if such amendment would have the effect of authorizing the establishment of the business of a general dealer, butcher or keeper of an eating house for coloured persons or Bantu on the stand.

- (b) The provisions of section 102 (2), (4), (5) and (6) or 103 (2) to (5), inclusive, according to the class of stand in question, shall *mutatis mutandis* apply in connection with any application under paragraph (a) of this subsection.

(4) A stand shall as far as possible be rectangular in shape and shall be not less than ten thousand square feet in extent: Provided that if sufficient land is not available a stand of lesser area may in special circumstances be granted.

Issue and renewal of stand licences.

106. (1) As from the date on which the mining commissioner signs a stand grant issued under section 105, licence moneys at the monthly rate prescribed by regulation shall be payable in respect of the stand to which the grant relates, and upon receipt of such moneys the mining commissioner shall issue to the grantee a stand licence in the form prescribed by regulation.

(2) Any such licence may be renewed from time to time by the mining commissioner for a period of not less than one and not more than twelve months at a time upon payment in advance by the holder of the licence of licence moneys at the rate referred to in subsection (1).

(3) The provisions of subsection (2) shall *mutatis mutandis* apply in connection with the renewal of a licence granted under a prior law in respect of any stand.

Share of licence moneys to be paid over to owner or lessee of land.

107. (1) Three-quarters of the amount received by the mining commissioner by way of licence moneys in respect of any stand referred to in or enlarged under section 77 of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908), of the Transvaal, and one-half of such moneys so received in respect of any other stand shall be disposed of by the mining commissioner in the manner provided in paragraph (b) of section 26 (1) of this Act as if the amounts were rent referred to in that paragraph: Provided that the provisions of this subsection shall not apply in connection with any stand situated on alienated State land in respect of which (for some reason other than the fact that the land is proclaimed land) the owner or lessee does not qualify for a prospecting licence under section 12 of this Act.

(2) The provisions of section 33 (7) shall *mutatis mutandis* apply in connection with stands and any land on which stands are held.

Procedure to be followed if holder of stand fails to comply with conditions of stand grant or to maintain beacons in proper repair.

108. (1) If the holder of a licence in respect of any stand fails at any time to comply with any condition relating to such stand, whether imposed under this Chapter or under the provisions of a prior law, the mining commissioner shall serve written notice upon such holder calling upon him to comply with such condition within a period (not being less than fourteen days) stated in the notice, and if such holder fails to comply with such condition within that period or within such further period as the mining commissioner may allow, the mining commissioner may cancel the stand grant (if any) and the licence in respect of the stand, and thereupon the stand shall cease to be a stand.

(2) If the beacons defining any stand are found to be out of repair, the mining commissioner shall serve written notice upon the holder of such stand calling upon him to put the beacons in proper repair so as to conform to the regulations applicable to beacons defining claims situated in a mining district comprised in class A within a period to be stated in the notice, and if such holder fails to comply with such notice, the mining commissioner may cancel the stand grant (if any) and the licence in respect of the stand, and thereupon the stand shall cease to be a stand.

(3) Whenever any notice is served under subsection (1) or (2) the mining commissioner shall at the same time serve a copy of such notice upon the registered holder of any mortgage bond over the stand which is the subject of the notice.

die wysiging die uitwerking sal hê om die oprigting van die besigheid van 'n algemene handelaar, slagter of houer van 'n eethuis vir kleurlinge of Bantoes op die standplaas te magtig nie.

- (b) Die bepalings van artikel 102 (2), (4), (5) en (6) of 103 (2) tot en met (5), na gelang van die klas van die betrokke standplaas, is *mutatis mutandis* van toepassing in verband met 'n aansoek kragtens paragraaf (a) van hierdie subartikel.

(4) 'n Standplaas moet sover moontlik reghoekig wees en mag nie minder as tienduizend vierkante voet groot wees nie: Met dien verstande dat indien voldoende grond nie beskikbaar is nie, 'n kleiner standplaas onder spesiale omstandighede toegeken kan word.

106. (1) Vanaf die datum waarop die mynkommissaris 'n kragtens artikel 105 uitgereikte standplaastoekening onderteken, is lisensiegelde teen die by regulasie voorgeskrewe maandelikse tarief betaalbaar ten opsigte van die standplaas waarop die toekening betrekking het, en by ontvangs van bedoelde gelde reik die mynkommissaris aan die begiftigde 'n standplaaslisensie in die by regulasie voorgeskrewe vorm uit.

Uitreiking en hernuwing van standplaaslisensies.

(2) So 'n lisensie kan van tyd tot tyd deur die mynkommissaris vir 'n tydperk van minstens een en hoogstens twaalf maande op 'n keer hernieu word by vooruitbetaling deur die houer van die lisensie van lisensiegelde teen die in subartikel (1) bedoelde tarief.

(3) Die bepalings van subartikel (2) is *mutatis mutandis* van toepassing in verband met die hernuwing van 'n lisensie ten opsigte van 'n standplaas kragtens 'n vorige wet toegeken.

107. (1) Drie-kwart van die bedrag by wyse van lisensiegelde deur die mynkommissaris ontvang ten opsigte van 'n standplaas in artikel 77 van die „Precious and Base Metals Act, 1908” (Wet No. 35 van 1908), van Transvaal, bedoel of daarkragtens vergroot, en een-helfte van sodanige gelde aldus ontvang ten opsigte van enige ander standplaas, word oorbetaal deur die mynkommissaris op die in paragraaf (b) van artikel 26 (1) van hierdie Wet voorgeskrewe wyse asof die bedrae huurgeld is wat in daardie paragraaf bedoel word: Met dien verstande dat die bepalings van hierdie subartikel nie van toepassing is nie in verband met 'n standplaas geleë op vervreemde Staatsgrond ten opsigte waarvan die eienaar of huurder (om 'n ander rede as die feit dat die grond geproklameerde grond is) nie vir 'n prospekterlisensie ingevolge artikel 12 van hierdie Wet in aanmerking kan kom nie.

Deel van lisensiegelde moet aan eienaar of huurder van grond oorbetaal word.

(2) Die bepalings van artikel 33 (7) is *mutatis mutandis* van toepassing in verband met standplase en grond waarop standplase gehou word.

108. (1) Indien die houer van 'n lisensie ten opsigte van 'n standplaas te eniger tyd in gebreke bly om te voldoen aan 'n voorwaarde wat op bedoelde standplaas betrekking het, hetsy ingevolge hierdie Hoofstuk of ingevolge die bepalings van 'n vorige wet opgelê, moet die mynkommissaris 'n skriftelike kennisgewing aan bedoelde houer bestel waarby hy aangesê word om binne 'n in die kennisgewing vermelde tydperk (nie minder as veertien dae nie) aan bedoelde voorwaarde te voldoen, en indien daardie houer versuim om binne daardie tydperk, of binne die verdere tydperk wat die mynkommissaris toelaat, aan bedoelde voorwaarde te voldoen, kan die mynkommissaris die standplaastoekening (as daar een is) en die lisensie ten opsigte van die standplaas kanselleer, en daarop hou die standplaas op om 'n standplaas te wees.

Prosedure wat gevolg moet word indien houer van standplaas versuim om aan voorwaardes van standplaastoekening te voldoen of om bakens behoorlik in stand te hou.

(2) Indien daar gevind word dat die bakens wat 'n standplaas aantoon vervalde is, moet die mynkommissaris 'n skriftelike kennisgewing aan die houer van bedoelde standplaas bestel waarby hy aangesê word om die bakens binne 'n in die kennisgewing vermelde tydperk behoorlik te herstel ten einde te voldoen aan die regulasies van toepassing op bakens wat kleims geleë in 'n myndistrik wat in klas A ingedeel is, aantoon, en indien bedoelde houer versuim om aan bedoelde kennisgewing te voldoen, kan die mynkommissaris die standplaastoekening (as daar een is) en die lisensie ten opsigte van die standplaas kanselleer, en daarop hou die standplaas op om 'n standplaas te wees.

(3) Wanneer 'n kennisgewing ingevolge subartikel (1) of (2) bestel word, moet die mynkommissaris terselfdertyd 'n afskrif van dié kennisgewing bestel aan die geregistreerde houer van enige verband op die standplaas wat die onderwerp van die kennisgewing is.

Abandonment of stands.

109. (1) The holder of a stand may at any time give notice in writing to the mining commissioner that he desires to abandon that stand or such part thereof as may be specified in the notice.

(2) Any such notice shall—

(a) if the stand is mortgaged, be accompanied by written consent to the abandonment by the registered holder of the mortgage bond; and

(b) if the stand is to be abandoned as to part only, be accompanied by a sketch plan acceptable to the mining commissioner or a diagram, according to whether the stand is defined by a sketch plan or diagram, depicting the part to be abandoned.

(3) Any such notice, together with any consent, sketch plan or diagram which may be required under subsection (2), shall on receipt be transmitted to the Registrar of Mining Titles who shall, if the licence moneys in respect of the stand have been paid up to the date of receipt by the mining commissioner of the notice, record the abandonment, which shall be effective as from the date of recording thereof, and thereupon the stand or, if part only of the stand has been abandoned, the part which has been abandoned, shall cease to be a stand.

Procedure to be followed if licence moneys in respect of stands are in arrear.

110. (1) If the licence moneys in respect of any stand, not being a stand referred to in paragraph (a) (i) of subsection (3), are in arrear, the holder of such stand shall, unless the mining commissioner is in terms of paragraph (b) of that subsection required to cancel the licence in respect of the stand, be entitled, subject to the provisions of this Chapter and section 44 (4), to obtain a renewal of such licence by paying the amount of the arrears due up to date, together with an additional sum equal to one-quarter of such amount: Provided that no such additional sum shall be payable if renewal of the licence is obtained within fourteen days after the date to which the licence moneys were last paid.

(2) If the licence moneys in respect of any stand referred to in paragraph (a) (i) of subsection (3) are in arrear, the holder of the stand licence under the authority of which such stand is held shall, if the mining commissioner has not in respect of such stand served a notice as provided in subsection (3) (a), be entitled, subject to the provisions of this Chapter and section 44 (4), to obtain a renewal of the licence by paying the amount of the arrears due up to date.

(3) (a) Whenever the licence moneys in respect of any stand situated upon proclaimed land are in arrear—

(i) in the case of a stand specially registered in terms of article 102 of Law No. 15 of 1898 of the Transvaal or a corresponding provision of a prior law, for a period of six months; and

(ii) in the case of a stand not specially so registered, for a period of three months,

the mining commissioner shall serve written notice upon the holder of such stand demanding payment of such moneys, together with the additional sum mentioned in paragraph (b), and shall at the same time serve a copy of such notice upon the registered holder of any mortgage bond over the stand.

(b) In the event of non-payment, within three months of the date of the notice served upon the holder of any such stand, of all arrear licence moneys in respect of the stand due up to date and an additional sum calculated at one-quarter of the moneys so in arrear, the mining commissioner shall cancel the stand grant (if any) and the licence in respect of the stand, and thereupon the stand shall cease to be a stand.

(4) Any additional sum received by the mining commissioner under subsection (1) or (3) shall accrue to the State.

Transfer, mortgage and sub-division of stands.

111. (1) Subject to the provisions of subsections (2) and (3), the title to a stand may be transferred or mortgaged, either wholly or in part, and such transfer or mortgage shall be registered in the Mining Titles Office.

(2) The provisions of section 61 (4) shall *mutatis mutandis* apply in connection with any such transfer.

(3) No sub-division of any stand shall take place without the prior approval of the Minister.

109. (1) Die houer van 'n standplaas kan te eniger tyd aan die mynkommissaris skriftelik kennis gee dat hy daardie standplaas of 'n gedeelte daarvan in die kennisgewing vermeld, wil opsê.

Opsegging van standplase.

(2) So 'n kennisgewing moet—

(a) indien die standplaas met verband beswaar is, van die geregistreerde houer van die verband se skriftelike toestemming tot die opsegging vergesel gaan; en

(b) indien die standplaas slegs gedeeltelik opgesê gaan word, vergesel gaan van 'n vir die mynkommissaris aanrekmlike sketskaart of 'n kaart, na gelang die standplaas deur 'n sketskaart of kaart aangetoon word, wat die gedeelte aantoon wat opgesê staan te word.

(3) So 'n kennisgewing, tesame met enige toestemming, sketskaart of kaart ingevolge subartikel (2) vereis, moet by ontvangs aan die Registrateur van Mynbriewe deurgestuurd word wat, indien die lisensiegelde ten opsigte van die standplaas opbetaal is tot die datum van ontvangs deur die mynkommissaris van die kennisgewing, die opsegging moet aanteken, wat vanaf die datum van aantekening daarvan van krag word, en daarop hou die standplaas of, indien slegs 'n gedeelte van die standplaas opgesê is, die gedeelte wat opgesê is, op om 'n standplaas te wees.

110. (1) Indien die lisensiegelde ten opsigte van 'n standplaas, behalwe 'n standplaas in paragraaf (a) (i) van subartikel (3) bedoel, agterstallig is, en die mynkommissaris nie ingevolge paragraaf (b) van daardie subartikel verplig is om die lisensie ten opsigte van die standplaas te kanselleer nie, is die houer van daardie standplaas, behoudens die bepalings van hierdie Hoofstuk en artikel 44 (4), geregtig om 'n hernuwing van bedoelde lisensie te verkry deur die agterstallige bedrag wat tot datum verskuldig is, tesame met 'n addisionele bedrag gelyk aan een-kwart van bedoelde bedrag te betaal: Met dien verstande dat so 'n addisionele bedrag nie betaalbaar is nie indien hernuwing van die lisensie verkry word binne veertien dae na die datum tot wanneer die lisensiegelde laas betaal is.

Prosedure wat gevolg moet word indien lisensiegelde ten opsigte van standplase agterstallig is.

(2) Indien die lisensiegelde ten opsigte van 'n in paragraaf (a) (i) van subartikel (3) bedoelde standplaas agterstallig is, en die mynkommissaris nie ten opsigte van bedoelde standplaas 'n kennisgewing volgens voorskrif van subartikel (3) (a) bestel het nie, is die houer van die standplaaslisensie waarkragtens die standplaas gehou word, behoudens die bepalings van hierdie Hoofstuk en artikel 44 (4), geregtig om 'n hernuwing van die lisensie te verkry deur die agterstallige bedrag tot datum verskuldig, te betaal.

(3) (a) Wanneer die lisensiegelde ten opsigte van 'n standplaas geleë op geproklameerde grond agterstallig is—

(i) in die geval van 'n standplaas spesiaal geregistreer ingevolge artikel 102 van Wet No. 15 van 1898 van Transvaal of 'n ooreenstemmende bepaling van 'n vorige wet, vir 'n tydperk van ses maande; en

(ii) in die geval van 'n standplaas nie spesiaal aldus geregistreer nie, vir 'n tydperk van drie maande, moet die mynkommissaris 'n skriftelike kennisgewing aan die houer van bedoelde standplaas bestel waarby betaling van dié gelde geëis word, tesame met die bykomende som geld in paragraaf (b) vermeld, en terselfdertyd 'n afskrif van die kennisgewing aan die geregistreerde houer van enige verband op die standplaas bestel.

(b) Indien alle agterstallige lisensiegelde tot datum ten opsigte van die standplaas verskuldig en 'n addisionele bedrag bereken teen een-kwart van die gelde aldus agterstallig, nie betaal word nie binne drie maande na die datum van die kennisgewing aan die houer van so 'n standplaas bestel, moet die mynkommissaris die standplaastoekenning (as daar een is) en die lisensie ten opsigte van die standplaas kanselleer, en daarop hou die standplaas op om 'n standplaas te wees.

(4) Enige bykomende som geld ingevolge subartikel (1) of (3) deur die mynkommissaris ontvang, val die Staat toe.

111. (1) Behoudens die bepalings van subartikels (2) en (3), kan die titel op 'n standplaas of in sy geheel of gedeeltelik oorgedra of met verband beswaar word, en so 'n oordrag of verband moet in die Mynbriewekantoor geregistreer word.

Oordrag, verhipotekering en onderverdeling van standplase.

(2) Die bepalings van artikel 61 (4) is *mutatis mutandis* in verband met so 'n oordrag van toepassing.

(3) Geen onderverdeling van 'n standplaas vind sonder die Minister se voorafgaande goedkeuring plaas nie.

(4) Whenever any such sub-division has been approved by the Minister, the holder of the stand shall lodge with the mining commissioner such sketch plans or diagrams and erect such beacons as the mining commissioner may require, and upon registration in the Mining Titles Office of the title to any portion of the stand so sub-divided, such portion and the remaining portion of the stand shall constitute separate stands.

Unsold stands. **112.** Any stand offered for sale but not sold under any law repealed by the Precious and Base Metals Act, 1908 (Act No. 35 of 1908), of the Transvaal, shall cease to be a stand as from the commencement of this Act.

CHAPTER XIII.

TRADING STANDS.

Registration of trading stands. **113.** Any trading stand set apart as such under a prior law and existing at the date of commencement of this Act shall remain registered in the name of the mining commissioner and shall be subject to the lease granted by him in terms of such law.

Limitation of trading on trading stands. **114.** No person shall upon a trading stand carry on any business except that of a general dealer, a butcher or a keeper of an eating-house for coloured persons or Bantu.

Renewal of certificates for trading stands. **115.** (1) Subject to the provisions of this Chapter, any certificate for a trading stand current at the commencement of this Act may upon written application made by the holder before the date of expiration thereof be renewed from time to time by the mining commissioner for a period of one year at a time.

(2) The mining commissioner may in his discretion and without giving reasons refuse any application for the renewal of a certificate for a trading stand.

Transfer of certificates for trading stands. **116.** (1) The mining commissioner may, upon written application by the holder of a certificate for a trading stand, transfer such certificate to any natural person, and in the event of such transfer shall notify the holder of the mining title in question of the transfer.

(2) The mining commissioner may in his discretion and without giving reasons refuse any application for the transfer of a certificate for a trading stand.

(3) Whenever the mining commissioner—

(a) has granted an application for the transfer of a certificate for a trading stand and no appeal has been lodged with the Minister in terms of section 124, or any appeal so lodged has been dismissed; or

(b) has refused such an application and the Minister has, on such an appeal, directed that the application be granted,

the mining commissioner shall—

(i) issue to the transferee, subject to the provisions of this Chapter, a certificate for the trading stand in question which shall expire on the thirty-first day of December of the year in which it is issued; and

(ii) cede the lease of such stand to the transferee by having the endorsement provided thereon completed.

Certificate for trading stand to be authority for issue of trading licence. **117.** A certificate for a trading stand shall be authority for the issue by the receiver of revenue or local authority concerned to the holder of such certificate of a licence to carry on the business of a general dealer, butcher or keeper of an eating-house for coloured persons or Bantu upon the trading stand to which the certificate relates.

Conditions may be attached to renewal or transfer of certificate for trading stand. **118.** The mining commissioner may attach to the renewal or transfer of any certificate for a trading stand any special conditions not inconsistent with the provisions of this Chapter including one or more of the following conditions, namely—

(4) Wanneer so 'n onderverdeling deur die Minister goedgekeur is, moet die houer van die standplaas die sketskaarte of kaarte by die mynkommissaris indien en die bakens oprig wat die mynkommissaris vereis, en by registrasie in die Mynbriewekantoor van die titel op enige gedeelte van die aldus onderverdeelde standplaas, maak bedoelde gedeelte en die oorblywende gedeelte van die standplaas afsonderlike standplase uit.

112. Enige standplaas wat ingevolge 'n by die „Precious and Base Metals Act, 1908” (Wet No. 35 van 1908), van Transvaal, herroep wetsbepaling te koop aangebied was, maar nie verkoop is nie, hou vanaf die inwerkingtreding van hierdie Wet op om 'n standplaas te wees. **Onverkoopte standplase.**

HOOFSTUK XIII.

HANDELSTANDPLASE.

113. Enige handelstandplaas wat as sodanig ingevolge 'n vorige wet opsygesit is en by die datum van inwerkingtreding van hierdie Wet bestaan, bly op die naam van die mynkommissaris geregistreer en is onderworpe aan die huur deur hom ingevolge bedoelde wet toegeken. **Registrasie van handelstandplase.**

114. Niemand mag op 'n handelstandplaas enige besigheid behalwe dié van 'n algemene handelaar, 'n slagter of 'n houer van 'n eethuis vir kleurlinge of Bantoes dryf nie. **Beperking van handeldrywe op handelstandplase.**

115. (1) Behoudens die bepalings van hierdie Hoofstuk kan 'n sertifikaat vir 'n handelstandplaas wat by die inwerkingtreding van hierdie Wet gangbaar is, op skriftelike aansoek deur die houer voor die verstrykingsdatum daarvan gedoen, van tyd tot tyd deur die mynkommissaris vir 'n tydperk van een jaar op 'n keer hernieu word. **Hernuwing van sertifikate vir handelstandplase.**

(2) Die mynkommissaris kan na goeddunke en sonder om redes te verstrek 'n aansoek om die hernuwing van 'n sertifikaat vir 'n handelstandplaas weier.

116. (1) Die mynkommissaris kan, op skriftelike aansoek deur die houer van 'n sertifikaat vir 'n handelstandplaas, so 'n sertifikaat aan enige natuurlike persoon oordra, en in die geval van so 'n oordrag moet hy die houer van die betrokke myntitel van die oordrag in kennis stel. **Oordrag van sertifikate vir handelstandplase.**

(2) Die mynkommissaris kan na goeddunke en sonder om redes te verstrek, 'n aansoek om die oordrag van 'n sertifikaat vir 'n handelstandplaas weier.

(3) Wanneer die mynkommissaris—

- (a) 'n aansoek om die oordrag van 'n sertifikaat vir 'n handelstandplaas toegestaan het en geen appèl ingevolge artikel 124 by die Minister ingedien is nie, of enige appèl aldus ingedien van die hand gewys is; of
- (b) so 'n aansoek geweier het, en die Minister by so 'n appèl gelas het dat die aansoek toegestaan word, moet die mynkommissaris—

- (i) behoudens die bepalings van hierdie Hoofstuk, aan die oordragnemer 'n sertifikaat vir die betrokke handelstandplaas uitreik wat verval op die een-enderdertigste dag van Desember van die jaar waarin dit uitgereik word; en

- (ii) die huur van bedoelde standplaas aan die oordragnemer seeder deur die endossement wat daarop voorsien is, te laat voltooi.

117. 'n Sertifikaat vir 'n handelstandplaas dien as magtiging vir die uitreiking deur die betrokke ontvanger van inkomste of plaaslike owerheid aan die houer van dié sertifikaat van 'n lisensie om op die handelstandplaas waarop die sertifikaat betrekking het die besigheid van 'n algemene handelaar, slagter of houer van 'n eethuis vir kleurlinge of Bantoes te dryf. **Sertifikaat vir handelstandplaas is magtiging vir uitreiking van handelslisensie.**

118. Die mynkommissaris kan die hernuwing of oordrag van 'n sertifikaat vir 'n handelstandplaas onderworpe stel aan enige spesiale voorwaardes wat nie met die bepalings van hierdie Hoofstuk onbestaanbaar is nie, met inbegrip van een of meer van die volgende voorwaardes, te wete— **Voorwaardes kan gestel word by hernuwing of oordrag van sertifikaat vir handelstandplaas.**

- (a) that the holder of such certificate shall personally reside on the trading stand in respect of which the certificate is held, or personally manage the business carried on thereon;
- (b) that such holder shall carry on business on such stand for the period of the certificate;
- (c) that such holder shall not sub-let the stand;
- (d) that such holder shall on such terms as the mining commissioner may determine take over from any previous holder of the certificate any buildings erected on the stand;
- (e) that such holder shall erect such buildings or execute such repairs to existing buildings on the stand as the mining commissioner may prescribe.

Provisions in regard to trading by estates of deceased or insolvent certificate holders.

119. If the holder of any certificate for a trading stand has died or become insolvent an immediate application for the transfer of such certificate shall not be necessary, but—

- (a) in the case of the death of such holder, the surviving spouse (if any) or any person authorized by law to administer the estate; or
- (b) in the case of the insolvency of the holder, any person so authorized,

may carry on the business on such trading stand either personally or by an agent approved in writing by the mining commissioner, for such period as the mining commissioner may determine.

Cancellation of certificates for trading stands.

120. (1) The mining commissioner may at any time cancel any certificate for a trading stand during its currency—

- (a) if he is satisfied that the holder thereof—
 - (i) has on that trading stand carried on any business other than the business for which the certificate was granted;
 - (ii) has contravened any condition attached to such certificate or to the lease or any trading licence held by him in respect of such stand;
 - (iii) has traded on such trading stand without being in possession of any trading licence required by law;
 - (iv) has during the immediately preceding twelve months been engaged in illicit trade in precious metals, precious stones or intoxicating liquor; or
- (b) if such holder has at any time during the preceding twelve months been convicted of an offence involving dishonesty.

(2) Whenever the mining commissioner is satisfied—

- (a) having regard to the number of persons residing or employed in the neighbourhood of any trading stand, the number of existing traders capable of supplying the needs of such persons, and the distance of such stand from the nearest township, that there is no public necessity for trading on the stand; or
- (b) after having considered representations in writing by the holder of the mining title on which any trading stand is situated, that the land comprising such stand is required for mining purposes or purposes incidental to mining,

the mining commissioner may, at the expiration of six months' notice in writing given by him to the holder of the certificate for such trading stand, cancel that certificate: Provided that, before such certificate is cancelled in the circumstances mentioned in paragraph (b), the holder of the mining title requiring the land for mining or purposes incidental to mining shall pay to the holder of the certificate such compensation in respect of any buildings on the stand as may in the absence of agreement between such holders be determined by arbitration.

(3) Any trading licence issued by a receiver of revenue or local authority in respect of any trading stand shall lapse whenever the mining commissioner under the powers vested in him by this section cancels the certificate for such stand.

- (a) dat die houer van bedoelde sertifikaat persoonlik op die handelstandplaas moet woon ten opsigte waarvan die sertifikaat gehou word, of persoonlik die besigheid moet bestuur wat daarop gedryf word;
- (b) dat bedoelde houer vir die tydperk van die sertifikaat besigheid op bedoelde standplaas moet dryf;
- (c) dat bedoelde houer die standplaas nie mag onderverhuur nie;
- (d) dat bedoelde houer op die bedinge wat die mynkommissaris bepaal, geboue op die standplaas opgerig van enige vorige houer van die sertifikaat moet oorneem;
- (e) dat bedoelde houer op die standplaas die geboue moet oprig of die herstelwerk aan bestaande geboue moet uitvoer wat die mynkommissaris voorskryf.

119. Indien die houer van 'n sertifikaat vir 'n handelstandplaas te sterwe gekom het of insolvent geraak het, is 'n onmiddellike aansoek om die oordrag van bedoelde sertifikaat nie nodig nie, maar kan—

- (a) in die geval van die dood van bedoelde houer, die oorlewende eggenoot (as daar een is) of iemand wat regtens bevoeg is om die boedel te administreer; of
- (b) in die geval van die insolvensie van die houer, iemand wat aldus bevoeg is,

Bepalings
betreffende
handeldrywe deur
boedels van
gestorwe of
insolvente
sertifikaathouers.

die besigheid op bedoelde handelstandplaas òf persoonlik òf deur 'n deur die mynkommissaris skriftelik goedgekeurde agent dryf vir die tydperk wat die mynkommissaris bepaal.

120. (1) Die mynkommissaris kan te eniger tyd 'n sertifikaat vir 'n handelstandplaas gedurende die gangbaarheid daarvan intrek—

Intrekking van
sertifikate vir
handelstandplase.

- (a) indien hy oortuig is dat die houer daarvan—
 - (i) op daardie handelstandplaas enige ander besigheid gedryf het as die besigheid waarvoor die sertifikaat toegeken is;
 - (ii) enige voorwaarde oortree het waaraan bedoelde sertifikaat of die huur of enige handelslisensie deur hom ten opsigte van bedoelde standplaas gehou, onderworpe is;
 - (iii) handel op bedoelde handelstandplaas gedryf het sonder om in besit van 'n volgens wet vereiste handelslisensie te wees;
 - (iv) gedurende die onmiddellik voorafgaande twaalf maande onwettig in edelmetale, edelgesteentes of bedwelmende drank handel gedryf het; of
- (b) indien bedoelde houer te eniger tyd gedurende die voorafgaande twaalf maande skuldig bevind is aan 'n misdryf waarby oneerlikheid betrokke was.

(2) Wanneer die mynkommissaris—

- (a) met inagneming van die aantal persone wat in die omgewing van 'n handelstandplaas woonagtig of in diens is, die aantal bestaande handelaars wat in staat is om in die behoeftes van bedoelde persone te voorsien, en die afstand van bedoelde standplaas van die naaste dorp, oortuig is dat daar geen openbare noodsaaklikheid bestaan dat op die standplaas handel gedryf moet word nie; of
- (b) na oorweging van skriftelike versoë deur die houer van die myntitel waarop 'n handelstandplaas geleë is, oortuig is dat die grond wat bedoelde standplaas uitmaak, benodig is vir myndoeleindes of doeleindes wat met mynbou in verband staan,

kan die mynkommissaris, by verstryking van ses maande skriftelike kennisgewing deur hom aan die houer van die sertifikaat vir bedoelde handelstandplaas gegee, daardie sertifikaat intrek: Met dien verstande dat voordat so 'n sertifikaat onder die in paragraaf (b) vermelde omstandighede ingetrek word, die houer van die myntitel wat die grond nodig het vir myndoeleindes of doeleindes wat met mynbou in verband staan, aan die houer van die sertifikaat vergoeding ten opsigte van enige geboue op die standplaas moet betaal wat by ontstentenis van ooreenkoms tussen bedoelde houters by arbitrasie bepaal word.

(3) 'n Handelslisensie deur 'n ontvanger van inkomste of plaaslike owerheid ten opsigte van 'n handelstandplaas uitgereik, verval wanneer die mynkommissaris ingevolge die by hierdie artikel aan hom verleende bevoegdheid die sertifikaat vir bedoelde standplaas intrek.

(4) As soon as the certificate for any trading stand has been cancelled or has otherwise expired the mining commissioner shall cancel the lease in respect of the stand, and thereupon the stand shall cease to be a stand.

Payments to owner or lessee of land on which trading stand is situated.

121. (1) The mining commissioner shall at the end of every quarter, out of moneys appropriated by Parliament for the purpose, pay in respect of every trading stand—

(a) if such stand is situated on land not held by a lessee, to the owner of such land; or

(b) if such stand is situated on land held by a lessee, to such lessee or to the Secretary for Agricultural Credit and Land Tenure, according to whether or not the purchase price of the land has been paid in full by the lessee,

an amount equal to the amount which would have been payable under section 107 to such owner or to the Secretary for Agricultural Credit and Land Tenure or such lessee, as the case may be, if such trading stand were a stand granted under section 103 on land situated in a mining district comprised in class A: Provided that if any person other than such owner or lessee is in terms of any deed registered in a deeds registry entitled to receive the amount in question, such amount shall be paid by the mining commissioner to that person.

(2) The Secretary for Agricultural Credit and Land Tenure shall cause any amount paid to him in terms of subsection (1) to be credited to the account of the lessee concerned.

(3) The provisions of section 33 (7) shall *mutatis mutandis* apply in connection with trading stands and any land on which such stands are held.

Statements and returns by holder of certificate for trading stand and inspection of books.

122. (1) The holder of a certificate for a trading stand shall within ten days after the last day of February of every year or within such longer period as the mining commissioner may allow, make and deliver to the mining commissioner, in forms approved by the mining commissioner, such statements and returns relating to businesses conducted on such stand during the preceding twelve months as the mining commissioner may require.

(2) Whenever the certificate for any such stand is transferred to any person, the transferor shall within ten days of being requested in writing by the mining commissioner to do so, make and deliver to the mining commissioner such statements and returns as are required under subsection (1) in respect of the period specified in the request.

(3) The mining commissioner may at any time serve written notice upon any such holder or transferor calling upon him to lodge all books relating to any business referred to in subsection (1) with the mining commissioner within such period as may be specified in the notice.

Payment of rent by holder of certificate for trading stand.

123. (1) Notwithstanding anything in the lease of any trading stand contained—

(a) the holder of the certificate for such stand shall pay to the Secretary for Inland Revenue or to any person designated by him such monthly rent as may be determined by the Minister;

(b) any rent so payable shall not be less than the amount which would have been payable as licence moneys if the trading stand were a stand granted under section 103, and shall in respect of any month be paid on or before the fifteenth day of that month; and

(c) the Minister may, subject to the provisions of paragraph (b), from time to time in his discretion reduce or increase any rent so determined.

(2) For the purpose of determining the amount of any rent payable under this section, the provisions of sections 74 and 75 of the Income Tax Act, 1962 (Act No. 58 of 1962), shall *mutatis mutandis* apply.

Appeals to the Minister.

124. If any person is dissatisfied with any act done or decision given by the mining commissioner under this Chapter he may, within a period of one month of the date on which such act was done or such decision was given, appeal to the Minister who may confirm, set aside or vary such act done or decision given by the mining commissioner and whose order thereon shall be final.

(4) Sodra die sertifikaat vir 'n handelstandplaas ingetrek is of op enige ander wyse verstryk het, moet die mynkommissaris die huur ten opsigte van die standplaas intrek, en daarop hou die standplaas op om 'n standplaas te wees.

121. (1) Die mynkommissaris moet aan die einde van elke kwartaal, uit gelde deur die Parlement vir die doel bewillig, ten opsigte van elke handelstandplaas—

Betalings aan eienaar of huurder van grond waarop handelstandplaas geleë is.

(a) indien bedoelde standplaas geleë is op grond wat nie deur 'n huurder gehou word nie, aan die eienaar van die grond; of

(b) indien die standplaas geleë is op grond deur 'n huurder gehou, aan bedoelde huurder of aan die Sekretaris van Landboukrediet en Grondbesit, na gelang die koopprys van die grond ten volle deur die huurder afbetaal is al dan nie,

'n bedrag betaal gelyk aan die bedrag wat ingevolge artikel 107 aan bedoelde eienaar of aan die Sekretaris van Landboukrediet en Grondbesit of bedoelde huurder, na gelang van die geval, betaalbaar sou gewees het indien bedoelde handelstandplaas 'n standplaas was wat kragtens artikel 103 op grond geleë in 'n myndistrik ingedeel in klas A toegeken was: Met dien verstande dat indien 'n ander persoon as bedoelde eienaar of huurder ingevolge 'n akte wat in 'n aktekantoor geregistreer is, geregtig is om die betrokke bedrag te ontvang, bedoelde bedrag deur die mynkommissaris aan daardie persoon betaal moet word.

(2) Die Sekretaris van Landboukrediet en Grondbesit laat enige bedrag wat ingevolge subartikel (1) aan hom betaal word, op die betrokke huurder se rekening krediteer.

(3) Die bepalinge van artikel 33 (7) is *mutatis mutandis* van toepassing in verband met handelstandplase en grond waarop sodanige standplase gehou word.

122. (1) Die houer van 'n sertifikaat vir 'n handelstandplaas moet binne tien dae na die laaste dag van Februarie van elke jaar, of binne die langer tydperk wat die mynkommissaris toelaat, die state en opgawes wat die mynkommissaris vereis, in die vorm deur die mynkommissaris goedgekeur, betreffende die besighede gedurende die voorafgaande twaalf maande op die standplaas gedryf, opmaak en aan die mynkommissaris lewer.

Verklarings en opgawes deur houer van sertifikaat vir handelstandplaas en inspeksie van boeke.

(2) Wanneer die sertifikaat vir so 'n standplaas aan enigiemand oorgedra word, moet die oordraggewer binne tien dae nadat hy deur die mynkommissaris skriftelik daartoe versoek is, die ingevolge subartikel (1) vereiste state en opgawes ten opsigte van die tydperk in die versoek vermeld, opmaak en aan die mynkommissaris lewer.

(3) Die mynkommissaris kan te eniger tyd 'n skriftelike kennisgewing aan so 'n houer of oordraggewer bestel waarby hy aangesê word om alle boeke wat op enige in subartikel (1) bedoelde besigheid betrekking het binne die in die kennisgewing vermelde tydperk by die mynkommissaris in te dien.

123. (1) Ondanks enigiets in die huur van 'n handelstandplaas vervat—

Betaling van huurgeld deur houer van sertifikaat vir handelstandplaas.

(a) moet die houer van die sertifikaat vir bedoelde standplaas aan die Sekretaris van Binnelandse Inkomste of aan iemand deur hom aangewys die maandelikse huurgeld betaal wat die Minister bepaal;

(b) mag die huurgeld aldus betaalbaar, nie minder wees as die bedrag wat as lisensiegelde betaalbaar sou gewees het indien die handelstandplaas 'n kragtens artikel 103 toegekende standplaas was nie, en moet dit ten opsigte van enige maand op of voor die vyftiende dag van daardie maand betaal word; en

(c) kan die Minister, behoudens die bepalinge van paragraaf (b), enige aldus bepaalde huurgeld van tyd tot tyd na goeddunke verminder of verhoog.

(2) Die bepalinge van artikels 74 en 75 van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), is *mutatis mutandis* van toepassing by die bepaling van die bedrag ingevolge hierdie artikel as huurgeld betaalbaar.

124. Indien enigiemand met 'n handeling of beslissing van die mynkommissaris ingevolge hierdie Hoofstuk ontevrede is, kan hy binne 'n tydperk van een maand vanaf die datum waarop daardie handeling verrig of beslissing gegee is, appèl aanteken by die Minister wat bedoelde handeling deur die mynkommissaris verrig of beslissing deur hom gegee, kan bekragtig, tersyde stel of wysig en wie se bevel daarop afdoende is.

Appèl na die Minister.

Offences under this Chapter and penalties therefor.

125. Any person who—

- (a) carries on business in contravention of section 114 or fails to comply with the provisions of section 122 (1);
- (b) fails to comply with any request or notice by the mining commissioner under section 122 (2) or (3);
- (c) after the cancellation or expiration of his certificate for a trading stand, fails to vacate the stand and remove therefrom all movable property belonging to him within a time fixed by the mining commissioner; or
- (d) fails to disclose truthfully the names of any partners in a business carried on by him on a trading stand or enters into a partnership in respect of such business without first having obtained from the mining commissioner his approval of the members of the partnership or, not being the holder of a certificate for a trading stand, agrees with the holder of such certificate to bring customers to him,

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

CHAPTER XIV.

TRADING SITES.

Right to carry on certain businesses on certain land to vest in owner or lessee of the land.

126. (1) The right to carry on the business of a general dealer, butcher or keeper of an eating house for coloured persons or Bantu on—

- (a) proclaimed land in the province of the Orange Free State which is not owned by the State or (if so owned) is held by a lessee;
- (b) any such land in any other province which has been proclaimed under section 39 or is proclaimed land by virtue of any provision of section 40 (2), (3) or (4),

shall, subject to the provisions of this Chapter, vest in the owner or lessee concerned.

(2) If the right referred to in subsection (1) has in respect of any land been reserved to any person by deed registered in any deeds registry, such person shall, for the purposes of this section and of sections 127, 128, 129, 131 and 139 (1), be deemed to be the owner of that land.

Application by owner or lessee for trading site.

127. (1) (a) Whenever the owner or lessee of any land referred to in section 126 (other than land situated in a lawfully established township or comprising a residential area lawfully established for coloured persons or Bantu by a local authority) desires to establish thereon the business of a general dealer, butcher or keeper of an eating house for coloured persons or Bantu, he may select a site for the proposed place of business and may apply in writing to the mining commissioner for the reservation of that site in his favour as a trading site.

- (b) Any such application shall be accompanied by a sketch plan showing clearly the situation, shape and extent of the site.

(2) Such a site shall not be larger than is reasonably necessary for the conduct of the proposed business, but shall be not less than ten thousand square feet in extent.

(3) Upon the receipt of an application mentioned in subsection (1), the mining commissioner shall, if the proposed site is situated on land held under mining title, give to the holder of such title notice in writing of the application.

(4) Any objection by such holder to the granting of the application, and the grounds therefor, shall be lodged in writing with the mining commissioner and the applicant within one month after the date of such notice, and if any such objection is so lodged the mining commissioner shall appoint a date and place for the hearing of the application and the objection, and shall in writing notify the applicant and such holder of such date and place.

(5) At such hearing the mining commissioner shall record the evidence for and against the application and as soon as possible thereafter he shall notify the applicant and such holder of his decision thereon.

125. Iemand wat—

- (a) in stryd met artikel 114 besigheid dryf of versuim om aan die bepalings van artikel 122 (1) te voldoen;
- (b) versuim om aan 'n versoek of kennisgewing deur die mynkommissaris ingevolge artikel 122 (2) of (3) te voldoen;
- (c) na die intrekking of verstryking van sy sertifikaat vir 'n handelstandplaas, versuim om die standplaas te ontruim en alle roerende goed wat aan hom behoort binne 'n deur die mynkommissaris vasgestelde tydperk daarvan te verwyder; of
- (d) versuim om die name van enige vennote in 'n besigheid deur hom op 'n handelstandplaas gedryf na waarheid te verstrek of 'n vennootskap ten opsigte van so 'n besigheid aangaan sonder dat hy eers die mynkommissaris se goedkeuring ten opsigte van die lede van die vennootskap verkry het, of, as hy nie die houer van 'n sertifikaat vir 'n handelstandplaas is nie, met die houer van so 'n sertifikaat ooreenkom om klandisie na hom te bring.

Misdrywe ingevolge hierdie Hoofstuk en strawwe daarop.

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel daardie boete as daardie gevangenisstraf.

HOOFSTUK XIV.

HANDELSTERREINE.

126. (1) Die reg om die besigheid van 'n algemene handelaar, slagter of houer van 'n eethuis vir kleurlinge of Bantoes te dryf—

- (a) op geproklameerde grond in die provinsie Oranje-Vrystaat waarvan die eiendomsreg nie by die Staat berus nie of wat (indien die eiendomsreg by die Staat berus) deur 'n huurder gehou word;
- (b) op sodanige grond in enige ander provinsie wat ingevolge artikel 39 geproklameer is of uit hoofde van enige bepaling van artikel 40 (2), (3) of (4) geproklameerde grond is,

Reg om sekere besighede op sekere grond te dryf, berus by eienaar of huurder van die grond.

berus, behoudens die bepalings van hierdie Hoofstuk, by die betrokke eienaar of huurder.

(2) Indien die in subartikel (1) bedoelde reg ten opsigte van enige grond kragtens 'n akte wat in 'n aktekantoor geregistreer is vir iemand voorbehou is, word so iemand by die toepassing van hierdie artikel en van artikels 127, 128, 129, 131 en 139 (1), geag die eienaar van daardie grond te wees.

127. (1) (a) Wanneer die eienaar of huurder van grond in artikel 126 bedoel (behalwe grond wat in 'n wettiglik gestigte dorp geleë is of 'n woongebied uitmaak wat wettiglik vir kleurlinge of Bantoes deur 'n plaaslike owerheid gestig is) 'n besigheid van 'n algemene handelaar, slagter of houer van 'n eethuis vir kleurlinge of Bantoes daarop wil oprig, kan hy 'n terrein vir die beoogde besigheidsplek uitsoek en skriftelik by die mynkommissaris om die voorbehoud ten gunste van hom van daardie terrein as 'n handelsterrein aansoek doen.

Aansoek deur eienaar of huurder om handelsterrein.

- (b) So 'n aansoek moet vergesel gaan van 'n sketskaart wat die ligging, vorm en grootte van die terrein duidelik aantoon.

(2) So 'n terrein mag nie groter wees as wat redelikerwys vir die dryf van die beoogde besigheid nodig is nie, maar mag nie kleiner as tienduizend vierkante voet wees nie.

(3) By ontvangs van 'n in subartikel (1) vermelde aansoek, moet die mynkommissaris, indien die beoogde terrein geleë is op grond wat kragtens myntitel gehou word, die houer van bedoelde titel skriftelik van die aansoek in kennis stel.

(4) Enige beswaar deur bedoelde houer teen die bestaan van die aansoek, en die gronde waarop dit berus, moet skriftelik binne een maand na die datum van bedoelde kennisgewing by die mynkommissaris en die aansoeker ingedien word, en indien 'n beswaar aldus ingedien word, moet die mynkommissaris 'n datum en plek vir die verhoor van die aansoek en die beswaar bepaal, en die aansoeker en bedoelde houer skriftelik van bedoelde datum en plek in kennis stel.

(5) By so 'n verhoor moet die mynkommissaris die getuienis vir en teen die aansoek opteken en so spoedig doenlik daarna moet hy die aansoeker en bedoelde houer van sy beslissing daarvoor in kennis stel.

(6) If any application under this section is granted by the mining commissioner he shall reserve the site in question in favour of the applicant as a trading site: Provided that no such application shall be granted by the mining commissioner if the Government Mining Engineer after consultation with the holder of any mining title over the land in question has expressed the opinion that such land is or is likely to be required for mining purposes or purposes incidental to mining, or if, in the case of land situated in an area which is a controlled area for the purposes of the Natural Resources Development Act, 1947 (Act No. 51 of 1947), the applicant has failed to produce proof that a permit authorizing the use of the proposed site for trading purposes has been granted under the said Act or, in the case of land held by a lessee, without the written consent of the Secretary for Agricultural Credit and Land Tenure.

Reservation of trading site in favour of owner or lessee of land in certain circumstances.

128. If the owner or lessee of land to which the provisions of section 127 apply, has in writing requested the mining commissioner to reserve in his favour a trading site on that land for the purpose of carrying on any particular business on such site, and has submitted with his request a sketch plan showing clearly the situation, shape and extent of the site, and the mining commissioner is satisfied that the site is not larger than is reasonably necessary for the conduct of the said business, he shall, notwithstanding anything in this Act contained, comply with that request, provided—

- (a) the request was made within a period of three months from the date on which such land was proclaimed or became proclaimed land; and
- (b) the business does not constitute or include any of the types or classes of works or any activity mentioned in section 103 and was being carried on on the proposed site on the said date.

Steps to ensure adequate trading facilities.

129. (1) Whenever the Minister is of the opinion—

- (a) that trading facilities are necessary on any land to which the provisions of section 127 apply, and the owner or lessee of such land has without reasonable cause failed to avail himself of the right conferred upon him by section 126, or, having availed himself of such right, is not exercising the right satisfactorily; or
- (b) that trading facilities or additional trading facilities are necessary on any open proclaimed land (other than land held by a lessee) which is owned by the State, or any land (other than land referred to in paragraph (a) or situated in a lawfully established township or comprising a residential area lawfully established for coloured persons or Bantu by a local authority) held under mining title,

he may instruct the mining commissioner to select, after consultation with the Government Mining Engineer and the holder of the mining title (if any) affected, and to reserve one or more trading sites on such land, and may thereafter cause to be published in the *Gazette* and in one or more newspapers circulating in the mining district a notice inviting the submission, within a period fixed in such notice, of tenders for the lease of the site or sites so reserved for the purpose of carrying on the business of a general dealer, butcher or keeper of an eating house for coloured persons or Bantu thereon: Provided that no action shall be taken under this section in respect of land referred to in paragraph (a) unless the owner or lessee of such land has failed to comply with a written notice served upon him by the Secretary calling upon him to exercise his rights under section 126 in a manner satisfactory to the Minister within the period specified in such notice.

(2) The provisions of section 127 (2) shall apply in connection with the reservation of any site under subsection (1) of this section.

(3) After the expiration of the period fixed in any notice published under subsection (1), the Minister may by deed of lease, and subject to the provisions of section 130 (1), let, for such period and upon such conditions as he may determine to any person who has tendered in terms of such notice, any site so reserved for the purpose mentioned in the notice.

(6) Indien 'n aansoek ingevolge hierdie artikel deur die mynkommissaris toegestaan word, moet hy die betrokke terrein ten gunste van die aansoeker as 'n handelsterrein voorbehou: Met dien verstande dat geen sodanige aansoek deur die mynkommissaris toegestaan word nie indien die Staatsmyningenieur na oorlegpleging met die houer van enige myntitel oor die betrokke grond die mening uitgespreek het dat bedoelde grond benodig is of waarskynlik benodig sal wees vir myndoeleindes of doeleindes wat met mynbou in verband staan, of indien, in die geval van grond geleë in 'n gebied wat 'n beheerde gebied vir die doeleindes van die Wet op die Ontwikkeling van Natuurlike Hulpbronne, 1947 (Wet No. 51 van 1947), uitmaak, die aansoeker in gebreke gebly het om bewys te lewer dat 'n permit wat die gebruik van die beoogde terrein vir handelsdoeleindes magtig, ingevolge daardie Wet toegestaan is, of, in die geval van grond deur 'n huurder gehou, sonder die skriftelike toestemming van die Sekretaris van Landboukrediet en Grondbesit.

128. Indien die eienaar of huurder van grond waarop die bepalings van artikel 127 van toepassing is, die mynkommissaris skriftelik versoek het om 'n handelsterrein op daardie grond vir die dryf van 'n bepaalde besigheid op daardie terrein ten gunste van hom voor te behou, en saam met sy versoek 'n sketskaart voorgelê het wat die ligging, vorm en grootte van die terrein duidelik aantoon, en die mynkommissaris oortuig is dat die terrein nie groter is as wat redelikerwys vir die dryf van bedoelde besigheid nodig is nie, moet hy, ondanks andersluidende bepalings van hierdie Wet, aan daardie versoek voldoen, mits—

- (a) die versoek gedoen is binne 'n tydperk van drie maande na die datum waarop bedoelde grond geproklameer is of geproklameerde grond geword het; en
- (b) die besigheid nie 'n in artikel 103 vermelde tipe of klas bedryf of aktiwiteit uitmaak of insluit nie, en op gemelde datum op die beoogde terrein gedryf was.

Voorbehoud van handelsterrein ten gunste van eienaar of huurder van grond onder sekere omstandighede.

129. (1) Wanneer die Minister van oordeel is—

- (a) dat handelsgeriewe nodig is op grond waarop die bepalings van artikel 127 van toepassing is, en die eienaar of huurder van bedoelde grond sonder gegronde rede versuim het om gebruik te maak van die reg aan hom by artikel 126 verleen, of, nadat hy van bedoelde reg gebruik gemaak het, die reg nie op bevredigende wyse uitoefen nie; of
- (b) dat handelsgeriewe of bykomende handelsgeriewe nodig is op oop geproklameerde grond (behalwe grond deur 'n huurder gehou) waarvan die eiendomsreg by die Staat berus of op enige grond (behalwe grond bedoel in paragraaf (a) of geleë in 'n wettiglik gestigte dorp of wat 'n woonegebied uitmaak wat wettiglik vir kleurlinge of Bantoes deur 'n plaaslike owerheid gestig is) wat kragtens myntitel gehou word,

Stappe ten einde voldoende handelsgeriewe te verseker.

kan hy die mynkommissaris gelas om na oorlegpleging met die Staatsmyningenieur en die houer van die myntitel (as daar is) wat geraak word, een of meer handelsterreine op bedoelde grond uit te kies en voor te behou, en kan hy daarna 'n kennisgewing in die *Staatskoerant* en in een of meer nuusblaaië in omloop in die myndistrik laat publiseer waarby die indiening, binne 'n in bedoelde kennisgewing vasgestelde tydperk, van tenders vir die huur van die terrein of terreine aldus voorbehou vir die dryf daarop van die besigheid van 'n algemene handelaar, slagter of houer van 'n eethuis vir kleurlinge of Bantoes aangevra word: Met dien verstande dat daar nie ingevolge hierdie artikel ten opsigte van grond in paragraaf (a) bedoel, opgetree word nie tensy die eienaar of huurder van bedoelde grond in gebreke gebly het om te voldoen aan 'n skriftelike kennisgewing deur die Sekretaris aan hom bestel waarby hy aangesê word om binne die in bedoelde kennisgewing vermelde tydperk sy regte ingevolge artikel 126 op 'n vir die Minister bevredigende wyse uit te oefen.

(2) Die bepalings van artikel 127 (2) is van toepassing in verband met die voorbehoud van 'n terrein ingevolge subartikel (1) van hierdie artikel.

(3) Na die verstryking van die tydperk vasgestel in 'n kennisgewing ingevolge subartikel (1) gepubliseer, kan die Minister, behoudens die bepalings van artikel 130 (1), enige terrein wat vir die in die kennisgewing vermelde doel aldus voorbehou is by akte van verhuring aan enigiemand wat ingevolge bedoelde kennisgewing getender het, verhuur vir die tydperk en onderworpe aan die voorwaardes wat hy bepaal.

(4) (a) As soon as may be after a lease under this section in respect of land referred to in subsection (1) (a) has been entered into, the mining commissioner shall notify the owner or lessee of the land in question in writing of the lease and of the period thereof and the rent payable thereunder.

(b) Such owner or lessee may at any time during office hours inspect a copy of the lease at the office of the mining commissioner and make a copy thereof or take any extract therefrom.

Surveying and beaoning of trading sites and issuing of certificates of reservation.

130. (1) As soon as may be after the reservation of a trading site under section 127 or 128, or after the Minister has decided to grant a lease under section 129, the person in whose favour the reservation has been made or in whose name the lease is to be granted shall submit to the mining commissioner a diagram of the site and shall erect at the angular points thereof beacons in accordance with the regulations applicable to beacons defining claims situated in a mining district comprised in class A.

(2) Whenever the person in whose favour a trading site has been so reserved has complied with the provisions of subsection (1), the mining commissioner shall issue to such person a certificate of reservation of such trading site in the form prescribed by regulation entitling him and his successors in title to use the surface thereof, in the case of a site reserved in terms of section 127, for the business of a general dealer, butcher or keeper of an eating house for coloured persons or Bantu, or, in the case of a site reserved in terms of section 128, for the business which was being conducted thereon at the date on which the land was proclaimed or became proclaimed land.

(3) If the beacons so erected are not maintained in proper repair by the holder of such certificate or of such lease, and such holder has failed, after one month's written notice by the mining commissioner calling upon him to place the beacons in proper repair, to comply with such notice, the mining commissioner may cancel the certificate or lease.

Substitution of trading sites in certain circumstances and payment of compensation.

131. (1) Whenever the mining commissioner is satisfied, upon the representations of the holder of the mining title, that the surface of any land comprising a trading site reserved or set apart before or after the commencement of this Act is required for mining purposes or purposes incidental to mining, or has become unsafe, he shall, after consultation with the Government Mining Engineer and the holder of the mining title (if any) affected, reserve as a trading site other proclaimed land or land held under mining title which is not so required or unsafe: Provided that if such other land is subject to the provisions of section 126 and the owner of that land is a person other than the owner of the land on which the firstmentioned trading site is situated, the mining commissioner shall not exercise his powers under this subsection except with the prior consent in writing of that person.

(2) (a) Whenever a trading site has been reserved in terms of subsection (1), the land required for mining purposes or purposes incidental to mining or which has become unsafe shall cease to be a trading site and any right then held by any person to trade thereon shall cease, and the person who then holds the right under this Act or a prior law to carry on any business or businesses on that land under the circumstances aforementioned shall, notwithstanding anything in any other law contained, be entitled to obtain the right to carry on such business or businesses upon the other site reserved in terms of the said subsection (1) for so long as it may not be required for mining purposes or purposes incidental to mining or has not become unsafe.

(b) If any trading site reserved in terms of subsection (1) is in replacement of a trading site in respect of which—

(i) a lease under this Chapter or under section 10 of the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936); or

(ii) a surface right permit under the regulations framed under the Trading on Mining Ground Regulation Act, 1910 (Act No. 13 of 1910), of the Transvaal,

- (4) (a) So spoedig doenlik nadat 'n huur ingevolge hierdie artikel ten opsigte van grond in subartikel (1) (a) bedoel, aangegaan is, moet die mynkommissaris die eienaar of huurder van die betrokke grond skriftelik van die huur en van die tydperk daarvan en die huurgeld daarkragtens betaalbaar, in kennis stel.
- (b) Bedoelde eienaar of huurder kan te eniger tyd gedurende kantoorure 'n afskrif van die huur by die kantoor van die mynkommissaris insien en 'n afskrif daarvan maak of 'n uittreksel daaruit neem.

130. (1) So spoedig doenlik na die voorbehoud van 'n handelsterrein kragtens artikel 127 of 128 of nadat die Minister besluit het om 'n huur kragtens artikel 129 toe te ken, moet die persoon ten gunste van wie die voorbehoud gemaak is of in wie se naam die huur toegeken staan te word, aan die mynkommissaris 'n kaart van die terrein voorlê en by die hoekpunte daarvan bakens oprig volgens voorskrif van die regulasies van toepassing op bakens wat kleims geleë in 'n myndistrik ingedeel in klas A aantoon.

Opmeet en
afbakening van
handelsterreine
en uitreiking
van sertifikate
van voorbehoud.

(2) Wanneer die persoon in wie se guns 'n handelsterrein aldus voorbehou is aan die bepalings van subartikel (1) voldoen het, reik die mynkommissaris aan daardie persoon 'n sertifikaat van voorbehoud van bedoelde handelsterrein in die by regulasie voorgeskrewe vorm uit wat aan hom en sy regsopvolgers die reg verleen om die oppervlakte daarvan te gebruik, in die geval van 'n terrein ingevolge artikel 127 voorbehou, vir die besigheid van 'n algemene handelaar, slagter of houer van 'n eethuis vir kleurlinge of Bantoes, of, in die geval van 'n terrein ingevolge artikel 128 voorbehou, vir die besigheid wat daarop gedryf was op die datum waarop die grond geproklameer is of geproklameerde grond geword het.

(3) Indien die bakens aldus opgerig nie behoorlik deur die houer van bedoelde sertifikaat of van bedoelde huur in stand gehou word nie, en bedoelde houer in gebreke gebly het om na een maand skriftelike kennisgewing deur die mynkommissaris waarby hy aangesê is om die bakens behoorlik te herstel, aan bedoelde kennisgewing te voldoen, kan die mynkommissaris die sertifikaat of huur intrek.

131. (1) Wanneer die mynkommissaris aan die hand van vertoë deur die houer van die myntitel oortuig is dat die oppervlakte van grond wat 'n handelsterrein uitmaak wat voor of na die inwerkingtreding van hierdie Wet voorbehou of opsygesit is, vir myndoeleindes of doeleindes wat met mynbou in verband staan, benodig is, of onveilig geword het, moet hy na oorlegging met die Staatsmyningenieur en die houer van die myntitel (as daar is) wat daardeur geraak word, ander geproklameerde grond of grond kragtens myntitel gehou wat nie aldus benodig is of onveilig is nie as 'n handelsterrein voorbehou: Met dien verstande dat indien daardie ander grond onderhewig is aan die bepalings van artikel 126 en die eienaar van daardie grond 'n ander persoon is as die eienaar van die grond waarop eersbedoelde handelsterrein geleë is, die mynkommissaris nie sy bevoegdheids ingevolge hierdie subartikel sonder die voorafgaande skriftelike toestemming van daardie persoon uitoefen nie.

Vervanging van
handelsterreine
onder sekere
omstandighede en
betaling van ver-
goeding.

- (2) (a) Wanneer 'n handelsterrein ingevolge subartikel (1) voorbehou is, hou die grond wat vir myndoeleindes of doeleindes wat met mynbou in verband staan, benodig is, of wat onveilig geword het, op om 'n handelsterrein te wees en verval enige reg wat dan deur enigiemand gehou word om daarop handel te dryf, en is die persoon wat onder voormelde omstandighede dan kragtens hierdie Wet of 'n vorige wet die reg gehou het om enige besigheid of besighede op daardie grond te dryf, ondanks andersluidende wetsbepalings, geregtig om die reg te verkry om bedoelde besigheid of besighede op die ander ingevolge gemelde subartikel (1) voorbehou terrein te dryf solank dit nie vir myndoeleindes of doeleindes wat met mynbou in verband staan, benodig is of onveilig geword het nie.
- (b) Indien 'n handelsterrein ingevolge subartikel (1) voorbehou word in die plek van 'n handelsterrein ten opsigte waarvan—
- (i) 'n huur kragtens hierdie Hoofstuk of kragtens artikel 10 van die Oranje-Vrystaatse Metaal-myn Wet, 1936 (Wet No. 13 van 1936); of
 - (ii) 'n oppervlakteregpermit kragtens die regulasies uitgevaardig ingevolge „Het Handelen op Mijngronden Regelings Wet, 1910” (Wet No. 13 van 1910), van Transvaal,

was held, the Minister and the person mentioned in paragraph (a) shall enter into a lease in respect of the trading site so reserved and such lease shall be subject to the same terms and conditions as those of the lease or surface right permit which it replaces.

(3) Where land has ceased to be a trading site in terms of subsection (2), the holder of the mining title requiring the surface of such land for mining purposes or purposes incidental to mining shall pay to the holder of the certificate of reservation, lease or surface right permit in respect of that site, such compensation as may in the absence of agreement between such holders be determined by arbitration.

(4) Whenever the mining commissioner has reserved a new trading site in terms of subsection (1), the provisions of section 130 shall *mutatis mutandis* apply: Provided that no certificate of reservation shall be issued to the person referred to in subsection (2) (a) unless the new site is in replacement of a trading site in respect of which such person held such a certificate.

Transfer, etc.,
of rights to
trading sites.

132. (1) The rights conferred by a certificate of reservation issued under this Chapter or corresponding provisions of a prior law may be leased, transferred or mortgaged, and the relevant lease, transfer or mortgage shall be registered in the Mining Titles Office: Provided that if such certificate is held by a lessee, no such lease, transfer or mortgage shall be registered except with the written consent of the Secretary for Agricultural Credit and Land Tenure.

(2) The holder's rights and obligations under any lease or surface right permit referred to in section 131 (2) (b) may upon application by such holder be transferred by the mining commissioner, and the provisions of section 116 (1) and (2) shall *mutatis mutandis* apply in connection with such transfer: Provided that the rights and obligations under any surface right permit issued in respect of a trading site set apart in terms of section 5 (5) *ter* of the Trading on Mining Ground Regulation Act, 1910 (Act No. 13 of 1910), of the Transvaal, or under any lease in respect of a trading site reserved in replacement of a site so set apart, may be transferred to any association of persons, corporate body or company.

(3) Whenever the mining commissioner—

(a) has granted an application referred to in subsection (2) and no appeal has been lodged with the Minister in terms of section 137 or any appeal so lodged has been dismissed; or

(b) has refused such application and the Minister has on any such appeal directed that the application be granted,

the mining commissioner shall by endorsement transfer the lease or surface right permit in question to the transferee, and such transferee shall under his signature accept the transfer subject to the terms and conditions of such lease or surface right permit.

(4) Any transfer under subsection (2) shall be noted in the Mining Titles Office.

Payments to
owner or lessee
of land on which
certain trading
sites are situated.

133. (1) The provisions of section 121 of this Act shall *mutatis mutandis* apply in connection with any trading site—

(a) reserved under section 129 on land in respect of which the right to carry on a business referred to in section 126 is not in terms of that section vested in the owner or lessee of the land;

(b) set apart under section 4 or 5 (1) of the Trading on Mining Ground Regulation Act, 1910 (Act No. 13 of 1910), of the Transvaal, or under section 5 (6) of that Act in replacement of such a site; or

(c) reserved in terms of section 131 (1) in replacement of a trading site referred to in paragraph (a) or (b) of this subsection.

(2) One-half of any rent received by the mining commissioner under section 134 in respect of a trading site reserved by him under section 129 or 131, or under section 9 of the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936), on land referred to in section 126 of this Act, shall be paid by the mining commissioner to the person to whom it would be payable if it were an amount payable under subsection (1) of this section.

gehou was, moet die Minister en die in paragraaf (a) vermelde persoon 'n huur ten opsigte van die aldus voorbehoue handelsterrein aangaan en is bedoelde huur onderworpe aan dieselfde bedinge en voorwaardes as dié van die huur of oppervlakteregpermit wat dit vervang.

(3) Wanneer grond ingevolge subartikel (2) opgehou het om 'n handelsterrein te wees, moet die houer van die myntitel deur wie die oppervlakte van die grond benodig is vir myn-doeleindes of doeleindes wat met mynbou in verband staan, aan die houer van die sertifikaat van voorbehoud, huur of oppervlakteregpermit ten opsigte van daardie terrein die vergoeding betaal wat by ontstentenis van ooreenkoms tussen bedoelde houers by arbitrasie bepaal word.

(4) Wanneer die mynkommissaris 'n nuwe handelsterrein ingevolge subartikel (1) voorbehou het, is die bepalings van artikel 130 *mutatis mutandis* van toepassing: Met dien verstande dat geen sertifikaat van voorbehoud aan die in subartikel (2) (a) bedoelde persoon uitgereik word tensy die nuwe terrein in die plek gestel word van 'n handelsterrein ten opsigte waarvan bedoelde persoon so 'n sertifikaat gehou het nie.

132. (1) Die regte verleen by 'n sertifikaat van voorbehoud uitgereik kragtens hierdie Hoofstuk of ooreenstemmende bepalings van 'n vorige wet, kan verhuur, oordrag of met verband beswaar word, en die toepaslike huur, oordrag of verband moet in die Mynbriewekantoor geregistreer word: Met dien verstande dat indien bedoelde sertifikaat deur 'n huurder gehou word, so 'n huur, oordrag of verband nie sonder die skriftelike toestemming van die Sekretaris van Landboukrediet en Grondbesit geregistreer word nie.

Oordrag, ens.,
van regte op
handelsterreine.

(2) Die houer se regte en verpligtings kragtens 'n in artikel 131 (2) (b) bedoelde huur of oppervlakteregpermit kan op aansoek van bedoelde houer deur die mynkommissaris oorgedra word, en die bepalings van artikel 116 (1) en (2) is *mutatis mutandis* in verband met so 'n oordrag van toepassing: Met dien verstande dat die regte en verpligtings kragtens 'n oppervlakteregpermit uitgereik ten opsigte van 'n handelsterrein wat ingevolge artikel 5 (5)ter van „Het Handelen op Mijngronden Regelings Wet, 1910” (Wet No. 13 van 1910), van Transvaal, opsygesit is of kragtens 'n huur ten opsigte van 'n handelsterrein wat voorbehou is in die plek van 'n terrein aldus opsygesit, aan enige vereniging van persone, regs persoon of maatskappy oorgedra kan word.

(3) Wanneer die mynkommissaris—

(a) 'n in subartikel (2) bedoelde aansoek toegestaan het en geen appèl ingevolge artikel 137 by die Minister aangeteken is nie of 'n aldus aangetekende appèl van die hand gewys is; of

(b) bedoelde aansoek geweier het en die Minister by so 'n appèl gelas het dat die aansoek toegestaan word,

moet die mynkommissaris die betrokke huur of oppervlakteregpermit by wyse van endossement aan die oordragnemer oordra, en moet bedoelde oordragnemer die oordrag onderworpe aan die bedinge en voorwaardes van bedoelde huur of oppervlakteregpermit onder sy handtekening aanvaar.

(4) 'n Oordrag ingevolge subartikel (2) moet in die Mynbriewekantoor aangeteken word.

133. (1) Die bepalings van artikel 121 van hierdie Wet is *mutatis mutandis* van toepassing in verband met 'n handelsterrein—

Betalings aan
eienaar of
huurder van
grond waarop
sekere handels-
terreine geleë is.

(a) wat kragtens artikel 129 voorbehou is op grond ten opsigte waarvan die reg om 'n in artikel 126 bedoelde besigheid te dryf nie ingevolge daardie artikel by die eienaar of huurder van die grond berus nie;

(b) wat kragtens artikel 4 of 5 (1) van „Het Handelen op Mijngronden Regelings Wet, 1910” (Wet No. 13 van 1910), van Transvaal, opsygesit is of wat kragtens artikel 5 (6) van daardie Wet in die plek van so 'n terrein opsygesit is; of

(c) wat kragtens artikel 131 (1) opsygesit is in die plek van 'n in paragraaf (a) of (b) van hierdie subartikel bedoelde handelsterrein.

(2) Die helfte van enige huurgeld deur die mynkommissaris ingevolge artikel 134 ontvang ten opsigte van 'n handelsterrein deur hom voorbehou kragtens artikel 129 of 131, of kragtens artikel 9 van die Oranje-Vrystaatse Metaal-myn Wet, 1936 (Wet No. 13 van 1936), op grond in artikel 126 van hierdie Wet bedoel, word deur die mynkommissaris betaal aan die persoon aan wie dit betaalbaar sou gewees het indien dit 'n ingevolge subartikel (1) van hierdie artikel betaalbare bedrag was.

Payment of rent by holders of right to carry on business on certain trading sites, and application of certain provisions of preceding Chapter.

134. (1) The holder of the right to carry on business on any trading site reserved or set apart before or after the commencement of this Act (other than a trading site in respect of which a certificate of reservation issued under the provisions of this Chapter or corresponding provisions of a prior law is held) shall, unless otherwise provided in any lease held by him in respect of such site, pay—

(a) in the case of a site referred to in section 133 (2), to the mining commissioner; and

(b) in the case of any other site, to the Secretary for Inland Revenue or to any person designated by him, such monthly rent as may be determined by the Minister.

(2) The provisions of section 122 shall *mutatis mutandis* apply to any holder or transferor of any right to carry on business on any trading site in respect of which rent has been so determined, and the provisions of section 123 (1) (b) and (c) and (2) shall so apply in connection with the rent determined and payable in respect of any such site.

Cancellation of right to carry on business upon a trading site.

135. (1) The Minister may at any time cancel any lease of a trading site entered into under this Chapter or under section 10 of the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936), or any surface right permit issued under the regulations framed under the Trading on Mining Ground Regulation Act, 1910 (Act No. 13 of 1910), of the Transvaal, in respect of a trading site set apart under section 4 or 5 (1) of that Act or under section 5 (6) of that Act in replacement of a site so set apart, if he is satisfied that the holder thereof—

(a) has carried on any business on such trading site which he is not authorized to conduct on that site;

(b) has failed to comply with any condition of such lease or permit or to pay the rent due in respect of the site to which the lease or permit relates;

(c) has traded on such trading site without any trading licence required by any law; or

(d) has during the immediately preceding twelve months been engaged in illicit trade in precious metals, precious stones or intoxicating liquor.

(2) (a) After the cancellation of such lease or surface right permit the Minister may—

(i) cause tenders to be called for in the manner provided by section 129 for the lease of the trading site in question for the purpose of conducting thereon any business referred to in that section, and enter into such a lease in respect of that site with any person who has tendered in terms of the notice calling for tenders; or

(ii) declare the site to have ceased to be a trading site.

(b) Any lease entered into in terms of paragraph (a) may be made subject to such conditions (including conditions relating to the taking over by the holder of the lease of any buildings on the site) as the Minister may deem fit, and shall for the purposes of this Chapter be deemed to be a lease under section 129.

Provisions relating to registration or licensing of businesses on trading sites.

136. (1) Nothing in this Chapter contained shall exempt any person carrying on business on a trading site from the provisions of any law relating to the registration or licensing of such business.

(2) Any certificate of reservation issued or lease entered into under the provisions of this Chapter or any corresponding provisions of a prior law, and any surface right permit issued under the regulations made under the Trading on Mining Ground Regulation Act, 1910 (Act No. 13 of 1910), of the Transvaal, and existing at the commencement of this Act, shall be authority to the receiver of revenue or local authority concerned for the issue of any licence required for the carrying on of any business which is permitted on the trading site to which such certificate, lease or permit relates, and any transfer in accordance with the provisions of this Chapter of the certificate, lease or permit shall be authority for the issue of such licence to the transferee.

(3) Whenever the right to carry on business upon a trading site terminates or is terminated for any reason the licence to trade on such trading site shall lapse.

134. (1) Die houer van die reg om besigheid te dryf op 'n handelsterrein wat voor of na die inwerkingtreding van hierdie Wet voorbehoud of opsygesit is (behalwe 'n handelsterrein ten opsigte waarvan 'n ingevolge die bepalings van hierdie Hoofstuk of ooreenstemmende bepalings van 'n vorige wet uitgereikte sertifikaat van voorbehoud gehou word) moet, tensy 'n huur deur hom ten opsigte van bedoelde terrein gehou anders bepaal—

- (a) in die geval van 'n in artikel 133 (2) bedoelde terrein, aan die mynkommissaris; en
- (b) in die geval van 'n ander terrein, aan die Sekretaris van Binnelandse Inkomste of aan iemand wat hy aanwys,

die maandelikse huurgeld betaal wat die Minister bepaal.

(2) Die bepalings van artikel 122 is *mutatis mutandis* van toepassing op 'n houer of oordraggewer van 'n reg om besigheid te dryf op 'n handelsterrein ten opsigte waarvan huurgeld aldus bepaal is, en die bepalings van artikel 123 (1) (b) en (c) en (2) is aldus van toepassing in verband met die huurgeld ten opsigte van so 'n terrein bepaal en betaalbaar.

135. (1) Die Minister kan te eniger tyd 'n huur van 'n handelsterrein wat ingevolge hierdie Hoofstuk of ingevolge artikel 10 van die Oranje-Vrystaatse Metaal-myn Wet, 1936 (Wet No. 13 van 1936), aangegaan is, of 'n oppervlakteregpermit wat kragtens die regulasies uitgevaardig ingevolge „Het Handelen op Mijngronden Regelings Wet, 1910” (Wet No. 13 van 1910), van Transvaal, uitgereik is ten opsigte van 'n handelsterrein opsygesit kragtens artikel 4 of 5 (1) van daardie Wet of kragtens artikel 5 (6) van daardie Wet in die plek van 'n terrein aldus opsygesit, intrek indien hy oortuig is dat die houer daarvan—

- (a) op bedoelde handelsterrein enige besigheid voortgesit het wat hy nie gemagtig is om op daardie terrein te dryf nie;
- (b) in gebreke gebly het om 'n voorwaarde van bedoelde huur of permit na te kom of om die huurgeld verskuldig ten opsigte van die terrein waarop die huur of permit betrekking het, te betaal;
- (c) sonder 'n volgens wet vereiste handelslisensie op bedoelde handelsterrein handel gedryf het; of
- (d) gedurende die onmiddellik voorafgaande twaalf maande onwettig in edelmetale, edelgesteentes of bedwelmende drank handel gedryf het.

(2) (a) Na die intrekking van bedoelde huur of oppervlakteregpermit kan die Minister—

- (i) tenders volgens voorskrif van artikel 129 laat aanvra vir die huur van die betrokke handelsterrein om daarop enige in daardie artikel bedoelde besigheid te dryf, en so 'n huur ten opsigte van daardie terrein aangaan met enigiemand wat getender het ingevolge die kennisgewing waarby tenders aangevra is; of
- (ii) verklaar dat die terrein nie meer 'n handelsterrein is nie.

(b) Enige huur ingevolge paragraaf (a) aangegaan, kan onderworpe gestel word aan die voorwaardes (met inbegrip van voorwaardes betreffende die oorname deur die houer van die huur van enige geboue op die terrein) wat die Minister goedvind, en word vir die doeleindes van hierdie Hoofstuk geag 'n huur kragtens artikel 129 te wees.

136. (1) Die bepalings van hierdie Hoofstuk stel niemand wat op 'n handelsterrein besigheid dryf van enige wetsbepaling met betrekking tot die registrasie of lisensiering van bedoelde besigheid vry nie.

(2) 'n Sertifikaat van voorbehoud uitgereik of huur aangegaan kragtens die bepalings van hierdie Hoofstuk of ooreenstemmende bepalings van 'n vorige wet, en 'n oppervlakteregpermit uitgereik kragtens die regulasies uitgevaardig ingevolge „Het Handelen op Mijngronden Regelings Wet, 1910” (Wet No. 13 van 1910), van Transvaal, wat by die inwerkingtreding van hierdie Wet bestaan, dien as magtiging aan die betrokke ontvanger van inkomste of plaaslike owerheid om enige lisensie uit te reik wat vereis word om enige besigheid te dryf wat op die handelsterrein waarop bedoelde sertifikaat, huur of permit betrekking het, gedryf mag word, en enige oordrag ooreenkomstig die bepalings van hierdie Hoofstuk van die sertifikaat, huur of permit dien as magtiging om so 'n lisensie aan die oordragner uit te reik.

(3) Wanneer die reg om op 'n handelsterrein handel te dryf, verstryk of om enige rede beëindig word, verval die lisensie om op bedoelde handelsterrein handel te dryf.

Betaling van huurgeld deur houters van reg om besigheid op sekere handelsterreine te dryf, en toepassing van sekere bepalings van voorgaande Hoofstuk.

Intrekking van reg om op 'n handelsterrein handel te dryf.

Bepalings betreffende registrasie of lisensiering van besighede op handelsterreine.

**Appeals to
Minister.**

137. If any holder of mining title is dissatisfied with the reservation by the mining commissioner under section 127 of a trading site on land held by him under mining title, or if any other person is dissatisfied with the refusal by the mining commissioner of an application for such a reservation or with any act done or decision given by the mining commissioner under section 128, 130, 131 or 132, such holder or person may within a period of one month of the date of such reservation, refusal, act or decision appeal to the Minister who may confirm, set aside or vary such reservation, refusal, act or decision: Provided that no appeal shall lie to the Minister against the refusal by the mining commissioner of any application for the reservation of a trading site in the circumstances mentioned in the proviso to section 127 (6).

**Offences under
this Chapter and
penalties therefor.**

138. Any person who—

- (a) fails to comply with the provisions of section 122 (1), as applied in connection with trading sites by section 134;
- (b) fails to comply with any request or notice by the mining commissioner under section 122 (2) or (3) as so applied;
- (c) after the cancellation of his lease or surface right permit in the circumstances mentioned in section 135, or after the expiration of such lease or permit, fails to vacate the trading site in question or to remove therefrom all movable property belonging to him within a period fixed by the mining commissioner; or
- (d) fails to disclose truthfully the names of any partners in a business carried on by him on a trading site mentioned in section 135, or enters into a partnership in respect of such business without first having obtained from the mining commissioner his approval of the members of the partnership, or, not being the holder of a right to carry on business upon a trading site, agrees with the holder of such right to bring customers to him,

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

CHAPTER XV.

MISCELLANEOUS PROVISIONS RELATING TO BUSINESS OR INDUSTRIAL ACTIVITIES ON PROCLAIMED LAND OR LAND HELD UNDER MINING TITLE.

**Certain business
or industrial
activities on
proclaimed land
or land held under
mining title
prohibited.**

139. (1) Save as is otherwise provided in this Act, no person shall on proclaimed land or land held under mining title (whether or not that land has been reserved to him or his predecessor in title in terms of section 47 (1) of this Act or a corresponding provision of a prior law) carry on any trade or business elsewhere than—

- (a) on a stand granted under section 102 or 103 of this Act or corresponding provisions of a prior law; or
- (b) on a trading stand referred to in section 113; or
- (c) on a trading site reserved or set apart under Chapter XIV of this Act or corresponding provisions of a prior law,

and in conformity with the provisions of the stand licence, stand grant, certificate for a trading stand, certificate of reservation, lease or surface right permit whereby the right to carry on business on such stand, trading stand or trading site was acquired under this Act or a prior law: Provided that if the owner or lessee of any land who is entitled to a trading site thereon under section 128 has requested the mining commissioner in terms of that section to reserve that site in his favour, the person who on the date on which the said request was made was carrying on any particular business at the place to which the request relates or any person authorized by the firstmentioned person may continue to carry on that business at that place until the request has been disposed of.

(2) No person shall on proclaimed land or land held under mining title (whether or not that land has been reserved to him or his predecessor in title in terms of section 47 (1) of this Act or a corresponding provision of a prior law) carry on any works or activity referred to in section 103 (1) elsewhere than on a

137. Indien 'n houer van myntitel ontevrede is met die voorbehoud deur die mynkommissaris ingevolge artikel 127 van 'n handelsterrein op grond deur hom kragtens myntitel gehou, of indien enige ander persoon ontevrede is met die weiering deur die mynkommissaris van 'n aansoek om so 'n voorbehoud of met enige handeling verrig of beslissing gegee deur die mynkommissaris ingevolge artikel 128, 130, 131 of 132, kan bedoelde houer of persoon binne 'n tydperk van een maand na die datum van bedoelde voorbehoud, weiering, handeling of beslissing, appèl aanteken by die Minister, wat bedoelde voorbehoud, weiering, handeling of beslissing kan bekragtig, tersyde stel of wysig: Met dien verstande dat 'n weiering deur die mynkommissaris van 'n aansoek om die voorbehoud van 'n handelsterrein onder die omstandighede in die voorbehoudsbepaling by artikel 127 (6) bedoel, nie aan appèl na die Minister onderhewig is nie.

Appèl na
Minister.

138. Iemand wat versuim—

- (a) om te voldoen aan die bepalinge van artikel 122 (1), soos by artikel 134 in verband met handelsterreine toegepas;
- (b) om te voldoen aan 'n versoek of kennisgewing deur die mynkommissaris ingevolge artikel 122 (2) of (3) soos aldus toegepas;
- (c) om na die intrekking van sy huur of oppervlakteregpermit onder die in artikel 135 vermelde omstandighede of na die verstryking van bedoelde huur of permit, die betrokke handelsterrein te ontruim of alle roerende goed wat aan hom behoort binne 'n deur die mynkommissaris vasgestelde tydperk daarvan te verwyder; of
- (d) om die name van enige vennote in 'n besigheid deur hom op 'n in artikel 135 vermelde handelsterrein gedryf na waarheid mee te deel, of 'n vennootskap ten opsigte van bedoelde besigheid aangaan voordat hy eers van die mynkommissaris sy goedkeuring van die lede van die vennootskap verkry het, of, as hy nie die houer van 'n reg is om op 'n handelsterrein handel te dryf nie, met die houer van bedoelde reg ooreenkom om klandisie na hom te bring,

Misdrywe in-
gevolge hierdie
Hoofstuk en
strawwe daarop.

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel daardie boete as daardie gevangenisstraf.

HOOFSTUK XV.

DIVERSE BEPALINGS MET BETREKKING TOT BESIGHEIDS- OF NYWERHEIDSBEDRYWIGHED E OP GEPROKLAMEERDE GROND OF GROND KRAGTENS MYNTITEL GEHOU.

139. (1) Behalwe vir sover hierdie Wet anders bepaal, mag niemand op geproklameerde grond of grond kragtens myntitel gehou (hetsy daardie grond ingevolge artikel 47 (1) van hierdie Wet of 'n ooreenstemmende bepaling van 'n vorige wet vir hom of sy regsvoorganger uitgehou is al dan nie) elders handel of besigheid dryf nie as—

Verbod op sekere
besigheids-
of
nywerheids-
bedrywighede op
geproklameerde
grond of grond
kragtens myntitel
gehou.

- (a) op 'n standplaas kragtens artikel 102 of 103 van hierdie Wet of ooreenstemmende bepalinge van 'n vorige wet toegeken; of
- (b) op 'n in artikel 113 bedoelde handelstandplaas; of
- (c) op 'n handelsterrein kragtens Hoofstuk XIV van hierdie Wet of ooreenstemmende bepalinge van 'n vorige wet voorbehoud of opsygesit,

en in ooreenstemming met die bepalinge van die standplaaslisensie, standplaastoekenning, sertifikaat vir 'n handelstandplaas, sertifikaat van voorbehoud, huur of oppervlakteregpermit whereby die reg om op bedoelde standplaas, handelstandplaas of handelsterrein besigheid te dryf kragtens hierdie Wet of 'n vorige wet verkry is: Met dien verstande dat indien die eenaar of huurder van grond wat ingevolge artikel 128 op 'n handelsterrein daarop geregtig is, die mynkommissaris ingevolge daardie artikel versoek het om daardie terrein ten gunste van hom voor te behou, die persoon wat op die datum waarop gemelde versoek ingedien is 'n bepaalde besigheid gedryf het by die plek waarop die versoek betrekking het, of iemand deur hom daartoe gemagtig, kan voortgaan om daardie besigheid by daardie plek te dryf tot tyd en wyl die versoek afgehandel is.

(2) Niemand mag op geproklameerde grond of grond kragtens myntitel gehou (hetsy daardie grond ingevolge artikel 47 (1) van hierdie Wet of 'n ooreenstemmende bepaling van 'n vorige wet vir hom of sy regsvoorganger uitgehou is al dan nie) enige in artikel 103 (1) bedoelde bedryf of werksaamheid voortsit

stand for industrial purposes granted under that section or a corresponding provision of a prior law and in accordance with the provisions of the stand licence or stand grant relating to that stand.

(3) The provisions of subsections (1) and (2) shall not apply—

(a) in connection with any land—

- (i) held under a mining concession;
- (ii) situated in a lawfully established township;
- (iii) comprising a residential area lawfully established for coloured persons or Bantu by a local authority;
- (iv) in the province of the Cape of Good Hope or Natal which is held under mining title acquired before the commencement of this Act and which is not owned by the State or (if so owned) is held by a lessee;
- (v) in the province of the Orange Free State which is unproclaimed land held under mining title at the commencement of this Act;

(b) to any person in respect of the produce of land of which he is the owner, lessee or occupier, not being livestock, meat or meat products, offered or exposed by him for sale, barter or exchange, or to any person in respect of such produce offered or exposed by him for sale, barter or exchange on behalf of the grower or producer thereof;

(c) to any person in respect of the sale of firewood;

(d) to any Bantu in respect of the sale on land which is a released area or a scheduled Bantu area within the meaning of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), of goods, wares, produce or merchandise produced or grown or manufactured at the place or on the land where he resides if such sale may lawfully be effected without a licence from the receiver of revenue or local authority concerned;

(e) to any person in respect of any trade or business carried on by him in accordance with the provisions of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), on land held by or in trust for the South African Bantu Trust or a Bantu;

(f) to any nominee of any employer referred to in section 100*bis* (1) (e) of the Liquor Act, 1928 (Act No. 30 of 1928), in respect of the sale of liquor, Bantu beer and aerated and mineral waters under any authority granted or renewed in terms of that section;

(g) to any social, sporting or recreation club in respect of its supply to its members of liquor or of commodities which can be so supplied without a licence under the Licences Act, 1962 (Act No. 44 of 1962);

(h) to any person in the employ or acting under the auspices of any social, sporting or recreation club, in respect of the sale of golf equipment to the members of such club;

(i) to any holder of mining title in respect of any boots or working clothing suitable for work underground and supplied by him to any of his employees;

(j) to any person in respect of the sale of waste rock, whether crushed or not;

(k) in connection with the sale, subject to and in accordance with the provisions of the Bantu Beer Act, 1962 (Act No. 63 of 1962), of Bantu beer;

(l) in connection with any trade or business on property of the South African Railways and Harbours Administration; or

(m) in connection with the sale of any periodical or other publication of special interest to employers and employees in the mining industry.

(4) Any person who contravenes any provision of subsection (1) or (2) shall be guilty of an offence and liable—

(a) on a first conviction to a fine not exceeding one hundred rand; and

(b) on a second or subsequent conviction to a fine not exceeding five hundred rand or imprisonment for a period not exceeding six months.

nie behalwe op 'n standplaas vir nywerheidsdoeleindes wat kragtens daardie artikel of 'n ooreenstemmende bepaling van 'n vorige wet toegeken is en ooreenkomstig die bepalings van die standplaaslisensie of standplaastoekening wat op daardie standplaas betrekking het.

(3) Die bepalings van subartikels (1) en (2) is nie van toepassing nie—

(a) in verband met grond—

- (i) wat kragtens 'n mynkonsessie gehou word;
- (ii) wat in 'n wettiglik gestigte dorp geleë is;
- (iii) wat 'n woongebied uitmaak wat wettiglik vir kleurlinge of Bantoes deur 'n plaaslik owerheid gestig is;
- (iv) in die provinsie die Kaap die Goeie Hoop of Natal wat gehou word kragtens myntitel voor die inwerkingtreding van hierdie Wet verkry en waarvan die eiendomsreg nie by die Staat berus nie of wat (indien die eiendomsreg by die Staat berus) deur 'n huurder gehou word;
- (v) in die provinsie Oranje-Vrystaat wat ongeproklameerde grond is wat by die inwerkingtreding van hierdie Wet kragtens myntitel gehou word;

(b) op enigiemand ten opsigte van die produkte van grond waarvan hy die eienaar, huurder of okkupeerder is, behalwe lewende hawe, vleis of vleisprodukte, wat hy vir verkoop of ruil aanbied of uitstal, of op enigiemand ten opsigte van sodanige produkte wat hy namens die kweker of produsent daarvan vir verkoop of ruil aanbied of uitstal;

(c) op enigiemand ten opsigte van die verkoop van vuurmaakhout;

(d) op 'n Bantoe ten opsigte van die verkoop op grond wat 'n oopgestelde gebied of 'n afgesonderde Bantoegebied binne die bedoeling van die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936), is van goedere, ware, produkte of handelware geproduseer of gekweek of vervaardig by die plek of op die grond waar hy woon, indien die verkoping wettiglik sonder 'n lisensie van die betrokke ontvanger van inkomste of plaaslike owerheid kan geskied;

(e) op enigiemand ten opsigte van enige handel of besigheid deur hom ooreenkomstig die bepalings van die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936), gedryf op grond wat deur of in trust vir die Suid-Afrikaanse Bantoe-trust of 'n Bantoe gehou word;

(f) op 'n benoemde van 'n in artikel 100*bis* (1) (e) van die Drankwet, 1928 (wet No. 30 van 1928), bedoelde werkgewer, ten opsigte van die verkoop van drank, Bantoe-bier en spuit- en mineraalwaters ingevolge magtiging kragtens daardie artikel toegestaan of hernieu;

(g) op 'n sosiale, sport- of ontspanningsklub ten opsigte van die verskaffing deur so 'n klub aan sy lede van drank of van ware wat sonder 'n lisensie kragtens die Wet op Lisensies, 1962 (Wet No. 44 van 1962), aldus verskaf kan word;

(h) op enigiemand in diens of handelend onder die beskerming van 'n sosiale, sport- of ontspanningsklub, ten opsigte van die verkoop van gholftoerusting aan die lede van daardie klub;

(i) op 'n houer van myntitel ten opsigte van stewels of werksklere wat vir ondergrondse werk geskik is en deur hom aan enige van sy werknemers voorsien word;

(j) op enigiemand ten opsigte van die verkoop van afvalrots, hetsy dit vergruis is al dan nie;

(k) in verband met die verkoop, behoudens en ooreenkomstig die bepalings van die Wet op Bantoe-bier, 1962 (Wet No. 63 van 1962), van Bantoe-bier;

(l) in verband met enige handel of besigheid op eiendom van die Suid-Afrikaanse Spoorweg- en Hawe-administrasie; of

(m) in verband met die verkoop van enige tydskrif of ander publikasie van spesiale belang vir werkgewers en werknemers in die mynbedryf.

(4) Iemand wat 'n bepaling van subartikel (1) of (2) oortree, is aan 'n misdryf skuldig en strafbaar—

(a) by 'n eerste skuldigbevinding, met 'n boete van hoogstens honderd rand; en

(b) by 'n tweede of daaropvolgende skuldigbevinding, met 'n boete van hoogstens vyfhonderd rand of gevangenisstraf vir 'n tydperk van hoogstens ses maande.

Prohibition of hawking or peddling on proclaimed land.

140. (1) Notwithstanding anything in this Act or any other law contained, no person shall, on proclaimed land or land held under mining title and not situated in a lawfully established township, carry on the trade or business of a hawker or pedlar.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to the penalties prescribed in respect of an offence under section 139.

Provisions relating to licences issued under Act 19 of 1917.

141. The Sale of Agricultural Produce on certain Mines Act, 1917, shall, notwithstanding its repeal by section 188 of this Act, continue to apply to any holder of a licence issued under that Act or renewed under this section in connection with the sale of agricultural produce under the authority of such licence, and any such licence may be renewed or revoked and cancelled as if that Act had not been repealed.

Penalty for inducing persons to buy from particular licence holders, etc.

142. Any person who brings undue pressure to bear upon any person to purchase goods solely from one particular holder of a trading licence or to become a member of any mine social or recreation club or to subscribe to the funds of any distributing society or any co-operative society registered under the law relating to co-operative societies and companies, operating upon proclaimed land or land held under mining title, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or imprisonment for a period not exceeding six months.

CHAPTER XVI.

DEALING IN UNWROUGHT PRECIOUS METAL.

Prohibitions relating to dealing in or possession of unwrought precious metal.

143. (1) Save as is otherwise provided in this Act, no person shall buy, sell, deal in, receive or dispose of by way of barter, pledge or otherwise, either as principal or as agent, any unwrought precious metal, unless—

- (a) he is the holder of a recovery works licence and concludes the transaction in accordance with the terms of his licence; or
- (b) he is a banker within the Republic; or
- (c) such unwrought precious metal has been won by him or his servants acting on his behalf from land on which he is lawfully entitled to prospect or mine for precious metals; or
- (d) he has obtained a certificate from the mining commissioner authorizing him to be in possession or to dispose of such unwrought precious metal and such unwrought precious metal does not exceed five ounces (Troy weight) in quantity; or
- (e) such unwrought precious metal is required for scientific purposes or in connection with any trade, industry or profession, and the person in possession thereof, not being a jeweller, has purchased such unwrought precious metal under the authority of and in accordance with a permit issued by the Commissioner of the South African Police or any person designated by him.

(2) No certificate contemplated in subsection (1) (d) shall be issued to any person except in consultation with the Commissioner of the South African Police or a person designated by him.

(3) No person shall have in his possession any unwrought precious metal unless—

- (a) he is a person exempted under subsection (1); or
- (b) he holds a jeweller's permit; or
- (c) he is in possession of such metal in fulfilment of a contract of service with any such exempted person or holder of a jeweller's permit; or
- (d) he has come into possession of such metal in a lawful manner.

(4) No person shall buy, sell, deal in or receive by way of barter, pledge or otherwise, either as principal or as agent, any unwrought precious metal between sunset and sunrise or on a Sunday or any public holiday mentioned in the First Schedule to the Public Holidays Act, 1952 (Act No. 5 of 1952).

140. (1) Ondanks enigiets in hierdie Wet of 'n ander wet vervat, mag niemand op geproklameerde grond of grond kragtens myntitel gehou wat nie in 'n wettiglik gestigte dorp geleë is nie, as 'n marskramer of venter handel of besigheid dryf nie.

(2) Iemand wat die bepalings van hierdie artikel oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe ten opsigte van 'n misdryf ingevolge artikel 139 voorgeskryf.

Verbod op besigheid van marskramer of venter op geproklameerde grond.

141. Die „Verkoop van Landbouvoortbrengselen op zekere Mijnen Wet, 1917” bly, ondanks die herroeping daarvan by artikel 188 van hierdie Wet, van toepassing op enige houer van 'n lisensie wat kragtens daardie Wet uitgereik of kragtens hierdie artikel hernieu is in verband met die verkoop van landbouprodukte ingevolge magtiging deur so 'n lisensie verleen, en so 'n lisensie kan hiernieu of ingetrek en gekanselleer word asof daardie Wet nie herroep is nie.

Bepalings betreffende lisensies uitgereik kragtens Wet 19 van 1917.

142. Iemand wat onbehoorlike druk op enige persoon uitoefen om goedere slegs van een bepaalde houer van 'n handelslisensie te koop of om lid van 'n sosiale of ontspanningsklub van 'n myn te word of om by te dra tot die fondse van 'n verspreiders-vereniging of 'n koöperatiewe vereniging geregistreer ingevolge die wetsbepalings op koöperatiewe verenigings en maatskappye, wat sake doen op geproklameerde grond of grond kragtens myntitel gehou, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of gevangenisstraf vir 'n tydperk van hoogstens ses maande.

Straf op oorhaal van persone om van bepaalde lisensiehouders, ens., te koop.

HOOFSTUK XVI.

HANDEL IN ONBEWERKTE EDELMETAAL.

143. (1) Behalwe vir sover hierdie Wet anders bepaal, mag niemand, hetsy as prinsipaal of as agent, onbewerkte edelmetaal koop, verkoop of in verband daarmee sake doen of dit ontvang of by wyse van ruil, pand of andersins daarvoor beskik nie, tensy—

Verbodsbepalings betreffende transaksies in verband met en besit van onbewerkte edelmetaal.

- (a) hy die houer van 'n herwinningslisensie is en die transaksie ooreenkomstig die voorwaardes van sy lisensie afhandel; of
- (b) hy 'n bankier in die Republiek is; of
- (c) bedoelde onbewerkte edelmetaal deur hom, of sy dienaars wat namens hom handel, uit grond gewin is waarop hy wettiglik geregtig is om na edelmetale te prospekteeer of daarvoor te myn; of
- (d) hy 'n sertifikaat van die mynkommissaris verkry het waarby hy gemagtig word om bedoelde onbewerkte edelmetaal te besit of daarvoor te beskik en bedoelde onbewerkte edelmetaal nie vyf onse (troygewig) in hoeveelheid te bowe gaan nie; of
- (e) bedoelde onbewerkte edelmetaal vir wetenskaplike doeleindes of in verband met enige ambag, nywerheid of beroep benodig is, en die persoon wat in besit daarvan is (indien hy nie 'n juwelier is nie) bedoelde onbewerkte edelmetaal gekoop het ingevolge magtiging verleen by en ooreenkomstig 'n permit uitgereik deur die Kommissaris van die Suid-Afrikaanse Polisie of iemand deur hom aangewys.

(2) Geen in subartikel (1) (d) beoogde sertifikaat word aan enigiemand uitgereik nie, behalwe in oorleg met die Kommissaris van die Suid-Afrikaanse Polisie of iemand deur hom aangewys.

(3) Niemand mag onbewerkte edelmetaal in sy besit hê nie, tensy—

- (a) hy 'n by subartikel (1) vrygestelde persoon is; of
- (b) hy 'n juwelierspermit besit; of
- (c) hy in besit van bedoelde metaal is by die uitvoering van 'n dienskontrak met so 'n vrygestelde persoon of houer van 'n juwelierspermit; of
- (d) hy op wettige wyse in besit van bedoelde metaal gekom het.

(4) Niemand mag, hetsy as prinsipaal of as agent, tussen sonder en sonop of op 'n Sondag of 'n openbare feesdag genoem in die Eerste Bylae by die Wet op Openbare Feesdae, 1952 (Wet No. 5 van 1952), onbewerkte edelmetaal koop, verkoop of in verband daarmee sake doen of dit by wyse van ruil, pand of andersins ontvang nie.

(5) No person shall deliver or cause to be delivered unwrought precious metal in payment of any debt due from him or any other person or in consideration of any service rendered or to be rendered to him or any other person.

Issue and renewal
of recovery
works licences.

144. (1) The receiver of revenue in any magisterial district may, with the written approval of the Commissioner of the South African Police, and subject to the provisions of this section, issue to any person, in the form prescribed by regulation, a recovery works licence for such district entitling the holder to do all or any of the following, as may be specified in the licence, namely—

- (a) to buy or receive unwrought precious metal in any form from the South African Mint or any manufacturing jeweller, dentist or engraver or any other person or class of persons approved by the Treasury;
- (b) to refine or change the form of unwrought precious metal in his lawful possession and thereafter to dispose of such metal—
 - (i) to the South African Mint or any banker; or
 - (ii) to any person or class of persons approved by the Treasury;
- (c) to extract precious metal from any material, substance or solution in his lawful possession and to dispose of such metal in accordance with the terms of his licence or the provisions of this Chapter;
- (d) to extract silver from any solution in his lawful possession;
- (e) to extract precious metal from tailings, slimes, waste rock or other mine residues in respect of which (if the residues are located on proclaimed land) he holds a permit under section 161, and to dispose of such metal in accordance with the provisions of this Chapter;
- (f) to buy or receive from any person exempted under section 143 (1) (a), (b) or (c) any material, substance or solution in the lawful possession of that person containing precious metal, and to extract such metal and dispose thereof in accordance with the provisions of this Chapter.

(2) Any person who is refused a recovery works licence may, notwithstanding the provisions of subsection (1), within fourteen days after having been notified by the receiver of revenue concerned of the refusal, appeal to the Minister who may dismiss the appeal or direct the receiver of revenue to issue to such person, subject to the succeeding provisions of this section, such licence for the district concerned.

(3) There shall be paid to the receiver of revenue in respect of every recovery works licence a fee of fifty rand if the licence is issued for a year, or sixteen rand if it is issued for a quarter of a year.

(4) Any such licence shall, if issued for a year, expire on the thirty-first day of December of the year in respect of which it is issued, and any such licence issued for quarter of a year shall expire on the first ensuing thirty-first day of March, thirtieth day of June, thirtieth day of September or thirty-first day of December, depending on the quarter during which it is issued,

(5) No holder of such a licence shall carry on any activity authorized by the licence elsewhere than on the premises or at the place described on the licence or in any endorsement thereof in terms of subsection (6), and no such holder shall be in possession of unwrought precious metal (not being silver) at any place elsewhere than on the premises or at the place so described unless he holds in respect of such metal a transport permit referred to in section 147.

(6) If at any time it becomes necessary for any holder of such a licence to transfer or extend the activities referred to in subsection (5) to any premises or place not described on his licence within the magisterial district, the receiver of revenue concerned shall endorse on the licence the situation of such new or additional premises or place and shall forthwith in writing notify the Commissioner of the South African Police of the endorsement.

(7) (a) Any such licence may upon payment of the fee prescribed by subsection (3) and with the written approval of the Commissioner of the South African Police, be renewed by the receiver of revenue for a calendar year or a quarter of a year, provided application for such renewal is made at least thirty days before the expiration of the licence.

(5) Niemand mag onbewerkte edelmetaal ter betaling van enige deur hom of iemand anders betaalbare skuld of as teenprestasie vir enige diens wat aan hom of iemand anders gelewer is of staan te word, aflewer of laat aflewer nie.

144. (1) Die ontvanger van inkomste in enige landdrosdistrik kan, met die skriftelike goedkeuring van die Kommissaris van die Suid-Afrikaanse Polisie, en behoudens die bepalings van hierdie artikel, aan enigiemand 'n herwinningslisensie vir bedoelde distrik in die by regulasie voorgeskrewe vorm uitreik wat die houër daarvan geregtig maak om enige van of al die volgende, na gelang in die lisensie gespesifiseer word, te doen, naamlik—

Uitreiking en
hernuwing van
herwinnings-
lisensies.

- (a) om onbewerkte edelmetaal in enige vorm van die Suid-Afrikaanse Munt of 'n juwelier-vervaardiger, tandarts of graveur of 'n ander persoon of klas persone deur die Tesourie goedgekeur, te koop of te ontvang;
- (b) om onbewerkte edelmetaal in sy wettige besit te affineer of die vorm daarvan te verander en bedoelde metaal daarna van die hand te sit—
 - (i) aan die Suid-Afrikaanse Munt of 'n bankier; of
 - (ii) aan 'n persoon of klas persone deur die Tesourie goedgekeur;
- (c) om edelmetaal uit enige materiaal, stof of oplossing in sy wettige besit te herwin en om bedoelde metaal ooreenkomstig die bedinge van sy lisensie of die bepalings van hierdie Hoofstuk van die hand te sit;
- (d) om silwer uit 'n oplossing in sy wettige besit te herwin;
- (e) om edelmetaal uit uitskot, slyk, afvalrots of ander mynresidu ten opsigte waarvan hy (indien die residu op geproklameerde grond geleë is) 'n permit ingevolge artikel 161 besit, te herwin en om bedoelde metaal ooreenkomstig die bepalings van hierdie Hoofstuk van die hand te sit;
- (f) om van enigiemand wat ingevolge artikel 143 (1) (a), (b) of (c) vrygestel is, enige materiaal, stof of oplossing in so iemand se wettige besit, wat edelmetaal bevat, te koop of te ontvang, en om bedoelde metaal te ekstraheer en ooreenkomstig die bepalings van hierdie Hoofstuk van die hand te sit.

(2) Enige persoon aan wie 'n herwinningslisensie geweier word, kan, ondanks die bepalings van subartikel (1), binne veertien dae nadat hy deur die betrokke ontvanger van inkomste van die weiering in kennis gestel is, appèl aanteken by die Minister wat die appèl van die hand kan wys of die ontvanger van inkomste kan gelas om, onderworpe aan onderstaande bepalings van hierdie artikel, so 'n lisensie vir die betrokke distrik aan bedoelde persoon uit te reik.

(3) Daar is ten opsigte van elke herwinningslisensie aan die ontvanger van inkomste 'n bedrag van vyftig rand betaalbaar indien die lisensie vir 'n jaar uitgereik word of sestien rand indien dit vir 'n kwartaar uitgereik word.

(4) So 'n lisensie verstryk, indien dit vir 'n jaar uitgereik word, op die een-en-dertigste dag van Desember van die jaar ten opsigte waarvan dit uitgereik word, en so 'n lisensie wat vir 'n kwartaar uitgereik word, verstryk op die eersvolgende een-en-dertigste dag van Maart, dertigste dag van Junie, dertigste dag van September of een-en-dertigste dag van Desember, na gelang van die kwartaal waartydens dit uitgereik word.

(5) Geen houër van so 'n lisensie mag elders as op die perseel of by die plek wat in die lisensie of in enige endossement daarvan ingevolge subartikel (6) beskryf word, enige deur die lisensie gemagtigde bedrywigheid voortsit nie, en geen sodanige houër mag elders as op die perseel of by die plek aldus beskryf, in besit van onbewerkte edelmetaal (behalwe silwer) wees nie, tensy hy ten opsigte van daardie metaal 'n in artikel 147 bedoelde vervoerpermit besit.

(6) Indien dit te eniger tyd vir 'n houër van so 'n lisensie nodig word om die in subartikel (5) bedoelde bedrywigheede na 'n perseel of plek binne die landdrosdistrik wat nie op sy lisensie beskryf is nie, oor te plaas of uit te brei, moet die betrokke ontvanger van inkomste die ligging van bedoelde nuwe of bykomende perseel of plek op die lisensie endosseer en die Kommissaris van die Suid-Afrikaanse Polisie onverwyld skriftelik van die endossement in kennis stel.

- (7) (a) So 'n lisensie kan by betaling van die by subartikel (3) voorgeskrewe bedrag en met die skriftelike goedkeuring van die Kommissaris van die Suid-Afrikaanse Polisie, deur die ontvanger van inkomste vir 'n kalenderjaar of 'n kwartaar hernieu word, mits aansoek om so 'n hernuwing minstens dertig dae voor die verstryking van die lisensie gedoen word.

(b) The provisions of subsection (2) shall apply in connection with the refusal by the receiver of revenue of any application under paragraph (a).

(8) Whenever—

(a) any application under subsection (7) for the renewal of a recovery works licence is refused by the receiver of revenue and no appeal against such refusal is lodged with the Minister or any appeal so lodged is dismissed; or

(b) any such licence has expired and no application for its renewal has been made by the holder thereof; or

(c) any such licence has been cancelled under the provisions of this Act; or

(d) the activities authorized by such licence are discontinued permanently,

the person who held the licence shall forthwith submit to the officer of the South African Police in charge of the police district a solemn declaration of the quantity of unwrought precious metal in his possession at the date such licence expired or was refused or cancelled or such activities were discontinued, and dispose of such precious metal in accordance with the provisions of this Chapter within fourteen days after the date of such declaration or within such longer period as the said officer may allow.

(9) Any licence issued under section 107 of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908), of the Transvaal, or of that Act as applied to the province of the Orange Free State by the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936), and current at the commencement of this Act, shall for all purposes be deemed to be a licence issued under this section.

(10) (a) Every holder of a licence referred to in subsection (9) shall within fourteen days after having been requested in writing by the receiver of revenue concerned to do so, forward such licence to such receiver together with particulars of the situation of the premises or place on or at which he is at the time carrying on the activities authorized by the licence, and such receiver shall endorse the said particulars on the licence.

(b) Failure by such holder to comply with any request under paragraph (a) shall render such licence liable to cancellation by the receiver of revenue.

**Issue and renewal
of jewellers'
permits.**

145. (1) No person, other than a person referred to in section 143 (1) (a), (b), (c) or (e), shall make up, smelt or change the form of any precious metal, whether wrought or unwrought, unless he is the holder of a jeweller's permit, and no holder of such a permit shall during any one day make up, smelt or change the form of any material containing more than four ounces (Troy weight) of precious metal (not being silver), whether wrought or unwrought, without the authority in writing of the officer of the South African Police in charge of the police district.

(2) A jeweller's permit in the form prescribed by regulation may, with the written approval of the Commissioner of the South African Police and subject to the succeeding provisions of this section, be obtained in respect of any magisterial district by any person from the receiver of revenue for such district: Provided that a Bantu may obtain such a permit only in respect of any part of such district which is a released area or a scheduled Bantu area within the meaning of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936).

(3) The fee for a jeweller's permit shall be ten rand.

(4) A jeweller's permit shall expire on the thirty-first day of December of the year in respect of which it is issued and the provisions of section 144 (2), (5) and (6) shall *mutatis mutandis* apply in connection with the issue of any such permit and to any holder of such a permit.

(5) A jeweller's permit shall not entitle the holder thereof to purchase or otherwise obtain unwrought precious metal except from a banker or the South African Mint or a person approved by the Treasury.

(6) The holder of a jeweller's permit shall keep a register in Afrikaans or English in the form prescribed by regulation and make therein such entries as are required according to that form immediately—

(a) on receipt by such holder of unwrought precious metal;

(b) after the end of every day on which articles of precious metal or from material containing precious metal were manufactured by him; or

- (b) Die bepalings van subartikel (2) is van toepassing in verband met die weiering deur die ontvanger van inkomste van 'n aansoek kragtens paragraaf (a).
- (8) Wanneer—
- (a) 'n aansoek ingevolge subartikel (7) om die hernuwing van 'n herwinningslisensie deur die ontvanger van inkomste geweier word en geen appèl teen bedoelde weiering by die Minister ingedien word nie of 'n aldus ingediende appèl van die hand gewys word; of
- (b) so 'n lisensie verstryk het en geen aansoek om die hernuwing daarvan deur die houer daarvan gedoen is nie; of
- (c) so 'n lisensie kragtens die bepalings van hierdie Wet ingetrek is; of
- (d) die deur bedoelde lisensie gemagtigde bedrywighede permanent gestaak word,

moet die persoon wat die lisensie besit het onverwyld 'n plegtige verklaring van die hoeveelheid onbewerkte edelmetaal wat in sy besit was op die datum waarop bedoelde lisensie verstryk het of geweier of ingetrek is of bedoelde bedrywighede gestaak is, by die offisier van die Suid-Afrikaanse Polisie in bevel van die polisie-distrik indien, en daardie edelmetaal binne veertien dae na die datum van bedoelde verklaring of binne die langer tydperk wat genoemde offisier toelaat, ooreenkomstig die bepalings van hierdie Hoofstuk van die hand sit.

(9) 'n Lisensie uitgereik kragtens artikel 107 van die „Precious and Base Metals Act, 1908” (Wet No. 35 van 1908), van Transvaal, of van daardie Wet soos by die Oranje-Vrystaatse Metaalmyn Wet, 1936 (Wet No. 13 van 1936), op die provinsie Oranje-Vrystaat toegepas, wat by die inwerkingtrede van hierdie Wet gangbaar is, word vir alle doeleindes geag 'n lisensie te wees wat kragtens hierdie artikel uitgereik is.

- (10) (a) Elke houer van 'n in subartikel (9) bedoelde lisensie moet binne veertien dae nadat hy skriftelik deur die betrokke ontvanger van inkomste daartoe versoek is, bedoelde lisensie saam met besonderhede van die ligging van die perseel of plek waarop of waar hy dan die deur die lisensie gemagtigde bedrywighede voortsit aan daardie ontvanger stuur, en bedoelde ontvanger moet gemelde besonderhede op die lisensie endosseer.
- (b) By versuim deur so 'n houer om aan 'n versoek ingevolge paragraaf (a) te voldoen, kan bedoelde lisensie deur die ontvanger van inkomste ingetrek word.

145. (1) Niemand anders as 'n in artikel 143 (1) (a), (b), (c) of (e) bedoelde persoon mag edelmetaal, hetsy bewerk of onbewerk, opmaak of smelt of die vorm daarvan verander nie, tensy hy die houer van 'n juwelierspermit is, en geen houer van so 'n permit mag sonder die skriftelike magtiging van die offisier van die Suid-Afrikaanse Polisie in bevel van die polisie-distrik, gedurende 'n enkele dag enige materiaal wat meer as vier onse (troygewig) bewerkte of onbewerkte edelmetaal (behalwe silwer) bevat, opmaak of smelt of die vorm daarvan verander nie.

(2) 'n Juwelierspermit in die by regulasie voorgeskrewe vorm kan, met die skriftelike goedkeuring van die Kommissaris van die Suid-Afrikaanse Polisie en onderworpe aan onderstaande bepalings van hierdie artikel, deur enigiemand ten opsigte van enige landdrosdistrik van die ontvanger van inkomste vir daardie distrik verkry word: Met dien verstande dat 'n Bantoe so 'n permit slegs kan verkry ten opsigte van enige gedeelte van bedoelde distrik wat 'n oopgestelde gebied of 'n afgesonderde Bantoegebied binne die bedoeling van die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936), is.

(3) Die gelde vir 'n juwelierspermit is tien rand.

(4) 'n Juwelierspermit verstryk op die een-en-dertigste dag van Desember van die jaar ten opsigte waarvan dit uitgereik word en die bepalings van artikel 144 (2), (5) en (6) is *mutatis mutandis* van toepassing in verband met die uitreiking van so 'n permit en op enige houer van so 'n permit.

(5) 'n Juwelierspermit verleen nie aan die houer daarvan die reg om onbewerkte edelmetaal van iemand anders as 'n bankier of die Suid-Afrikaanse Munt of 'n deur die Tesourie goedgekeurde persoon te koop of op ander wyse te verkry nie.

(6) Die houer van 'n juwelierspermit moet 'n register in Afrikaans of Engels in die by regulasie voorgeskrewe vorm hou en moet—

- (a) by ontvangs deur bedoelde houer van onbewerkte edelmetaal;
- (b) na die einde van elke dag waarop artikels deur hom van edelmetaal of edelmetaal-bevattende materiaal vervaardig is; of

Uitreiking en
hernuwing van
juwelierspermitte.

(c) after smelting by him of any jewellery or article containing precious metal.

(7) Every holder of a jeweller's permit shall on or before the tenth day of each month transmit to the officer of the South African Police referred to in subsection (1) a true copy in duplicate of such register for the last preceding month together with a solemn declaration of the correctness thereof, and shall produce and exhibit such register whenever requested to do so by any member of a police force duly established by law holding a rank of or above the rank of sergeant.

(8) The provisions of subsections (6) and (7) shall not apply to the holder of a jeweller's permit in respect of silver acquired or used by him.

(9) A jeweller's permit may upon payment of the fee prescribed in subsection (3), and with the written approval of the Commissioner of the South African Police, be renewed by the receiver of revenue for a calendar year provided application for such renewal is made at least thirty days before the expiration of such permit.

(10) The provisions of section 144 (2) and (8) shall *mutatis mutandis* apply in the event of any application for the renewal of a jeweller's permit being refused by the receiver of revenue, and the provisions of section 144 (8) shall so apply whenever any such permit has expired and no application for its renewal has been made, or has been cancelled under the provisions of this Act or whenever the activities authorized by the permit are discontinued permanently.

(11) Any licence issued under section 136 of the Natal Mines Act, 1899 (Act No. 43 of 1899), of Natal, or jeweller's permit issued under a prior law and current at the commencement of this Act shall for all purposes be deemed to be a jeweller's permit issued under this section, and the provisions of section 144 (10) of this Act shall *mutatis mutandis* apply in connection with any such licence or permit deemed to be a jeweller's permit issued under this section and to the holder thereof.

Certain provisions to apply to holders of certain permits.

146. The provisions of section 145 (6) and (7) shall *mutatis mutandis* apply to holders of permits referred to in section 143 (1) (e): Provided that the Commissioner of the South African Police may exempt any person or class of persons from the said provisions as applied by this section.

Permit to transport unwrought precious metal.

147. (1) No person shall transport or in any manner convey any unwrought precious metal (not being silver) outside the boundaries of any mine, works or other property or place in which such metal is located, except under the authority of a permit issued by the officer of the South African Police in charge of the police district from or in which such metal is transported or conveyed, or by a person designated by such officer: Provided that such a permit shall not be required for the transport or conveyance of any unwrought precious metal in respect of which a certificate under section 143 (1) (d) or a permit under section 143 (1) (e) has been issued.

(2) A permit for the transport or conveyance of unwrought precious metal shall be in the form prescribed by regulation and may be issued subject to such special conditions as the officer of the South African Police referred to in subsection (1) may deem fit.

Banker entitled to buy unwrought precious metal in any form.

148. (1) A banker shall be entitled to buy unwrought precious metal in any form from any person on production by such person of a permit in the form prescribed by regulation authorizing the sale of such metal or of a certificate issued to such person in terms of section 143 (1) (d) in respect of such precious metal: Provided that no such permit or certificate shall be required in respect of unwrought precious metal in bar, ingot, button or other form identifiable by a specific mark cast or die-stamped on each bar, ingot, button or other form, if such mark has been registered in the office of the mining commissioner and written particulars thereof have been furnished to such banker by the mining commissioner.

(2) Any permit required under subsection (1) may be obtained—

(a) in the case of unwrought precious metal in the lawful possession of any person exempted under section 143 (1) (c) or of the holder of a recovery works licence

(c) nadat hy enige edelmetaal-bevattende juweliersware of artikel gesmelt het, onmiddellik die aantekening daarin maak wat volgens daardie vorm vereis word.

(7) Elke houër van 'n juwelierspermit moet op of voor die tiende dag van elke maand aan die in subartikel (1) bedoelde offisier van die Suid-Afrikaanse Polisie 'n juiste afskrif in tweevoud van bedoelde register vir die jongste voorafgaande maand stuur, tesame met 'n plegtige verklaring wat die juistheid daarvan bevestig, en moet, wanneer hy deur 'n lid van 'n behoorlik by wet ingestelde polisiemag met die rang van sersant of 'n hoër rang daartoe versoek word, bedoelde register oorlê en vertoon.

(8) Die bepalinge van sub-artikels (6) en (7) is nie op die houër van 'n juwelierspermit ten opsigte van silwer deur hom bekom of gebruik van toepassing nie.

(9) 'n Juwelierspermit kan by betaling van die by subartikel (3) voorgeskrewe gelde en met die skriftelike goedkeuring van die Kommissaris van die Suid-Afrikaanse Polisie, deur die ontvanger van inkomste vir 'n kalenderjaar hernieu word, mits aansoek om sodanige hernuwing minstens dertig dae voor die verstryking van bedoelde permit gedoen word.

(10) Die bepalinge van artikel 144 (2) en (8) is *mutatis mutandis* van toepassing in geval van die weiering deur die ontvanger van inkomste van enige aansoek om die hernuwing van 'n juwelierspermit, en die bepalinge van artikel 144 (8) is aldus van toepassing wanneer so 'n permit verstryk het en geen aansoek om die hernuwing daarvan gedoen is nie of wanneer dit ingevolge die bepalinge van hierdie Wet ingetrek is of wanneer die daardeur gemagtigde bedrywighede permanent gestaak word.

(11) 'n Lisensie wat kragtens artikel 136 van die „Natal Mines Act, 1899” (Wet No. 43 van 1899), van Natal, of juwelierspermit wat kragtens 'n vorige wet uitgereik en by die inwerking-treding van hierdie Wet gangbaar is, word vir alle doeleindes geag 'n kragtens hierdie artikel uitgereikte juwelierspermit te wees, en die bepalinge van artikel 144 (10) van hierdie Wet is *mutatis mutandis* in verband met so 'n lisensie of permit wat 'n kragtens hierdie artikel uitgereikte juwelierspermit geag word en op die houër daarvan van toepassing.

146. Die bepalinge van artikel 145 (6) en (7) is *mutatis mutandis* van toepassing op houers van permitte in artikel 143 (1) (e) bedoel: Met dien verstande dat die Kommissaris van die Suid-Afrikaanse Polisie enige persoon of klas persone kan vrystel van gemelde bepalinge soos by hierdie artikel toegepas.

Sekere bepalinge van toepassing op houers van sekere permitte.

147. (1) Niemand mag onbewerkte edelmetaal (behalwe silwer) buite die grense van 'n myn, bedryf of ander eiendom of plek waar bedoelde metaal is, vervoer of op enige wyse oorbring nie, behalwe ingevolge magtiging verleen by permit uitgereik deur die offisier van die Suid-Afrikaanse Polisie in bevel van die polisie-distrik vanwaar of waarin bedoelde metaal vervoer of oorgebring word of deur 'n persoon deur bedoelde offisier aangewys: Met dien verstande dat so 'n permit nie nodig is vir die vervoer of oorbring van onbewerkte edelmetaal ten opsigte waarvan 'n sertifikaat kragtens artikel 143 (1) (d) of 'n permit kragtens artikel 143 (1) (e) uitgereik is nie.

Permit om onbewerkte edelmetaal te vervoer.

(2) 'n Permit vir die vervoer of oorbring van onbewerkte edelmetaal moet in die by regulasie voorgeskrewe vorm wees, en kan uitgereik word onderworpe aan die spesiale voorwaardes wat die in subartikel (1) bedoelde offisier van die Suid-Afrikaanse Polisie goedvind.

148. (1) 'n Bankier is geregtig om onbewerkte edelmetaal in enige vorm van enige persoon te koop by oorlegging deur dié persoon van 'n permit in die by regulasie voorgeskrewe vorm waarby die verkoop van bedoelde metaal gemagtig word of van 'n sertifikaat ingevolge artikel 143 (1) (d) aan daardie persoon ten opsigte van bedoelde edelmetaal uitgereik: Met dien verstande dat so 'n permit of sertifikaat nie nodig is nie ten opsigte van onbewerkte edelmetaal in staaf-, gietblok-, knoop- of ander vorm wat uitgeken kan word deur 'n spesifieke merk wat op elke staaf, gietblok, knoop of ander vorm gegiet of gestempel is, indien daardie merk in die kantoor van die myn-kommissaris geregistreer is en skriftelike besonderhede daarvan deur die mynkommissaris aan bedoelde bankier verstrek is.

Bankier geregtig om onbewerkte edelmetaal in enige vorm te koop.

(2) Enige ingevolge subartikel (1) vereiste permit kan verkry word—

(a) in die geval van onbewerkte edelmetaal in die wettige besit van 'n kragtens artikel 143 (1) (c) vrygestelde persoon of van die houër van 'n herwinninglisensie

authorizing the activities referred to in section 144 (1) (e), from the mining commissioner;

(b) in the case of unwrought precious metal in the lawful possession of any other person, from the officer of the South African Police in charge of the police district or a person designated by him.

(3) Where a transaction takes place between a banker and the holder of a permit or certificate referred to in subsection (1) of this section, such permit or certificate and, if the transaction does not relate to silver only, the permit issued to such holder under section 147 shall be retained by the banker.

Register of transactions to be kept by persons dealing in unwrought precious metal.

149. (1) Every holder of a recovery works licence and every banker and every person who receives or deposits for safe-keeping or despatch unwrought precious metal shall keep a true and correct register in Afrikaans or English in the form prescribed by regulation of all unwrought precious metal deposited with or received or despatched or otherwise disposed of by him, and shall enter or cause to be entered in such register immediately after each such transaction—

- (a) the date of the transaction;
- (b) the names and addresses of the parties to the transaction;
- (c) the nature and weight of the material or the weight of the precious metal which is the subject of the transaction;
- (d) the price (if any) received or paid.

(2) The provisions of subsection (1) shall not apply—

- (a) to the holder of any such licence obtained by him in connection with the treatment of any residues in respect of which he holds a permit issued under section 161; or
- (b) to any holder of a jeweller's permit who is required to keep a register as provided in section 145 (6).

(3) Every person required by this section to keep a register shall on or before the fifteenth day of each month transmit or deliver to the officer of the South African Police in charge of the police district a true copy in duplicate of such register for the last preceding month, together with a solemn declaration of the correctness thereof, and shall produce and exhibit such register whenever requested to do so by any member of a police force duly established by law holding a rank of or above the rank of sergeant.

Powers of police to search for unwrought precious metal.

150. Any member of a police force duly established by law in charge of any investigation in connection with suspected unlawful traffic in unwrought precious metal may—

- (a) at all times enter upon and examine and search any place or works for the reception of unwrought precious metal, stop and search and examine every vehicle (or any part thereof) conveying or suspected to be conveying unwrought precious metal, and—
 - (i) seal, mark or otherwise secure any package or container found in such place, works or vehicle;
 - (ii) take an account of all unwrought precious metal found in such place, works or vehicle and, if he thinks fit, take such unwrought precious metal into custody;
- (b) force access to or open any place, works, vehicle, package or container which is locked if the keys thereof are not produced upon his demand;
- (c) search any person whom he has reason to believe has unwrought precious metal secreted about his person or in his possession: Provided that a female shall not be searched by any person other than a female;
- (d) board, search and freely remain on any train or vessel, or board and search any aircraft on which unwrought precious metal is being conveyed or on which such metal is suspected to be conveyed.

Powers of police concerning parcels and packages containing unwrought precious metal transmitted by post.

151. (1) Notwithstanding anything in any other law contained, it shall be lawful for any member of the South African Police in charge of any investigation in connection with suspected unlawful traffic in unwrought precious metal, to stop or cause to be stopped either during transit or otherwise any parcel or package which is being or has been transmitted through the post if he has reason to believe that such parcel or package contains unwrought precious metal.

wat die in artikel 144 (1) (e) bedoelde bedrywighede magtig, van die mynkommissaris;

- (b) in die geval van onbewerkte edelmetaal in die wettige besit van enige ander persoon, van die offisier van die Suid-Afrikaanse Polisie in bevel van die polisie-distrik of iemand deur hom aangewys.

(3) Wanneer 'n transaksie tussen 'n bankier en die houer van 'n in subartikel (1) van hierdie artikel bedoelde permit of sertifikaat plaasvind, moet bedoelde permit of sertifikaat en, indien die transaksie nie slegs op silwer betrekking het nie, die permit wat kragtens artikel 147 aan bedoelde houer uitgereik is, deur die bankier behou word.

149. (1) Elke houer van 'n herwinningslisensie en elke bankier en elke persoon wat onbewerkte edelmetaal vir bewaring of versending ontvang of deponeer, moet 'n ware en juiste register in Afrikaans of Engels in die by regulasie voorgeskrewe vorm hou van alle onbewerkte edelmetaal wat by hom gedeponeer word of wat hy ontvang of versend of waaroor hy op ander wyse beskik, en moet onmiddellik na elke sodanige transaksie, in bedoelde register aanteken of laat aanteken—

- (a) die datum van die transaksie;
(b) die name en adresse van die partye by die transaksie;
(c) die aard en gewig van die materiaal of die gewig van die edelmetaal wat die onderwerp van die transaksie is;
(d) die prys (as daar is) ontvang of betaal.

(2) Die bepalings van subartikel (1) is nie van toepassing nie—

- (a) op die houer van so 'n lisensie wat hy verkry het in verband met die behandeling van enige residu's ten opsigte waarvan hy 'n kragtens artikel 161 uitgereikte permit hou; of
(b) op enige houer van 'n juwelierspermit wat 'n register ooreenkomstig die bepalings van artikel 145 (6) moet hou.

(3) Elke persoon wat ingevolge hierdie artikel 'n register moet hou, moet op of voor die vyftiende dag van elke maand aan die offisier van die Suid-Afrikaanse Polisie in bevel van die polisie-distrik 'n juiste afskrif in tweevoud van bedoelde register vir die jongste voorafgaande maand stuur of lewer, tesame met 'n plegtige verklaring wat die juistheid daarvan bevestig, en moet, wanneer hy deur 'n lid van 'n behoorlik by wet ingestelde polisiemag met die rang van sersant of 'n hoër rang daartoe versoek word, bedoelde register oorlê en vertoon.

150. 'n Lid van 'n behoorlik by wet ingestelde polisiemag wat met 'n ondersoek in verband met vermoedelik onwettige handel in onbewerkte edelmetaal belas is, kan—

- (a) te alle tye 'n plek of bedryf vir die ontvangs van onbewerkte edelmetaal betree, ondersoek en deursoek, elke voertuig wat onbewerkte edelmetaal vervoer of vermoedelik vervoer, aanhou en so 'n voertuig of 'n deel daarvan deursoek en ondersoek, en—
(i) enige pakket of houer wat in so 'n plek, bedryf of voertuig gevind word, verseël, merk of op ander wyse toemaak;
(ii) 'n inventaris maak van alle onbewerkte edelmetaal wat in so 'n plek, bedryf of voertuig gevind word, en sodanige onbewerkte edelmetaal na goëddunke in bewaring neem;
(b) met geweld toegang verkry tot 'n plek, bedryf, voertuig, pakket of houer wat gesluit is of dit oopmaak, indien die sleutels daarvan nie op sy versoek oorhandig word nie;
(c) enigiemand wat, na hy rede het om te vermoed, onbewerkte edelmetaal op sy persoon versteek of in sy besit het, visenteer: Met dien verstande dat 'n vrouspersoon nie deur iemand anders as 'n vrouspersoon gevisenteer mag word nie;
(d) aan boord gaan van en vrylik bly op 'n trein of skip, of aan boord gaan van 'n vliegtuig, waarop onbewerkte edelmetaal vervoer word of waarop sodanige metaal na vermoede vervoer word en dit deursoek.

151. (1) Ondanks andersluidende wetsbepalings is dit wettig vir enige lid van die Suid-Afrikaanse Polisie belas met 'n ondersoek in verband met vermoedelik onwettige handel in onbewerkte edelmetaal, om enige pakket of pakkie wat deur die pos versend word of is, onderweg of andersins aan te hou of te laat aanhou indien hy rede het om te vermoed dat bedoelde pakket of pakkie onbewerkte edelmetaal bevat.

Register van transaksies moet gehou word deur persone wat in onbewerkte edelmetaal sake doen.

Bevoegdheid van polisie om onbewerkte edelmetaal te soek.

Bevoegdheid van polisie met betrekking tot pakkette en pakkies wat onbewerkte edelmetaal bevat en deur die pos versend word.

(2) Where any such parcel or package has been so stopped the member of the South African Police so in charge shall by notice in writing served personally upon the person who has despatched such parcel or package, call upon such person to attend either personally or by an agent duly authorized by that person in writing, at the time and place specified in such notice, for the purpose of being present at the opening and examination of the parcel or package, and shall thereupon on the day and place appointed in such notice open and examine the parcel or package for the purpose of determining its contents.

Powers of mining commissioner and police to enter and to inspect premises.

152. The mining commissioner or any member of a police force duly established by law holding a rank of or above the rank of sergeant shall, notwithstanding the provisions of any law, have power—

- (a) to enter, inspect or examine at all reasonable times by day or by night any jeweller's premises (whether or not the occupier thereof is the holder of a jeweller's permit) and any reduction or smelting works, whether situated on a mine or elsewhere, and any other place or works where he has reason to believe that unwrought precious metal is being unlawfully kept;
- (b) to make such inquiry and examination as he may consider necessary in order to ascertain whether the provisions of this Act relating to unwrought precious metal are being or have been complied with;
- (c) to take samples of any unwrought precious metal that may be stored or lying at any place or works, and to make such other investigations as he may consider necessary.

Offences under this Chapter and penalties therefor.

153. (1) Any person who—

- (a) contravenes the provisions of section 143 (1), (3) or (4);
- (b) contravenes the provisions of section 144 (5) or of the said section 144 (5) as applied to holders of jewellers' permits by section 145 (4);
- (c) contravenes the provisions of section 145 (1) or (5);
- (d) buys unwrought precious metal without having satisfied himself that the vendor thereof is lawfully entitled to sell or dispose of such metal; or
- (e) maliciously places any unwrought precious metal in the possession or on the premises of any other person with intent that such other person shall be convicted under any provision of this Act relating to unwrought precious metal,

shall be guilty of an offence and liable on a first conviction to a fine not exceeding two thousand rand or imprisonment for a period not exceeding three years, or to both such fine and such imprisonment, and on a second or subsequent conviction to a fine not exceeding five thousand rand or imprisonment for a period not exceeding ten years, or to both such fine and such imprisonment, and if any person so convicted is at the time of his conviction the holder of a recovery works licence or a jeweller's permit, he shall forfeit such licence or permit and any right of renewal thereof for such period as the court convicting him may direct.

(2) Any person who—

- (a) contravenes the provisions of section 143 (5);
- (b) contravenes the provisions of section 144 (8) or of the said section 144 (8) as applied by section 145 (10) to holders of jewellers' permits and persons who previously held such permits;
- (c) contravenes the provisions of section 145 (6) or (7) or of section 145 (6) or (7) as applied by section 146 or who fails to comply with any lawful request to produce and exhibit the register required to be kept by him in terms of section 145 (6) or of the said section 145 (6) as so applied;
- (d) contravenes the provisions of section 147 (1) or fails to comply with any condition attached to any permit referred to in section 147;
- (e) being a banker, buys unwrought precious metal from any person who has not produced a permit or certificate as provided in section 148 (1) or fails to comply with the provisions of section 148 (3); or
- (f) contravenes the provisions of section 149 (1) or (3) or fails to comply with any lawful request to produce and exhibit the register required to be kept by him in terms of section 149,

(2) Waar so 'n pakket of pakkie aldus aangehou is, moet die aldus belaste lid van die Suid-Afrikaanse Polisie die persoon deur wie daardie pakket of pakkie versend is, by skriftelike kennisgewing aan hom persoonlik bestel, aansê om of persoonlik of deur 'n behoorlik deur bedoelde persoon skriftelik gemagtigde agent te verskyn op 'n tyd en plek in daardie kennisgewing vermeld ten einde by die oopmaak en ondersoek van die pakket of pakkie aanwesig te wees, en moet hy daarop op die in bedoelde kennisgewing vermelde datum en plek die pakket of pakkie oopmaak en ondersoek ten einde die inhoud daarvan te bepaal.

152. Die mynkommissaris of enige lid van 'n behoorlik by wet ingestelde polisiemag met 'n rang van sersant of 'n hoër rang is ondanks andersluidende wetsbepalings bevoeg—

Bevoegdheids van mynkommissaris en polisie om persele te betree en te inspekteer.

- (a) om enige juwelier se perseel (hetsy die okkupeerder daarvan die houer van 'n juwelierspermit is al dan nie) en enige reduksie- of smeltwerke, hetsy op 'n myn of elders geleë, en enige ander plek of bedryf waar hy rede het om te vermoed dat onbewerkte edelmetaal onwettiglik gehou word, te alle redelike tye gedurende die dag of nag te betree, te inspekteer of te ondersoek;
- (b) om die navraag en ondersoek te doen wat hy nodig ag ten einde vas te stel of die bepaling van hierdie Wet met betrekking tot onbewerkte edelmetaal nagekom word of is;
- (c) om monsters te neem van onbewerkte edelmetaal wat by enige plek of bedryf gebêre word of lê, en om die ander ondersoeke in te stel wat hy nodig ag.

153. (1) Iemand wat—

Misdrywe ingevolge hierdie Hoofstuk en strawwe daarvoor.

- (a) die bepaling van artikel 143 (1), (3) of (4) oortree;
- (b) die bepaling van artikel 144 (5) of van gemelde artikel 144 (5) soos by artikel 145 (4) op houers van juwelierspermitte toegepas, oortree;
- (c) die bepaling van artikel 145 (1) of (5) oortree;
- (d) onbewerkte edelmetaal koop sonder dat hy homself oortuig het dat die verkoper daarvan regtens bevoeg is om bedoelde metaal te verkoop of van die hand te sit; of
- (e) kwaadwilliglik onbewerkte edelmetaal in die besit of op die perseel van 'n ander persoon plaas, met die opset dat dié ander persoon ingevolge 'n bepaling van hierdie Wet wat op onbewerkte edelmetaal betrekking het, skuldig bevind moet word,

is aan 'n misdryf skuldig en strafbaar, by 'n eerste skuldigbevinding, met 'n boete van hoogstens tweeduisend rand of gevangenisstraf vir 'n tydperk van hoogstens drie jaar of met sowel daardie boete as daardie gevangenisstraf, en, by 'n tweede of daaropvolgende skuldigbevinding, met 'n boete van hoogstens vyfduisend rand of gevangenisstraf vir 'n tydperk van hoogstens tien jaar of met sowel daardie boete as daardie gevangenisstraf, en, indien iemand wat aldus skuldig bevind word ten tyde van sy skuldigbevinding die houer van 'n herwinningslisensie of 'n juwelierspermit is, verbeur hy bedoelde lisensie of permit en enige reg van hernuwing daarvan vir 'n tydperk bepaal deur die hof wat hom skuldig bevind.

(2) Iemand wat—

- (a) die bepaling van artikel 143 (5) oortree;
- (b) die bepaling van artikel 144 (8) of van gemelde artikel 144 (8) soos by artikel 145 (10) toegepas op houers van juwelierspermitte en persone wat voorheen sodanige permitte gehou het, oortree;
- (c) die bepaling van artikel 145 (6) of (7) of van artikel 145 (6) of (7) soos toegepas by artikel 146 oortree, of versuim om te voldoen aan 'n wettige versoek om die register wat hy moet hou ingevolge artikel 145 (6) of ingevolge gemelde artikel 145 (6) soos aldus toegepas, oor te lê en te vertoon;
- (d) die bepaling van artikel 147 (1) oortree of versuim om aan enige voorwaarde waaraan 'n in artikel 147 bedoelde permit onderworpe is, te voldoen;
- (e) indien hy 'n bankier is, onbewerkte edelmetaal koop van iemand wat nie 'n permit of sertifikaat volgens voorskrif van artikel 148 (1) oorgelê het nie of versuim om aan die bepaling van artikel 148 (3) te voldoen; of
- (f) die bepaling van artikel 149 (1) of (3) oortree of versuim om te voldoen aan 'n wettige versoek om die register wat hy ingevolge artikel 149 moet hou, oor te lê en te vertoon,

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or imprisonment for a period not exceeding six months, and shall, if he is at the time of his conviction the holder of a recovery works licence or a jeweller's permit, forfeit any such licence or permit and any right of renewal thereof for such period as the court convicting him may direct.

Accessories and persons attempting to contravene provisions of this Act relating to unwrought precious metal.

154. Any person who is an accessory, either before or after the fact, to an offence mentioned in section 153, shall be liable to be charged and dealt with in all respects as if he were a principal offender, and any person who attempts to commit any such offence shall be deemed to have actually committed the offence, and shall be liable to the penalties prescribed in the said section for the particular offence which he has attempted to commit.

Burden of proof in proceedings under this Chapter.

155. Whenever in any proceedings against any person under this Act—

- (a) it is necessary to determine whether he is or was the holder of a recovery works licence or jeweller's permit or otherwise entitled to be in possession of or authorized to buy, sell, deal in, receive or dispose of unwrought precious metal; or
- (b) such person contends that any article, substance or material which is the subject of such proceedings is not unwrought precious metal,

the burden of proving that he is or was the holder of such a licence or permit or is or was otherwise entitled or authorized as aforesaid, or that such article, substance or material is not unwrought precious metal, shall lie upon such person.

Disposal of precious metal in case of conviction and forfeiture of moneys, etc., in certain circumstances.

156. (1) On conviction of any person under the provisions of section 153 or 154, the court which passes sentence may in its discretion order that any precious metal, whether wrought or unwrought, in respect of which he has been convicted be delivered to the owner thereof (if the court is satisfied as to the ownership) or, if it is not so satisfied, that such precious metal be forfeited to the State.

(2) Whenever any member or agent of the South African Police has transferred possession of any unwrought precious metal to any person upon payment or delivery by such person to such member or agent of an amount in money or other consideration, property or security, and such person is subsequently in connection with such transaction convicted of an offence under this Act, such money, consideration, property or security shall, notwithstanding anything in any law contained, be forfeited to the State and be disposed of as directed by the Treasury.

Disabilities entailed by conviction.

157. If any person who carries on any trade, business or occupation for which a recovery works licence or jeweller's permit is not required under this Act, is convicted of any offence under the provisions of section 153 or 154, such person shall, in addition to the penalties prescribed in section 153, forfeit any licence authorizing him to carry on any such trade, business or occupation and any right of renewal thereof for such period as the court convicting him may direct.

CHAPTER XVII.

GENERAL AND MISCELLANEOUS.

Exemption of certain land from certain provisions of Act.

158. (1) The Minister may after one month's written notice served upon the holder of any mining title on the land in question by notice in the *Gazette* exempt any proclaimed land or land held under mining title or any portion of such land from any of the provisions of Chapters X to XV, inclusive, of this Act for such period as he may deem fit, provided such exemption is not in the opinion of the Government Mining Engineer likely to interfere with mining.

(2) Any such notice shall specify the date from which such exemption shall take effect and the provisions from which the land shall be exempt.

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of gevangenisstraf vir 'n tydperk van hoogstens ses maande, en indien hy ten tyde van sy skuldigbevinding die houër van 'n herwinningslisensie of 'n juwelierspermit is, verbeur hy bedoelde lisensie of permit en enige reg op hernuwing daarvan vir die tydperk bepaal deur die hof wat hom skuldig bevind.

154. Iemand wat 'n medepligtige, hetsy as die aanstigter of as die begunstiger, by 'n in artikel 153 vermelde misdryf is, kan aangekla en mee gehandel word in alle opsigte asof hy die hoofdader was, en iemand wat poog om so 'n misdryf te pleeg, word geag werklik die misdryf te gepleeg het en is strafbaar met die strawwe in gemelde artikel voorgeskryf vir die bepaalde misdryf wat hy gepoog het om te pleeg.

Medepligtiges en persone wat poog om bepalings van hierdie Wet met betrekking tot onbewerkte edelmetaal te oortree.

155. Wanneer by 'n geding teen iemand ingevolge hierdie Wet—

(a) dit nodig is om vas te stel of hy die houër van 'n herwinningslisensie of juwelierspermit is of was of andersins geregtig is of was om in besit van onbewerkte edelmetaal te wees of gemagtig is of was om dit te koop, te verkoop, daarin sake te doen of dit te ontvang of van die hand te sit; of

(b) so iemand aanvoer dat 'n voorwerp, stof of materiaal wat die onderwerp van die geding is, nie onbewerkte edelmetaal is nie,

Bewyslas by verrigtings ingevolge hierdie Hoofstuk.

rus die las op bedoelde persoon om te bewys dat hy die houër van so 'n lisensie of permit is of was of dat hy andersins soos voormeld geregtig of gemagtig is of was of dat so 'n voorwerp, stof of materiaal nie onbewerkte edelmetaal is nie.

156. (1) By skuldigbevinding van iemand ingevolge die bepalings van artikel 153 of 154, kan die hof wat die vonnis vel na goedgegeloofte dat enige edelmetaal, hetsy bewerk of onbewerk, ten opsigte waarvan hy skuldig bevind is, aan die eienaar daarvan oorhandig word (indien die hof omtrent die eiendomsreg oortuig is) of, indien hy nie aldus oortuig is nie, dat bedoelde edelmetaal aan die Staat verbeur word.

Beskikking oor edelmetaal by skuldigbevinding en verbeuring van gelde, ens., in sekere omstandighede.

(2) Wanneer 'n lid of verteenwoordiger van die Suid-Afrikaanse Polisie die besit van onbewerkte edelmetaal aan iemand teen betaling of lewering deur so iemand aan bedoelde lid of verteenwoordiger van 'n bedrag geld of ander teenprestasie, eiendom of sekuriteit oorgedra het, en so iemand daarna weens 'n misdryf ingevolge hierdie Wet in verband met die transaksie skuldig bevind word, is bedoelde geld, teenprestasie, eiendom of sekuriteit ondanks andersluidende wetsbepalings aan die Staat verbeur en word daarvoor beskik soos die Tesourie gelas.

157. Indien iemand wat enige handel, besigheid of beroep dryf of beoefen waarvoor 'n herwinningslisensie of juwelierspermit nie ingevolge hierdie Wet vereis word nie, aan 'n misdryf ingevolge die bepalings van artikel 153 of 154 skuldig bevind word, verbeur so iemand afgesien van die strawwe in artikel 153 voorgeskryf, enige lisensie wat hom magtig om bedoelde handel, besigheid of beroep te dryf of te beoefen en enige reg op hernuwing daarvan vir die tydperk bepaal deur die hof wat hom skuldig bevind.

Onbevoegdheid deur skuldigbevinding meegebring.

HOOFSTUK XVII.

ALGEMENE EN DIVERSE BEPALINGS.

158. (1) Die Minister kan na een maand skriftelike kennisgewing, bestel aan die houër van enige myntitel oor die betrokke grond, enige geproklameerde grond of grond kragtens myntitel gehou of enige gedeelte van sodanige grond vir die tydperk wat hy goedvind by kennisgewing in die *Staatskoerant* van die toepassing van enige van die bepalings van Hoofstukke X tot en met XV van hierdie Wet uitsluit, mits sodanige uitsluiting nie volgens die Staatsmyningenieur se oordeel op mynbou inbreuk sal maak nie.

Uitsluiting van sekere grond van toepassing van sekere bepalings van Wet.

(2) So 'n kennisgewing moet die datum vermeld van wanneer sodanige uitsluiting van krag word en die bepalings van die toepassing waarvan die grond uitgesluit is.

(3) (a) The Minister may by notice in the *Gazette* withdraw any exemption under subsection (1).

(b) Any such withdrawal may be in respect of the whole or of a portion of the land exempted or in respect of any or all of the provisions from which such land has been exempted.

(4) The powers conferred by subsection (3) shall be exercised only upon application made to the Minister by a person who requires the land in question for mining purposes or purposes incidental to mining and has furnished security to the satisfaction of the Minister for the payment of compensation as provided in subsection (5).

(5) Any person who has suffered any loss as a direct result of the exercise of the powers conferred by subsection (3) shall be entitled to be paid such compensation for that loss by the person at whose instance those powers were exercised as may in the absence of agreement be determined by arbitration.

(6) The provisions of section 44 (4) relating to land deproclaimed under section 44 shall *mutatis mutandis* apply in respect of land exempted in terms of this section.

Saving of certain rights of local authorities.

159. Nothing in this Act contained shall affect the operation of any law in force in the province of the Transvaal relating to the closing and diversion of roads within the areas of jurisdiction of local authorities.

Special provisions regarding removal of sand, stone, gravel and clay from certain land.

160. (1) Notwithstanding anything in this Act contained, the Minister may, subject to such terms and conditions as he may deem fit, grant permission to any person to take or remove such quantities of sand, stone, gravel or clay as the Minister may determine from any State land or from any alienated State land in respect of which the exclusive right of prospecting for base minerals is not in terms of this Act vested in the owner or lessee of such land: Provided that such permission shall not be granted in respect of any such base mineral if a person other than the applicant for the permission is authorized or entitled under this Act to prospect or mine for that base mineral on the land in question or if such land is open to the pegging of base mineral claims.

(2) The provisions of subsection (1) shall not derogate from the rights of any person under any law to take and use on any land referred to in that subsection any of the base minerals referred to in that subsection which he may lawfully take and use on the land.

(3) A permission under subsection (1) shall not be deemed to be a mining title for the purposes of this Act.

Permit to retain and treat tailings, slimes, etc., on lapsed mining title.

161. (1) Any person who has abandoned any mining title or allowed it to lapse may, subject to the provisions of this section, obtain a permit to retain possession of and treat or otherwise utilize any tailings, slimes, waste rock or other residues on any proclaimed land produced by such person or his predecessor in title in the course of mining operations on the land which was the subject of such mining title.

(2) (a) Application by the last holder of the mining title for such permit shall be made to the mining commissioner who may upon payment by the applicant of a fee calculated at thirty cents per morgen or fraction of a morgen (subject to a minimum payment of five rand) per month in respect of the area on which the residues it is desired to retain possession of and to treat or otherwise utilize are situated, and submission by him of a sketch plan acceptable to the mining commissioner of such area, issue to the applicant a permit in the form prescribed by regulation for a period not exceeding three months.

(b) Any permit issued under paragraph (a) may upon application by the holder thereof and payment in advance of the fee prescribed by that paragraph, be renewed from time to time by the mining commissioner for a period not exceeding three months at a time, but shall lapse if such fee is allowed to become three months in arrear.

- (3) (a) Die Minister kan by kennisgewing in die *Staatskoerant* enige uitsluiting ingevolge subartikel (1) terugtrek.
- (b) So 'n terugtrekking kan betrekking hê op al die grond of 'n gedeelte van die grond wat uitgesluit is of op enige van of al die bepalings van die toepassing waarvan bedoelde grond uitgesluit is.
- (4) Die bevoegdheede by subartikel (3) verleen, word slegs uitgeoefen op aansoek aan die Minister gerig deur iemand wat die betrokke grond nodig het vir myndoeleindes of doeleindes wat met mynbou in verband staan, en wat tot die Minister se bevrediging sekerheid gestel het vir die betaling van vergoeding volgens voorskrif van subartikel (5).
- (5) Iemand wat regstreeks as gevolg van die uitoefening van die by subartikel (3) verleende bevoegdheede enige verlies ly, is geregtig op die betaling deur die persoon op wie se aansoek daardie bevoegdheede uitgeoefen is van vergoeding vir daardie verlies, wat by ontstentenis van ooreenkoms by arbitrasie bepaal word.
- (6) Die bepalings van artikel 44 (4) met betrekking tot grond wat ingevolge artikel 44 gedeproklameer word, is *mutatis mutandis* van toepassing ten opsigte van grond wat ingevolge hierdie artikel uitgesluit word.

159. Die bepalings van hierdie Wet doen aan die toepassing van enige wet van krag in die provinsie Transvaal met betrekking tot die sluiting en verlegging van paaie binne die regsgebiede van plaaslike owerhede geen afbreuk nie. Voorbehoud van sekere regte van plaaslike owerhede.

160. (1) Ondanks andersluidende bepalings van hierdie Wet kan die Minister, onderworpe aan die bedinge en voorwaardes wat hy goedvind, vergunning aan enigiemand verleen om die hoeveelhede sand, klip, gruis of klei wat die Minister bepaal, te neem of te verwyder van enige Staatsgrond of van enige vervreemde Staatsgrond ten opsigte waarvan die uitsluitende reg om na onedele minerale te prospekteer nie ingevolge hierdie Wet by die eienaar of huurder van daardie grond berus nie: Met dien verstande dat so 'n vergunning nie ten opsigte van enige sodanige onedele mineraal verleen word indien iemand anders as die aansoeker om die vergunning ingevolge hierdie Wet gemagtig of geregtig is om na daardie onedele mineraal op die betrokke grond te prospekteer of dit daarop te ontgin of indien bedoelde grond vir die afpenning van onedele minerale-kleims oop is nie. Spesiale bepalings betreffende verwydering van sand, klip, gruis en klei van sekere grond.

(2) Die bepalings van subartikel (1) doen nie afbreuk aan enigiemand se regte ingevolge enige wet om op enige in daardie subartikel bedoelde grond enige van die in daardie subartikel bedoelde onedele minerale te neem en te gebruik wat hy regtens geregtig is om op die grond te neem en te gebruik nie.

(3) 'n Vergunning ingevolge subartikel (1) word nie geag myntitel vir die doeleindes van hierdie Wet te wees nie.

161. (1) Iemand wat 'n myntitel opgesê of laat verval het, kan, behoudens die bepalings van hierdie artikel, 'n permit verkry om die besit te behou van enige uitskot, slyk, afvalrots of ander residu's op enige geproklameerde grond wat deur so iemand of sy regsvoorganger in die loop van mynwerksaamhede geproduseer is op die grond wat die onderwerp van die myntitel was, en om dit te behandel of andersins te gebruik. Permit om uitskot, slyk, ens., op vervalde myntitel te behou en te behandel.

(2) (a) Aansoek deur die laaste houer van die myntitel om so 'n permit moet gerig word aan die mynkommissaris wat, by betaling deur die aansoeker van 'n bedrag bereken teen dertig sent per morg of breukdeel van 'n morg (onderworpe aan 'n minimum betaling van vyf rand) per maand ten opsigte van die gebied waarop die residu's geleë is wat die aansoeker verlang om in besit te hou en te behandel of andersins te gebruik, en die voorlegging deur hom van 'n vir die mynkommissaris aanneemlike sketskaart van die gebied, 'n permit in die by regulasie voorgeskrewe vorm vir 'n tydperk van hoogstens drie maande aan die aansoeker kan uitreik.

(b) 'n Kragtens paragraaf (a) uitgereikte permit kan op aansoek deur die houer daarvan en by vooruitbetaling van die by daardie paragraaf voorgeskrewe bedrag, van tyd tot tyd deur die mynkommissaris vir 'n tydperk van hoogstens drie maande op 'n keer hernieu word, maar verval indien bedoelde bedrag toegelaat word om drie maande agterstallig te raak.

(3) If after the expiration of three months from the date of abandonment or lapsing of the mining title no application for a permit under this section in respect of any such residues has been received by the mining commissioner from the last holder of such mining title, such residues shall be deemed to have been abandoned, and the mining commissioner may on application issue a permit as aforesaid to any person.

(4) If the holder of mining title has abandoned such title or allowed it to lapse as to part only, and has discontinued mining operations on the part of such title not abandoned or allowed to lapse, the mining commissioner may issue to such holder or his nominee a permit referred to in subsection (1) in respect of any such residues, situated on proclaimed land, which were produced in the course of mining operations on the mining title of which part has been so abandoned or allowed to lapse.

(5) (a) Any permit granted under this section may be transferred as to all or any part of the residues in respect of which it was issued, and such transfer shall be registered in the Mining Titles Office: Provided that if transfer of any such permit in respect of a part only of such residues is sought, there shall be lodged with the mining commissioner a sketch plan acceptable to him of the land on which such part of the residues is situated, together with the prescribed fee for the issue to the transferee of the permit mentioned in paragraph (b).

(b) As soon as may be after the registration of any transfer contemplated in the proviso to paragraph (a) the mining commissioner shall issue to the transferee a separate permit under this section in respect of the part of the residues to which the transfer relates.

(6) In the event of the lapsing of any permit issued under this section, the mining commissioner may on application issue a fresh permit to any person in respect of the residues to which the lapsed permit related.

(7) The provisions of subsection (2) shall *mutatis mutandis* apply in connection with the issue, renewal and lapsing of a permit applied for under subsection (3), (4), (5) or (6).

(8) No permit shall be issued under subsection (2), (3) or (4) if in the opinion of the Government Mining Engineer the exercise of any right conferred thereby is likely to interfere with mining or activities incidental to mining, and no permit issued under this section shall be renewed if the residues held thereunder are not being treated or otherwise utilized to the satisfaction of the mining commissioner, unless he is satisfied that there are good and sufficient reasons for the failure so to treat or utilize such residues.

(9) (a) The fees received by the mining commissioner for the issue or renewal of any permit under this section shall be disposed of by him in the manner prescribed by section 26 (1) (b) as if such fees were rent referred to in the said section 26 (1) (b).

(b) The provisions of section 33 (7) shall *mutatis mutandis* apply in connection with any land in respect of which a permit under this section is held.

(10) Any licence issued under section 138 of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908), of the Transvaal, or of that Act as applied to the province of the Orange Free State by the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936), and held at the commencement of this Act, shall for all purposes be deemed to be a permit issued under this section.

State assistance to persons engaged in prospecting or mining.

162. (1) The Minister may in consultation with the Minister of Finance out of moneys appropriated by Parliament for the purpose assist the prospecting for and exploitation of precious metals, base minerals or natural oil—

(a) by erecting crushing, reducing, dressing, concentrating or smelting works, assaying and analytical laboratories, power stations and pumping stations;

(b) by the construction of roads, pipe lines and power lines;

(3) Indien na die verstryking van drie maande vanaf die datum waarop die myntitel opgesê word of verval, geen aansoek om 'n permit kragtens hierdie artikel ten opsigte van enige sodanige residu's deur die mynkommissaris van die laaste houër van daardie myntitel ontvang is nie, word bedoelde residu's geag opgesê te wees en kan die mynkommissaris op aansoek 'n permit soos voormeld aan enigiemand uitreik.

(4) Indien die houër van die myntitel bedoelde titel slegs gedeeltelik opgesê of laat verval het, en mynwerkzaamhede gestaak het op die gedeelte van bedoelde titel wat hy nie opgesê of laat verval het nie, kan die mynkommissaris aan bedoelde houër of sy benoemde 'n in subartikel (1) bedoelde permit uitreik ten opsigte van enige sodanige residu's geleë op geproklameerde grond en geproduseer in die loop van mynwerkzaamhede op die myntitel waarvan 'n gedeelte aldus opgesê is of verval het.

(5) (a) Enige permit kragtens hierdie artikel toegestaan, kan ten opsigte van 'n gedeelte van of al die residu's ten opsigte waarvan dit uitgereik is, oorgedra word, en so 'n oordrag moet in die Mynbriewekantoor geregistreer word: Met dien verstande dat indien oordrag van so 'n permit slegs ten opsigte van 'n gedeelte van bedoelde residu's verlang word, daar by die mynkommissaris 'n vir hom aanneemlike sketskaart ingedien moet word van die grond waarop bedoelde gedeelte van die residu's geleë is, tesame met die voorgeskrewe bedrag vir die uitreiking aan die oordragnemer van die in paragraaf (b) vermelde permit.

(b) So spoedig doenlik na die registrasie van 'n in die voorbepaling by paragraaf (a) beoogde oordrag moet die mynkommissaris aan die oordragnemer 'n afsonderlike permit kragtens hierdie artikel uitreik ten opsigte van die gedeelte van die residu's waarop die oordrag betrekking het.

(6) In geval van die verval van 'n permit kragtens hierdie artikel uitgereik, kan die mynkommissaris op aansoek 'n nuwe permit aan enigiemand uitreik ten opsigte van die residu's waarop die vervalde permit betrekking gehad het.

(7) Die bepaling van subartikel (2) is *mutatis mutandis* van toepassing in verband met die uitreiking, hernuwing en verval van 'n permit waarom kragtens subartikel (3), (4), (5) of (6) aansoek gedoen word.

(8) Geen permit word kragtens subartikel (2), (3) of (4) uitgereik nie indien dit volgens die Staatsmyningenieur se oordeel waarskynlik is dat die uitoefening van enige reg daarby verleen mynwerkzaamhede of enige bedrywighede wat met mynbou in verband staan, sal belemmer, en geen kragtens hierdie artikel uitgereikte permit word hernieu nie indien die residu's daarkragtens gehou, nie tot die mynkommissaris se bevrediging behandel of andersins gebruik word nie, tensy hy oortuig is dat daar goeie en voldoende redes bestaan vir die versuim om bedoelde residu's aldus te behandel of te gebruik.

(9) (a) Die mynkommissaris moet oor die bedrae deur hom vir die uitreiking of hernuwing van enige permit ingevolge hierdie artikel ontvang, beskik volgens voorskrif van artikel 26 (1) (b) asof bedoelde bedrae in gemelde artikel 26 (1) (b) bedoelde huurgeld is.

(b) Die bepaling van artikel 33 (7) is *mutatis mutandis* van toepassing in verband met enige grond ten opsigte waarvan 'n permit kragtens hierdie artikel gehou word.

(10) Enige lisensie wat kragtens artikel 138 van die „Precious and Base Metals Act, 1908” (Wet No. 35 van 1908), van Transvaal, of van daardie Wet soos by die Oranje-Vrystaatse Metaalmyn Wet, 1936 (Wet No. 13 van 1936), op die provinsie Oranje-Vrystaat toegepas, uitgereik is, en wat by die inwerkingtreding van hierdie Wet gehou word, word vir alle doeleindes geag 'n kragtens hierdie artikel uitgereikte permit te wees.

162. (1) Die Minister kan in oorleg met die Minister van Finansies uit gelde deur die Parlement vir die doel bewillig, in verband met die prospekter na en die ontginning van edelmetale, onedele minerale of aardolie hulp verleen—

(a) deur vergruisings-, reduksie-, bereidings-, konsentrasie-, of smeltwerke, essai- en ontledingslaboratoria, kragstasies en pompstasies op te rig;

(b) deur paaie, pypleidings en kragleidings te bou of aan te lê;

Staatshulp aan persone wat besig is met prospektering of ontginning.

(c) by the sinking of boreholes;

(d) generally in any other manner he may deem expedient, and may charge fees for the use of anything so erected, constructed or sunk, and do all such acts and things and enter into any such contracts as he considers necessary for the purpose.

(2) The Minister may in so far as he deems it expedient permit any officer of the Department of Mines to advise any person engaged in prospecting or mining on any matter connected with the prospecting or mining operations being conducted by such person.

State mining schools.

163. (1) The State President may establish and maintain in connection with existing mines or institutions or otherwise State mining schools in which instruction shall be given in occupations incidental to mining.

(2) No person shall be admitted to any such school if he is under the age of fourteen years or be given instruction underground at any such school if he is under the age of sixteen years.

Notice to be given of intention to discharge mine employees or discontinue or curtail mining operations.

164. (1) No person employing five hundred or more persons on any mine shall discontinue mining operations thereon or in any one month discharge more than twenty per cent of the persons so employed by him, unless he has given the Minister written notice of his intention to do so and of his reasons therefor and a period of three months or such shorter period as the Minister may in writing allow has elapsed after such notice was given.

(2) (a) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand for every day during which the contravention continues, and shall in addition be deemed to have contracted a debt of an amount equal to one month's wages with every person who has ceased to be employed by him in consequence of such offence.

(b) Any such debt may be recovered at the suit of the Minister or the person concerned by action in a competent court.

(3) The provisions of this section shall not apply where it is proved to the satisfaction of the Minister that the discontinuance or discharge, as the case may be, has been necessitated by influx or scarcity of water or serious accident or damage to the mine or equipment or by a reduction in the market price or a decrease in the demand for the product of the mine.

Total or partial cessation of mining operations.

165. (1) (a) The Minister may cause written notice to be served upon the holder of any mining title (other than a mining claim or a claim in respect of which the licence moneys have been increased by the mining commissioner under section 55 (2)) who is not carrying on mining operations or is in the Minister's opinion carrying on such operations inadequately, calling upon him to give reasons for such total or partial inactivity within a period of not less than one month from the date of such notice.

(b) A copy of any such notice shall be served upon the registered holder of any mortgage bond over such mining title.

(2) If no reasons are given by the holder of the mining title in response to and by the date specified in such notice, or if the reasons given by him are in the opinion of the State President inadequate, the State President shall appoint a commission (hereinafter referred to as the commission) to enquire into and report to him in regard to the matter.

(3) (a) The commission shall consist of the Government Mining Engineer as chairman and two other persons, together with a secretary who shall be an officer in the public service.

(b) The provisions of the Commissions Act, 1947 (Act No. 8 of 1947), shall apply with reference to the commission as if a proclamation to that effect had been published in the *Gazette* in terms of section 1 of the said Act.

(4) (a) The commission shall cause summons to be served upon the holder of the mining title requiring him to

(c) deur boorgate te sink;

(d) in die algemeen op enige ander wyse wat hy dienstig ag, en kan gelde vra vir die gebruik van enigiets aldus opgerig, gebou, aangelê of gesink, en al die handelinge verrig en enigiets doen en enige kontrakte aangaan wat hy vir die doel nodig ag.

(2) Die Minister kan vir sover hy dit dienstig ag, enige beampte van die Departement van Mynwese toelaat om enigiemand wat met prospekter- of mynwerkzaamhede besig is van raad te dien omtrent enige saak wat in verband staan met die prospekter- en mynwerkzaamhede wat deur so iemand onderneem word.

163. (1) Die Staatspresident kan, in verband met bestaande Staatsmynskole. myne of inrigtings of andersins, Staatsmynskole instel en in stand hou waarin onderrig gegee moet word in beroepe wat met mynbou in verband staan.

(2) Niemand word tot so 'n skool toegelaat indien hy jonger as veertien jaar is, of word ondergronds by so 'n skool onderrig indien hy jonger as sestien jaar is nie.

164. (1) Niemand wat vyfhonderd of meer persone by 'n myn in diens het, mag mynwerkzaamhede aldaar staak of in 'n bepaalde maand meer as twintig persent van die persone ontslaan wat hy aldus in diens het nie, tensy hy die Minister skriftelik kennis gegee het van sy voorneme om dit te doen en van sy redes daarvoor en 'n tydperk van drie maande of die korter tydperk wat die Minister skriftelik toelaat, verstryk het sedert aldus kennis gegee is.

Kennis moet gegee word van voorneme om mynwerknemers te ontslaan of mynwerkzaamhede te staak of in te kort.

(2) (a) Iemand wat die bepalings van subartikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand vir elke dag waartydens die oortreding voortduur, en word bowendien geag 'n skuld vir 'n bedrag gelyk aan een maand se loon op te geloop het teenoor elke persoon wat ten gevolge van bedoelde oortreding opgehou het om in sy diens te wees.

(b) So 'n skuld kan deur die Minister of die betrokke persoon by aksie in 'n bevoegde hof verhaal word.

(3) Die bepalings van hierdie artikel is nie van toepassing waar dit tot die Minister se bevrediging bewys dit dat die staking of ontslag, na gelang van die geval, deur instroming van of skaarste aan water of ernstige ongeval of skade aan die myn of toerusting of deur 'n vermindering in die markprys of 'n afname in die aanvraag na die produk van die myn genoodsaak is nie.

165. (1) (a) Die Minister kan aan die houer van enige myntitel (behalwe 'n mynkleim of 'n kleim ten opsigte waarvan die lisensiegelde deur die mynkommissaris ingevolge artikel 55 (2) verhoog is) wat nie mynwerkzaamhede voortsit nie of dié werkzaamhede volgens die Minister se oordeel nie op toereikende wyse voortsit nie, 'n skriftelike kennisgewing laat bestel waarby hy aangesê word om binne 'n tydperk van minstens een maand vanaf die datum van bedoelde kennisgewing redes vir sodanige algehele of gedeeltelike inaktiwiteit te verstrek.

Algehele of gedeeltelike staking van mynwerkzaamhede.

(b) 'n Afskrif van so 'n kennisgewing moet aan die geregistreerde houer van enige verband op bedoelde myntitel bestel word.

(2) Indien geen redes deur die houer van die myntitel in antwoord op en teen die in bedoelde kennisgewing vermelde datum verstrek word nie, of indien die redes deur hom verstrek volgens die Staatspresident se oordeel onvoldoende is, stel die Staatspresident 'n kommissie (hieronder die kommissie genoem) aan om ondersoek na die aangeleentheid in te stel en daarvoor aan hom verslag te doen.

(3) (a) Die kommissie bestaan uit die Staatsmyningenieur as voorsitter en twee ander persone, tesame met 'n sekretaris wat 'n beampte in die Staatsdiens is.

(b) Die bepalings van die Kommissiewet, 1947 (Wet No. 8 van 1947), is met betrekking tot die kommissie van toepassing asof 'n proklamasie te dien effekte ingevolge artikel 1 van gemelde Wet in die *Staatskoerant* gepubliseer is.

(4) (a) Die kommissie moet 'n dagvaarding aan die houer van die myntitel laat bestel waarby hy aangesê word

appear before it at its first sitting for the hearing of evidence and to submit such information as may be specified in the summons.

(b) Not less than one month shall elapse between the date of such summons and the first sitting of the commission for the hearing of evidence.

(5) The commission shall, in addition to reporting on the matter referred to in subsection (2), report to the State President—

(a) as to whether the area held under the mining title in question presents prospects of profitable working either by itself or in conjunction with any neighbouring mining property;

(b) as to whether the area held under the mining title could be worked effectively by any person other than the holder of the mining title;

(c) as to whether the continued non-working or inadequate working of the area held under the mining title is likely to involve the cessation or curtailment of operations of neighbouring mines;

(d) in regard to any other relevant matter referred to it by the State President.

(6) (a) If after considering the commission's report the State President is of the opinion that the non-working or inadequate working of the area held under the mining title is without adequate cause, he may cause written notice of his decision to be served upon the holder of the mining title and may therein call upon such holder to resume or carry on adequate mining operations on such area within a period fixed by such notice.

(b) If the holder of the mining title fails within the period so fixed to comply with the terms of such notice, the Minister shall, notwithstanding anything therein or in this Act or in any other law contained, declare such mining title to have lapsed with effect from the day following the date of expiration of the said period, and the Minister may thereupon deal with the area held under such title in either of the following ways, namely—

(i) by leasing to any tenderer or any other person, as provided in section 42, the exclusive right to mine on such area or any portion thereof for the precious metal or base mineral to which the mining title relates; or

(ii) by the establishment, with the approval, by resolution, of the Senate and of the House of Assembly, of a State mine for the mining of such precious metal or base mineral on the area or any portion thereof.

(c) The decision of the State President under paragraph (a) shall be published in the *Gazette* and a copy of the notice of such decision so published shall be served upon the registered holder of any mortgage bond over the mining title.

(7) The share of profits, royalty or other consideration (not being rent or taxation) accruing to the State under the terms of any lease referred to in subsection (6) (b) (i) shall on receipt thereof by the State be paid over to the holder of the mining title until he has been repaid to the satisfaction of the Minister the full amount of the capital expended by him on plant, buildings (including dwellings for mine personnel) situated outside any lawfully established township, shaft-sinking and development, plus five per cent per annum on that amount from the date of such lease, less any profits previously made by the holder of the mining title which were not reinvested in the mine and did not form part of the capital expended, and any sums paid to him for plant and machinery under subsection (10): Provided that if any mortgage bond is registered in respect of the mining title, the amount outstanding on such mortgage bond together with interest due thereunder shall be a first charge on the share of profits, royalty or other consideration to be paid over under this subsection.

(8) (a) If a State mine is established on the area held under the mining title, there shall be paid annually to the

om by sy eerste sitting vir die aanhoor van getuienis voor hom te verskyn en die inligting voor te lê wat in die dagvaarding vermeld word.

- (b) Daar moet minstens een maand tussen die datum van bedoelde dagvaarding en die eerste sitting van die kommissie vir die aanhoor van getuienis verloop.

(5) Die kommissie moet, benewens sy verslag oor die in subartikel (2) vermelde aangeleentheid, aan die Staatspresident verslag doen—

- (a) oor die vraag of die terrein wat kragtens die betrokke myntitel gehou word òf op sigself òf tesame met enige naburige myneiendom vooruitsigte vir winsgewende ontginning bied;

- (b) oor die vraag of die terrein wat kragtens die myntitel gehou word deur iemand anders as die houer van die myntitel doeltreffend ontgin sou kon word;

- (c) oor die vraag of die voortdurende nie-ontginning of ontoereikende ontginning van die terrein wat kragtens die myntitel gehou word, waarskynlik sal meebring dat die werksaamhede by naburige myne gestaak of ingekort sal word;

- (d) in verband met enige ander ter sake dienende aangeleentheid wat die Staatspresident na hom verwys.

- (6) (a) Indien die Staatspresident na oorweging van die kommissie se verslag van oordeel is dat daar nie voldoende rede bestaan vir die nie-ontginning of ontoereikende ontginning van die terrein wat kragtens die myntitel gehou word nie, kan hy 'n skriftelike kennisgewing van sy besluit aan die houer van die myntitel laat bestel waarby bedoelde houer aangesê word om binne 'n in dié kennisgewing bepaalde tydperk mynwerksaamhede op bedoelde terrein te hervat of op toereikende wyse voort te sit.

- (b) Indien die houer van die myntitel in gebreke bly om binne die aldus bepaalde tydperk aan die bedinge van bedoelde kennisgewing te voldoen, moet die Minister, ondanks enigiets daarin of in hierdie Wet of in enige ander wet vervat, verklaar dat bedoelde myntitel verval het met ingang van die dag wat op die verstrykingsdatum van gemelde tydperk volg, en die Minister kan daarop met die terrein kragtens bedoelde titel gehou op enige van die volgende maniere handel, naamlik—

- (i) deur die uitsluitende reg om op bedoelde terrein of enige gedeelte daarvan te myn vir die edelmetaal of onedele mineraal waarop die myntitel betrekking het, volgens voorskrif van artikel 42 aan enige tenderaar of enigiemand anders te verhuur; of

- (ii) deur met die goedkeuring, by besluit, van die Senaat en van die Volksraad, 'n Staatsmyn vir die ontginning van bedoelde edelmetaal of onedele mineraal op die terrein of enige gedeelte daarvan in te stel.

- (c) Die besluit van die Staatspresident ingevolge paragraaf (a) word in die *Staatskoerant* gepubliseer en 'n afskrif van die aldus gepubliseerde kennisgewing van bedoelde besluit moet aan die geregistreerde houer van enige verband op die myntitel bestel word.

(7) Die winsaandeel, tantième of ander vergoeding (afgesien van huurgeld of belasting) wat ingevolge die bedinge van 'n in subartikel (6) (b) (i) bedoelde huur aan die Staat toeval, word by ontvangs daarvan deur die Staat aan die houer van die myntitel oorbetaal totdat aan hom tot die Minister se bevrediging die volle bedrag terugbetaal is van die kapitaal deur hom aan installasies, geboue (met inbegrip van wonings vir myn personeel) geleë buite 'n wettiglik gestigte dorp, skagsinking en ontwikkeling bestee, plus vyf persent per jaar op daardie bedrag vanaf die datum van bedoelde huur, min enige winste voorheen deur die houer van die myntitel gemaak wat nie in die myn herbelê is nie en nie deel van die kapitaaluitgawes uitgemaak het nie, en enige bedrae ingevolge subartikel (10) vir installasies en masjinerie aan hom betaal: Met dien verstande dat indien 'n verband ten opsigte van die myntitel geregistreer is, die onbetaalde bedrag van bedoelde verband tesame met rente daarop verskuldig, 'n eerste las uitmaak teen die winsaandeel, tantième of ander vergoeding wat ingevolge hierdie subartikel oorbetaal moet word.

- (8) (a) Indien 'n Staatsmyn ingestel word op die terrein wat kragtens die myntitel gehou word, word daar jaarliks

holder of such title out of any profits resulting from the working of the State mine, such percentage of such profits as may from time to time be determined by the board, and the balance of the profits shall be paid into the Consolidated Revenue Fund: Provided that if any mortgage bond is registered in respect of the mining title, the unsatisfied amount of such mortgage bond together with interest due thereunder shall be a first charge on such percentage of profits.

(b) In determining the profits of which a percentage is payable under paragraph (a), the provisions of section 26 shall apply as if the State mine were a mine worked under the authority of a mining lease granted in terms of section 25 (1) (a).

(9) After the date of the notice referred to in subsection (1) no person shall destroy or damage any of the permanent works, shafts or other underground workings required for the continuance of mining operations on the area held under the mining title, and no person shall, until the date of signature by or on behalf of the Minister of any lease referred to in subsection (6) (b) (i) or the date of establishment of a State mine under subsection (6) (b) (ii), without the written permission of the Minister remove or alienate any of the plant, buildings, machinery or equipment or any portion thereof on such area or used in connection with mining operations upon such area: Provided that if the Minister does not elect to exercise the powers referred to in subsection (6) (b) (i) or (ii) within a period of eighteen months from the date of the notice referred to in subsection (1), the holder of the mining title shall be entitled to remove from such area any machinery or equipment belonging to him.

(10) If the Minister decides to deal with the area held under the mining title in either of the ways mentioned in subsection (6) (b), he shall have the right for a period of one month from the date of signature by him or on his behalf of the lease referred to in subsection (6) (b) (i) or of the establishment of a State mine under subsection (6) (b) (ii), to take over either on behalf of the person to whom such lease has been granted or on behalf of the State, the plant, machinery and buildings or any portion thereof required for the further working of the area held under the mining title, at a price mutually agreed upon between the Minister and the holder of the mining title or, failing agreement, determined by arbitration.

(11) (a) When the Minister has exercised the right to take over plant, machinery and buildings under subsection (10), the holder of the mining title shall be entitled within a period of six months or within such longer period as the Minister may allow, to remove any machinery, plant or buildings not required for the working of the area held under the mining title: Provided that no machinery, plant or material which is used for supporting underground workings shall be removed, damaged or destroyed.

(b) Anything not so removed within the prescribed period shall become the property of the State.

(12) Whenever the Minister has in terms of subsection (6) (b) declared any mining title to have lapsed, the Government Mining Engineer and any person authorized by him shall have access to the land over which such title was held and may carry out any work necessary to prevent damage to any mine or works on such land.

(13) Any person who contravenes any provision of this section shall be guilty of an offence and liable on conviction to the penalties prescribed by section 186 (9).

(14) Any reference in subsections (7) to (12), inclusive, to the holder of the mining title shall be construed as a reference to the person upon whom the notice under subsection (1) has been served, and any reference therein to any mining title shall be construed as a reference to the land held under the mining title in respect of which such notice has been served.

aan die houer van bedoelde titel, uit enige winste wat uit die ontginning van die Staatsmyn verkry word, so 'n persentasie van bedoelde winste betaal as wat van tyd tot tyd deur die raad bepaal word, en word die balans van die winste in die Gekonsolideerde Inkomstefonds gestort: Met dien verstande dat indien 'n verband ten opsigte van die myntitel geregistreer is, die onbetaalde bedrag van bedoelde verband tesame met rente daarop verskuldig, 'n eerste las teen bedoelde persentasie van die winste uitmaak.

- (b) By die vasstelling van die winste waarvan 'n persentasie ingevolge paragraaf (a) betaalbaar is, is die bepaling van artikel 26 van toepassing asof die Staatsmyn 'n myn is wat ingevolge magtiging verleen deur 'n kragtens artikel 25 (1) (a) toegekende mynhuur ontgin word.

(9) Na die datum van die in subartikel (1) bedoelde kennisgewing mag niemand enige van die permanente werke, skagte of ander ondergrondse werkplekke wat vir die voortsetting van mynwerkzaamhede benodig is op die terrein wat kragtens die myntitel gehou word, vernietig of beskadig nie, en niemand mag tot die datum van die ondertekening deur of namens die Minister van 'n in subartikel (6) (b) (i) bedoelde huur of die datum van instelling van 'n Staatsmyn ingevolge subartikel (6) (b) (ii), sonder die Minister se skriftelike toestemming enige van die installasies, geboue, masjinerie of toerusting of enige gedeelte daarvan wat op bedoelde terrein is of in verband met mynwerkzaamhede op bedoelde terrein gebruik word, verwyder of vervreem nie: Met dien verstande dat indien die Minister nie binne 'n tydperk van agtien maande na die datum van die in subartikel (1) bedoelde kennisgewing besluit om die in subartikel (6) (b) (i) of (ii) bedoelde bevoegdhede uit te oefen nie, die houer van die myntitel geregtig is om enige masjinerie of toerusting wat aan hom behoort van bedoelde terrein te verwyder.

(10) Indien die Minister besluit om op enige van die in subartikel (6) (b) vermelde maniere te handel met die terrein wat kragtens myntitel gehou word, het hy vir 'n tydperk van een maand na die datum van ondertekening deur of namens hom van die huur in subartikel (6) (b) (i) bedoel of van die instelling van 'n Staatsmyn ingevolge subartikel (6) (b) (ii), die reg om die installasies, masjinerie en geboue of enige gedeelte daarvan wat benodig is vir die verdere ontginning van die terrein kragtens die myntitel gehou, òf ten behoeve van die persoon aan wie bedoelde huur toegeken is òf ten behoeve van die Staat oor te neem teen 'n prys waarop onderling tussen die Minister en die houer van die myntitel ooreengekom word of wat by ontstentenis van ooreenkoms by arbitrasie bepaal word.

- (11) (a) Wanneer die Minister die reg uitgeoefen het om installasies, masjinerie en geboue ingevolge subartikel (10) oor te neem, is die houer van die myntitel geregtig om binne 'n tydperk van ses maande of binne die verdere tydperk wat die Minister toelaat, enige masjinerie, installasies of geboue te verwyder wat nie vir die ontginning van die terrein kragtens die myntitel gehou, benodig is nie: Met dien verstande dat geen masjinerie, installasies of materiaal wat gebruik word om ondergrondse werkplekke te stut, verwyder, beskadig of vernietig mag word nie.

- (b) Enigiets wat nie binne die voorgeskrewe tydperk aldus verwyder is nie, word die eiendom van die Staat.

(12) Wanneer die Minister ingevolge subartikel (6) (b) verklaar het dat 'n myntitel verval het, het die Staatsmyningenieur en enigiemand deur hom gemagtig toegang tot die grond waaroor bedoelde titel gehou was en kan hy enige werk verrig wat nodig is ten einde skade aan enige myn of werke op bedoelde grond te voorkom.

(13) Iemand wat 'n bepaling van hierdie artikel oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe in artikel 186 (9) voorgeskryf.

(14) Enige verwysing in subartikels (7) tot en met (12) na die houer van die myntitel word uitgelê as 'n verwysing na die persoon aan wie die kennisgewing ingevolge subartikel (1) bestel is, en enige verwysing in gemelde subartikels na 'n myntitel word uitgelê as 'n verwysing na die grond gehou kragtens die myntitel ten opsigte waarvan bedoelde kennisgewing bestel is.

Further provisions for the prevention of suspension, curtailment or cessation of mining operations.

166. (1) Whenever the Minister is satisfied on the report of the Government Mining Engineer that any holder of mining title is in danger of having to curtail, suspend or cease mining operations, the State President may, after written notice to the holder of the mining title and to the registered holder of any mortgage bond over the mining title, appoint a commission to enquire into and report to him in regard to the matter.

(2) The provisions of section 165 (3), (4) and (5) shall *mutatis mutandis* apply in relation to any commission appointed under subsection (1) of this section.

(3) (a) If after having considered the commission's report the State President is of the opinion that curtailment, suspension or cessation of mining operations by the holder of the mining title is in danger of taking place and that adequate steps can be taken to remove that danger, the State President may cause written notice to be served upon such holder calling upon him to take steps for the removal of that danger within a period to be specified in such notice.

(b) If within the period specified in such notice the holder of the mining title fails to give effect to the notice, the Minister shall, notwithstanding anything therein or in this Act or in any other law contained, declare such mining title to have lapsed with effect from the day following the date of expiration of the said period, and the Minister may deal with the area held under such title or any portion thereof in the manner provided by section 165 (6) (b), and the provisions of section 165 (7) to (13), inclusive, shall thereupon apply.

Rights to minerals reserved to the State, may be vested in South African Bantu Trust in certain cases.

167. (1) Whenever any land in respect of which the right to minerals is reserved to the State is or becomes the property of or is held by or in trust for the South African Bantu Trust or a Bantu, the State President may, notwithstanding anything in any law contained, declare the right to such minerals in respect of that land to be vested in the said Trust.

(2) The Secretary shall in writing notify the registrar of deeds for the area in which such land is situated of any declaration by the State President in terms of subsection (1), and upon being so notified the said registrar shall make such endorsements on the title deeds of the land and make such entries in the appropriate registers as shall clearly indicate that the right to minerals in respect of the land is vested in the said Trust.

(3) (a) No vesting of the right to precious metals or base minerals in respect of any land in the said Trust in terms of this section or a corresponding provision of a prior law shall derogate from the rights of any person—

(i) to prospect on such land for precious metals or base minerals if he is or was at the date of such vesting in the said Trust the holder of a notarial deed registered as provided by section 19 of this Act or a corresponding provision of a prior law or of a prospecting claim licence, prospecting permit or prospecting lease in respect of the land, or to mine for precious metals or base minerals on such land or any portion thereof if he is or was at the said date the holder of mining title over such land or such portion thereof;

(ii) to obtain registration in his name, in accordance with the provisions of section 34 (1) (a), of a mining claim over any prospecting claim (deemed to be a prospecting area under this Act) held by him on such land; or

(iii) to obtain a mining lease under this Act over any portion of the land in respect of which such deed, licence, permit or prospecting lease was held by him at such date if in terms of this Act he qualifies for such a mining lease.

166. (1) Wanneer die Minister op grond van die Staatsmyningenieur se verslag oortuig is dat 'n houer van myntitel gevaar loop om sy mynwerkzaamhede te moet inkort, opskort of staak, kan die Staatspresident, na skriftelike kennisgewing aan die houer van die myntitel en aan die geregistreerde houer van enige verband op die myntitel, 'n kommissie aanstel om ondersoek na die aangeleentheid in te stel en daarvoor aan hom verslag te doen.

Verdere bepalings vir die voorkoming van opskorting, inkorting of staking van mynwerkzaamhede.

(2) Die bepalings van artikel 165 (3), (4) en (5) is *mutatis mutandis* van toepassing met betrekking tot 'n kommissie ingevolge subartikel (1) van hierdie artikel aangestel.

- (3) (a) Indien die Staatspresident na oorweging van die kommissie se verslag van oordeel is dat daar gevaar bestaan dat die houer van die myntitel mynwerkzaamhede sal moet inkort, opskort of staak, en dat toereikende stappe gedoen kan word om daardie gevaar te verwyder, kan die Staatspresident 'n skriftelike kennisgewing aan bedoelde houer laat bestel waarby hy aangesê word om binne 'n in bedoelde kennisgewing vermelde tydperk stappe vir die verwydering van daardie gevaar te doen.
- (b) Indien die houer van die myntitel in gebreke bly om binne die in bedoelde kennisgewing vermelde tydperk aan die kennisgewing gevolg te gee, moet die Minister, ondanks enigiets daarin of in hierdie Wet of in enige ander wet vervat, verklaar dat bedoelde myntitel verval het met ingang van die dag wat op die verstrykingsdatum van gemelde tydperk volg, en kan die Minister met die terrein kragtens bedoelde titel gehou of enige gedeelte daarvan volgens voorskrif van artikel 165 (6) (b) handel, en daarop is die bepalings van artikel 165 (7) tot en met (13) van toepassing.

167. (1) Wanneer grond ten opsigte waarvan die reg op minerale vir die Staat voorbehou is, die eiendom is of word van, of deur of in trust gehou word vir, die Suid-Afrikaanse Bantotrust of 'n Bantoe, kan die Staatspresident ondanks andersluidende wetsbepalings verklaar dat die reg op bedoelde minerale ten opsigte van daardie grond by genoemde Trust berus.

Regte op minerale aan die Staat voorbehou, kan onder sekere omstandighede aan Suid-Afrikaanse Bantotrust oorgedra word.

(2) Die Sekretaris moet die registrateur van aktes vir die gebied waarin bedoelde grond geleë is skriftelik in kennis stel van 'n verklaring deur die Staatspresident ingevolge subartikel (1), en daardie registrateur moet wanneer hy aldus in kennis gestel word die endossemente op die titelbewyse van die grond aanbring en die inskrywings in die gepaste registers maak wat duidelik aantoon dat die reg op minerale ten opsigte van die grond by genoemde Trust berus.

- (3) (a) Die feit dat die reg op edelmetale of onedele minerale ten opsigte van enige grond ingevolge hierdie artikel of 'n ooreenstemmende bepaling van 'n vorige wet by genoemde Trust berus, doen geen afbreuk aan enigiemand se reg nie—
- (i) om op bedoelde grond na edelmetale of onedele minerale te prospekteer indien hy op die datum waarop daardie reg op genoemde Trust oorgegaan het, die houer van 'n notariële akte, geregistreer volgens voorskrif van artikel 19 van hierdie Wet of 'n ooreenstemmende bepaling van 'n vorige wet, of van 'n prospekteerkluisensie, prospekteerpermit of prospekteerhuur ten opsigte van die grond is of was, of om vir edelmetale of onedele minerale op bedoelde grond of enige gedeelte daarvan te myn indien hy op bedoelde datum die houer van myntitel oor bedoelde grond of bedoelde gedeelte daarvan is of was;
- (ii) om ooreenkomstig die bepalings van artikel 34 (1) (a) die registrasie in sy naam van 'n mynkleim oor enige prospekteerkluisensie (wat ingevolge hierdie Wet 'n prospekteergebied geag word) deur hom op bedoelde grond gehou, te verkry; of
- (iii) om 'n mynhuur ingevolge hierdie Wet te verkry oor enige gedeelte van die grond ten opsigte waarvan so 'n akte, lisensie, permit of prospekteerhuur deur hom op bedoelde datum gehou was, indien hy ingevolge hierdie Wet vir so 'n mynhuur in aanmerking kan kom.

(b) Any mining lease referred to in paragraph (a) (iii) shall be granted under and subject to the provisions of this Act which would have been applicable if the right to precious metals or base minerals, as the case may be, in respect of the land had not been vested in the said Trust, and all the said provisions shall apply in connection with such lease as if such vesting had not taken place.

(c) For the purposes of paragraph (a) the date of vesting of the right to precious metals or base minerals in respect of any land in the said Trust shall be taken as the date on which the State President declared such right to be so vested.

(4) In this section "minerals" includes precious metals, base minerals, natural oil and precious stones.

Cancellation of condition relating to reservation to State of right to minerals.

168. (1) Notwithstanding anything in this Act or any other law contained, the State President may, subject to such conditions as he may deem fit, cancel any condition relating to the reservation to the State of the right to minerals or any undivided share in minerals contained in the title deeds in respect of any land other than land in respect of which a notarial deed registered as provided by section 19 of this Act or a corresponding provision of a prior law is held: Provided that no such cancellation shall be effected except under the authority of a resolution of the Senate and of the House of Assembly.

(2) Whenever any cancellation under subsection (1) is effected, the provisions of section 167 (2) shall *mutatis mutandis* apply.

(3) In this section "minerals" has the meaning assigned thereto by section 167 (4).

Determination of question of workability.

169. In determining for the purposes of this Act or any other law whether any precious metal or base mineral or natural oil exists in workable quantities on any land, the State President or the Minister shall be guided by the report of the Government Mining Engineer, who may if the Minister so determines be assisted in any particular case by suitably qualified persons appointed by the Minister.

Powers of Minister in regard to mining of coking coal.

170. (1) If the Minister is satisfied that any coal seam or portion of any coal seam on any land contains coal from which coke suitable for metallurgical purposes can be produced, he may by notice in writing prohibit any person who is entitled to mine the coal in such coal seam or portion of a coal seam from mining such coal except upon such terms and conditions (including terms and conditions relating to the use or disposal of the coal) as may be specified in such notice.

(2) If the Minister is satisfied that the present or future mining of coal from any such coal seam or portion of a coal seam would be adversely affected by the mining of coal from any other coal seam, he may by notice in writing prohibit any person who is entitled to mine the coal in such other seam from carrying on any prospecting or mining operations in respect thereof, either absolutely or except upon such terms and conditions and subject to such restrictions as may be specified in the notice.

(3) The provisions of subsections (1) and (2) shall not apply in respect of any coal seam from which or from any portion of which coal was being mined by any person on the first day of January, 1955, and which is situated—

- (a) on any land on which such person was on that date entitled to mine for coal; or
- (b) on any prospecting claim deemed to be a prospecting area under this Act of which such person was on that date the registered holder.

(4) Any person who fails to comply with any notice given by the Minister in terms of this section shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand or imprisonment for a period not exceeding twelve months, or to both such fine and such imprisonment.

- (b) 'n In paragraaf (a) (iii) bedoelde mynhuur word toegeken ingevolge en onderworpe aan die bepaling van hierdie Wet wat van toepassing sou gewees het indien die reg op edelmetale of onedele minerale, na gelang van die geval, ten opsigte van die grond nie by genoemde Trust berus het nie, en al die gemelde bepaling is van toepassing in verband met bedoelde huur asof bedoelde regte nie aldus berus het nie.
- (c) By die toepassing van paragraaf (a) word die datum waarop die reg op edelmetale of onedele minerale ten opsigte van enige grond op die gemelde Trust oorgaan, geneem as die datum waarop die Staatspresident verklaar het dat daardie reg aldus berus.
- (4) In hierdie artikel sluit „minerale” edelmetale, onedele minerale, aardolie en edelgesteentes in.

168. (1) Ondanks enigiets in hierdie Wet of enige ander wet vervat, kan die Staatspresident onderworpe aan die voorwaardes wat hy goedvind enige voorwaarde kanselleer wat betrekking het op die voorbehoud vir die Staat van die reg op minerale of 'n onverdeelde aandeel in minerale wat vervat is in die titelbewys ten opsigte van ander grond as grond ten opsigte waarvan 'n notariële akte, geregistreer volgens voorskrif van artikel 19 van hierdie Wet of 'n ooreenstemmende bepaling van 'n vorige wet, gehou word: Met dien verstande dat so 'n kansellering nie plaasvind nie behalwe ingevolge magtiging verleen by 'n besluit van die Senaat en van die Volksraad.

Kansellering van voorwaarde met betrekking tot voorbehoud vir Staat van reg op minerale.

(2) Wanneer 'n kansellering ingevolge subartikel (1) plaasvind, is die bepaling van artikel 167 (2) *mutatis mutandis* van toepassing.

(3) In hierdie artikel het „minerale” die betekenis in artikel 167 (4) daaraan toegeskryf.

169. By die vasstelling, vir die doeleindes van hierdie Wet of enige ander wet, of enige edelmetaal of onedele mineraal of aardolie in ontginbare hoeveelhede op enige grond voorkom, laat die Staatspresident of die Minister hom lei deur die verslag van die Staatsmyningenieur wat in 'n besondere geval waar die Minister aldus bepaal, bygestaan kan word deur persone wat behoorlik gekwalifiseer is en deur die Minister aangestel word.

Vasstelling betreffende ontginbaarheid.

170. (1) Indien die Minister oortuig is dat 'n steenkoollaag of gedeelte van 'n steenkoollaag op enige grond steenkool bevat waaruit kooks geskik vir metallurgiese doeleindes geproduseer kan word, kan hy iemand wat geregtig is om die steenkool in daardie steenkoollaag of gedeelte van 'n steenkoollaag te ontgin by skriftelike kennisgewing verbied om daardie steenkool te ontgin behalwe op die bedinge en voorwaardes (insluitende bedinge en voorwaardes met betrekking tot die gebruik of beskikking oor die steenkool) wat in dié kennisgewing vermeld word.

Bevoegdheid van Minister in verband met ontginning van kookssteenkool.

(2) Indien die Minister oortuig is dat die huidige of toekomstige ontginning van steenkool uit so 'n steenkoollaag of gedeelte van 'n steenkoollaag benadeel sou word deur die ontginning van steenkool uit enige ander steenkoollaag, kan hy enigiemand wat geregtig is om die steenkool in daardie ander steenkoollaag te ontgin, by skriftelike kennisgewing verbied om enige prospekter- of mynwerkzaamhede ten opsigte daarvan uit te voer, hetsy geheel en al of behalwe op die bedinge en voorwaardes en onderworpe aan die beperkings in die kennisgewing vermeld.

(3) Die bepaling van subartikels (1) en (2) is nie van toepassing nie ten opsigte van enige steenkoollaag waaruit of uit enige gedeelte waarvan steenkool op die eerste dag van Januarie 1955 deur enigiemand ontgin was en wat geleë is—

- (a) op grond waarop so iemand op daardie datum geregtig was om steenkool te ontgin; of
- (b) op 'n prospekterkleim wat ingevolge hierdie Wet geag word 'n prospektergebied te wees en waarvan so iemand op daardie datum die geregistreerde houër was.

(4) Iemand wat versuim om te voldoen aan 'n kennisgewing ingevolge hierdie artikel deur die Minister gegee, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vierhonderd rand of gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met sowel daardie boete as daardie gevangenisstraf.

Bewaarplaats
moneys.

171. The Bewaarplaats Moneys Application Act, 1917 (Act No. 24 of 1917), shall, notwithstanding its repeal by section 188 of this Act, continue to apply in connection with any moneys payable under any mining lease granted prior to the commencement of this Act in respect of any bewaarplaats as defined in that Act.

Restriction
of residence of
coloured persons
and Bantu on
certain proclaimed
land.

172. (1) No coloured person or Bantu shall in any mining district comprised in class A reside on or occupy any proclaimed land except in a lawfully established residential area or in a compound or such other place as the mining commissioner may permit for the residence of coloured persons or Bantu employed in mining or any activity incidental to mining.

(2) Subsection (1) shall not apply in relation to the residence on or occupation of land by a coloured person or Bantu who may lawfully occupy such land under the Group Areas Act, 1966 (Act No. 36 of 1966).

(3) Any person who contravenes the provisions of this section, or who permits any coloured person or Bantu to reside on or occupy any land in contravention of the provisions of this section, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand or imprisonment for a period not exceeding one month, and upon such conviction the mining commissioner may cause any structures occupied by or erected for the use of any such coloured person or Bantu to be removed.

How wages, etc.,
may be paid.

173. (1) Any person who carries on mining or is a company (not being a company in which the State holds, either directly or indirectly, a controlling interest and which the Minister has in writing exempted from the provisions of this section) which carries on mining or a director or an official of such company or is an employer or recruiter of labour on behalf of a person who or a company which carries on mining, and who—

- (a) save on the order of any competent court pays any portion of the remuneration, salary or wages or of any earnings payable under contract to a person employed on a mine otherwise than in money current in the Republic or by cheque drawn on a bank in the Republic, or otherwise than—
- (i) to such employee direct or in the event of such employee's sickness to his duly authorized agent; or
 - (ii) to any sick benefit society established in respect of the mine on which such employee is employed; or
 - (iii) to any insurance company with which such employee is insured; or
 - (iv) to the Secretary for Inland Revenue or the Secretary for Bantu Administration and Development in respect of any tax due by such employee under any law relating to taxes on persons or the incomes of persons; or
 - (v) to the Postmaster-General for the purpose of deposit on behalf of such employee in any savings bank or in any savings club established under the authority of the Postmaster-General or for investment in any Government stock sold or fund administered by the Postmaster-General; or
 - (vi) to any educational institution for the payment of fees in respect of any educational classes attended by such employee; or
 - (vii) to any provident or pension fund; or
 - (viii) to any building society by way of repayment of any amount owing by such employee to the society in respect of a housing loan, or to any other person by way of payment of rent owing by such employee in respect of a house occupied by him, or by way of payment of any amount owing by such employee in respect of the purchase price of a house; or
 - (ix) to any registered trade union of which such employee is a member, in respect of any subscrip-

171. Die „Bewaarplaatsgelden Aanwendings Wet, 1917” (Wet No. 24 van 1917), bly, ondanks die herroeping daarvan by artikel 188 van hierdie Wet, van toepassing in verband met enige gelde betaalbaar ingevolge ’n mynhuur voor die inwerkingtreding van hierdie Wet toegeken ten opsigte van ’n „bewaarplaats” soos in daardie Wet omskryf. Bewaarplaatsgelde.

172. (1) Geen kleurling of Bantoe mag in ’n myndistrik wat in klas A ingedeel is op geproklameerde grond woon of dit okkupeer nie behalwe in ’n wettiglik gestigte woongebied of in ’n kampong of so ’n ander plek as wat die mynkommissaris toelaat vir bewoning deur kleurlinge of Bantoes in diens in verband met mynwerkzaamhede of enige bedrywigheid wat met mynbou in verband staan. Beperking op verblyf van kleurlinge en Bantoes op sekere geproklameerde grond.

(2) Subartikel (1) is nie van toepassing nie met betrekking tot die bewoning of okkupasie van grond deur ’n kleurling of Bantoe wat daardie grond ingevolge die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966), wettiglik kan okkupeer.

(3) Iemand wat die bepalings van hierdie artikel oortree of wat ’n kleurling of Bantoe toelaat om in stryd met die bepalings van hierdie artikel op enige grond te woon of dit te okkupeer, is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met ’n boete van hoogstens vyftig rand of gevangenisstraf vir ’n tydperk van hoogstens een maand, en by so ’n skuldigbevinding kan die mynkommissaris enige strukture geokkupeer of opgerig vir gebruik deur so ’n kleurling of Bantoe laat verwyder.

173. (1) Iemand wat mynwerkzaamhede uitvoer of ’n maatskappy is (behalwe ’n maatskappy waarin die Staat hetsy regstreeks of onregstreeks ’n beherende belang besit en wat die Minister skriftelik van die bepalings van hierdie artikel onthef het) wat mynwerkzaamhede uitvoer of ’n direkteur of ’n beampte van so ’n maatskappy is of ’n werkgewer of werwer van arbeid is ten behoeve van ’n persoon of ’n maatskappy wat mynwerkzaamhede uitvoer, en wat— Hoe lone, ens., betaal kan word.

(a) behalwe op bevel van ’n bevoegde hof enige gedeelte van die besoldiging, salaris of loon of van enige verdienste ingevolge kontrak betaalbaar aan iemand wat by ’n myn in diens is, op ’n ander wyse betaal as in gangbare betaalmiddel van die Republiek of by wyse van ’n tjek op ’n bank in die Republiek getrek, of anders as—

(i) regstreeks aan bedoelde werknemer of, in die geval van die siekte van bedoelde werknemer, aan sy behoorlik gemagtigde verteenwoordiger; of

(ii) aan ’n mediese hulpvereniging gestig ten opsigte van die myn waar bedoelde werknemer in diens is; of

(iii) aan ’n versekeringsmaatskappy waarby bedoelde werknemer verseker is; of

(iv) aan die Sekretaris van Binnelandse Inkomste of die Sekretaris van Bantoe-administrasie en -ontwikkeling ten opsigte van enige belasting deur bedoelde werknemer betaalbaar ingevolge ’n wet met betrekking tot belasting op persone of die inkomste van persone; of

(v) aan die Posmeester-generaal om ten bate van bedoelde werknemer gestort te word in ’n spaarbank of in ’n spaarklub gestig ingevolge magtiging deur die Posmeester-generaal verleen of vir belegging in Staatseffekte wat deur die Posmeester-generaal verkoop of ’n fonds wat deur hom geadministreer word; of

(vi) aan ’n opvoedkundige inrigting vir die betaling van gelde ten opsigte van opvoedkundige klasse wat deur bedoelde werknemer bygewoon word; of

(vii) aan ’n voorsorgs- of pensioenfonds; of

(viii) aan ’n bouvereniging by wyse van terugbetaling van enige bedrag deur bedoelde werknemer aan die vereniging verskuldig ten opsigte van ’n behuisingslening, of aan iemand anders by wyse van betaling van huurgeld deur bedoelde werknemer verskuldig ten opsigte van ’n huis deur hom geokkupeer, of by wyse van betaling van enige bedrag deur bedoelde werknemer ten opsigte van die koopprys van ’n huis verskuldig; of

(ix) aan ’n geregistreerde vakvereniging waarvan bedoelde werknemer ’n lid is, ten opsigte van enige subskripsie of ’n gedeelte daarvan wat deur

tion or any part thereof payable by the employee as such member to the trade union; or

(b) becomes surety for or pays or procures the payment of the debt of a person employed on a mine, due to the keeper of a business for which a general dealer's licence or any licence from a local authority is required, shall be guilty of an offence and liable—

(i) in the case of a first conviction to a fine not exceeding two hundred rand or imprisonment for a period not exceeding six months; and

(ii) in the case of a second or subsequent conviction to a fine not exceeding five hundred rand or imprisonment for a period not exceeding one year.

(2) No cession of his remuneration, salary or wages or of his earnings under contract or any part thereof by any person employed on a mine shall be of any force or effect, save when given for a purpose mentioned in subsection (1) (a).

(3) Subject to the provisions of subsection (2), any person employed on a mine who purports to make a cession of any portion of his remuneration, salary or wages or of his earnings under contract, and any person who purports to accept such a cession, shall be guilty of an offence and liable on conviction to the penalties prescribed in subsection (1).

(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 any boots or working clothing suitable for work underground supplied by it to such employee.

Arbitration.

174. (1) Except as to differences arising in respect of payments to be made to the State as share of profits, royalty or taxation, any differences arising between the State and the holder of a mining lease granted under this Act, or a mining or mineral lease granted under a prior law, as to the terms and conditions to which any such lease is subject, shall be determined by arbitration in accordance with the Arbitration Act, 1965 (Act No. 42 of 1965).

(2) Whenever this Act provides for the settlement of any difference or dispute by arbitration, such difference or dispute shall be settled as provided by subsection (1).

Powers of entry on land.

175. (1) The Government Mining Engineer, the Director of the Geological Survey and every mining commissioner, claim inspector or inspector of mines, or any officer or employee of the Department of Mines duly authorized in writing by any of the firstmentioned officers or by the Minister, may enter upon any land for the purpose of carrying out any powers or duties conferred or imposed upon him by this Act or by any other law.

(2) Any person entering upon any land under this section shall be entitled to take with him thereon such persons, vehicles, appliances, instruments and materials as may be necessary for the purpose of carrying out his powers and duties, and shall further be entitled to the use on the land so entered of such water and dead wood as may be necessary for himself and the persons with him.

(3) Any person who prevents any entry authorized by this section or wilfully obstructs or hinders any person so authorized in the exercise of his powers or the performance of his duties under this Act or any other law shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand.

Production of licences, etc., on demand.

176. (1) Any person who is required by this Act to hold any licence, permission, certificate, permit or other document shall produce such licence, permission, certificate, permit or document on the request of the mining commissioner or claim inspector or any member of the South African Police holding a rank of or above the rank of sergeant.

(2) Any person who fails to comply with any request referred to in subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand.

Mining commissioner's jurisdiction incidental to investigation or hearing.

177. (1) Whenever under this Act a mining commissioner is authorized or required to investigate any matter or hear any application or objection he may summon witnesses and examine them on oath and may do all things which he may deem necessary in order to arrive at a proper decision.

die werknemer as so 'n lid aan die vakvereniging betaalbaar is; of

(b) borg staan vir die skuld wat deur iemand wat by 'n myn in diens is, verskuldig is aan die houër van 'n besigheid waarvoor 'n algemene handelaarslisensie of 'n lisensie van 'n plaaslike owerheid vereis word, of sodanige skuld betaal of die betaling daarvan verkry, is aan 'n misdryf skuldig en strafbaar—

- (i) in die geval van 'n eerste skuldigbevinding, met 'n boete van hoogstens tweehonderd rand of gevangenisstraf vir 'n tydperk van hoogstens ses maande; en
- (ii) in die geval van 'n tweede of daaropvolgende skuldigbevinding, met 'n boete van hoogstens vyfhonderd rand of gevangenisstraf vir 'n tydperk van hoogstens een jaar.

(2) Geen sessie van sy besoldiging, salaris of loon of van sy verdienste ingevolge 'n kontrak, of enige gedeelte daarvan, deur iemand wat by 'n myn in diens is, is van enige krag nie, behalwe wanneer dit vir 'n in subartikel (1) (a) vermelde doel geskied.

(3) Behoudens die bepalings van subartikel (2), is iemand wat by 'n myn in diens is en wat enige gedeelte van sy besoldiging, salaris of loon of van sy verdienste ingevolge 'n kontrak heet te sedgeer, en iemand wat so 'n sessie heet te aanvaar, aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe in subartikel (1) voorgeskryf.

(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 stewels of werksklere wat vir ondergrondse werk geskik is en deur sodanige maatskappy aan bedoelde werknemer verskaf is.

174. (1) Behalwe wat betref geskille wat ontstaan ten opsigte van betalings wat as winsaandeel, tantième of belasting aan die Staat gedoen moet word, word enige geskil wat ontstaan tussen die Staat en die houër van 'n myn- of mineralehuur kragtens hierdie Wet of 'n myn- of mineralehuur kragtens 'n vorige wet toegeken, betreffende die bedinge en voorwaardes waaraan so 'n huur onderworpe is, by arbitrasie ooreenkomstig die Wet op Arbitrasie, 1965 (Wet No. 42 van 1965), besleg.

(2) Waar hierdie Wet voorsiening maak vir die beslegting van enige geskil by arbitrasie, word daardie geskil volgens voorskrif van subartikel (1) besleg.

175. (1) Die Staatsmyningenieur, die Direkteur van die Geologiese Opname en elke mynkommissaris, kleiminspekteur of inspekteur van myne, of enige beampste of werknemer van die Departement van Mynwese wat skriftelik deur enige van die eersgemelde beampstes of deur die Minister gemagtig is, kan enige grond betree ten einde 'n bevoegdheid uit te oefen of plig te verrig wat deur hierdie Wet of enige ander wetsbepaling aan hom verleen of opgedra word.

(2) Iemand wat grond ingevolge hierdie artikel betree, is geregtig om die persone, voertuie, toestelle, instrumente en materiaal saam met hom te neem wat nodig is om sy bevoegdheid uit te oefen en sy pligte te verrig, en is verder geregtig om op die grond wat hy aldus betree water en droë hout te neem wat nodig is vir homself en diegene wat hom vergesel.

(3) Iemand wat 'n betreding wat deur hierdie artikel gemagtig word, verhoed of 'n aldus gemagtigde persoon opsetlik by die uitoefening van sy bevoegdheid of die verrigting van sy pligte ingevolge hierdie Wet of ander wetsbepalings hinder of belemmer, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand.

176. (1) Iemand wat volgens hierdie Wet in besit van 'n lisensie, vergunning, sertifikaat, permit of ander dokument moet wees, moet daardie lisensie, vergunning, sertifikaat, permit of dokument op versoek van die mynkommissaris of kleiminspekteur of 'n lid van die Suid-Afrikaanse Polisie met die rang van sersant of 'n hoër rang oorleë.

(2) Iemand wat versuim om te voldoen aan 'n versoek in subartikel (1) bedoel, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand.

177. (1) Wanneer 'n mynkommissaris ingevolge hierdie Wet gemagtig of verplig is om 'n saak te ondersoek of 'n aansoek of beswaar te verhoor, kan hy getuies dagvaar en hulle onder eed ondervra en alles doen wat hy nodig ag ten einde tot 'n behoorlike beslissing te geraak.

Oorlegging van lisensies, ens., op versoek.

Mynkommissaris se regsbevoegdheid in verband met ondersoek of verhoor.

(2) Any person summoned as a witness under this section who fails without reasonable excuse to appear at the time and place required by the summons or to produce any document so required or refuses to be sworn or to make a solemn declaration or to answer to the best of his knowledge or belief all such questions as may lawfully be put to him by or with the concurrence of the mining commissioner, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand.

Exemption from payment of licence moneys, rent or mynpacht dues.

178. (1) (a) Where sums of money which in the opinion of the mining commissioner are adequate have been expended on or in connection with the mining or development of any land held under mining title, and—

- (i) such mining or development has been temporarily curtailed or discontinued for reasons which appear to the mining commissioner to be sufficient; or
- (ii) the mining commissioner is satisfied that the person who is entitled to mine on the land held under such mining title is in danger of having to curtail, suspend or cease mining operations,

the mining commissioner may from time to time for such period as he may in the circumstances deem equitable grant exemption from the payment of so much of the licence moneys, rent or mynpacht dues payable in respect of such mining title as would but for such exemption accrue to the State.

(b) Exemption as contemplated in paragraph (a) may be granted by the mining commissioner in respect of mining title on which work on or in connection with the mining or development of the land held under such title, which in the opinion of the mining commissioner is reasonably necessary and sufficient, is being carried on, provided immediately prior to the commencement of this Act the person who was entitled to mine on such land was exempted from payment of so much of the licence moneys, rent or mynpacht dues in respect of such mining title as would, but for such exemption, have accrued to the State.

(c) Notwithstanding the provisions of paragraphs (a) and (b), the mining commissioner may refuse to grant exemption under this section in respect of any portion of the land held under the mining title in question on which no mining or development work is being carried on, if the Government Mining Engineer has expressed the opinion that such portion is not necessary for the reasonable future mining requirements of the applicant.

(2) No exemption shall be granted under this section unless application therefor is made within thirty days after the due date for the renewal of the licence or payment of the rent or mynpacht dues in question, and if exemption is refused nothing in this section contained shall be construed as relieving the holder of a claim licence from payment of the additional sum prescribed by section 64 or as preventing the lapsing of any rights under a mining title as a result of non-payment on a prescribed date of any moneys due in respect of such title.

(3) The mining commissioner may call upon any applicant for exemption under this section to produce his books of account or any other documents or records to enable him to determine whether the exemption is justified.

(4) Any interested person who is dissatisfied with any decision of the mining commissioner on an application for exemption under this section may within thirty days after having been informed of such decision appeal therefrom to the Minister who may thereupon confirm, vary or set aside the mining commissioner's decision as he thinks fit.

Additional powers conferred upon mining commissioner.

179. (1) The mining commissioner shall have power, subject to the provisions of this Act—

(a) to determine and point out the places which are closed to prospecting, pegging or digging by virtue of the provisions of this Act or by notice or proclamation published in the *Gazette* in terms of this Act or a prior law;

(b) to make reservations for the purposes of roads or rights of way on any proclaimed land or land held under mining title which is not situated in a lawfully established township, whether or not such land has been reserved under section 47 (1) of this Act or a corresponding provision of a prior law or for township purposes.

(2) Iemand wat ingevolge hierdie artikel as 'n getuie gedagvaar is en wat sonder redelike verskoning versuim om op die tyd en plek in die dagvaarding vermeld, te verskyn of 'n aldus vermelde dokument oor te lê of wat weier om beëdig te word of 'n plegtige verklaring af te lê of om na die beste van sy wete of oortuiging alle vrae te beantwoord wat wettiglik deur of met die instemming van die mynkommissaris aan hom gestel word, is aan 'n misdryf skuldig en by skuldigvinding strafbaar met 'n boete van hoogstens vyftig rand.

178. (1) (a) Waar somme geld wat volgens die mynkommissaris se oordeel voldoende is, aan of in verband met die ontginning of ontwikkeling van enige grond wat kragtens myntitel gehou word, bestee is, en—
- Vrystelling van betaling van lisensiegelde, huurgeld of mynpaggelde.
- (i) sodanige ontginning of ontwikkeling om redes wat vir die mynkommissaris voldoende blyk, tydelik ingekort of gestaak is; of
- (ii) die mynkommissaris oortuig is dat daar gevaar bestaan dat die persoon wat geregtig is om te myn op die grond kragtens daardie myntitel gehou die mynwerkzaamhede sal moet inkort, opskort of staak,

kan die mynkommissaris van tyd tot tyd vir 'n tydperk wat hy onder die omstandighede billik ag, vrystelling van die betaling van soveel van die lisensiegelde, huurgeld of mynpaggelde betaalbaar ten opsigte van bedoelde myntitel verleen as wat by ontstentenis van sodanige vrystelling aan die Staat sou toeval.

(b) Vrystelling soos in paragraaf (a) beoog, kan deur die mynkommissaris verleen word ten opsigte van myntitel waarop werk aan of in verband met die ontginning of ontwikkeling van die grond kragtens bedoelde titel gehou, wat volgens die mynkommissaris se oordeel redelikerwys nodig en voldoende is, verrig word, mits die persoon wat onmiddellik voor die inwerkingtreding van hierdie Wet geregtig was om op bedoelde grond te myn, vrygestel was van die betaling van soveel van die lisensiegelde, huurgeld of mynpaggelde ten opsigte van bedoelde myntitel as wat, indien sodanige vrystelling nie verleen was nie, die Staat sou toegeval het.

(c) Ondanks die bepalings van paragrawe (a) en (b), kan die mynkommissaris weier om vrystelling ingevolge hierdie artikel te verleen ten opsigte van enige gedeelte van die grond wat kragtens die betrokke myntitel gehou word, waarop geen ontginning of ontwikkelingswerk verrig word nie, indien die Staatsmyningenieur die mening uitgespreek het dat daardie gedeelte nie vir die redelike toekomstige mynboubenodighede van die aansoeker nodig is nie.

(2) Geen vrystelling word ingevolge hierdie artikel verleen nie, tensy aansoek daarom gedoen word binne dertig dae na die vervaldag vir die hernuwing van die betrokke lisensie of die betaling van die betrokke huurgeld of mynpaggelde, en indien vrystelling geweier word, word hierdie artikel nie so uitgelê dat dit die houër van 'n kleimlisensie onthef van betaling van die addisionele som geld by artikel 64 voorgeskryf of dat dit die verval van enige regte kragtens 'n myntitel ten gevolge van wanbetaling op 'n voorgeskrewe datum van enige gelde ten opsigte van bedoelde titel verskuldig, verhoed nie.

(3) Die mynkommissaris kan enige aansoeker om vrystelling ingevolge hierdie artikel aansê om sy rekeningboeke of enige ander dokumente of aantekenings oor te lê ten einde hom in staat te stel om te bepaal of vrystelling geregverdig is.

(4) Enige belanghebbende persoon wat ontevrede is met 'n beslissing van die mynkommissaris na aanleiding van 'n aansoek om vrystelling ingevolge hierdie artikel, kan binne dertig dae nadat hy van bedoelde beslissing verwittig is, daarteen appèl aanteken by die Minister, wat daarop die mynkommissaris se beslissing na goëddunke kan bekragtig, wysig of tersyde stel.

179. (1) Die mynkommissaris is, behoudens die bepalings van hierdie Wet, bevoeg—

Addisionele bevoegdhede aan mynkommissaris verleen.

(a) om die plekke wat uit hoofde van die bepalings van hierdie Wet of by kennisgewing of proklamasie wat ingevolge hierdie Wet of 'n vorige wet in die *Staatskoerant* gepubliseer is, vir prospektering, afpenning of delf gesluit is, te bepaal en uit te wys;

(b) om uithoudings te doen vir die doeleindes van paaie of regte van weg op geproklameerde grond of grond kragtens myntitel gehou wat nie in 'n wettiglik gestigte dorp geleë is nie, hetsy bedoelde grond kragtens artikel 47 (1) van hierdie Wet of 'n ooreenstemmende bepaling van 'n vorige wet of vir dorpsdoeleindes uitgehou is al dan nie.

(2) Notice of any reservation by the mining commissioner under subsection (1) (b), stating clearly the purpose for which the land has been so reserved, shall be published in the *Gazette*.

Service of notices and other documents.

180. (1) Save as is otherwise provided in this Act, any notice, order or other document required by this Act to be served upon any person shall be deemed to have been duly served if it has been delivered to such person personally or sent by registered post to his last known postal or business address or ordinary residence or, where service of such notice or order in the manner aforesaid is for any reason impracticable, if it has been published in the *Gazette*.

(2) A notice, order or other document which, purporting to be lawfully made, is issued in good faith under this Act, shall be valid according to the terms thereof, notwithstanding any want of form or lack of authority on the part of any person to issue or authenticate it, provided the authority be subsequently conferred upon such person.

Prescribed fees in respect of applications for and objections to grant of certain rights under this Act.

181. On the lodging of any document mentioned in Schedule 2 to this Act the fees prescribed by that Schedule in respect of each such document shall be paid by means of revenue stamps affixed thereto, and such stamps shall be cancelled as required by law by the person with whom the document is lodged.

Schemes for mining natural oil-bearing area as unit.

182. (1) If after consultation with the board the Minister is satisfied that any land over which a mining lease in respect of natural oil has been granted forms geologically part of the same natural oil-bearing area as any other land over which any other such lease has been granted or upon which a State mine for the mining of natural oil has been established under this Act, and that it is desirable that the area be mined as a unit, he may—

- (a) if all the land is held under mining lease for natural oil, by notice in writing require the holders of the leases together to prepare a scheme for mining the area as a unit; or
- (b) if the land is partly held under any such lease and is partly land upon which such a mine has been established, by notice in writing require any holder of a lease and an officer or officers specified in the notice together to prepare a scheme for mining the area as a unit,

and in each such case to submit such scheme to the Minister within a period so specified.

(2) If no scheme is submitted within the period specified in the notice or within such further period as the Minister may allow, or if the scheme submitted is not acceptable to the Minister, he may appoint a committee consisting of the Government Mining Engineer, the Director of the Geological Survey and such other person or persons as may be selected by the Minister after consultation with the holders of the leases, to prepare a scheme for mining the area as a unit.

(3) The committee so appointed shall after having considered any representations made by any such holder or, in the case referred to in subsection (1) (b), by any such holder or by or on behalf of the Minister, submit a scheme to the Minister as soon as may be practicable.

(4) The State President may, if he is satisfied that any scheme submitted under subsection (1) or (3) is practicable and is fair and equitable to all the parties concerned, confirm such scheme, and it shall thereupon become binding upon those parties as from a date to be determined by the State President.

(5) The Minister shall forthwith notify the holders of the leases concerned in writing of any decision of the State President under subsection (4).

(6) If any holder of a lease fails to carry out any provision of a scheme which is binding upon him, the Minister may by notice in writing require him to do so within a period specified in the notice, and if he fails to comply with the notice, the Minister may terminate his lease.

Power of State President to expropriate.

183. If at any time the State President considers it necessary in the public interest or for public purposes or in the interests of mining to expropriate wholly or in part any right granted under this Act or under a prior law relating to prospecting and mining, he may expropriate such right subject to the payment by the party at whose instance such right is expropriated of compensation which shall in the absence of agreement be determined by arbitration.

(2) 'n Kennisgewing van enige uithouding deur die myn-kommissaris ingevolge subartikel (1) (b), waarin die doel waarvoor die grond aldus uitgehou is, duidelik vermeld word, moet in die *Staatskoerant* gepubliseer word.

180. (1) Behalwe vir sover hierdie Wet anders bepaal, word 'n kennisgewing, bevel of ander dokument wat ingevolge hierdie Wet aan iemand bestel moet word, geag behoorlik bestel te wees indien dit aan so iemand persoonlik oorhandig is of per aangetekende pos na sy laaste bekende pos- of besigheidsadres of gewone woonplek gestuur is, of, waar bestelling van sodanige kennisgewing of bevel op die voormelde wyse om enige rede nie doenlik is nie, indien dit in die *Staatskoerant* gepubliseer is.

Bestelling van kennisgewings en ander stukke.

(2) 'n Kennisgewing, bevel of ander dokument wat wettiglik opgestel heet te wees en wat te goeder trou ingevolge hierdie Wet uitgereik word, geld ooreenkomstig die bepalings daarvan ondanks enige gebrek wat betref die vorm daarvan of afwesigheid van bevoegdheid van enige persoon om dit uit te reik of te waarmerk, mits die bevoegdheid daarna aan dié persoon verleen word.

181. By die indiening van enige dokument in Bylae 2 by hierdie Wet vermeld, moet die gelde in daardie Bylae ten opsigte van elke sodanige dokument voorgeskryf, betaal word by wyse van inkomsteseëls wat daaraan geheg is, en bedoelde seëls moet soos regtens vereis, gerojeer word deur die persoon by wie die dokument ingedien word.

Voorgeskrewe gelde ten opsigte van aansoeke om en besware teen toekenning van sekere regte ingevolge hierdie Wet.

182. (1) Indien die Minister na oorlegpleging met die raad oortuig is dat grond waaroor 'n mynhuur ten opsigte van aardolie toegeken is, uit 'n aardkundige oogpunt deel uitmaak van dieselfde aardoliehoudende gebied as ander grond waaroor 'n ander sodanige huur toegeken is of waarop 'n Staatsmyn vir die ontginning van aardolie kragtens hierdie Wet ingestel is, en dat dit wenslik is dat die gebied as 'n eenheid ontgin word, kan hy—

Skemas vir ontginning van aardoliehoudende gebied as eenheid.

(a) as al die grond kragtens mynhure vir aardolie gehou word die houer van die hure by skriftelike kennisgewing aansê om saam 'n skema vir die ontginning van die gebied as 'n eenheid op te stel; of

(b) as die grond gedeeltelik kragtens so 'n huur gehou word en gedeeltelik grond is waarop so 'n myn ingestel is, enige houer van 'n huur en 'n beampte of beamptes in die kennisgewing vermeld by skriftelike kennisgewing aansê om saam 'n skema vir die ontginning van die gebied as 'n eenheid op te stel,

en in elke sodanige geval om bedoelde skema binne 'n aldus vermelde tydperk aan die Minister voor te lê.

(2) Indien geen skema binne die in die kennisgewing vermelde tydperk of binne die verdere tydperk wat die Minister toelaat, voorgelê word nie, of indien die voorgelegde skema nie vir die Minister aanneemlik is nie, kan hy 'n komitee aanstel wat bestaan uit die Staatsmyningenieur, die Direkteur van die Geologiese Opname en die ander persoon of persone wat die Minister na oorlegpleging met die houer van die hure kies om 'n skema vir die ontginning van die gebied as 'n eenheid op te stel.

(3) Die aldus aangestelde komitee moet so spoedig doenlik na oorweging van enige vertoë wat deur so 'n houer of, in die geval in subartikel (1) (b) bedoel, deur so 'n houer of deur of ten behoeve van die Minister voorgelê is, 'n skema aan die Minister voorlê.

(4) Die Staatspresident kan, indien hy oortuig is dat enige skema wat ingevolge subartikel (1) of (3) voorgelê is, uitvoerbaar is en teenoor al die betrokke partye billik is, daardie skema bekragtig, en daarop is bedoelde partye daardeur gebind vanaf 'n datum wat die Staatspresident bepaal.

(5) Die Minister stel die houer van die betrokke hure onverwyld skriftelik in kennis van enige besluit van die Staatspresident kragtens subartikel (4).

(6) Indien 'n houer van 'n huur versuim om enige bepaling van 'n skema waardeur hy gebind is, uit te voer, kan die Minister hom by skriftelike kennisgewing aansê om dit binne 'n in die kennisgewing vermelde tydperk te doen, en indien hy versuim om aan die kennisgewing te voldoen, kan die Minister sy huur beëindig.

183. Indien die Staatspresident dit te eniger tyd in die openbare belang of vir publieke doeleindes of in die belang van mynbou nodig ag om enige reg ingevolge hierdie Wet of ingevolge 'n vorige wet op prospektering en mynbou verleen, geheel en al of ten dele te onteien, kan hy bedoelde reg onteien onderworpe aan die betaling deur die party op wie se versoek bedoelde reg onteien word, van vergoeding wat by ontstentenis van ooreenkoms by arbitrasie bepaal word.

Bevoegdheid van Staatspresident om te onteien.

Reservation of land for township purposes.

184. (1) The State President may after consultation between the holder of any mining title affected and the mining commissioner by notice in the *Gazette* reserve any proclaimed land or land held under mining title for the purposes of a township.

(2) The State President may attach such conditions to the establishment of any township on land so reserved as he considers desirable in the interests of mining, safety or health, and, subject to such conditions, a township may, after publication of the notice referred to in subsection (1), be established on the land reserved, under the provisions of any law in force in the province in which the land is situated governing the establishment of townships.

(3) Notwithstanding anything in any law contained, a township shall not be established on proclaimed land or land held under mining title unless the land on which the township is to be established has been reserved for township purposes under subsection (1) of this section or a corresponding provision of a prior law.

Delegation of Minister's powers.

185. The Minister may delegate to the Secretary or any other officer in the Department of Mines any of the powers conferred upon him by section 21, 93, 111, 160 or 175.

Miscellaneous penalties.

186. (1) Any person who prospects or mines for precious metals, base minerals or natural oil without being in possession of or otherwise than in accordance with a permit, licence, lease or other authority required under this Act, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand and to a further fine not exceeding ten rand for every day upon which he so prospects or mines.

(2) Any person who, whether or not he is in possession of a permit, licence, lease or other authority, prospects or mines for precious metals, base minerals or natural oil—

(a) on any land on which such prospecting or mining is not authorized or is expressly forbidden by or under this Act; or

(b) in any place in which he is not entitled to prospect or mine,

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand and to a further fine not exceeding twenty rand for every day upon which he so prospects or mines.

(3) Any person who, without lawful excuse (the burden of proof whereof shall lie upon him), alters or moves or wilfully damages or destroys any beacon erected under this Act or a prior law, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand, and the court convicting him may order him to have the beacon replaced or restored to the satisfaction of the mining commissioner.

(4) Any person who pegs a prospecting area or claim without being in possession of the necessary permit or licence prescribed by this Act or who knowingly pegs such area or a claim on land on which such pegging is not permitted, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand.

(5) Any person who, when required by or under this Act to give any notice or disclose any fact to the mining commissioner or any other officer, makes default in complying with such requirement, shall be guilty of an offence and liable on conviction, if no other penalty is expressly prescribed, to a fine not exceeding two hundred rand.

(6) Any person who unlawfully occupies or resides upon or in any way unlawfully uses any proclaimed land, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand, and the court convicting him may order his ejection from such land.

(7) Any person who unlawfully takes or uses any water from any place on any proclaimed land or land held under mining title and who fails to comply with a written notice served upon him by the mining commissioner requiring him to refrain from taking or using such water, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand.

(8) Any person who unlawfully removes ore from or out of ground held under mining title, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding five years and, in addition, to a fine equal to three times the value of the ore removed by him which shall be paid to the holder of such title.

184. (1) Die Staatspresident kan, na oorlegpleging tussen die houer van enige myntitel wat geraak word en die mynkommissaris, by kennisgewing in die *Staatskoerant* enige geproklameerde grond of grond kragtens myntitel gehou vir die doel van 'n dorp uthou.

Uithou van grond vir dorpsdoeleindes.

(2) Die Staatspresident kan in verband met die stigting van 'n dorp op grond aldus uitgehou, die voorwaardes stel wat hy in die belang van mynbou, veiligheid of gesondheid wenslik ag, en 'n dorp kan, onderworpe aan bedoelde voorwaardes, na publikasie van die in subartikel (1) bedoelde kennisgewing op die grond wat uitgehou is, gestig word ingevolge die bepalings van enige wet op die stigting van dorpe wat van krag is in die provinsie waarin die grond geleë is.

(3) Ondanks andersluidende wetsbepalings word 'n dorp nie op geproklameerde grond of grond kragtens myntitel gehou, gestig nie, tensy die grond waarop die dorp gestig staan te word ingevolge subartikel (1) van hierdie artikel of 'n ooreenstemmende bepaling van 'n vorige wet vir dorpsdoeleindes uitgehou is.

185. Die Minister kan aan die Sekretaris of 'n ander beampte in die Departement van Mynwese enige van die by artikel 21, 93, 111, 160 of 175 aan hom verleende bevoegdhede deleger.

Delegering van Minister se bevoegdhede.

186. (1) Iemand wat na edelmetale, onedele minerale of aardolie prospekteer of daarvoor myn sonder dat hy in besit is van, of anders as ooreenkomstig 'n permit, lisensie, huur of ander magtiging ingevolge hierdie Wet vereis, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand en met 'n verdere boete van hoogstens tien rand vir elke dag waarop hy aldus prospekteer of myn.

Diverse strawwe.

(2) Iemand wat, hetsy hy in besit van 'n permit, lisensie, huur of ander magtiging is al dan nie, na edelmetale, onedele minerale of aardolie prospekteer of daarvoor myn—

(a) op grond waarop sodanige prospektering of mynwerksaamhede nie ingevolge hierdie Wet gemagtig is nie of uitdruklik daardeur of daarkragtens verbied is; of

(b) op 'n plek waarop hy nie geregtig is om te prospekteer of te myn nie,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand en met 'n verdere boete van hoogstens twintig rand vir elke dag waarop hy aldus prospekteer of myn.

(3) Iemand wat sonder wettige verskoning (waarvan die bewyslas op hom rus) 'n baken ingevolge hierdie Wet of 'n vorige wet opgerig, verander of verskuif of opsetlik beskadig of vernietig, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand, en die hof wat hom skuldig bevind, kan hom beveel om die baken tot bevrediging van die mynkommissaris te laat terugplaas of herstel.

(4) Iemand wat 'n prospekteegebied of kleim afpen sonder dat hy in besit is van die nodige permit of lisensie deur hierdie Wet voorgeskryf of wat wetens so 'n gebied of 'n kleim afpen op grond waarop sodanige afpenning nie toegelaat is nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand.

(5) Iemand wat, wanneer daar deur of ingevolge hierdie Wet van hom vereis word om aan die mynkommissaris of 'n ander beampte kennis te gee of 'n feit bekend te maak, in gebreke bly om aan so 'n vereiste te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar, indien geen ander straf uitdruklik voorgeskryf is nie, met 'n boete van hoogstens tweehonderd rand.

(6) Iemand wat onwettiglik geproklameerde grond okkupeer of daarop woon of dit op enige wyse onwettiglik gebruik, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand, en die hof wat hom skuldig bevind, kan beveel dat hy van die grond afgesit word.

(7) Iemand wat onwettiglik water van enige plek op geproklameerde grond of grond kragtens myntitel gehou, neem of gebruik, en wat versuim om te voldoen aan 'n skriftelike kennisgewing deur die mynkommissaris aan hom bestel waarby hy aangesê word om hom daarvan te onthou om dié water te neem of te gebruik, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand.

(8) Iemand wat onwettiglik erts verwyder van of uit grond kragtens myntitel gehou, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar en daarbenewens met 'n boete gelyk aan drie keer die waarde van die erts deur hom verwyder, wat aan die houer van bedoelde titel betaal moet word.

- (9) (a) Any person who wilfully and maliciously damages or destroys any mine, machinery or other mining property shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand or imprisonment for a period not exceeding ten years.
- (b) It shall not be a defence to a charge under this subsection that the property damaged or destroyed belonged wholly or in part to the accused.

(10) Any person who, in contravention of any provision of this Act, removes or destroys any material used for supporting underground workings or plant, or material required to prevent damage to any mine or workings, shall be guilty of an offence and liable on conviction to the penalties prescribed in respect of an offence under subsection (9).

(11) Any person who contravenes or fails to comply with any provision of this Act in respect of which no penalty is expressly prescribed shall be liable on conviction to a fine not exceeding one hundred rand.

Regulations.

187. (1) The State President may make regulations not inconsistent with this Act in regard to all or any of the following matters, namely—

- (a) the functions, powers and duties of any officer or employee appointed under this Act;
- (b) the functions, powers and duties of the board and the procedure to be observed at meetings thereof;
- (c) the form of any application capable of being made under this Act, and of any consent, document or authorization of whatever nature required to be submitted with such application, and the information or particulars which shall accompany any such application;
- (d) the form of and the conditions attaching to and the issue, renewal or cancellation of any permit, licence, lease, grant, certificate, permission or receipt or any authorization, right or document of whatever nature capable of being issued, granted or renewed under the provisions of this Act;
- (e) the form of any register or other record required to be kept under or for the purposes of this Act;
- (f) the form of any notice to be given or published under this Act;
- (g) the form of any sketch plan required to be submitted under this Act;
- (h) the manner and form in which tenders called for under this Act shall be submitted;
- (i) the pegging or demarcation of prospecting areas, claims, land included or to be included in mining leases or prospecting leases, land which constitutes proclaimed land or land to be proclaimed, stands, trading stands, trading sites and any other right or reservation of whatever nature in respect of which demarcation is required by or for the purposes of this Act, and generally in regard to the pegs to be used or the beacons or trenches to be erected or constructed in any such pegging or demarcation and the particulars to be inscribed on pegs and beacons;
- (j) the control of the pegging of prospecting areas and claims;
- (k) investigations which any officer may or is required to make under this Act;
- (l) the establishment and disestablishment and any matter incidental to the working of State mines;
- (m) the proclamation of land as public diggings and the proper working, control and administration thereof;
- (n) hearings required to be conducted under this Act;
- (o) the rate of licence moneys payable in respect of stands;
- (p) the establishment of State mining schools and matters incidental thereto;

- (9) (a) Iemand wat opsetlik en kwaadwilliglik enige myn, masjinerie of ander myneïendom beskadig of vernietig, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweeduisend rand of gevangenisstraf vir 'n tydperk van hoogstens tien jaar.
- (b) Dit is nie 'n verweer teen 'n aanklag ingevolge hierdie subartikel dat die eiendom wat beskadig of vernietig is in die geheel of gedeeltelik aan die beskuldigde behoort het nie.

(10) Iemand wat in stryd met 'n bepaling van hierdie Wet enige materiaal wat gebruik word om ondergrondse ontginningsplekke te stut of installasies of materiaal wat nodig is ter voorkoming van skade aan enige myn of ontginningsplekke verwyder of vernietig, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe ten opsigte van 'n misdryf ingevolge subartikel (9) voorgeskryf.

(11) Iemand wat 'n bepaling van hierdie Wet oortree ten opsigte waarvan geen straf uitdruklik voorgeskryf word nie, of versuim om aan so 'n bepaling te voldoen, is by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand.

187. (1) Die Staatspresident kan regulasies uitvaardig wat nie met hierdie Wet onbestaanbaar is nie, in verband met enige van of al die volgende aangeleenthede, te wete—

- (a) die werksaamhede, bevoegdhede en pligte van 'n beampste of werknemer kragtens hierdie Wet aangestel;
- (b) die werksaamhede, bevoegdhede en pligte van die raad en die prosedure wat by vergaderings daarvan nagekom moet word;
- (c) die vorm van enige aansoek wat ingevolge hierdie Wet gedoen kan word en van enige toestemming, dokument of magtiging van watter aard ook al wat met so 'n aansoek ingedien moet word, en die inligting of besonderhede wat so 'n aansoek moet vergesel;
- (d) die vorm van en die voorwaardes verbonde aan en die uitreiking, hernuwing of kansellering of intrekking van enige permit, lisensie, huur, toekenning, sertifikaat, vergunning of kwitansie of enige magtiging, reg of dokument van watter aard ook al wat ingevolge die bepalings van hierdie Wet uitgereik, verleen of hernieu kan word;
- (e) die vorm van enige register of ander aantekening wat ingevolge of vir die doeleindes van hierdie Wet gehou moet word;
- (f) die vorm van enige kennisgewing wat ingevolge hierdie Wet gegee of gepubliseer moet word;
- (g) die vorm van enige sketskaart wat ingevolge hierdie Wet ingedien moet word;
- (h) die wyse waarop en die vorm waarin tenders wat ingevolge hierdie Wet aangevra word, voorgelê moet word;
- (i) die afpen of afbakening van prospekteergebiede, kleims, grond wat by mynhure of prospekteerhure ingesluit is of staan te word, grond wat geproklameerde grond is of geproklameer staan te word, standplase, handelstandplase, handelsterreine en enige ander reg of voorbehoud of uithouding van watter aard ook al ten opsigte waarvan afbakening deur of vir die doeleindes van hierdie Wet vereis word, en in die algemeen wat betref die penne wat by so 'n afpenning of afbakening gebruik of bakens of slote wat by so 'n afpenning of afbakening opgerig of gemaak moet word en die besonderhede wat op penne en bakens opgeteken moet word;
- (j) die beheer oor die afpenning van prospekteergebiede en kleims;
- (k) ondersoeke wat enige beampste ingevolge hierdie Wet kan of moet instel;
- (l) die instelling en afskaffing en enige aangeleentheid in verband met die ontginning van Staatsmyne;
- (m) die proklamering van grond as openbare delwerye en die behoorlike ontginning, beheer en administrasie daarvan;
- (n) verhore wat ingevolge hierdie Wet gehou moet word;
- (o) die tarief van lisensiegelde ten opsigte van standplase betaalbaar;
- (p) die instelling van Staatsmynskole en aangeleenthede wat daarmee in verband staan;

- (q) the proper distribution of and prevention of waste, pollution, fouling or disturbing of any water on or underneath any proclaimed land or land held under mining title or in any public stream forming a boundary of proclaimed land or land held under mining title;
- (r) the prevention of or safeguarding against illicit or dishonest trade in precious metals, and the searching of persons, places and things;
- (s) the conduct of trade or business and the carrying on of any industrial activities on proclaimed land or land held under mining title not situated in a lawfully established township, and matters incidental thereto;
- (t) the prevention or abatement of nuisances in or about any place in respect of which any right is held under this Act or a prior law relating to prospecting and mining;
- (u) the cessation, abandonment or curtailment of mining operations, and matters incidental thereto;
- (v) in relation to any particular base mineral or a particular category of base minerals—
 - (i) prohibiting, restricting or regulating the export thereof from the Republic;
 - (ii) prohibiting the disposal or use thereof for any specified purpose or in any specified manner or for any purpose or in any manner other than a specified purpose or manner; or
 - (iii) generally restricting or regulating the disposal or use thereof;
- (w) the prevention of the mining of any precious metal or base mineral by any person in a wasteful manner or in such a manner that such metal or mineral is left unrecovered in ground from which it could, if such ground is worked separately or in conjunction with other ground worked by such person, be profitably recovered;
- (x) the prevention of waste or loss of natural oil in the course of any operations carried out in connection with mining for natural oil;
- (y) generally, any matter which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved, the generality of the powers conferred by this paragraph not being limited by the provisions of the preceding paragraphs.

(2) Different regulations may be made for different mining districts or areas of land and for mining districts comprised in class A and mining districts comprised in class B.

(3) Any regulation made under this section may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of one hundred rand or imprisonment for a period of six months.

Repeal of laws.

188. (1) Subject to the provisions of subsection (2), the laws mentioned in Schedule 3 to this Act are hereby repealed to the extent set out in the third column of that Schedule.

(2) Any proclamation, notice, prohibition, regulation, order, direction, approval, certificate, licence, lease or permit issued, imposed, made, given, entered into or granted and any right granted, acquired or conferred and anything done under any provision of any law repealed by subsection (1), shall, save as otherwise provided in this Act, be deemed to have been issued, imposed, made, given, entered into, granted, acquired, conferred or done under the corresponding provision of this Act.

Short title and commencement.

189. This Act shall be called the Mining Rights Act, 1967, and shall come into operation upon a date to be fixed by the State President by proclamation in the *Gazette*: Provided that the provisions of this Act in so far as they are applicable in relation to natural oil shall come into operation on the date of promulgation of this Act.

- (q) die behoorlike verdeling en voorkoming van vermorsing, besoedeling, bevuilding of versteuring van water op of onder geproklameerde grond of grond kragtens myntitel gehou of in 'n openbare stroom wat 'n grens uitmaak van geproklameerde grond of grond kragtens myntitel gehou;
- (r) die voorkoming van of beskerming teen onwettige of oneerlike handel in edelmetale, en die visentering van persone en deursoeking van plekke en dinge;
- (s) die dryf van handel of besigheid en die voortsetting van nywerheidsaktiwiteite op geproklameerde grond of grond kragtens myntitel gehou wat nie in 'n wettiglik gestigte dorp geleë is nie, en aangeleenthede wat daarmee in verband staan;
- (t) die voorkoming of verwydering van 'n oorlas in of naby 'n plek ten opsigte waarvan 'n reg ingevolge hierdie Wet of 'n vorige wet met betrekking tot prospektering en mynbou gehou word;
- (u) die staking, opgee of inkorting van mynwerksaamhede en aangeleenthede wat daarmee in verband staan;
- (v) met betrekking tot 'n bepaalde onedele mineraal of 'n bepaalde kategorie van onedele minerale—
- (i) die verbod op of die beperking of reëling van die uitvoer daarvan uit die Republiek;
 - (ii) die verbod op die beskikking daarvoor of gebruik daarvan vir 'n vermelde doel of op 'n vermelde wyse of vir 'n ander doel of op 'n ander wyse as 'n vermelde doel of wyse; of
 - (iii) in die algemeen, die beperking of reëling van die beskikking daarvoor of gebruik daarvan;
- (w) die voorkoming van die myn van enige edelmetaal of onedele mineraal deur enigiemand op verkwistende wyse of op so 'n wyse dat sodanige metaal of mineraal in die grond agtergelaat word waaruit dit, indien dié grond afsonderlik of saam met ander grond waar dié persoon werk, bewerk word, winsgewend uitgehaal sou kon word;
- (x) die voorkoming van vermorsing of verlies van aardolie in die loop van werksaamhede wat in verband met die ontginning van aardolie uitgevoer word;
- (y) in die algemeen, en sonder afbreuk deur die voorgaande paragrawe aan die algemeenheid van die bevoegdheid by hierdie paragraaf verleen, enige aangeleentheid wat hy nodig of raadsaam ag om voor te skryf ten einde die oogmerke van hierdie Wet te verwesenlik.
- (2) Verskillende regulasies kan vir verskillende myndistrikte of gebiede en vir myndistrikte ingedeel in klas A en myndistrikte ingedeel in klas B uitgevaardig word.
- (3) 'n Regulasie kragtens hierdie artikel uitgevaardig, kan op oortreding daarvan of versuim om daaraan te voldoen, strawwe stel wat 'n boete van honderd rand of gevangenisstraf vir 'n tydperk van ses maande nie te bowe gaan nie.

188. (1) Behoudens die bepalings van subartikel (2) word die wette in Bylae 3 by hierdie Wet genoem, hierby herroep vir sover in die derde kolom van daardie Bylae uiteengesit. Herroeping van wette.

(2) 'n Proklamasie, kennisgewing, verbod, regulasie, bevel, opdrag, goedkeuring, sertifikaat, lisensie, huur of permit uitgereik, opgelê, uitgevaardig, gegee, aangegaan of verleen en enige reg toegeken, verkry of verleen en enigiets gedoen ingevolge 'n wetsbepaling by subartikel (1) herroep, word, behalwe vir sover hierdie Wet anders bepaal, geag ingevolge die ooreenstemmende bepaling van hierdie Wet uitgereik, opgelê, uitgevaardig, gegee, aangegaan, verleen, toegeken, verkry of gedoen te wees.

189. Hierdie Wet heet die Wet op Mynregte, 1967, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal: Met dien verstande dat die bepalings van hierdie Wet vir sover hulle met betrekking tot aardolie van toepassing is in werking tree op die datum van afkondiging van hierdie Wet. Kort titel en inwerkingtreding.

Schedule 1.

1. The farms Grootegeluk No. 459, Hooikraal No. 315, Leeuwrift No. 312, Massenberg No. 305, Smitspan No. 306, Enkelbult No. 462, Jackalsvley No. 309, Eendracht No. 505, Zaagput No. 307, Turfvlakte No. 463, Hieromtrent No. 460, Mc Cabesvley No. 311, Van der Waltspan No. 310, Nieuw Holland No. 247, Gruisfontein No. 230, Grootwater No. 218, Blinkwater No. 23, Sterkwater No. 24, Sterkstroom No. 126, Peerboom No. 466 and Groothoek No. 504, Registration Division LQ, District Waterberg.

2. The farm Middelfontein No. 683, Registration Division MS, District Soutpansberg.

3. The land described in the undermentioned Proclamations or in any Schedule thereto:

Proclamation.	Date of publication in Gazette.
No. 189, 1930	5th September, 1930.
No. 71, 1935	26th April, 1935.
No. 187, 1935	20th September, 1935.
No. 136, 1936	29th May, 1936.
No. 3, 1938	7th January, 1938.
No. 282, 1949	18th November, 1949.
No. 151, 1950	16th June, 1950.
No. 244, 1950	6th October, 1950.
No. 295, 1950	15th December, 1950.
No. 223, 1951	19th October, 1951.
No. 45, 1952	28th March, 1952.
No. 116, 1952	30th May, 1952.
No. 223, 1952	3rd October, 1952.
No. 275, 1952	28th November, 1952.
No. 225, 1953	6th November, 1953.
No. 254, 1953	11th December, 1953.
No. 140, 1954	20th August, 1954.
No. 210, 1954	5th November, 1954.
No. 233, 1954	19th November, 1954.
No. 29, 1955	18th February, 1955.
No. 49, 1955	4th March, 1955.
No. 50, 1955	4th March, 1955.
No. 73, 1955	18th March, 1955.
No. 95, 1955	22nd April, 1955.
No. 169, 1955	26th August, 1955.
No. 236, 1955	28th October, 1955.
No. 241, 1955	28th October, 1955.
No. 277, 1955	15th December, 1955.
No. 187, 1956	14th September, 1956.
No. 1, 1957	4th January, 1957.
No. 219, 1957	2nd August, 1957.
No. 90, 1958	18th April, 1958.
No. 227, 1958	26th September, 1958.
No. 150, 1959	17th July, 1959.
No. 182, 1960	10th June, 1960.
No. 366, 1960	28th October, 1960.
No. 280, 1962	9th November, 1962.
No. 315, 1962	7th December, 1962.
No. 41, 1964	13th March, 1964.
No. 106, 1965	28th May, 1965.

4. The land described in Proclamation No. 237 of 1936 published in the Gazette of 18th September, 1936, excluding Portions A to F and M to P of the farm Modderfontein No. 236, Registration Division IR, District of Delmas.

Schedule 2.

TABLE OF FEES ON LODGING OF CERTAIN DOCUMENTS.

Document.	Fee.
Application for a prospecting lease under section 13 or 14	Ten rand.
Application for certificate of bezitrecht	Two rand.
Notice of objection to issue of certificate of bezitrecht ..	Fifty cents.
Application for water right	Fifty cents.
Application for surface right permit	Fifty cents.
Application for stand for erection of place of business ..	Fifty cents.
Application for stand for industrial purposes	Two rand.
Notice of objection to grant of stand for industrial purposes	Two rand.
Application for certificate for a trading stand	Two rand.
Application for transfer of certificate for a trading stand ..	Two rand.
Application for transfer of lease or surface right permit in respect of a trading site	Two rand.

Bylae 1.

1. Die plase Grootegeluk No. 459, Hooikraal No. 315, Leeuwdrift No. 312, Massenberg No. 305, Smitspan No. 306, Enkelbult No. 462, Jackalsvley No. 309, Eendracht No. 505, Zaagput No. 307, Turfvlakte No. 463, Hieromtrent No. 460, McCabesvley No. 311, Van der Waltspan No. 310, Nieuw Holland No. 247, Gruisfontein No. 230, Grootwater No. 218, Blinkwater No. 23, Sterkwater No. 24, Sterkstroom No. 126, Peerboom No. 466 en Groothoek No. 504, Registrasie-afdeling LQ, distrik Waterberg.

2. Die plaas Middelfontein No. 683, Registrasie-afdeling MS, distrik Soutpansberg.

3. Die grond beskryf in die ondergemelde Proklamasies of in enige Bylae daarby:

Proklamasie.	Datum van publikasie in die <i>Staatskoerant</i> .
No. 189, 1930	5 September 1930.
No. 71, 1935	26 April 1935.
No. 187, 1935	20 September 1935.
No. 136, 1936	29 Mei 1936.
No. 3, 1938	7 Januarie 1938.
No. 282, 1949	18 November 1949.
No. 151, 1950	16 Junie 1950.
No. 244, 1950	6 Oktober 1950.
No. 295, 1950	15 Desember 1950.
No. 223, 1951	19 Oktober 1951.
No. 45, 1952	28 Maart 1952.
No. 116, 1952	30 Mei 1952.
No. 223, 1952	3 Oktober 1952.
No. 275, 1952	28 November 1952.
No. 225, 1953	6 November 1953.
No. 254, 1953	11 Desember 1953.
No. 140, 1954	20 Augustus 1954.
No. 210, 1954	5 November 1954.
No. 233, 1954	19 November 1954.
No. 29, 1955	18 Februarie 1955.
No. 49, 1955	4 Maart 1955.
No. 50, 1955	4 Maart 1955.
No. 73, 1955	18 Maart 1955.
No. 95, 1955	22 April 1955.
No. 169, 1955	26 Augustus 1955.
No. 236, 1955	28 Oktober 1955.
No. 241, 1955	28 Oktober 1955.
No. 277, 1955	15 Desember 1955.
No. 187, 1956	14 September 1956.
No. 1, 1957	4 Januarie 1957.
No. 219, 1957	2 Augustus 1957.
No. 90, 1958	18 April 1958.
No. 227, 1958	26 September 1958.
No. 150, 1959	17 Julie 1959.
No. 182, 1960	10 Junie 1960.
No. 366, 1960	28 Oktober 1960.
No. 280, 1962	9 November 1962.
No. 315, 1962	7 Desember 1962.
No. 41, 1964	13 Maart 1964.
No. 106, 1965	28 Mei 1965.

4. Die grond beskryf in Proklamasie No. 237 van 1936 gepubliseer in die *Staatskoerant* van 18 September 1936, met uitsondering van Gedeeltes A tot F en M tot P van die plaas Modderfontein No. 236, Registrasie-afdeling IR, distrik Delmas.

Bylae 2.

TABEL VAN GELDE BY INDIENING VAN SEKERE DOKUMENTE.

Dokument.	Gelde.
Aansoek om 'n prospekterhuur ingevolge artikel 13 of 14	Tien rand.
Aansoek om sertifikaat van besitreg	Twee rand.
Kennisgewing van beswaar teen uitreiking van sertifikaat van besitreg	Vyftig sent.
Aansoek om waterreg	Vyftig sent.
Aansoek om oppervlakteregpermit	Vyftig sent.
Aansoek om standplaas vir oprigting van besigheidsplek	Vyftig sent.
Aansoek om standplaas vir nywerheidsdoeleindes	Twee rand.
Kennisgewing van beswaar teen toekenning van standplaas vir nywerheidsdoeleindes	Twee rand.
Aansoek om sertifikaat vir 'n handelstandplaas	Twee rand.
Aansoek om oordrag van sertifikaat vir 'n handelstandplaas	Twee rand.
Aansoek om oordrag van huur of oppervlakteregpermit ten opsigte van 'n handelsterrein	Twee rand.

Schedule 3.

LAWS REPEALED.

No. and Year of Law.	Territory and Title.	Extent of Repeal.
CAPE OF GOOD HOPE.		
Act No. 12 of 1865.	The Mining Leases Act, 1865.	The whole.
Act No. 9 of 1877.	Mineral Lands Leasing Act, 1877.	The whole.
Act No. 15 of 1883.	Mineral Lands Leasing Amendment Act, 1883.	The whole.
Act No. 31 of 1898.	The Precious Minerals Act, 1898.	The whole.
Act No. 45 of 1905.	The Precious Minerals Amendment Act, 1905.	The whole.
Act No. 16 of 1907.	The Mineral Law Amendment Act, 1907.	The whole.
NATAL.		
Act No. 43 of 1899.	The Natal Mines Act, 1899.	The whole.
Act No. 34 of 1905.	Amendment of Natal Mines Act, 1899.	The whole.
TRANSVAAL.		
Act No. 34 of 1908.	Townships Amendment Act, 1908.	Section 5.
Act No. 35 of 1908.	Precious and Base Metals Act, 1908.	The whole.
Act No. 13 of 1910.	Trading on Mining Ground Regulation Act, 1910.	The whole.
REPUBLIC.		
Act No. 18 of 1913.	Transvaal Precious and Base Metals Act Amendment Act, 1913.	The whole.
Act No. 19 of 1917.	Sale of Agricultural Produce on certain Mines Act, 1917.	The whole.
Act No. 24 of 1917.	Bewaarplaats Moneys Application Act, 1917.	The whole.
Act No. 30 of 1918.	Transvaal Mining Leases and Mineral Law Amendment Act, 1918.	The whole.
Act No. 25 of 1922.	South African Alkali and Lichtenburg Salt Pan Leases Act, 1922.	The whole.
Act No. 10 of 1924.	Trading on Mining Ground Regulation Act (Transvaal) Amendment Act, 1924.	The whole.
Act No. 52 of 1926.	Transvaal Precious and Base Metals Act, 1908, Amendment Act, 1926.	The whole.
Act No. 55 of 1926.	Reserved Minerals Development Act, 1926.	The whole.
Act No. 35 of 1927.	Restricted Minerals Export Act, 1927.	The whole.
Act No. 36 of 1934.	Mineral Law Amendment Act, 1934.	The whole.
Act No. 13 of 1936.	Orange Free State Metals Mining Act, 1936.	The whole.
Act No. 19 of 1936.	Gold Law and Mine Trading Amendment Act, 1936.	The whole.
Act No. 33 of 1939.	Finance Act, 1939.	Section 17 (1).
Act No. 20 of 1941.	Mine Trading Amendment Act, 1941.	The whole.
Act No. 15 of 1942.	Mineral Law Amendment Act, 1942.	The whole.
Act No. 39 of 1942.	Base Minerals Amendment Act, 1942.	The whole.
Act No. 46 of 1942.	Natural Oil Act, 1942.	The whole.
Act No. 57 of 1946.	Finance Act, 1946.	Section 17.
Act No. 22 of 1947.	Natal Mines Amendment Act, 1947.	The whole.
Act No. 50 of 1947.	Reserved Minerals Development Amendment Act, 1947.	The whole.
Act No. 55 of 1947.	Precious and Base Metals Amendment Act, 1947.	The whole.
Act No. 6 of 1951.	Natural Oil Amendment Act, 1951.	The whole.
Act No. 31 of 1951.	Base Mineral Investigation Act, 1951.	The whole.
Act No. 41 of 1952.	Precious and Base Metals Amendment Act, 1952.	The whole.
Act No. 24 of 1954.	Transvaal Gold Law Amendment Act, 1954.	The whole.
Act No. 18 of 1955.	Mine Trading Amendment Act, 1955.	The whole.
Act No. 19 of 1955.	Orange Free State Metals Mining Amendment Act, 1955.	The whole.
Act No. 20 of 1955.	Natal Mines Amendment Act, 1955.	The whole.
Act No. 21 of 1955.	Reserved Minerals Development Amendment Act, 1955.	The whole.
Act No. 22 of 1955.	Base Minerals Amendment Act, 1955.	The whole.
Act No. 68 of 1955.	Group Areas Further Amendment Act, 1955.	The whole.
Act No. 39 of 1957.	Transvaal Gold Law Amendment Act, 1957.	The whole.

Bylae 3.

Wette Herroep.

No. en jaar van Wet.	Gebied en Titel.	In hoeverre herroep.
	KAAP DIE GOEIE HOOP.	
Wet No. 12 van 1865.	„The Mining Leases Act, 1865”.	Die geheel.
Wet No. 9 van 1877.	„Mineral Lands Leasing Act, 1877”.	Die geheel.
Wet No. 15 van 1883.	„Mineral Lands Leasing Amendment Act, 1883”.	Die geheel.
Wet No. 31 van 1898.	„The Precious Minerals Act, 1898”.	Die geheel.
Wet No. 45 van 1905.	„The Precious Minerals Amendment Act, 1905”.	Die geheel.
Wet No. 16 van 1907.	„The Mineral Law Amendment Act, 1907”.	Die geheel.
	NATAL.	
Wet No. 43 van 1899.	„The Natal Mines Act, 1899”.	Die geheel.
Wet No. 34 van 1905.	„Amendment of Natal Mines Act, 1899”.	Die geheel.
	TRANSVAAL.	
Wet No. 34 van 1908.	„Townships Amendment Act, 1908”.	Artikel 5.
Wet No. 35 van 1908.	„Precious and Base Metals Act, 1908”.	Die geheel.
Wet No. 13 van 1910.	„Het Handelen op Mijngronden Regelings Wet, 1910”.	Die geheel.
	REPUBLIEK.	
Wet No. 18 van 1913.	„Wet tot Wijziging van de Transvaalse Wet op Edele en Onedele Metalen, 1913”.	Die geheel.
Wet No. 19 van 1917.	„Verkoop van Landbouwvoortbrengselen op zekere Mijnen Wet, 1917”.	Die geheel.
Wet No. 24 van 1917.	„Bewaarplaatsgelden Aanwendings Wet, 1917”.	Die geheel.
Wet No. 30 van 1918.	„Transvaal Mijnverhuring en Minerale Wet Wijzigings Wet, 1918”.	Die geheel.
Wet No. 25 van 1922.	„Zuidafrikaanse Alkali en Lichtenburg Zoutpannen Huurkontrakten Wet, 1922”.	Die geheel.
Wet No. 10 van 1924.	„Handelen op Mijngronden Regelingswet (Transvaal) Wijzigingswet, 1924”.	Die geheel.
Wet No. 52 van 1926.	Transvaalse Edele en Onedele Metale Wet, 1908, Wysigingswet, 1926.	Die geheel.
Wet No. 55 van 1926.	„Wet op de Ontginning van Voorbehouden Mineralen, 1926”.	Die geheel.
Wet No. 35 van 1927.	Uitvoer van Beperkte Minerale Wet, 1927.	Die geheel.
Wet No. 36 van 1934.	Minerale Wysigingswet, 1934.	Die geheel.
Wet No. 13 van 1936.	Oranje-Vrystaatse Metaal-myn Wet, 1936.	Die geheel.
Wet No. 19 van 1936.	Goudwet en Mynhandel-Wysigingswet, 1936.	Die geheel.
Wet No. 33 van 1939.	Finansiewet, 1939.	Artikel 17 (1).
Wet No. 20 van 1941.	Mynhandel-wysigingswet, 1941.	Die geheel.
Wet No. 15 van 1942.	Minerale-wysigingswet, 1942.	Die geheel.
Wet No. 39 van 1942.	Wysigingswet op Onedele Minerale, 1942.	Die geheel.
Wet No. 46 van 1942.	Wet op Aardolie, 1942.	Die geheel.
Wet No. 57 van 1946.	Finansiewet, 1946.	Artikel 17.
Wet No. 22 van 1947.	Wysigingswet op Myne in Natal, 1947.	Die geheel.
Wet No. 50 van 1947.	Wysigingswet op die Ontginning van Voorbehoude Minerale, 1947.	Die geheel.
Wet No. 55 van 1947.	Wysigingswet op Edele en Onedele Metale, 1947.	Die geheel.
Wet No. 6 van 1951.	Wysigingswet op Aardolie, 1951.	Die geheel.
Wet No. 31 van 1951.	Wet op Ondersoek van Onedele Minerale, 1951.	Die geheel.
Wet No. 41 van 1952.	Wysigingswet op Edele en Onedele Metale, 1952.	Die geheel.
Wet No. 24 van 1954.	Wysigingswet op die Transvaalse Goudwet, 1954.	Die geheel.
Wet No. 18 van 1955.	Mynhandelwysigingswet, 1955.	Die geheel.
Wet No. 19 van 1955.	Oranje-Vrystaatse Metaalmyn-wysigingswet, 1955.	Die geheel.
Wet No. 20 van 1955.	Wysigingswet op Myne in Natal, 1955.	Die geheel.
Wet No. 21 van 1955.	Wysigingswet op die Ontginning van Voorbehoude Minerale, 1955.	Die geheel.
Wet No. 22 van 1955.	Wysigingswet op Onedele Minerale, 1955.	Die geheel.
Wet No. 68 van 1955.	Verdere Wysigingswet op Groepsgebiede, 1955.	Die geheel.
Wet No. 39 van 1957.	Wysigingswet op die Transvaalse Goudwet, 1957.	Die geheel.

No. and Year of Law.	Territory and Title.	Extent of Repeal.
Act No. 40 of 1957. Act No. 26 of 1961.	Natal Mines Amendment Act, 1957. Precious and Base Metals Amendment Act, 1961.	The whole. The whole.
Act No. 5 of 1963. Act No. 12 of 1966.	Natural Oil Amendment Act, 1963. Base Minerals Amendment Act, 1966.	The whole. The whole.

No. en jaar van Wet.	Gebied en Titel.	In hoeverre herroep.
Wet No. 40 van 1957.	Wysigingswet op Myne in Natal, 1957.	Die geheel.
Wet No. 26 van 1961.	Wysigingswet op Edele en Onedele Metale, 1961.	Die geheel.
Wet No. 5 van 1963.	Wysigingswet op Aardolie, 1963.	Die geheel.
Wet No. 12 van 1966.	Wysigingswet op Onedele Minerale, 1966.	Die geheel.

No. 21, 1967.]

ACT

To repeal section 1 of the Justices of the Peace and Commissioners of Oaths Act, 1963; to amend section 2 of that Act in order to provide that justices of the peace be appointed for magisterial districts and not for wards; to amend section 3 of that Act in order to exclude the powers and duties of field-cornets and assistant field-cornets from the powers and duties of justices of the peace; to substitute the First Schedule to that Act in order to extend the offices, the holders of which are *ex officio* justices of the peace; to repeal certain laws; and to provide for matters incidental thereto.

*(Afrikaans text signed by the State President.)
(Assented to 24th February, 1967.)*

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

- | | |
|--|--|
| <p>Repeal of section 1 of Act 16 of 1963.</p> | <p>1. Section 1 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (hereinafter referred to as the principal Act), is hereby repealed.</p> |
| <p>Amendment of section 2 of Act 16 of 1963, as amended by section 1 of Act 8 of 1965.</p> | <p>2. Section 2 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:</p> <p style="padding-left: 40px;">“(1) The Minister of Justice (hereinafter referred to as the Minister) may appoint for any magisterial district so many justices of the peace as he may deem fit.”.</p> |
| <p>Substitution of section 3 of Act 16 of 1963.</p> | <p>3. The following section is hereby substituted for section 3 of the principal Act:</p> <p style="padding-left: 20px;">3. Any justice of the peace appointed under section 2 shall—</p> <p style="padding-left: 40px;">(a) within the magisterial district for which he is appointed or is in terms of the provisions of the Justices of the Peace and Commissioners of Oaths Amendment Act, 1967, deemed to have been appointed, possess all such powers and perform all such duties as, by any law in force in such district, are conferred or imposed upon justices of the peace;</p> <p style="padding-left: 40px;">(b) carry out such instructions for the preservation of the peace and good order in such magisterial district as he may receive from the magistrate of that magisterial district;</p> <p style="padding-left: 40px;">(c) render all assistance possible in suppressing disorder or disturbance in such magisterial district;</p> <p style="padding-left: 40px;">and shall further have such other powers and perform such other duties as the Minister may lawfully confer or impose upon him.”.</p> |
| <p>Amendment of section 11 of Act 16 of 1963.</p> | <p>4. Section 11 of the principal Act is hereby amended—</p> <p style="padding-left: 40px;">(a) by the substitution for subsection (1) of the following subsection:</p> <p style="padding-left: 80px;">“(1) Subject to the provisions of subsections (2) and (4), the laws specified in the Second Schedule are hereby repealed to the extent set out in the third column of that Schedule.”; and</p> <p style="padding-left: 40px;">(b) by the deletion of subsection (3).</p> |

No. 21, 1967.]

WET

Om artikel 1 van die Wet op Vrederegters en Kommissarisse van Ede, 1963, te herroep; tot wysiging van artikel 2 van daardie Wet ten einde voorsiening te maak dat vrederegters vir landdrosdistrikte en nie vir wyke nie, aangestel word; tot wysiging van artikel 3 van daardie Wet ten einde die bevoegdhede en pligte van veldkornette en assistent-veldkornette van die bevoegdhede en pligte van vrederegters uit te sluit; om die Eerste Bylae by daardie Wet te vervang ten einde die ampte waarvan die bekleërs vrederegters *ex officio* is, uit te brei; om sekere wette te herroep; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 24 Februarie 1967.)

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

1. Artikel 1 van die Wet op Vrederegters en Kommissarisse van Ede, 1963 (hieronder die Hoofwet genoem), word hierby herroep. Herroeping van artikel 1 van Wet 16 van 1963.

2. Artikel 2 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: Wysiging van artikel 2 van Wet 16 van 1963, soos gewysig deur artikel 1 van Wet 8 van 1965.
„(1) Die Minister van Justisie (hieronder die Minister genoem) kan vir 'n landdrosdistrik soveel vrederegters aanstel as wat hy goedvind.”

3. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 3 van Wet 16 van 1963.

„Bevoegdhede en pligte van vrederegters. 3. 'n Vrederegter wat kragtens artikel 2 aangestel is—
(a) het in die landdrosdistrik waarvoor hy aangestel is of ingevolge die bepalings van die Wysigingswet op Vrederegters en Kommissarisse van Ede, 1967, geag word aangestel te gewees het, al die bevoegdhede en verrig daarin al die pligte wat by 'n wet wat in dié distrik van krag is, verleen of opgelê word aan vrederegters;
(b) moet dié opdragte vir die handhawing van die vrede en goeie orde in sodanige landdrosdistrik uitvoer wat hy ontvang van die landdros van daardie landdrosdistrik;
(c) moet alle moontlike bystand verleen by die onderdrukking van wanordelikheid of oproerigheid in sodanige landdrosdistrik;
en het verder die ander bevoegdhede en verrig verder die ander pligte wat die Minister wettiglik aan hom verleen of oplê.”

4. Artikel 11 van die Hoofwet word hierby gewysig— Wysiging van artikel 11 van Wet 16 van 1963.
(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Behoudens die bepalings van subartikels (2) en (4), word die wette in die Tweede Bylae vermeld hierby herroep vir sover in die derde kolom van daardie Bylae aangedui.”; en

(b) deur subartikel (3) te skrap.

Substitution of First Schedule to Act 16 of 1963, as amended by section 44 of Act 80 of 1964.

5. The following Schedule is hereby substituted for the First Schedule to the principal Act:

“First Schedule.

OFFICES THE HOLDERS OF WHICH ARE *Ex Officio* JUSTICES OF THE PEACE.

Any office mentioned in Column II of the First Schedule to the Public Service Act, 1957 (Act No. 54 of 1957), any office of Deputy Secretary or of Under-Secretary of a department referred to in Column I of that Schedule and any office in a department so referred to which corresponds with such office of Deputy Secretary or Under-Secretary.

Chief Law Adviser, Deputy Chief Law Adviser and Law Adviser in the permanent service of the State.

Secretary and Deputy Secretary to the Senate.

Secretary and Deputy Secretary to the House of Assembly.

Commandant-General of the South African Defence Force and Commissioned Officer of the Permanent Force of the South African Defence Force.

Attorney-General, Deputy Attorney-General, Senior State Advocate and State Advocate.

Commissioner of the Railways and Harbours Police Force and Commissioned Officer of the Railways and Harbours Police Force.

Commissioned Officer of the South African Police.

Commissioned Officer of the Prisons Service.

Registrar of any division of the Supreme Court of South Africa.

Magistrate, Additional Magistrate and Assistant Magistrate.

Chief Bantu Affairs Commissioner, Bantu Affairs Commissioner, Additional Bantu Affairs Commissioner and Assistant Bantu Affairs Commissioner.”.

Justices of the peace appointed for a ward deemed to be appointed for magisterial district in which ward is situated.

6. Any justice of the peace appointed or deemed to have been appointed under the provisions of the principal Act shall, as from the commencement of this Act, be deemed to have been appointed as justice of the peace for the magisterial district in which the ward for which he has been or is deemed to have been so appointed, is situated.

Repeal of laws.

7. The Ordinance for creating Justices of the Peace in this Colony, 1827 (Ordinance No. 32 of 1827 of the Cape), the Ordinance for regulating the duties and remuneration of Field-cornets, 1848 (Ordinance No. 9 of 1848 of the Cape), the Ordinance for creating Justices of the Peace within the District of Natal, 1846 (Ordinance No. 6 of 1846 of Natal), The Justices of the Peace Ordinance, 1902 (Ordinance No. 6 of 1902 of the Orange Free State), and the resolution of the 1st December, 1898, article 1870, of the “Eerste Volksraad” of Transvaal are, in so far as those Ordinances and resolution are unrepealed, hereby repealed.

Short title.

8. This Act shall be called the Justices of the Peace and Commissioners of Oaths Amendment Act, 1967.

5. Die Eerste Bylae by die Hoofwet word hierby deur die volgende Bylae vervang:

„Eerste Bylae.

Vervanging van Eerste Bylae by Wet 16 van 1963, soos gewysig deur artikel 44 van Wet 80 van 1964.

AMPTe WAARVAN DIE BEKLEËRS VREDEREGTERS *Ex Officio* IS.

'n Amp vermeld in Kolom II van die Eerste Bylae by die Staatsdienswet, 1957 (Wet No. 54 van 1957), 'n amp van Adjunk-sekretaris of van Ondersekeretaris van 'n in Kolom I van daardie Bylae bedoelde departement en 'n amp in 'n aldus bedoelde departement wat ooreenstem met so 'n amp van Adjunk-sekretaris of Ondersekeretaris.

Hoofregsadviseur, Adjunk-hoofregsadviseur en Regsadviseur in die vaste diens van die Staat.

Sekretaris en Adjunk-sekretaris van die Senaat.

Sekretaris en Adjunk-sekretaris van die Volksraad.

Kommandant-generaal van die Suid-Afrikaanse Weermag en Offisier van die Staande Mag van die Suid-Afrikaanse Weermag.

Prokureur-generaal, Adjunk-prokureur-generaal, Senior Staatsadvokaat en Staatsadvokaat.

Kommissaris van die Spoorweg- en Hawepolisiemag en Offisier van die Spoorweg- en Hawepolisiemag.

Offisier van die Suid-Afrikaanse Polisie.

Offisier van die Gevangenisdiens.

Griffier van 'n afdeling van die Hooggeregshof van Suid-Afrika.

Landdros, Addisionele Landdros en Assistent-landdros.

Hoofbantoesakekommissaris, Bantoesakekommissaris, Addisionele Bantoesakekommissaris en Assistent-bantoesakekommissaris.”.

6. 'n Vrederegter wat kragtens die bepalings van die Hoofwet aangestel is of geag word aangestel te gewees het, word, vanaf die inwerkingtreding van hierdie Wet, geag as vrederegter aangestel te gewees het vir die landdrosdistrik waarin die wyk waarvoor hy aldus aangestel is of geag word aldus aangestel te gewees het, geleë is.

Vrederegters vir 'n wyk aangestel, geag aangestel te wees vir landdrosdistrik waarin die wyk geleë is.

7. Die „Ordinance for creating Justices of the Peace in this Colony”, 1827 (Ordonnansie No. 32 van 1827 van die Kaap), die „Ordinance for regulating the duties and remuneration of Field-cornets”, 1848 (Ordonnansie No. 9 van 1848 van die Kaap), die „Ordinance for creating Justices of the Peace within the District of Natal”, 1846 (Ordonnansie No. 6 van 1846 van Natal), „The Justices of the Peace Ordinance”, 1902 (Ordonnansie No. 6 van 1902 van die Oranje-Vrystaat), en die besluit van 1 Desember 1898, artikel 1870, van die Eerste Volksraad van Transvaal word, vir sover daar die Ordonnansies en besluit nie herroep is nie hierby herroep

Herroeping van wette.

8. Hierdie Wet heet die Wysigingswet op Vrederegters en Kort titel. Kommissaris van Ede, 1967.

No. 22, 1967.]

ACT

To amend the definition of "authorized officer" in section 1 of the Motor Carrier Transportation Act, 1930, in order to empower members of the Railway Police Force to act as authorized officers at places beyond the precincts of the railways and the harbours; to amend section 7 of that Act in order to empower the National Transport Commission and a local board to exercise a discretion in respect of any number of the requirements of paragraph (1) (h) of that section; to amend section 11 of that Act in order to create a presumption in respect of consignors and owners of goods conveyed in contravention of the provisions of section 9 (1) and persons acting on their behalf; to amend section 13 of that Act in order to dispense with the requirement of publication by the Board or a local board of particulars of an application for a certificate contemplated in section 7 (4); to amend section 18 of that Act in order to increase certain penalties, to extend the jurisdiction of magistrates' courts to impose such penalties, and to provide for the forfeiture of goods conveyed by unauthorized motor carrier transportation; and to amend section 19 of that Act in order to provide for regulations prescribing the duties and powers of all authorized officers, additional powers for certain authorized officers, and the manner of dealing with motor vehicles and goods seized under the regulations.

(English text signed by the State President.)
(Assented to 24th February, 1967.)

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

Amendment of section 1 of Act 39 of 1930, as amended by section 1 of Act 31 of 1932, section 1 of Act 15 of 1937, section 1 of Act 15 of 1941, section 1 of Act 44 of 1955, section 1 of Act 42 of 1959 and section 1 of Act 15 of 1966.

1. Section 1 of the Motor Carrier Transportation Act, 1930 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "authorized officer" of the following definition:—

“‘authorized officer’ means any police officer, including a member of the Railway Police Force in respect of any place whether within or beyond the precincts of the railways as defined in section 1 of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957), or of the harbours as therein defined, or any person appointed and designated by the Board as a road transportation inspector, or any person in the service of any provincial administration or of the Administration of the territory of South West Africa, or of any local authority whose duty it is to inspect motor vehicles or licences for motor vehicles or control traffic;”.

Amendment of section 7 of Act 39 of 1930, as amended by section 8 of Act 31 of 1932, section 6 of Act 15 of 1941, section 7 of Act 44 of 1955, section 3 of Act 42 of 1959 and section 2 of Act 15 of 1966.

2. Section 7 of the principal Act is hereby amended by the substitution for paragraph (h) of subsection (1) of the following paragraph:

“(h) the requirement that the motor vehicle to which the certificate or exemption relates shall bear in a conspicuous place in such manner as may be prescribed by regulation, the name, address and nature of the business of the holder of such certificate or exemption, including, in the case of a certificate issued for the conveyance of only one class of persons, a notice specifying such class of persons, except in the case of a certificate or exemption issued in respect of such classes

No. 22, 1967.]

WET

Tot wysiging van die omskrywing van „gemagtigde amptenaar” in artikel 1 van die Motortransportwet, 1930, ten einde die bevoegdheid aan lede van die Spoorwegpolisiesmag te verleen om by plekke buite die grense van die spoorweë en die hawens as gemagtigde amptenare op te tree; om artikel 7 van daardie Wet te wysig ten einde die Nasionale Vervoer-kommissie en ’n plaaslike raad te magtig om ’n diskresie ten opsigte van enige aantal van die vereistes van paragraaf (1) (h) van daardie artikel uit te oefen; om artikel 11 van daardie Wet te wysig ten einde ’n vermoede te skep ten aansien van afsenders en eienaars van goedere wat in stryd met die bepalinge van artikel 9 (1) vervoer is, en persone wat namens hulle optree; om artikel 13 van daardie Wet te wysig ten einde weg te doen met die vereiste van publikasie deur die Raad of ’n plaaslike raad van besonderhede van ’n aansoek om ’n sertifikaat in artikel 7 (4) bedoel; om artikel 18 van daardie Wet te wysig ten einde sekere strawwe te verhoog, die jurisdiksie van landdroshowe uit te brei om sodanige strawwe op te lê en om voorsiening te maak vir die verbeurdverklaring van goedere wat met ongemagtigde motortransport vervoer is; en om artikel 19 van daardie Wet te wysig ten einde voorsiening te maak vir regulasies wat die verpligtings en bevoegdhede van alle gemagtigde amptenare omskryf en wat bykomende bevoegdhede vir sekere gemagtigde amptenare en die wyse waarop gehandel moet word met motorvoertuie en goedere waarop kragtens die regulasies beslag gelê is, voorskryf.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 24 Februarie 1967.)*

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

1. Artikel 1 van die Motortransportwet, 1930 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing van „gemagtigde amptenaar” deur die volgende omskrywing te vervang:

„„gemagtigde amptenaar” beteken enige polisiebeampte, met inbegrip van ’n lid van die Spoorwegpolisiesmag ten opsigte van enige plek hetsy binne of buite die grense van die spoorweë soos omskryf in artikel 1 van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957), of van die hawens soos daarin omskryf, of enige persoon deur die Raad benoem en aangewys as ’n padvervoerinspekteur, of enige persoon in die diens van ’n provinsiale administrasie of die Administrasie van die gebied Suidwes-Afrika of van ’n plaaslike bestuur wie se plig dit is om motorvoertuie of lisensies vir motorvoertuie te inspekteer of verkeer te reël;”.

Wysiging van artikel 1 van Wet 39 van 1930, soos gewysig deur artikel 1 van Wet 31 van 1932, artikel 1 van Wet 15 van 1937, artikel 1 van Wet 15 van 1941, artikel 1 van Wet 44 van 1955, artikel 1 van Wet 42 van 1959 en artikel 1 van Wet 15 van 1966.

2. Artikel 7 van die Hoofwet word hierby gewysig deur paragraaf (h) van subartikel (1) deur die volgende paragraaf te vervang:

„(h) die vereiste dat die naam, adres en aard van die besigheid van die houër van daardie sertifikaat of vrystelling, met inbegrip, in die geval van ’n sertifikaat uitgereik vir die vervoer van slegs een kategorie persone, van ’n kennisgewing wat daardie kategorie persone vermeld, op ’n in die ooglopende plek op die wyse by regulasie voorgeskryf, moet verskyn op die motorvoertuig waarop die sertifikaat of vrystelling betrekking het,

Wysiging van artikel 7 van Wet 39 van 1930, soos gewysig deur artikel 8 van Wet 31 van 1932, artikel 6 van Wet 15 van 1941, artikel 7 van Wet 44 van 1955, artikel 3 van Wet 42 van 1959 en artikel 2 van Wet 15 van 1966.

of motor carrier transportation as the Board or local board concerned may in its discretion determine, or in respect of a motor vehicle which in the opinion of the Board or the local board concerned already bears in some other manner sufficient written information thereon to indicate clearly the name and the address or the nature of the business of the holder of such certificate or exemption or, in the case of a certificate issued for the conveyance of only one class of persons, the class of persons.”.

Amendment of section 11 of Act 39 of 1930, as substituted by section 10 of Act 15 of 1941.

3. Section 11 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) In any proceedings under this Act—
- (a) any person who has conveyed any person or any goods by means of a motor vehicle or who has permitted the conveyance by such means of any person in addition to the driver of the vehicle or of any goods, shall be presumed thereby to have carried on motor carrier transportation, unless the contrary is proved;
 - (b) whenever it is proved that any goods have at any time and place been conveyed in contravention of the provisions of section 9 (1), the consignor and owner of such goods, and any person who acted on behalf of such consignor or owner, shall be deemed so to have conveyed such goods unless it is proved that such owner, consignor or person did not know that such goods were being so conveyed or could not prevent such goods from being so conveyed.”.

Amendment of section 13 of Act 39 of 1930, as amended by section 14 of Act 31 of 1932, section 11 of Act 15 of 1941, section 2 of Act 50 of 1949 and section 11 of Act 44 of 1955.

4. Section 13 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) Before granting or refusing any application for a motor carrier certificate or for the renewal, transfer or amendment of any such certificate the Board or a local board shall publish, in the manner prescribed by regulation, particulars of such application and afford, in the manner likewise prescribed by regulation, any person an opportunity to oppose or support such application and shall consider any representations which may in the manner prescribed by regulation be submitted in support of or in opposition to the granting of such application: Provided that no such publication shall be necessary in respect of an application—
- (a) for a certificate contemplated in section 7 (4); or
 - (b) for the renewal, transfer or amendment of a motor carrier certificate if the Board or the local board concerned, as the case may be, is satisfied that no other transportation facilities are likely to be adversely affected; or
 - (c) considered by the Board on appeal to it from a local board.”.

Substitution of section 18 of Act 39 of 1930, as amended by section 17 of Act 44 of 1955.

5. The following section is hereby substituted for section 18 of the principal Act:

“Penalties. 18. (1) Any person guilty of any offence under this Act for which no other penalty is expressly prescribed, shall be liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding twelve months and the court convicting any person of an offence involving the carrying on of unauthorized motor carrier transportation may declare the motor vehicle, used in such transportation and the goods conveyed thereon or the convicted person's rights in such motor vehicle or goods, to be forfeited to the State: Provided that such declaration shall not affect any rights which any person other than the convicted person may have to the motor vehicle or goods in question if it is proved that such other person did not know that the said motor vehicle was being or would be used for the carrying on of unauthorized motor carrier transportation or that he could not prevent such use, or that such other person did not know that the transportation of the said goods constituted or would constitute the carrying on of unauthorized motor carrier transportation or that he could not prevent the carrying on of such transportation.

behalwe in die geval van 'n sertifikaat of vrystelling uitgereik ten opsigte van die klasse motortransport wat die Raad of betrokke plaaslike raad na goeddunke bepaal, of ten opsigte van 'n motorvoertuig waarop daar volgens die Raad of betrokke plaaslike raad se oordeel reeds op 'n ander wyse voldoende skriftelike inligting verskyn wat die naam en die adres of die aard van die besigheid van die houer van daardie sertifikaat of vrystelling of, in die geval van 'n sertifikaat uitgereik vir die vervoer van slegs een kategorie persone, die kategorie persone duidelik aantoon.”.

3. Artikel 11 van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende subartikel te vervang:

„(1) By 'n geding ingevolge hierdie Wet—

- (a) word vermoed dat iemand wat 'n persoon of enige goedere deur middel van 'n motorvoertuig vervoer het of wat die vervoer op daardie wyse van 'n persoon, benewens die bestuurder van die voertuig, of van enige goedere toegelaat het, daardeur motortransport voortgesit het, tensy die teendeel bewys word;
- (b) wanneer daar bewys word dat goedere op enige tydstip en plek in stryd met die bepalinge van artikel 9 (1) vervoer is, word die afsender en eienaar van sodanige goedere en enige persoon wat namens so 'n eienaar of afsender opgetree het, geag sodanige goedere aldus te vervoer het, tensy bewys word dat sodanige eienaar, afsender of persoon nie geweet het dat sodanige goedere aldus vervoer is nie of nie kon verhoed het dat dit aldus vervoer word nie.”.

Wysiging van artikel 11 van Wet 39 van 1930, soos vervang deur artikel 10 van Wet 15 van 1941.

4. Artikel 13 van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende subartikel te vervang:

„(1) Alvorens 'n applikasie vir 'n motortransportsertifikaat of vir die hernuwing, oordrag of wysiging van so 'n sertifikaat toe te staan of van die hand te wys, moet die Raad of plaaslike raad volgens voorskrif van die regulasies, besonderhede van daardie applikasie publiseer en eweneens volgens voorskrif van die regulasies aan enigeen die geleentheid gee om daardie applikasie te bestry of te steun, en moet alle vertoë in aanmerking neem wat op die by regulasie voorgeskrewe wyse aangevoer mog word tot ondersteuning van of teen die toekenning van daardie applikasie: Met dien verstande dat sodanige publikasie nie nodig is ten opsigte van 'n aansoek—

- (a) om 'n sertifikaat in artikel 7 (4) bedoel nie; of
- (b) om die hernuwing, oordrag of wysiging van 'n motortransportsertifikaat, indien die Raad of, na gelang van die geval die betrokke plaaslike raad oortuig is dat geen waarskynlikheid van benadeling van ander vervoer-fasiliteite bestaan nie; of
- (c) wat deur die Raad op appèl aan hom van 'n plaaslike raad oorweeg word nie.”.

Wysiging van artikel 13 van Wet 39 van 1930, soos gewysig deur artikel 14 van Wet 31 van 1932, artikel 11 van Wet 15 van 1941, artikel 2 van Wet 50 van 1949 en artikel 11 van Wet 44 van 1955.

5. Artikel 18 van die Hoofwet word hierby deur die volgende artikel vervang:

„Straf-bepalings.

18. (1) Elkeen wat volgens hierdie Wet 'n misdryf begaan waarvoor geen ander straf uitdruklik voorgeskryf word nie, is by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of met gevangenisstraf van hoogstens twaalf maande en die hof wat iemand veroordeel weens 'n misdryf wat met die bedryf van ongemagtigde motortransport in verband staan, kan die motorvoertuig wat in verband met daardie transport gebruik is en enige goedere daarop vervoer of die veroordeelde se regte in bedoelde motorvoertuig of goedere, aan die Staat verbeurd verklaar: Met dien verstande dat die verbeurdverklaring geen inbreuk maak op enige regte wat iemand anders as die veroordeelde op die betrokke motorvoertuig of goedere mag hê nie, indien bewys word dat so iemand nie geweet het dat bedoelde motorvoertuig gebruik was of sou word om ongemagtigde motortransport te bedryf nie of dat hy sodanige gebruik nie kon verhoed nie, of dat so iemand nie geweet het dat die vervoer van bedoelde goedere die bedryf van ongemagtigde motortransport uitgemaak het of sou uitmaak nie of dat hy nie die bedryf van sodanige transport kon verhoed nie.

Vervanging van artikel 18 van Wet 39 van 1930, soos gewysig deur artikel 17 van Wet 44 van 1955.

(2) In the case of a third or subsequent conviction for an offence involving the carrying on of unauthorized motor carrier transportation, if that conviction and the previous convictions are convictions in respect of offences committed after the commencement of the Motor Carrier Transportation Amendment Act, 1967, the maximum penalty prescribed in subsection (1) shall be imposed.

(3) Subsections (4) and (5) of section 360 of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall *mutatis mutandis* apply with reference to any forfeiture under subsection (1) of this section.

(4) Notwithstanding anything to the contrary contained in any other law, a magistrate's court shall have jurisdiction to impose any penalty prescribed in subsections (1) and (2) of this section."

Amendment of section 19 of Act 39 of 1930, as amended by section 17 of Act 31 of 1932, section 12 of Act 15 of 1941 and section 18 of Act 44 of 1955.

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

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

"(h) prescribing the duties and powers of authorized officers;" and

(b) by the insertion after paragraph (h) of the following paragraph:

"(hA) empowering any person appointed and designated by the Board as a road transportation inspector and any police officer to seize any motor vehicle suspected upon reasonable grounds of having been used in connection with the carrying on of unauthorized motor carrier transportation and goods conveyed thereon and providing for the manner in which any such motor vehicle and goods shall be dealt with pending the institution of criminal proceedings in respect of the carrying on of such unauthorized motor carrier transportation."

Short title.

7. This Act shall be called the Motor Carrier Transportation Amendment Act, 1967.

(2) In die geval van 'n derde of latere skuldigbevinding weens 'n misdryf waarby die bedryf van ongemagtigde motortransport betrokke is, indien daardie skuldigbevinding en die vorige skuldigbevinding, skuldigbevinding is ten opsigte van misdrywe wat na die inwerkingtreding van die Wysigingswet op Motortransport, 1967, gepleeg is, word die maksimum straf opgelê wat deur subartikel (1) voorgeskryf word.

(3) Subartikels (4) en (5) van artikel 360 van die Strafproseswet, 1955 (Wet No. 56 van 1955), is *mutatis mutandis* van toepassing met betrekking tot 'n verbeurdverklaring ingevolge subartikel (1) van hierdie artikel.

(4) Ondanks andersluidende wetsbepalings is 'n landdroshof bevoeg om enige strawwe op te lê wat in subartikels (1) en (2) van hierdie artikel voorgeskryf word."

6. Artikel 19 van die Hoofwet word hierby gewysig—

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

„(h) wat die verpligtings en bevoegdhede omskryf van gemagtigde amptenare;”;

(b) deur die volgende paragraaf na paragraaf (h) in te voeg:

„(hA) wat aan enige persoon deur die Raad benoem en aangewys as 'n padvervoerinspekteur en enige polisiebeampte die bevoegdheid verleen om beslag te lê op enige motorvoertuig wat, na daarop redelike gronde vermoed word, in verband met die bedryf van ongemagtigde motortransport gebruik te gewees het en op goedere wat daarop vervoer is, en wat bepaal hoe daar in afwagting van die instelling van 'n strafgeding ten opsigte van die bedryf van sodanige ongemagtigde motortransport met so 'n motorvoertuig en sodanige goedere gehandel moet word."

Wysiging van artikel 19 van Wet 39 van 1930, soos gewysig deur artikel 17 van Wet 31 van 1932, artikel 12 van Wet 15 van 1941 en artikel 18 van Wet 44 van 1955.

7. Hierdie Wet heet die Wysigingswet op Motortransport, Kort titel. 1967.

ACT

To amend section 57 of the Railways and Harbours Control and Management (Consolidation) Act, 1957, so as to provide that members of the Railway Police Force may exercise any power beyond the precincts of the railways and the harbours which is conferred upon such members by any Act of Parliament; to amend section 16 of the Railways and Harbours Service Act, 1960, and sections 8, 11, 17, 18, 26 and 35 of the Railways and Harbours Superannuation Fund Act, 1960, so as to amend the conditions with regard to the age of retirement of certain servants in the airways department of the Service; to validate certain changes in conditions of employment; and to provide for other incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 24th February, 1967.)*

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

Amendment of section 57 of Act 70 of 1957, as amended by section 40 of Act 44 of 1959 and section 33 of Act 6 of 1965.

1. Section 57 of the Railways and Harbours Control and Management (Consolidation) Act, 1957, is hereby amended by the insertion, after subsection (8), of the following subsection:

“(8A) A member of the Railway Police Force may in addition to the powers conferred by this Act exercise beyond the precincts of the railways and the harbours any power which is conferred upon such member by any Act of Parliament.”

Amendment of section 16 of Act 22 of 1960, as amended by section 3 of Act 54 of 1964, section 50 of Act 6 of 1965 and section 3 of Act 18 of 1966.

2. Section 16 of the Railways and Harbours Service Act, 1960, is hereby amended—

(a) by the substitution for paragraphs (d) and (e) of subsection (1) of the following paragraphs:

“(d) fifty-five years, if immediately prior to the attainment of that age he held the position of fleet captain, senior captain, captain, chief training captain, senior training captain, training captain, senior first officer, first officer, senior navigation officer or navigation officer in the airways department of the Service, or any other position in the said department, the incumbent whereof is or may be required to perform duties on board an aircraft in flight, to which the Minister has by notice in the *Gazette* declared the said age of retirement to apply. Any position mentioned in any such notice shall be deemed to have been specifically mentioned in this paragraph; or

(e) fifty-five years, if immediately prior to the attainment of that age he held the position of senior flight engineer officer, flight engineer officer instructor, flight engineer officer, class I, or flight engineer officer, class II, in the airways department of the Service, or any other position in the said department, the incumbent whereof is or may be required to perform duties on board an aircraft in flight, to which the Minister

No. 23, 1967.]

WET

Tot wysiging van artikel 57 van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957, om voorsiening daarvoor te maak dat lede van die Spoorwegpolisiemag enige bevoegdheid wat deur enige Wet van die Parlement aan sodanige lede verleen word, buite die grense van die spoorweë en die hawens kan uitoefen; tot wysiging van artikel 16 van die Wet op Spoorweg- en Hawediens, 1960, en artikels 8, 11, 17, 18, 26 en 35 van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960, om die voorwaardes met betrekking tot die aftreeleeftyd van sekere dienare in die lugdiensdepartement van die Diens te wysig; om sekere veranderings in diensvoorwaardes geldig te verklaar; en om voorsiening te maak vir ander aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 24 Februarie 1967.)

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

1. Artikel 57 van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957, word hierby gewysig deur na subartikel (8) die volgende subartikel in te voeg:

„(8A) 'n Lid van die Spoorwegpolisiemag kan benewens die bevoegdhede wat deur hierdie Wet verleen word, enige bevoegdheid wat deur enige Wet van die Parlement aan sodanige lid verleen word, buite die grense van die spoorweë en die hawens uitoefen.”.

Wysiging van artikel 57 van Wet 70 van 1957, soos gewysig deur artikel 40 van Wet 44 van 1959 en artikel 33 van Wet 6 van 1965.

2. Artikel 16 van die Wet op Spoorweg- en Hawediens, 1960, word hierby gewysig—
 - (a) deur paragrawe (d) en (e) van subartikel (1) deur die volgende paragrawe te vervang:

„(d) vyf-en-vyftig jaar, indien hy onmiddellik voor die bereiking van daardie leeftyd die betrekking beklee het van vlootkaptein, senior kaptein, kaptein, hoofopleidingskaptein, senior opleidingskaptein, opleidingskaptein, senior eerste offisier, eerste offisier, senior offisier-navigator of offisier-navigator in die lugdiensdepartement van die Diens, of 'n ander betrekking in daardie departement, van die bekleër waarvan daar verlang word of kan word om dienste aan boord van 'n vliegtuig in vlug te verrig, waarop die Minister by kennisgewing in die *Staatskoerant* bedoelde aftreeleeftyd van toepassing verklaar het. 'n Betrekking wat in so 'n kennisgewing genoem word, word geag uitdruklik in hierdie paragraaf vermeld te gewees het; of

(e) vyf-en-vyftig jaar, indien hy onmiddellik voor die bereiking van daardie leeftyd die betrekking beklee het van senior offisier-boordingenieur, instrukteuroffisier-boordingenieur, offisier-boordingenieur, klas I, of offisier-boordingenieur, klas II, in die lugdiensdepartement van die Diens, of 'n ander betrekking in daardie departement, van die bekleër waarvan daar verlang word of kan word om dienste aan boord van 'n vliegtuig in

Wysiging van artikel 16 van Wet 22 van 1960, soos gewysig deur artikel 3 van Wet 54 van 1964, artikel 50 van Wet 6 van 1965 en artikel 3 van Wet 18 van 1966.

has by notice in the *Gazette* declared the said age of retirement to apply. Any position mentioned in any such notice shall be deemed to have been specifically mentioned in this paragraph.”;

- (b) by the substitution for subsection (3) of the following subsection:

“(3) If at the date of publication by the Minister of a notice in terms of paragraph (d) of subsection (1), a servant already holds any position mentioned in such notice, the provisions of that paragraph shall apply to such servant only if he has, within a period of six months after the said date, or within such further period as the Administration may under special circumstances allow, but in any event before he attains the age of fifty-five years, agreed in writing to the application to him of the age of retirement laid down in the said paragraph.”;

- (c) by the substitution in subsection (4) for the expression “paragraph (d) or (e)” of the expression “paragraph (d)”, and for the expression “either of those paragraphs” of the expression “the said paragraph”;

- (d) by the substitution, for paragraph (b) of subsection (7), of the following paragraph:

“(b) A servant to whom the provisions of paragraph (d) of sub-section (1) apply shall, whether or not he has exercised the election provided for in paragraph (c) of this subsection as it existed immediately prior to the date of commencement of section 3 of the Railways and Harbours Acts Amendment Act, 1964 (Act No. 54 of 1964), have the right at any time before or after attaining the age of fifty years, to give written notification to the head of his department of his wish to be retired on pension from the Service.”.

Amendment of section 8 of Act 39 of 1960, as amended by section 16 of Act 62 of 1961, section 63 of Act 6 of 1965 and section 6 of Act 18 of 1966.

3. Section 8 of the Railways and Harbours Superannuation Fund Act, 1960 (hereinafter called “the Superannuation Fund Act”), is hereby amended—

- (a) by the substitution, in subsection (2) (a) and (b), for the expression “paragraph (d) or (e)”, wherever it occurs, of the expression “paragraph (d)”;

- (b) by the insertion, after subparagraph (ii) of subsection (2) (a) of the following subparagraph:

“(iii) A member employed in the airways department of the Service to whom the provisions of section 16 (1) (e) of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960), apply shall, in addition to the contributions prescribed in subsection (1), make further contributions (hereinafter referred to as ‘special contributions’) to the New Fund at the rate of one per cent of his pensionable emoluments.”.

Amendment of section 11 of Act 39 of 1960, as amended by section 7 of Act 18 of 1966.

4. Section 11 of the Superannuation Fund Act is hereby amended by the substitution, in subsection (1) (d) for the expression “paragraph (d) or (e)”, of the expression “paragraph (d)”.

Amendment of section 17 of Act 39 of 1960, as amended by section 17 of Act 62 of 1961 and section 8 of Act 18 of 1966.

5. Section 17 of the Superannuation Fund Act is hereby amended by the substitution for paragraphs (a) and (b) of subsection (1) of the following paragraphs:

“(a) one-fiftieth in the case of a member to whom the provisions of section 16 (1) (d) of the Railways and Harbours Service Act, 1960, apply, whatever the age of retirement applicable to him may be; or

- (b) one-fifty-fifth in the case of a member holding a position mentioned in section 16 (1) (c) or (e) of the Railways and Harbours Service Act, 1960, whatever the age of retirement applicable to him may be; or”.

vlug te verrig, waarop die Minister by kennisgewing in die *Staatskoerant* bedoelde aftreleeftyd van toepassing verklaar het. 'n Betrekking wat in so 'n kennisgewing genoem word, word geag uitdruklik in hierdie paragraaf vermeld te gewees het.”;

- (b) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Indien 'n dienaar op die datum waarop 'n kennisgewing ingevolge paragraaf (d) van subartikel (1) deur die Minister gepubliseer word, reeds 'n in die kennisgewing vermelde betrekking beklee, is die bepalings van daardie paragraaf slegs dan op so 'n dienaar van toepassing as hy binne 'n tydperk van ses maande na genoemde datum of binne die verdere tydperk wat die Administrasie onder spesiale omstandighede toestaan, maar in elk geval voor bereiking van die leeftyd van vyf-en-vyftig jaar, skriftelik ingestem het dat die aftreleeftyd in daardie paragraaf vermeld, op hom toegepas kan word.”;

- (c) deur in subartikel (4) die uitdrukking „paragraaf (d) of (e)” deur die uitdrukking „paragraaf (d)” te vervang en deur die uitdrukking „een of ander van daardie paragrawe” deur die uitdrukking „bedoelde paragraaf” te vervang;

- (d) deur paragraaf (b) van subartikel (7) deur die volgende paragraaf te vervang:

„(b) 'n Denaar op wie die bepalings van paragraaf (d) van subartikel (1) van toepassing is, het die reg, hetsy hy die keuse uitgeoefen het al dan nie waarvoor voorsiening gemaak is in paragraaf (c) van hierdie subartikel soos dit onmiddellik voor die datum van inwerkingtreding van artikel 3 van die Wysigingswet op Spoorweg- en Hawewette, 1964 (Wet No. 54 van 1964), bestaan het, om te eniger tyd voor of na bereiking van die leeftyd van vyftig jaar, aan die hoof van sy departement skriftelik kennis te gee van sy begeerte om met pensioen uit die Diens afgedank te word.”.

3. Artikel 8 van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960 (hierna „die Superannuasiefondswet” genoem), word hierby gewysig—

- (a) deur in subartikel (2) (a) en (b) die uitdrukking „paragraaf (d) of (e)”, waar dit ook al voorkom, deur die uitdrukking „paragraaf (d)” te vervang;

- (b) deur na subparagraaf (ii) van subartikel (2) (a) die volgende subparagraaf in te voeg:

„(iii) 'n Lid wat in die lugdiensdepartement van die Diens werksaam is en op wie die bepalings van artikel 16 (1) (e) van die Wet op Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960), van toepassing is, moet bo en behalwe die bydraes in subartikel (1) voorgeskryf, verdere bydraes (hierna „spesiale bydraes” genoem) in die Nuwe Fonds stort teen die skaal van een persent van sy pensioengewende emolumente.”.

Wysiging van artikel 8 van Wet 39 van 1960, soos gewysig deur artikel 16 van Wet 62 van 1961, artikel 63 van Wet 6 van 1965 en artikel 6 van Wet 18 van 1966.

4. Artikel 11 van die Superannuasiefondswet word hierby gewysig deur in subartikel (1) (d) die uitdrukking „paragraaf (d) of (e)” deur die uitdrukking „paragraaf (d)” te vervang.

Wysiging van artikel 11 van Wet 39 van 1960, soos gewysig deur artikel 7 van Wet 18 van 1966.

5. Artikel 17 van die Superannuasiefondswet word hierby gewysig deur paragrawe (a) en (b) van subartikel (1) deur die volgende paragrawe te vervang:

- „(a) een-vyftigste in die geval van 'n lid op wie die bepalings van artikel 16 (1) (d) van die Wet op Spoorweg- en Hawediens, 1960, van toepassing is, wat ook al die op hom toepaslike aftreleeftyd mag wees; of

- (b) een vyf-en-vyftigste in die geval van 'n lid wat 'n betrekking beklee wat genoem word in artikel 16 (1) (c) of (e) van die Wet op Spoorweg- en Hawediens, 1960, wat ook al die op hom toepaslike aftreleeftyd mag wees; of”.

Wysiging van artikel 17 van Wet 39 van 1960, soos gewysig deur artikel 17 van Wet 62 van 1961 en artikel 8 van Wet 18 van 1966.

Amendment of section 18 of Act 39 of 1960, as amended by section 21 of Act 7 of 1963, section 64 of Act 6 of 1965 and section 9 of Act 18 of 1966.

6. Section 18 of the Superannuation Fund Act is hereby amended by the substitution, in the provisos to subsections (1) and (3), for the expression "paragraph (d) or (e)", wherever it occurs, of the expression "paragraph (d)".

Amendment of section 26 of Act 39 of 1960, as amended by section 10 of Act 18 of 1966.

7. Section 26 of the Superannuation Fund Act is hereby amended by the substitution in subsection (2), for the expression "paragraph (d) or (e)", of the expression "paragraph (d)".

Amendment of section 35 of Act 39 of 1960, as amended by section 11 of Act 18 of 1966.

8. Section 35 of the Superannuation Fund Act is hereby amended by the substitution in subsection (2), for the expression "paragraph (d) or (e)", of the expression "paragraph (d)".

Validation of certain changes in conditions of employment.

9. All changes in conditions of employment for which provision is made in any regulation published under any Government Notice mentioned in the Schedule to this Act, and which were brought into operation with retrospective effect or in respect whereof the amending regulations were not approved by the State President until after the expiration of the period of three months mentioned in section 32 (3) of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960), are hereby validated with effect from the dates as from which such changes were respectively brought into operation.

Application of Act to South-West Africa.

10. This Act shall apply also to the territory of South-West Africa.

Short title.

11. This Act shall be called the Railways and Harbours Acts Amendment Act, 1967.

Schedule.

Number of Government Notice.	Date of Publication.
R. 983	24.6.1966
R. 1156	22.7.1966

6. Artikel 18 van die Superannuasiefondswet word hierby gewysig deur in die voorbehoudsbepalings by subartikels (1) en (3) die uitdrukking „paragraaf (d) of (e)” waar dit ook al voorkom, deur die uitdrukking „paragraaf (d)” te vervang. Wysiging van artikel 18 van Wet 39 van 1960, soos gewysig deur artikel 21 van Wet 7 van 1963, artikel 64 van Wet 6 van 1965 en artikel 9 van Wet 18 van 1966.
7. Artikel 26 van die Superannuasiefondswet word hierby gewysig deur in subartikel (2) die uitdrukking „paragraaf (d) of (e)” deur die uitdrukking „paragraaf (d)” te vervang. Wysiging van artikel 26 van Wet 39 van 1960, soos gewysig deur artikel 10 van Wet 18 van 1966.
8. Artikel 35 van die Superannuasiefondswet word hierby gewysig deur in subartikel (2) die uitdrukking „paragraaf (d) of (e)” deur die uitdrukking „paragraaf (d)” te vervang. Wysiging van artikel 35 van Wet 39 van 1960, soos gewysig deur artikel 11 van Wet 18 van 1966.
9. Alle veranderings in diensvoorwaardes waarvoor voorsiening gemaak word in 'n regulasie gepubliseer in een van die Goewermenskennisgewings wat in die Bylae by hierdie Wet genoem word, en wat met terugwerkende krag in werking gestel is, of ten opsigte waarvan die wysigende regulasies nie deur die Staatspresident goedgekeur is nie tot na die verstryking van die tydperk van drie maande vermeld in artikel 32 (3) van die Wet op Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960), word hierby geldig verklaar met ingang van die datums waarop sodanige veranderings onderskeidelik in werking gestel is. Geldigverklaring van sekere veranderings in diensvoorwaardes.
10. Hierdie Wet is ook op die gebied Suidwes-Afrika van toepassing. Toepassing van Wet op Suidwes-Afrika.
11. Hierdie Wet heet die Wysigingswet op Spoorweg- en Hawewette, 1967. Kort titel.

Bylae.

Goewermenskennisgewing No.	Datum van Afkondiging.
R.983	24.6.1966
R.1156	22.7.1966

ACT

To amend section 5ter of the Suppression of Communism Act, 1950, in order to prohibit certain persons from making or receiving contributions for the benefit of certain organizations or from participating in the activities of certain organizations; to amend that Act by the insertion of section 5quat in which certain persons are disqualified from practising as advocates, attorneys, notaries or conveyancers; to amend section 12 of that Act in order to extend the provisions in respect of presumptions and evidence; to amend section 14 of that Act in order to extend the grounds on which certain persons may be removed from the Republic; and to provide for matters incidental thereto.

*(English text signed by the State President.)
(Assented to 27th February, 1967.)*

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

Amendment of section 5ter of Act 44 of 1950, as inserted by section 4 of Act 76 of 1962.

1. Section 5ter of the Suppression of Communism Act, 1950 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Minister may by notice in the *Gazette* prohibit all persons whose names appear on any list in the custody of the officer referred to in section 8 or who were office-bearers, officers or members of any organization which has under section 2 (2) been declared to be an unlawful organization or in respect of whom any prohibition under this Act by way of notices addressed and delivered or tendered to them is in force, from—

- (a) being or becoming office-bearers, officers or members,
- (b) making or receiving any contribution of any kind for the direct or indirect benefit, or
- (c) participating in any way in any activity,

of any particular organization or any organization of a nature, class or kind specified in such notice, except with the written consent of the Minister or a magistrate acting in pursuance of his general or special instructions: Provided that the Minister shall not issue any such notice in relation to any employers' organization or trade union registered under the Industrial Conciliation Act, 1956 (Act No. 28 of 1956), except after consultation with the Minister of Labour.”.

Insertion of section 5quat in Act 44 of 1950.

2. The following section is hereby inserted in the principal Act after section 5ter:

“Persons listed or convicted under this Act disqualified from practising as advocates, attorneys, notaries or conveyancers.

5quat (1) Notwithstanding anything to the contrary in any law contained—

- (a) no person shall be admitted by the court of any division of the Supreme Court of South Africa to practise as an advocate, attorney, notary or conveyancer, unless such person satisfies such court that his name does not appear on any list in the custody of the officer referred to in section 8 and that he has not before or after the commencement of this section been convicted of an offence under section 11(a), (b), (b)bis, (b)ter or (c);
- (b) the court of any division of the Supreme Court of South Africa shall, on an application made by the Secretary for Justice, order that the name of any person be struck off the roll or

No. 24, 1967.]

WET

Tot wysiging van artikel 5ter van die Wet op die Onderdrukking van Kommunisme, 1950, ten einde sekere persone te verbied om bydraes tot voordeel van sekere organisasies te maak of te ontvang of om aan die bedrywighede van sekere organisasies deel te neem; tot wysiging van daardie Wet deur die invoeging van artikel 5quat waarin sekere persone onbevoeg verklaar word om as advokate, prokureurs, notarisse of transportbesorgers te praktiseer; tot wysiging van artikel 12 van daardie Wet ten einde die bepalinge betreffende vermoedens en getuienis uit te brei; tot wysiging van artikel 14 van daardie Wet ten einde die gronde uit te brei waarop sekere persone uit die Republiek uitgesit kan word; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 27 Februarie 1967.)*

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

1. Artikel 5ter van die Wet op die Onderdrukking van Kommunisme, 1950 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die Minister kan by kennisgewing in die *Staatskoerant* alle persone wie se name voorkom op 'n lys wat in bewaring van die in artikel 8 bedoelde beampte is, of wat ampsdraers, beamptes of lede was van 'n organisasie wat kragtens artikel 2 (2) tot onwettige organisasie verklaar is of ten opsigte van wie 'n verbod kragtens hierdie Wet by wyse van kennisgewings aan hulle gerig en oorhandig of aangebied van krag is, verbied om—
(a) ampsdraers, beamptes of lede te wees of te word,
(b) 'n bydrae van enige aard te maak of te ontvang tot regstreekse of onregstreekse voordeel, of
(c) op enige wyse deel te neem aan 'n bedrywigheid, van 'n bepaalde organisasie of 'n organisasie van 'n aard, klas of soort in die kennisgewing bepaal, behalwe met skriftelike toestemming van die Minister of 'n landdros wat ooreenkomstig sy algemene of spesiale voorskrifte optree: Met dien verstande dat die Minister nie so 'n kennisgewing met betrekking tot 'n werkgewersorganisasie of vakvereniging geregistreer ingevolge die Wet op Nywerheidsversoening, 1956 (Wet No. 28 van 1956), uitreik nie, behalwe na raadpleging van die Minister van Arbeid.”

Wysiging van artikel 5ter van Wet 44 van 1950, soos ingevoeg deur artikel 4 van Wet 76 van 1962.

2. Die volgende artikel word hierby in die Hoofwet na artikel 5ter ingevoeg:

„Persone, gelys of skuldig bevind kragtens hierdie Wet, onbevoeg om as advokate, prokureurs, notarisse of transportbesorgers te praktiseer.

5quat. (1) Ondanks andersluidende wetsbepalings—
(a) word 'n persoon nie deur die hof van enige afdeling van die Hooggeregshof van Suid-Afrika toegelaat om as advokaat, prokureur, notaris of transportbesorger te praktiseer nie, tensy daardie persoon bedoelde hof oortuig dat sy naam nie op 'n lys in die bewaring van die in artikel 8 bedoelde beampte voorkom nie en dat hy nie voor of na die inwerkingtreding van hierdie artikel aan 'n misdryf ingevolge artikel 11 (a), (b), (b)bis, (b)ter of (c) skuldig bevind is nie;
(b) moet die hof van enige afdeling van die Hooggeregshof van Suid-Afrika, op aansoek van die Sekretaris van Justisie, beveel dat die naam van 'n persoon geskrap word van die rol of lys van

Invoeging van artikel 5quat in Wet 44 van 1950.

list of advocates, attorneys, notaries or conveyancers to be kept in terms of the relevant law relating to the admission of advocates, attorneys, notaries or conveyancers, if the court is satisfied that such person's name appears on any list referred to in paragraph (a) or that he has before or after the commencement of this section been convicted of an offence referred to in paragraph (a).

(2) Notwithstanding the provisions of paragraph (a) of subsection (1), the court may admit any person convicted of an offence referred to in that paragraph if he produces a certificate signed by the Minister to the effect that the Minister has no objection to the admission of such person on account of his having been so convicted."

Amendment of section 12 of Act 44 of 1950, as amended by section 8 of Act 50 of 1951, section 9 of Act 15 of 1954, section 11 of Act 76 of 1962, section 6 of Act 37 of 1963 and section 6 of Act 97 of 1965.

3. Section 12 of the principal Act is hereby amended by the insertion of the following subsection after subsection (3):

"(3A) If in any prosecution for a contravention of section 11 (i) it is proved that the accused communicated with a person whose name appears on any list in the custody of the officer referred to in section 8 or in respect of whom any prohibition under this Act or the Riotous Assemblies Act, 1956 (Act No. 17 of 1956), is in force, and that the name of that person corresponds substantially with a name which appears on a list or an extract from a list or in particulars which have been published in the *Gazette* in terms of section 8 (4) or section 10*ter* of this Act or section 2 (3)*bis* (b) of the Riotous Assemblies Act, 1956, it shall be presumed that the accused, when he communicated with that person, knew that the name of that person appeared on a list in the custody of the officer referred to in section 8 or that a prohibition under this Act or the Riotous Assemblies Act, 1956, was in force in respect of that person, as the case may be, unless the contrary is proved beyond a reasonable doubt."

Substitution of section 14 of Act 44 of 1950, as amended by section 10 of Act 15 of 1954.

4. The following section is hereby substituted for section 14 of the principal Act:

"Removal from Republic of certain undesirable inhabitants.

14. (1) Any person who is not a South African citizen by birth or descent and who is deemed by the State President, or in the case of an inhabitant of the territory of South-West Africa, by the Administrator of the said territory, to be an undesirable inhabitant of the Republic or of the said territory, as the case may be, because he is a communist or has been convicted of any offence under paragraph (a), (b), (b)*bis*, (b)*ter*, (c), (d), (e), (f), (f)*ter*, (g), (h) or (i) of section 11, may be removed from the Republic or from the said territory, and pending removal, may be detained in custody in the manner provided for the detention, pending removal from the Republic or from the said territory, of persons who are prohibited persons within the meaning of the relevant law relating to the regulation of the admission of persons to the Republic or the said territory; and thereafter such person shall, for the purposes of such law, be deemed to be a prohibited person.

(2) The State President or, in the case of an inhabitant of the territory of South-West Africa, the Administrator of the said territory, may exercise the powers referred to in subsection (1) without prior notice to any person."

Short title.

5. This Act shall be called the Suppression of Communism Amendment Act, 1967.

advokate, prokureurs, notarisse of transportbesorgers wat ingevolge die betrokke wetsbepaling op die toelating van advokate, prokureurs, notarisse of transportbesorgers gehou moet word, indien die hof oortuig is dat bedoelde persoon se naam op 'n in paragraaf (a) bedoelde lys voorkom of dat hy voor of na die inwerkingtreding van hierdie artikel aan 'n in paragraaf (a) bedoelde misdryf skuldig bevind is.

(2) Ondanks die bepalings van paragraaf (a) van subartikel (1), kan die hof 'n persoon wat aan 'n in daardie paragraaf bedoelde misdryf skuldig bevind is, toelaat indien hy 'n deur die Minister ondertekende sertifikaat oorlê ten effekte dat die Minister geen beswaar teen die toelating van daardie persoon het omrede hy aldus skuldig bevind is nie."

3. Artikel 12 van die Hoofwet word hierby gewysig deur die volgende subartikel na subartikel (3) in te voeg:

„(3A) Indien by 'n vervolging weens 'n oortreding van artikel 11 (i) bewys word dat die beskuldigde in verbinding getree het met 'n persoon wie se naam voorkom op 'n lys in die bewaring van die in artikel 8 bedoelde beampte of ten opsigte van wie 'n verbod kragtens hierdie Wet of die Wet op Oproerige Byeenkomste, 1956 (Wet No. 17 van 1956), van krag is, en dat die naam van daardie persoon wesenlik ooreenstem met 'n naam wat verskyn op 'n lys of 'n uittreksel uit 'n lys of in besonderhede wat ingevolge artikel 8 (4) of artikel 10ter van hierdie Wet of artikel 2 (3)bis (b) van die Wet op Oproerige Byeenkomste, 1956, in die *Staatskoerant* afgekondig is, word vermoed dat die beskuldigde, toe hy met bedoelde persoon in verbinding getree het, geweet het dat daardie persoon se naam voorkom op 'n lys in die bewaring van die in artikel 8 bedoelde beampte of dat 'n verbod kragtens hierdie Wet of die Wet op Oproerige Byeenkomste, 1956, ten opsigte van bedoelde persoon van krag is, na gelang van die geval, tensy die teendeel bo alle redelike twyfel bewys word."

Wysiging van artikel 12 van Wet 44 van 1950, soos gewysig deur artikel 8 van Wet 50 van 1951, artikel 9 van Wet 15 van 1954, artikel 11 van Wet 76 van 1962, artikel 6 van Wet 37 van 1963 en artikel 6 van Wet 97 van 1965.

4. Artikel 14 van die Hoofwet word hierby deur die volgende artikel vervang:

„Uitsetting uit Republiek van sekere ongewenste ingesetenes.

14. (1) Iemand wat nie 'n Suid-Afrikaanse burger by geboorte of afkoms is nie en wat deur die Staatspresident, of in die geval van 'n ingesetene van die gebied Suidwes-Afrika, deur die Administrateur van genoemde gebied, beskou word as 'n ongewenste ingesetene van die Republiek of van genoemde gebied, na gelang van die geval, omdat hy 'n kommunist is of omdat hy skuldig bevind is aan 'n misdryf ingevolge paragraaf (a), (b), (b)bis, (b)ter, (c), (d), (e), (f), (f)ter, (g), (h) of (i) van artikel 11, kan uit die Republiek of uit genoemde gebied gesit word, en kan, in afwagting van sy uitsetting, in hegtenis gehou word op die wyse wat voorgeskryf is vir die aanhouding, in afwagting van uitsetting uit die Republiek of uit genoemde gebied, van persone wat verbode persone is volgens die betekenis van die toepaslike wetsbepalings op die reëling van die toelating van persone tot die Republiek of genoemde gebied; en daarna word daardie persoon in die sin van bedoelde wetsbepalings, as 'n verbode persoon aangemerk.

(2) Die Staatspresident of, in die geval van 'n ingesetene van die gebied Suidwes-Afrika, die Administrateur van bedoelde gebied, kan die in subartikel (1) bedoelde bevoegdhede sonder voorafgaande kennisgewing aan enigiemand uitoefen."

Vervanging van artikel 14 van Wet 44 van 1950, soos gewysig deur artikel 10 van Wet 15 van 1954.

5. Hierdie Wet heet die Wysigingswet op die Onderdrukking Kort titel. van Kommunisme, 1967.

INHOUD.

Departement van die Eerste Minister.

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