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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF MINERAL RESOURCES

NO. R. 462 **11 APRIL 2020**

DEPARTMENT OF MINERAL RESOURCES AND ENERGY

DIRECTIONS ISSUED IN TERMS OF REGULATION 10(8) OF THE REGULATIONS MADE UNDER SECTION 27(2) OF THE DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002): MEASURES TO PREVENT AND COMBAT THE SPREAD OF COVID-19

I, **Mr Samson Gwede Mantashe, MP**, the Minister of Mineral Resources and Energy, in terms of regulation 10(8) of the Regulations issued in terms of the Disaster Management Act, 2002 (Act No. 57 of 2002), hereby issue the Directions set out in the Schedule hereto in order to provide guidance on the implementation of the provisions for essential goods and services.

MR SAMSON GWEDE MANTASHE, MP
MINISTER OF MINERAL RESOURCES AND ENERGY
DATE: 9 April 2020

SCHEDULE

Definitions

1. In this Schedule, a word or expression to which a meaning has been assigned in the Regulations issued in terms of section 27(2) of the Disaster Management Act, 2002 (Act No. 57 of 2002), published under Government Notice No. 318 in Government *Gazette* No. 43107 of 18 March 2020, as amended by the Regulations published in Government *Gazette* No.43148, Government Notice No. 398 of 25 March 2020 ("the Regulations"), and the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) (the "MPRDA"), bears the meaning so assigned to it, unless the context otherwise indicates.

Authority

2.1 The COVID-19 was classified as a pandemic by the World Health Organisation ("WHO"), and following related developments within the Republic, the Government of the Republic declared a national state of disaster relating to COVID-19 in terms of section 27(1) of the Disaster Management Act, 2002.

2.2 Section 26(2)(b) of the Disaster Management Act, 2002, provides that a national disaster, once declared, must be managed in accordance with existing legislation, as well as contingency arrangements as amplified by disaster management regulations or directions issued in terms of section 27(2) of the Disaster Management Act, 2002.

2.3 These Directions are issued pursuant to regulation 10(8) of the Regulations to provide for measures necessary to manage COVID-19, and are valid for the duration of the declared national state of disaster.

Purpose

3. The purpose of these Directions is to ensure fair processes, relating to licensing, consultation, appeals and compliance processes and reporting requirements during the lockdown period.

Application

4.1 These Directions apply to−

(a) all functionaries exercising powers or performing functions relating to the processes listed in paragraph 5;
(b) all applicants, appellants, holders of rights in terms of the MPRDA, companies and interested and affected parties involved in the processes listed in paragraphs 5; and
(c) any other party involved in the processes listed in paragraph 5.

Directions

5. The following Directions will apply:

5.1 Directions relating to permissions, rights and permits as contemplated in the MPRDA

(a) The following timeframes are hereby extended, or deemed to be extended, by the number of days of the duration of the lockdown period of the national state of disaster declared for the COVID-19 pandemic:

(i) Timeframes prescribed in terms of the MPRDA in relation to applications for and processing of permissions, rights, permits, which periods fall within the duration of the lockdown period of the national state of disaster;

(ii) Timeframes applicable to renewal of permissions, rights and permits which fall either within the duration of the lockdown period of the national state of disaster or within a period of 60 days from 27 March 2020; and

(iii) Timeframes relating to appeals prescribed under Regulation 74 of the Regulations promulgated under the MPRDA as amended.

(b) An extension of a time period granted by a functionary referred to in paragraph 4.1(a), the period of which falls between 27 March 2020 and the termination of the lockdown period of the national state of disaster is hereby extended, or deemed to be extended, by the number of days of the duration of the lockdown period of the national state of disaster declared for the COVID-19 pandemic.

5.2 Directions relating to directives, notices, orders and instructions

(a) Timeframes stipulated in directives, notices, orders or instructions issued in terms of the MPRDA and which period falls within the duration of the lockdown period of the national state of disaster, are hereby extended, or deemed to be extended, by the number of days of the duration of the lockdown period of the national state of disaster declared for the COVID-19 pandemic.

(b) Despite the provisions of sub-paragraph (a), directives, notices, orders and instructions issued as urgent measures to prevent imminent damage or harm to persons, animals, the environment or property, must be complied with within the timeframes stipulated therein.

5.3 Directions relating to submission of reports

(a) The date for submission of the first annual report on the Broad Based Socio-Economic Empowerment Charter for the Mining and Minerals Industry, is hereby extended from 31 March 2020 to 1 June 2020.

(b) Save for the report referred to in sub-paragraph (a), timeframes for submission of reports to be submitted in terms of the MPRDA and which period falls within the duration of the lockdown period of the national state of disaster, are hereby extended, or deemed to be extended, by the number of days of the duration of the lockdown period of the national state of disaster.

Commencement

6. These Directions come into effect on the date of publication in the Government *Gazette*.

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