

0706 1.9  
pcmin

**PROPOSED AMENDMENTS TO  
MINERAL AND PETROLEUM RESOURCES DEVELOPMENT AMENDMENT BILL,  
2007  
[B 10-2007]**

**LONG TITLE**

1. On page 2, in the long title, to omit the following sentence after definitions:  
"to harmonise environmental impact assessment requirements with national norms and standards set out in the National Environmental Management Act, 1998"
2. On page 2, insert the following after definitions "to review mine closure requirements";

**CLAUSE 1**

3. On page 2, from line 7, to omit the following definition: "basic assessment report means a report contemplated in section 39 and prescribed by regulation."
4. On page 2, in line 26, to omit the second '[the].
5. On page 3, after line 2, to insert the following."  
"(c) by the substitution for the definition of "community" of the following definition:  
'community' means a group of historically disadvantaged persons with interest or rights in a particular area of land on which the members have or exercise communally rights in terms of an agreement, custom or law. Provided that where as a consequence of the provisions of this Act, negotiations or consultations with the community is required, the community shall include the members or part of the community directly affected by mining on land occupied by such members or part of the community;"  
(d) by the insertion after the definition of "community" of the following definition:
6. On page 3, after line 19, to insert the following:  
"(d) by the insertion after the definition of "Director-General" of the following definition:

'effective date' means the date on which the relevant permit is issued or the relevant right is executed";

7. On page 3, from line 21, to omit the following:

"(e) by the insertion after the definition of "environment" of the following definitions:

'environmental authorisation' in relation to environmental impact assessment of a proposed prospecting, mining, reconnaissance, exploration or production operation or related activity means an authorisation issued by the Minister in terms of section 39;"

8. On page 3, from line 25, to omit the following definition:

"'environmental impact assessment', in relation to an application for an environmental authorisation to which a scoping must be applied, means the process of collecting, organising, analysing, interpreting and communicating information that is relevant to the consideration of that application;"

9. On page 3, from line 30, to omit the following definition:

"'environmental impact assessment report' means a report contemplated in section 39 and prescribed by regulation;"

10. On page 3, from line 32, to omit the following:

"(f) by the substitution for the definition of the following definition:

'environmental management plan' in relation to an application for a mining right or a production right or a related activity, means a plan contemplated in section 39 and prescribed by regulation;"

11. On page 3, from line 37, omit the following definition

(g) "by the deletion of the definition of "environmental management programme";

12. On page 3, from line 39, to omit paragraph (h) and to substitute the following:

"(h) by the deletion of the definition of "exclusionary act".

'exclusionary act' means any act or practice which impedes or prevents any person from entering the mineral and mining industry, or from entering any market connected with that industry, or from making progress within such industry or market."

13. On page 3, in line 50, after the first "fund" to insert "comma" and to omit "referred to in section 41A,"
14. On page 3, in line 54 after funds, to omit "to undertake the agreed work programmes"
15. On page 3, in line 62, after "who", to omit "collectively" and to substitute "as a single entity,"
16. On page 4, in line 52 after the "techniques," to insert:  
"acquisition and processing of new seismic data,"
17. On page 4, after line 53, after operation, to omit "other than acquisition and processing of new seismic data,"
18. On page 4, after line 57, to insert the following:  

(q) by the substitution for the definition of "residue deposit" of the following definition:

**"residue deposit'** means any residue stockpile remaining at the termination, cancellation or expiry of a prospecting right, mining right, mining permit, exploration right, **[or]** production right **[:]** , or old order right;

(r) by the substitution for the definition of "residue stockpile" of the following definition:

**"residue stockpile'** means any debris, discard, tailings, slimes, screening, slurry, waste rock, foundry sand, beneficiation plant waste, ash or any other product derived from or incidental to a mining operation and which is stockpiled, stored or accumulated for potential re-use, or which is disposed of, by the holder of a mining right, mining permit, **[or]** production right or old order right;"
19. On page 4, from line 60, to omit the following definition:  

"scoping report' in relation to the assessment of the environmental impact of an application for a mining right or a production right or the right to conduct a related activity, means a report contemplated in section 39 and prescribed by regulation;"
20. On page 5, from line 1, to omit the following definition:  

"significant impact' in relation to the assessment of the environmental impact of a prospecting, mining, reconnaissance, exploration or production operation or

activity or related activity, means an impact that by its magnitude, duration, intensity or probability of occurrence may have a notable effect on one or more aspects of the environment."

21. On page 5, from line 6, to omit the following definition:

"'specialized process' in relation to the assessment of the environmental impact of a prospecting, mining, reconnaissance, exploration or production operation or activity or related activity, means a process to obtain information which-

- (a) is not readily available without undertaking the process; and  
 (b) is necessary for informing an assessment or evaluation of the impacts of such operation or activity,

and includes risk assessment and cost benefit analysis."

22. On page 5, from line 13, to omit the following definition:

"'standard environmental management plan' in relation to an application for a prospecting right, mining permit, reconnaissance permit, exploration right or related activity, means a plan contemplated in section 39 and prescribed by regulation;"

23. On page 5, after line 16, to insert the following

(t) by the insertion after the definition of "top soil" of the following definition:

"waste" means any unwanted substance, whether solid, liquid or gaseous other than residue deposits or stockpiles, which is discharged, emitted or deposited on a prospecting, mining, exploration or production area.

## CLAUSE 2

24. On page 5, in line 21, after the "women" to insert "and communities"

25. On page 5, in line 18, after "for" to omit "paragraph" and to substitute "paragraphs"

26. On page 5, in line 19, after "(d)" to insert "and (e)"

27. On page 5, in line 19, after "following" to omit "paragraph" and to substitute "paragraphs"

28. On page 5, in line 23, after "resources", to omit closed quote and full stop

29. On page 5, after line 23, to insert the following:

- (e) promote economic growth and mineral and petroleum resources development in the Republic, particularly development of downstream



industries through provision of feedstocks, and development of mining and petroleum inputs industries.

#### CLAUSE 4

30. On page 5, from line 39 to omit paragraphs (c) and (d) and substitute the following:

“(a) an environmental authorisation;

(c) giving the land owner or lawful occupier of the land in question at least 21 days written notice”;

31. Insertion of section 5A in the Act 28 of 2002

5. The following section is hereby inserted in the principal Act after section 5

#### Prohibition relating to illegal operations

5A No person may prospect for or remove, mine, conduct technical co-operation operations, reconnaissance operations, explore for and produce any mineral or petroleum or commence with any work incidental thereto on any area without-

(a) an approved environmental management programme or approved environmental management plan, as the case may be;

(b) a reconnaissance permission, prospecting right, permission to remove, mining right, mining permit, retention permit, technical co-operation permit, reconnaissance permit, exploration right or production right, as the case may be; and

(c) notifying and consulting in a prescribed manner with the landowner or lawful occupier of the land in question”

#### CLAUSE 5

32. On page 5, from line 48, to delete subsection (3) from the Bill:

“(3) Any subsequent applications for a reconnaissance permission, prospecting right, mining right or mining permit in respect of the same mineral and land must be processed at least 40 days after the applications contemplated in subsection (1) have been rejected or refused.”

#### CLAUSE 7

33. On page 6, in line 11, to omit "an" and to substitute "any".
34. On page 6, in line 13, after the "without" to omit "the" and substitute **[the]**,
35. On page 6, in line 13, after "without" to insert "prior"
36. On page 6, in line 13, after "written" to omit "consent" and substitute "**[consent]**".
37. On page 6, in line 13, after "consent" to insert "approval"
38. On page 6, after line 20, to insert the following:

"(c) by the addition of the following subsection:

(5) The Minister may cancel the cession, transfer, letting, subletting, assignment, alienation or disposal of prospecting or mining right or an interest in any such right if such cession, transfer, letting, subletting, assignment, alienation or disposal was done without prior written approval of the Minister as contemplated in subsection (1)."

#### CLAUSE 8

39. On page 6, in line 29, after "applicant" to insert "of the decision"
40. On page 6, in line 29, after "within" to omit "14" and to substitute "**[14]**".
41. On page 6, in line 29, to omit "14" and to substitute "10"

#### CLAUSE 11

42. On page 7, from line 3, to omit paragraph (a) and to substitute the following:  
 "(a) by the substitution in subsection (2) for the words preceding subsection (2) of the following words:

"The Regional Manager must, within 10 days of the receipt of the application, accept an application for a prospecting right if-

43. On page 7, in line 12, after "applicant" to insert "of the decision"
44. On page 7, in line 12, after "within" to omit "14" and substitute "**[14]**"
45. On page 7, in line 12, to omit "14" and substitute "10"

46. On page 7, line 15, to omit paragraphs (c) and substitute the following:

"(c) by the substitution for subsection (4) of the following subsection:

(4) If the Regional Manager accept the application, the Regional Manager must, within **[14]** 10 days from the date of acceptance, notify the applicant in writing, [- ]to -

- (a) consult, in the prescribed manner with the landowner, lawful occupier and any other interested or affected party and include the result of such consultation in the environmental management plan;" and  
 (b) submit an environmental management plan.

47. On page 7, after line 22, to insert the following:

"(d) by the substitution for subsection (5) of the following subsection:

(5) Upon receipt of the results of the consultation and reports contemplated in subsection (4) and section 40, the Regional Manager must within 10 days of forward the application to the Minister for consideration."

#### CLAUSE 12

48. On page 7, in line 28, after "must", to insert, within 30days of receipt of the application from the Regional Manager,"

49. On page 7, from line 30, to omit paragraph (b) from the Bill

50. On page 7, after line 37, to insert the following:

"(d) by the substitution in subsection (2) for the words preceding (a) of the following words:

The Minister must, within 30 days of receipt of the application from the Regional Manager, refuse to grant a prospecting right if-

51. On page 7, from line 38, to omit paragraph (d) and to substitute the following:

"(d) by the substitution in subsection (2) for paragraph (b) of the following paragraph:

(b) the granting of such right will [-

**(i) result in an exclusionary act;**

**(ii) prevent fair competition; or**

**(iii) result in the concentration of the mineral resources in question under the control of the applicant.]**

result in the concentration of the mineral resources in question under the control of the applicant and or their associated companies with the possible limitation of equitable access to mineral resources."

52. On page 7, after line 45, to insert the following:  
 "(f) by the insertion after subsection (4) of the following subsection:

(4A) If the application relates to land occupied by a community, the Minister may impose such conditions as are necessary to promote the rights and interests of the community, including conditions requiring the participation of the community".

53. On page 7, from line 42, to omit paragraph (e).

54. On page 7, from line 46, to omit paragraph (f) and to substitute the following:  
 "(f) by the substitution for subsection (5) of the following subsection:

(5) A prospecting right granted in terms of subsection (1) comes into effect on the effective date.

#### CLAUSE 13

55. On page 7, from line 53, to omit clause 13 from the Bill  
 56. On page 8, from line 7, to omit paragraph (b).

#### CLAUSE 14

57. On page 8, from line 20, to omit paragraph (e)  
 58. On page 8, from line 27, to omit paragraph (h) and to substitute the following:

"(h) submit progress reports and data of prospecting operations to the Regional Manager within 30 days from the date of submission thereof to the Council of Geoscience."

#### CLAUSE 16

59. On page 8, in line 38, after "for", to omit "paragraphs (a) and (b)" and to



substitute "paragraph (a)"

60. On page 8, in line 39, to omit, "paragraphs" and to substitute "paragraph"

61 On page 8, after line 47, to insert the following:

"(b) by the insertion after subsection (1) of the following subsections:

(1A) The Regional Manager must, submit progress reports and data contemplated in subsection (1)(b) within 30 days from the date of receipt thereof to the Council for Geoscience.

(1B) The Council for Geoscience must advise the Minister on all prospecting information as contemplated in this section."

#### CLAUSE 17

62 On page 9, in line 10, after "applicant" to insert "of the decision"

63 On page 9, in line 10, after "within" to omit "14" and to substitute "[14]".

64 On page 9, in line 10, to omit "14" and to substitute "10"

65 On page 9, in line 12, to omit paragraph (c) and sub the following paragraph:

"(c)" by the substitution for subsection 4 of the following subsection"

(4) If the Regional Manager accept the application, the Regional Manager must, within [14]10 days of the receipt of the application, notify the applicant in writing, to-

(a) consult, as prescribed , with the landowner, lawful occupier and any interested and affected party and include the result of the consultation in the scoping report;" and

(b) submit a scoping report and an environmental impact assessment report and an environmental management plan, within 180 days from the date of the notice."

66. On page 66, from line 18, to omit paragraph (d)

67. On page 9, after line 23, to insert the following:

(e) by the substitution for subsection (5) of the following subsection:

- (5) Upon receipt of the information referred in subsection (4) and section 40, the Regional Manager must , within 10 days of the submission of the result of the consultation and the consultation in terms of forward the application to the Minister for consideration."

**CLAUSE 18**

68. On page 9, from lines 26, to omit paragraph (a).

69. On page 9, after line 32, to insert the following subsection 2A:

(2A) If the application relates to land occupied by a community, the Minister may impose such conditions as are necessary to promote the rights and interests of the community, including conditions requiring the participation of the community.

70. On page 9, line 33, to omit paragraph (c).

71. On page 9, line 38, to be substituted paragraph (d) with the following subsection:

"(5) A mining right granted in terms of subsection (1) comes into effect on the effective date."

**CLAUSE 19**

72. On page 9, from line 49, to omit paragraph (a)

**CLAUSE 20**

73. On page 10, from line 11, to omit paragraph (b)

**CLAUSE 21**

74. On page 10, in line 27, to omit paragraph ( c).

**CLAUSE 22**

75. On page 10, from line 36, to omit paragraph (b)

76. On page 10, line 48, after "applicant" to insert "of the decision."
77. On page 10, line 48, after "within" to omit 14 and to substitute "[14]" with 10.
78. On page 10, in line 48, to omit "14" and to substitute "10" paragraph (a).
79. On page 10, from line 50 to omit paragraph (e) and to substitute the following:
- (4) If the Regional Manager accept the application, the Regional Manager must, within ~~[14]~~10 days of the receipt of the application, notify the applicant in writing, to-
- (a) consult, as prescribed , with the landowner, lawful occupier and any interested and affected party and include the result of the consultation in the scoping report;" and
- (b) submit a scoping report and an environmental impact assessment report and an environmental management plan, within 40 days from the date of the notice."

80. On page 11, from line 1, to omit paragraph (f)

#### CLAUSE 26

81. On page 11, from line 48, to omit clause 26

#### CLAUSE 27

82. On page 12, from line 2, to omit clause 27, and to substitute he following:
- "**27** Section 33 of the principal Act is hereby amended by the substitution for paragraph (c) of the following paragraph:
- (c) the granting of such right will [-  
**(i) result in an exclusionary act;**  
**(ii) prevent fair competition; or**  
**(iii) result in the concentration of the mineral resources in question under the control of the applicant.]**
- result in the concentration of the mineral resources in question under the control

of the applicant and or their associated companies with the possible limitation of equitable access to mineral resources."

**CLAUSE 28**

83. On page 12, from line 8, to omit paragraph (a):

**CLAUSE 30**

84. On page 12, from line 44, to omit sub paragraph (i) in paragraph (c):
85. On page 12, in line 53, omit "standard environmental management plan"
86. On page 12, in line 54, to omit "and the condition of environmental authorization,"

**CLAUSE 31**

87. On page 13, from line 11, to omit the entire clause 31 .

**CLAUSE 32**

88. On page 14, from line 4, to omit following paragraph (a):
89. On page 14, line 11, to substitute **[30]** with 40.
90. On page 14, after line 17, to add the following paragraph:  
" (d) by the addition of the following subsection:  
(4) The Regional Mining Development and Environmental Committee must consider and make recommendations within 45 days after the date of receiving such an objection, after which the Minister must make the final decision."
91. On page 14, in line 15, to omit "or authorization"



### CLAUSE 33

92. On page 14, from line 23, to omit subsection 1
93. On page 14, in line 23 after "Minister" to omit "[**approves the environmental management plan or environmental management programme in terms of section 39(4)**] issues the environmental authorization," and substitute the following "approves the environmental management plan or environmental management programme in terms of section 39(4),"

### CLAUSE 34

94. On page 14, from line 49, to omit section 41A.

### CLAUSE 35

95. On page 15, from line 54, to omit the the word "[**and**]" and insert the following:  
 (a) comma after the word "stockpile"  
 (b) the words "and other waste" after "deposits"
95. On page 15, in line 56, to omit "standard environmental management plan or"
96. On page 15, in line 57, to omit "[**environmental management programme in question**]" and substitute "environmental management programme in question"
97. On page 15, in line 58, to omit ", and in accordance with the conditions of environmental authorisation"
98. On page 15, in line 61, to omit the "standards" and substitute "approved"
99. On page 16, in line 1, to omit the first "plan" and substitute "programme"
100. On page 16, from line 1, to omit " and the conditions of environmental authorisation"

### CLAUSE 36

101. On page 16, in line 8, to omit "and an environmental authorization "
102. On page 16, in line 9, to omit "or authorisation"
103. On page 16, in line 10, to omit "standard" and substitute "approved" and also substitute "plan" with "programme"

### CLAUSE 37

104. On page 16, in line 16, to insert the following words after the word permit:

"previous holder of an old order right or previous owner of works that has ceased to exist,"

105. On page 16, in line 22, to insert the following:

" or previous holders of old order rights or previous owners of works that has ceased to exist,"

106. On page 16, in line 25, to omit "standard" and substitute "approved"

107. On page 16, in line 25, to omit "plan" and substitute "programme"

108. On page 16, in line 26, to omit "**[or the environmental management programme]**" and "the environmental authorization"

109. On page 16, in line 27, to substitute "any" for "the"

110. On page 16, after line 49, to insert the following subsection:

(5A) Confirmation from the Chief Inspector and each government department contemplated in subsection (e), must be received within 60 days from the date on which the Minister informs such Chief Inspector or government department, in writing, to do so.

111. On page 16, line 51, to substitute the word "execute" with the word "implement"

112. page 16, line 53, to substitute subsection (8) with the following:

"(8) The Minister may identify areas by notice in the *Gazette*, where mines are interconnected or their impacts are integrated which results in a cumulative impact.

(9) The Minister may publish by notice in the *Gazette*, strategies to facilitate mine closure where mines are interconnected, have an integrated impact or pose a cumulative impact.

(10) The holder of a prospecting right, mining right, retention permit or mining permit or the holder of a previous old order right, or the previous owner of works operating within an area identified in subsection (8) [with a cumulative impact], must amend the standard environmental management plan or environmental

management plan accordingly or submit a closure plan, subject to the approval of the Minister, which is aligned with closure strategies contemplated in subsection (9) [for such areas as published by the Minister from time to time by notice in the Gazette]."

(11) In relation to mines with an interconnected or integrated impact, the Minister may determine the apportionment of liability for mine closure as prescribed.

#### CLAUSE 39

113 On page 17, line 35, insert after the word "permit" the following:

"or previous holders of old order rights or previous owners of works ,"

114 On page 17, in line 39, to omit after "rehabilitate" "dangerous occurrences" or to make an area safe."

#### CLAUSE 40

115 On page 17, before line 43, to insert the following substitution for subsection (1):  
 (i) Subject to subsections (2), (3) and (4),The Minister may cancel or suspend any reconnaissance permission, prospecting right, mining right, mining permit **[or]** retention permit or holders of old order rights, if the holder thereof-

116 On page 17, in line 45, to omit "**[the approved]**" and substitute "the approved"  
 ; and to omit "standard"

117 On page 17, in line 47, to omit "**[programme]**" and substitute "programme";  
 and to omit "plan and any conditions in the environmental authorization"

118 On page 17, after 48, to insert the substitution of paragraph (d)

(d) has submitted inaccurate, false, fraudulent, incorrect or misleading information for purposes of the application or in connection with any matter required to be submitted under this Act.

119 On page 17, before line 49, to insert the following paragraph"

(e) has effected any of the transactions mentioned in section 11(1) before obtaining the necessary prior written approval of the Minister.

#### CLAUSE 41

- 120 On page 18, line 6, to substitute subsection (2) with the following:

“(2) the Minister may, after inviting representations from relevant stakeholders, from time to time by notice in the *Gazette*, and having regard to the national interest and the need to promote the sustainable development of the nation's mineral resources -

(a) prohibit or restrict the granting of any reconnaissance permission, prospecting right, mining right or mining permit in respect of land identified by the Minister for such period and on such terms and conditions as the Minister may determine.

(b) restrict the granting of any reconnaissance permission, reconnaissance permit, prospecting right, mining right or mining permit in respect of a specific mineral or mining permit in respect of a specific mineral or minerals or class of minerals identified by the Minister for such period and on such terms and conditions as the Minister may determine.”

#### CLAUSE 42

- 121 On page 18, line 27, to omit paragraph (a) and (b).

#### CLAUSE 49

122. On page 19, in line 28, to omit paragraph (b).

#### CLAUSE 52

- 123 On page 20, in line 1, to substitute paragraph (a) with the following:

- (i) For the purpose of this Chapter, section 9, 10, 11, 12, 21, [23,] 26, 29,30, [34, 35, 36,] 37, 38, 39, 40, 41, 42, 42A, 43, 44, 45, 46, 47, 48, 49, 50, 51 and 52, 53, 54, 55 56, 64 and Chapter 7 and Scheduled II apply with the necessary changes”.

#### CLAUSE 55

124. On page 20, in line 1, to omit paragraphs (a) and (b), and substitute with the subsection following:

(2) The designated agency must, within 10 days of the receipt of the application, accept an application for a reconnaissance permit if-

125. On page 20, in line 27, to omit the paragraph (c) and substitute subsection (3) with the following subsection:



"(3) If the application does not comply with requirements of this section, the designated agency must, within 10 days of the receipt of the application notify the applicant in writing".

126. On page 20, line 33, to omit paragraphs (a) and (b) and substitute with the following subsection (4).

"(4) If the designated agency accept the application, the designated agency must, within 10 days of the receipt of the application, notify the applicant in writing to, -

- (a) consult, as prescribed , with the landowner, lawful occupier and any interested and affected party and include the result of the consultation in the environmental management plan;" and
- (b) submit an environmental management plan. within 40 days from the date of the notice

**CLAUSE 56**

127. On page 20, line 47, to omit paragraph (b).

**CLAUSE 57**

128. On page 21, line 6, to omit paragraph (b).

**CLAUSE 59**

129. On page 21, before line 25 to substitute subsection (2) with the following:

(1) The designated agency must, within 10 days of the receipt of the application, accept an application for an exploration right if-

130. On page 21, in line 29, to omit the word "mineral".

131. On page 21, in line 35, to substitute subsection (3) with the following:

"(3) If the application does not comply with requirements of this section, the designated agency must, within 10 days of the receipt of the application notify the applicant in writing".

132. On page 21, in line 41, to omit paragraphs (b) and substitute with the following subsection (4).

(4) If the designated agency accept the application, the designated agency must, within 10 days of the receipt of the application, notify the applicant in writing to, notice -

- (a) consult, as prescribed , with the landowner, lawful occupier and any interested and affected party and include the result of the consultation in the environmental management plan;" and
- (b) submit an environmental management plan.  
within 40 days from the date of the

#### CLAUSE 60

133. On page 22, from line 1, to omit the following "[Minister has approved an environmental management programme in terms of section 39(4) environmental authorization has been issued]" "environmental authorization has been issued"; and insert the following "exploration right will not result in unacceptable pollution, ecological degradation or damage to the environment."

#### CLAUSE 63

134. On page 22, before line 38 to substitute subsection (2) with the following:

- (2) The designated agency must, within 10 days of the receipt of the application, accept an application for an exploration right if-

135. On page 22, line 42, to omit the word "mineral".

136. On page 22, line 47, to substitute subsection (3) with the following:

"(3) If the application does not comply with requirements of this section, the designated agency must, within 10 days of the receipt of the application notify the applicant in writing".

137. On page 22, in line 52, to omit paragraphs (a) and (b) with the following subsection (4).

- (4) If the designated agency accept the application, the designated agency must, within 10 days of the receipt of the application, notify the applicant in writing to, -
- (a) consult, as prescribed , with the landowner, lawful occupier and any interested and affected party and include the result of the consultation in the scoping report;" and
- (b) submit a scoping report, an environmental impact assessment report and an environmental management programme.  
within 180 days from the date of the notice

**CLAUSE 64**

138. On page 23, in line 14, to substitute paragraph (c) with the following subsection:

"(5) A production right granted in terms of subsection (1) comes into effect on the effective date."

**CLAUSE 66**

139. On page 23, line 32, to insert the following after the word "Office":

"within 60 days after the right has become effective"

140. On page 23, in line 35, to omit "[**approved**]" and substitute "approved"

141. On page 23, in line 36 to omit "[**programme**]" and substitute "programme"

142. On page 23 in line 36, to omit "plan, the conditions of the environmental authorization"

**SECTION 88**

143. On page 23, after line 39, to insert the following clause:

**Amendment of section 88 of Act 28 of 2002**

(1A) The designated agency must submit progress reports and data as contemplated in subsection (1)(b) within 30 days from the date of submission thereof to the Council for Geoscience.

**CLAUSE 68**

144 page 24, in line 4, to omit after "permit" "authorisation"

145 On page 24, in line 5, to omit "[**environmental management programme or**]" and substitute "environmental management programme or"

146 On page 24, in line 7 after "Act," to omit or standard environmental management plan and environmental management authorisation issued.

### CLAUSE 73

- 147 On page 25, line 16, to omit “[**environmental management programme and**]” and substitute “environmental management programme”
- 148 On page 25, in line 17, to omit standard environmental management plan
- 149 On page 25, in line 18, to omit “and environmental authorization”
- 150 On page 25, from line 19, to delete “(including by extension of the area covered by it or by the additional of minerals or a shares or seams, mineralized bodies or strata, which are not at the time the subject thereof)”
- 151 On page 25, after 22, to insert the following subsection:
- “ (2) The amendment or variation referred to in subsection 1, shall not be made if the effect of such amendment or variation is to-
- (a) extend by addition of an area or portion of an area, or
  - (b) add a share or shares of the mineralized body, unless the omission of such area or share was a result of the departmental administrative error

### SECTION 104

152. On page 25, after line 29, to insert the following clause;

#### **Amendment of section 104 of Act 28 of 2002**

102. (1) Any community who wishes to obtain the preferent right to prospect or mine in respect of any mineral and land which is registered or to be registered in the name of the community concerned, must in terms of section 16 or 22 lodge such application to the Minister.

- (2) The Minister grant such preferent right if the provisions of section 17 or 23 have been complied with: Provided that –
- (a) provisions of section 23 (1)(e) and (h) shall not be required;
  - (b) the right shall be used to contribute to the development and the social upliftment of the community;
  - (c) the community submits a development plan, indicating the manner in which such right shall be exercised; and
  - (d) the envisaged benefit of the prospecting or mining project will accrue to the community in question; **[and the community has access to technical and financial resources to exercise such right.]**



### CLAUSE 76

- 152 On page 25, in line 41, to omit “[an environmental management for approval in Section 39(4)]” and substitute “an environmental management for approval in Section 39(4)”
- 153 On page 25, in line 43, to omit “to obtain “an environmental authorisation””

### CLAUSE 77

- 154 On page 25, from line 47 , omit paragraph (a)
155. On page 26, from line 17, omit paragraph (c)
155. On page 26, after line 7, to insert the following  
“(viA) mine closure procedures, requirements and the sustainable closure of mines with an interconnected or integrated impact resulting in a cumulative impact;”

### CLAUSE 83

- 156 page 28, after line 5 , to insert the following sub-items:

3A. If the applicant does not meet the requirements of sub-item (2) and (3) , the Regional Manager must in writing request the applicant to comply within 60 days of such request.

3B If the applicant still does not comply with the requirements of this Act, the Minister must refuse to convert the right and within 30 days of the decision in writing notify the applicant of the decision with reasons .

3C. If the application relates to land occupied by a community, the Minister may impose such conditions as are necessary to promote the rights and interests of the community, including conditions requiring the participation of the community.

157. On page 28, line 7, to substitute subitem (5) with the following:  
 “(5) lodge such right for registration at the **[Mining Titles Office within 30 days of the date on which the right-**

- (i) become effective in terms of section 23(5); or
- (ii) is renewed in terms of section 24(3)] Mineral and Petroleum Titles Registration Office within 60 days after the right has become effective"

#### ITEM 7 OF SCHEDULE

158. On page 27, to insert sub-item 3A:

If the application relates to land occupied by a community, the Minister may impose such conditions as are necessary to promote the rights and interests of the community, including conditions requiring the participation of the community.

#### ITEM 9 OF SCHEDULE II

159 On page 28, after line 22, to insert the following amendment:

##### **Amendment of Item 9 of Act 28 of 2002**

(2) the holder, user or acquirer of any reservation, permission or right to use the surface of land contemplated in subitem (1) must **[register]** lodge for re-registration such reservation, permission or right in the **[Mining Titles Office]** Mineral and Petroleum Titles Registration Office within **[one]** six years from the date on which Mineral and Petroleum Resources Development Act, 2005 took effect.

160. On page 28, line 26, to substitute subsitems (4) and (5) with the following:

"(4) If the holder of an old order prospecting right or old order mining right or the owner of previous works ceases the relevant prospecting or mining operation or works, the holder must apply for **[an]** a closure certificate in terms of section 43".

"(5) **[Section]** Sections 38, 41(2) and 45 applies to a holder of an old order prospecting right, or old order mining right or the previous owner of works."