

**MINISTRY**

**MINERAL RESOURCES AND ENERGY**

**REPUBLIC OF SOUTH AFRICA**

**Private Bag X 59, Arcadia, 0007, Trevenna Campus, Building 2C, C/o Meintjes & Francis Baard Street, Tel: +27 12 406 7612, Fax: +27 12 323 5849**

Private Bag X9111 Cape Town 8000, 7th Floor, 120 Plein Street Cape Town, Tel: +27 21 469 6425, Fax: +27 21 465 5980

**Memorandum from the Parliamentary Office**

**National Assembly: 208**

Please find attached a response to Parliamentary Questionfor ***written reply*** asked **by Mr J R B Lorimer (DA) to ask the Minister of Mineral Resources and Energy:**

**Mr Tseliso Maqubela**

**Deputy Director General: Minerals and Petroleum Regulation**

**………………/………………/2021**

Recommended/ Not Recommended

**Adv. T.S Mokoena**

**Director General: Department of Mineral Resources and Energy**

**………………/………………/2021**

Approved / Not Approved

**Mr. S.G Mantashe**

**Minister of Mineral Resources and Energy**

**………………/………………/2021**

**208. Mr J R B Lorimer (DA) to ask the Minister of Mineral Resources and Energy:**

1. Whether the minerals which are subject to a prospecting right renewal application, in terms of section 18 of the Mineral and Petroleum Resources Development Act, Act 28 of 2002, are sterilised and/or unavailable for other applicants while the applicant awaits the processing and/or return, grant, refusal of the renewal application; if not, why not;
2. What total number of outstanding prospecting right renewal applications have been received which have not yet been processed, returned, granted, refused (a) within 60 working days from date of receipt and (b) within 12 months and (c) for a period of more than 3 years from the date of receipt;
3. Whether the renewal applications that are received after the expiry date of the relevant prospecting right were refused; if not, what is the position in this regard; if so, is the date of expiry of the prospecting right calculated from the date of the granting of the right according to the judgment in *Mawetse SA Mining Corporation (Pty) Ltd v Minister of Mineral Resources and Others* or from the date of the execution of the prospecting right? NW211E

**Reply**

1. In terms of section 18(5) of the Mineral and Petroleum Resources Development Act, Act 28 of 2002 a prospecting right in respect of which an application for renewal has been lodged shall, despite it stated expiry date, remain in force until such time as such application has been granted or refused.

The lodgement of the renewal application is an expression of further interest by the holder to prospect for such mineral(s) and as such this cannot amount to sterilization as the activities would assist in determining the occurrence of such mineral(s).

* 1. 19
  2. 84
  3. 236

1. In terms of section 56(a) of the Mineral and Petroleum Resources Development Act, Act 28 of 2002, a right issued is deemed lapsed whenever it expires (expiry date), and such it would be refused whenever it is lodged for renewal under these circumstances.