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GENERAL NOTICE

NOTICE 349 OF 2003

DEPARTMENT OF MINERALS AND ENERGY

PUBLICATION OF GEOSCIENCE AMENDMENT BILL AND EXPLANATORY MEMORANDUM

The Minister of Minerals and Energy intends introducing the Geoscience Amendment Bill in the National Assembly during February 2003. The Bill and the explanatory memorandum on the objects of the Bill is hereby published in accordance with Rule 241 (c) of the Rules of the National Assembly.

Interested persons are invited to submit written representations on the draft legislation to the Secretary of the Portfolio Committee on Minerals and Energy, P O Box 15, Cape Town 8000 by no later than 14 February 2003.

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.
_____ Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the Geoscience Act, 1993, so as to make further provision for the transfer of certain designated movable and immovable property from the Department of Minerals and Energy to the Council of Geoscience; to make further provision regarding the rights and obligations of the State in

**respect of the former Geological Survey Branch of the said Department;
and to provide for matters connected therewith.**

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 26 of Act 100 of 1993

1. Section 26 of the Geoscience Act, 1993, is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) Movable and immovable property—

- (a) belonging to the State; and
- (b) which immediately prior to the commencement of this Act was being utilized by the Geological Survey Branch of the Department of Mineral and Energy Affairs; and
- (c) which the Minister, with the concurrence of the Minister of State Expenditure, and where applicable, the Minister of Public Works, may designate,

shall **[on the said date of commencement of this Act devolve]** be deemed to have devolved upon the Council, as from the date of commencement of this Act, without any compensation being payable in respect thereof by the Council.”; and

(b) by the substitution for subsection (4) of the following subsection:

“(4) **[On] As from** the date of commencement of this Act all rights and obligations of the State in respect of the aforesaid Geological Survey Branch shall, subject to the provisions of this Act, **[pass] be deemed to have passed** to the Council and any reference in any law or document to the said Geological Survey Branch shall be construed as a reference to the Council.”.

Short title and commencement

2. This Act is called the Geoscience Amendment Act, 2003, and is deemed to have come into operation on 1 November 1993.

MEMORANDUM ON THE OBJECTS OF THE GEOSCIENCE AMENDMENT BILL, 2003

The object of the Bill is to effect the lawful transfer of movable and immovable property from the Department of Minerals and Energy to the Council for Geoscience.

Section 26(1) of the Geoscience Act, 1993, *inter alia* provides that movable and immovable property, designated by the Minister of Minerals and Energy, shall on the date of commencement of the Act devolve upon the Council.

On the date of commencement of the Act (1 November 1993) the movable and immovable property had not yet been designated by the Minister. Designation of the above property was only effected during April 1994.

The Chief State Law Adviser is of the opinion that the Department did not comply with the provisions of section 26(1) of the Act, as no property had been designated which could have devolved on the Council on the date of commencement. An amendment of section 26 is therefore necessary.

DEPARTMENTS/ PARTIES CONSULTED

The following Departments and statutory bodies were consulted on the Bill:

Auditor-General

Council for Geoscience

Department of National Treasury

FINANCIAL IMPLICATION FOR STATE

None.

PARLIAMENTARY PROCEDURE

The State Law Advisers and the Department of Minerals and Energy are of the opinion that this Bill must be dealt with in accordance with the procedure established by section 75 of the Constitution since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.
