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GOVERNMENT NOTICE

DEPARTMENT OF MINERALS AND ENERGY

No. R. 1288

29 October 2004

MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002 (ACT 28
OF 2002)

AMENDMENT OF REGULATIONS

Under section 107 read with Item 12(4) of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), I, Phumzile Mlambo-Ngcuka, Minister of Minerals and Energy, hereby make the regulations in the Schedule.



P. Mlambo-Ngcuka
Minister of Minerals and Energy

SCHEDULE
DEFINITIONS

1. In these regulations "the Regulations " means the regulations published under Government Notice No. R.527 of 23 April 2004.

Insertion of regulation 82A of the Regulations

2. Regulation 82A is hereby inserted after regulation 82—

"82A(1) Any claim for compensation contemplated in item 12(4) read with item 12(1) to Schedule II of the Act, must be lodged at the office of the Regional Manager in whose region the expropriated property is situated

- (2) The claim referred to in subregulation (1) must be in writing and must comply with all the requirements of item 12(2) of Schedule II of the Act, and must further
- (a) describe the property which has been expropriated in terms of the Act
 - (b) set out the amount of compensation claimed
 - (c) set out the grounds upon which it is alleged that the property concerned has been expropriated; and
 - (d) be signed by or on behalf of the person making the claim.
- (3) In determining the quantum of compensation to be paid, the claimant must indicate, in addition to the requirements of item 12(3), the difference in nature and content between the property expropriated and the rights which have been preserved or which can be acquired in terms of the provisions of the Act.
- (4) The Director-General must, within 120 days from the date of receipt of a claim referred to in subregulation (1), determine whether the claimant has a valid claim or not, and inform the claimant of his or her determination with written reasons for such determination.
- (5) The claimant shall have the right to appeal the decision of the Director-General in terms of section 96 of the Act.

- (6) If the Director-General determines that a claim for compensation is valid, the amount of compensation and the time and manner of payment of such compensation must be –
 - (a) agreed to between the Director-General and the claimant; or
 - (b) where no agreement can be reached, determined by a court.
 - (7) To the extent that they may be applicable, the provisions of sections 14, 15, 19 and 21 of the Expropriation Act 1975, (Act No. 63 of 1975) shall apply with the necessary changes to a claim made in terms of item 12(1) to Schedule II of the Act.”
3. These regulations shall come into operation on the date of publication thereof.
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