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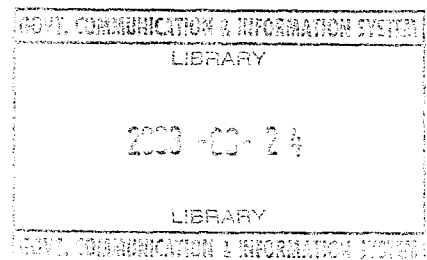
**PORTFOLIO COMMITTEE AMENDMENTS  
TO  
MINING TITLES  
REGISTRATION AMENDMENT  
BILL**

**[B 24—2003]**

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*(As agreed to by the Portfolio Committee on Minerals and Energy)  
(National Assembly)*

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**[B 24A—2003]**

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**AMENDMENTS AGREED TO**  
**MINING TITLES REGISTRATION AMENDMENT BILL**  
**[B 24-2003]**

CLAUSE 1

1. On page 3, from line 11, to omit the definition of “mineral title” and to substitute:

‘mineral title’ means any deed or document registered in the Mineral and Petroleum Titles Registration Office evidencing the right to prospect, mine, possess, trade or deal granted or acquired under the Mineral and Petroleum Resources Development Act, 2002, or any other law;

2. On page 3, after line 13, to insert:

‘mining permit’ means a permit granted in terms of section 27 of the Mineral and Petroleum Resources Development Act, 2002;  
‘mining right’ means a right granted in terms of section 23 of the Mineral and Petroleum Resources Development Act, 2002;

3. On page 3, from line 17, to omit the definition of “‘mortgage bond’ or ‘bond’” and to substitute:

“ ‘mortgage bond’ or ‘bond’ means a mortgage bond attested by the Director-General specially hypothecating any right granted or which remains in force in terms of the Mineral and Petroleum Resources Development Act, 2002;”

4. On page 3, from line 25, to omit the definitions of “petroleum title” and “plan” and to substitute:

“ ‘petroleum title’ means any deed or document registered in the Mineral and Petroleum Titles Registration Office evidencing the right granted to explore or produce petroleum granted in terms of the Mineral and Petroleum Resources Development Act, 2002;  
‘plan’ means a prescribed sketch plan or locality plan defining the area for a right granted or issued for exploration, prospecting, reconnaissance, retention or a mining permit;”

5. On page 3, in line 35, to omit “16” and to substitute “17”.
6. On page 3, from line 46, to omit the definition of “right” and to substitute:

“ ‘right’ means any right held by or under any deed and registered or capable of being registered in terms of the Mineral and Petroleum Resources Development Act, 2002;”

CLAUSE 2

1. On page 4, after line 12, to add:

(4) The registration of a right in terms of this Act in the Mineral and Petroleum Titles Registration Office shall constitute a limited real right binding on third parties.

(5) Any registration or recording in the Mineral and Petroleum Titles Registration Office must comply with section 11 of the Mineral and Petroleum Resources Development Act, 2002.

#### CLAUSE 5

1. On page 4, from line 42, to omit the proviso to paragraph (a) and to substitute:

: Provided that the Director-General may, with due regard to any regulations made under section 10(1)(k), destroy or otherwise dispose of any record which has been cancelled in terms of this **[section]** Act or any other law

2. On page 5, in line 15, after “cancellation” to insert “or lapsing”.
3. On page 5, in line 17, after “sub-leases” to insert “of any right”.
4. On page 5, in line 20, after “abandonment” to insert “, lapsing”.
5. On page 5, in line 30, to omit paragraph (d) and to substitute:
  - (d) by the substitution in subsection (1) for paragraphs (m) and (n) of the following paragraphs, respectively:
    - “(m) register all notarial contracts relating to any rights granted in terms of the Mineral and Petroleum Resources Development Act, 2002;
    - (n) register any notarial variation, renewal or cancellation of such contracts;”;
6. On page 5, in line 38, to omit “Director-General” and to substitute “**[Director-General]** registrar”.
7. On page 5, in line 55, to omit “mineral title, permit”.
8. On page 5, in line 56, to omit “or of any other” and to substitute “**[or of any other]**”.
9. On page 6, in line 10, after “provisions,” to insert “approved”.
10. On page 6, in line 10, after “plans,” to insert “approved”.

#### CLAUSE 6

1. On page 6, from line 52, to omit paragraph (f) and to substitute:
 

“(f) to make an endorsement on his or her own accord on any deed, diagram, plan or document where necessary in terms of this Act.”;

#### CLAUSE 8

1. On page 7, in line 16, to omit “The” and to substitute “Subject to section 6(1)(e) the”.
2. On page 7, in line 25, after “made” to insert “by the sheriff”.

# CLAUSE 10

1. On page 7, in line 32, to omit “Director-General” and to substitute “Minister”.
2. On page 8, in line 4, after “deeds” to insert “, Surveyor-General”.
3. On page 8, in line 37, to omit “Director-General” and to substitute “Minister”.

# CLAUSE 12

1. On page 8, from line 49, to omit the proposed new section 12 and to substitute:

12. The Director-General shall continue during the transitional period referred to in Schedule II to the Mineral and Petroleum Resources Development Act, 2002, to keep the corresponding register in use in the Mineral and Petroleum Titles Registration Office immediately prior to the commencement of this Act and to continue to make the necessary entries therein.

# NEW CLAUSE

1. That the following be a new Clause:

## **Insertion of section 12A in Act 16 of 1967**

13. The following section is hereby inserted in the principal Act after section 12:

## **“Lodgement**

**12A.** (1) The holder of the right granted in terms of the Mineral and Petroleum Resources Development Act, 2002, shall lodge his or her right for registration in the prescribed manner and on payment of the prescribed fees.

(2) The holder shall lodge together with deeds or other documents for registration, a plan or a diagram depicting the area of the right.

(3) Any registration of a variation, amendment, modification, deduction, abandonment or cancellation shall be accompanied by a plan or a diagram depicting the area affected.

(4) All diagrams lodged in the Mineral and Petroleum Titles Registration Office shall be approved, confirmed or certified by the office of the Surveyor-General.”.

# CLAUSE 13

1. On page 9, in line 17, to omit “deed or” and to substitute “deed, diagram, plan or other”.
2. On page 9, in line 26, to omit all the words after “thereto” up to and including “registration” in line 29.

# CLAUSE 17

1. On page 10, in line 51, to omit “, even when such holder is married”.
2. On page 10, after line 51, to add:

(3) Sections 9 and 11 of the Mineral and Petroleum Resources Development Act, 2002, applies to the transfer of the right referred to in subsection (2) to a joint estate or to an heir by virtue of testate or intestate succession.

# CLAUSE 19

1. On page 11, in line 11, to omit “or cession, and”.
2. On page 11, in line 11, after “bonds” to insert “and cession of mortgage bonds”.

# CLAUSE 24

1. On page 12, in line 10, after “**deed**” to insert “**and of undivided shares**”.

# CLAUSE 27

1. On page 13, from line 20, to omit paragraph (b) and to substitute:
 

(b) by the addition of the following subsections:

“(4) The holder of a right subject to a personal servitude and the holder of that servitude may together mortgage the right to the full extent of their respective interests therein.

(5) The holder of the right and the holder of the servitude may, either of them as principal debtor, in the same bond, mortgage the right or the servitude, and either of them may in the same bond mortgage the servitude or right as surety.”.

# CLAUSE 28

1. On page 13, in line 31, after “transfer” to insert “, cancellation”.
2. On page 13, from line 40, to omit paragraphs (a), (b) and (c) and to substitute:

in terms of this Act, any other law or by an order of court

# CLAUSE 29

1. On page 14, in line 10, to omit all the words after “**debtor**” up to and including “**therein**” in line 11 and to substitute:
 

in respect of the bond for the amount of the debt disclosed therein
2. On page 14, from line 21, to omit paragraph (d) and to substitute:
 

“(d)endorse on the deed of transfer or cession the mortgage with the date and number of the bond and the amount due in terms thereof;”; and

## CLAUSE 32

1. On page 16, in line 1, after “diagram” to insert “or plan”.
2. On page 16, in line 13, after “**affected]**” to insert:  
, accompanied by a diagram or plan depicting the area of the right

## CLAUSE 33

1. On page 16, from line 20, to omit “**if the reservation is in favour of the transferor or cedent**” and to substitute:  
 if the reservation is in favour of the transferor or cedent

## CLAUSE 34

1. On page 16, from line 31, to omit “or on behalf of” and to substitute “[**or on behalf of**]”.
2. On page 16, in line 34, to omit “right and [, **if**” and to substitute “right, [**and, if**]”.
3. On page 16, in line 37, to omit “deed of servitude and contract” and to substitute:  
deeds of servitude and contract accompanied by the appropriate diagram or plan

## CLAUSE 35

1. On page 16, in lines 49 and 50, to omit “[, **respectively**]” and to substitute “, respectively”.

## CLAUSE 37

1. On page 17, in line 22, after “sub-lease” to insert “is lodged for registration or”.

## CLAUSE 38

1. On page 17, from line 31, to omit all the words after the first “the” up to and including “lease” in line 32 and to substitute:  
[holder of the right affected thereby or the holder of the lease] lessor or the lessee or the lessee or sub-lessee
2. On page 17, from line 45, to omit subsection (4).

## CLAUSE 50

1. On page 20, in line 23, to omit “for registration” and to substitute:  
by the holder for simultaneous registration and de-registration

2. On page 20, in line 24, after “Office” to insert:  
or the Deeds Office, as the case may be,

CLAUSE 52

1. On page 20, in line 30, to omit “The” and to substitute:  
Subject to Schedule II to the Mineral and Petroleum Resources  
Development Act, 2002, the