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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 992.

23 May 1980.

No. 992.

23 Mei 1980.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 60 of 1980: Mining Titles Registration Amendment Act, 1980.

No. 60 van 1980: Wysigingswet op die Registrasie van Myntitels, 1980.

MINING TITLES REGISTRATION AMENDMENT ACT, 1980

Act No. 60, 1980

GENERAL EXPLANATORY NOTE:

[Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Mining Titles Registration Act, 1967, so as to further define "nomination agreement"; to further define the duties of the Registrar of Mining Titles with regard to the registration of any cession, renewal, modification, abandonment or cancellation of a nomination agreement; and to further regulate the procedures in connection with and following upon the registration of any cession, renewal, modification, abandonment or cancellation of a registered nomination agreement; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 5 May 1980.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 1 of the Mining Titles Registration Act, 1967 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "nomination agreement" of the following definition:

Amendment of section 1 of Act 16 of 1967.

10 "nomination agreement" means a notarial deed **[such as is referred to]**—
 (a) referred to in section 19 of the Mining Rights Act, 1967 (Act No. 20 of 1967), or in a corresponding provision of a prior law; or
 (b) in which a right referred to in section 8 of the Precious Stones Act, 1964 (Act No. 73 of 1964), or
 15 in a corresponding provision of a prior law, is embodied
[or in a corresponding provision of a prior law];"

2. Section 5 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:

Amendment of section 5 of Act 16 of 1967.

20 "(d) register nomination agreements and **[cessions thereof and]** any cession, renewal, modification, abandonment or cancellation of **[any such]** a registered nomination agreement;"

25 3. The following section is hereby substituted for section 48 of the principal Act:

Substitution of section 48 of Act 16 of 1967.

30 "Registration of nomination agreements and matters relating to 48. (1) An applicant for the registration of any nomination agreement or any cession **[thereof]**, renewal, modification, abandonment or cancellation of a registered nomination agreement, shall forward to the registrar—

MINING TITLES REGISTRATION AMENDMENT ACT, 1980

Act No. 60, 1980

such
agreements.

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(a) a signed original of the first-mentioned agreement or the deed in which the cession, renewal, modification, abandonment or cancellation of a registered nomination agreement is embodied, as the case may be, together with three further originals or copies **[thereof]** of that agreement or deed, as the case may be, certified as true by a notary public; and

(b) **[in the case of a nomination agreement]** subject to the provisions of subsection (2), the title deed of the land in question.

(2) **[Whenever the registrar has registered any such agreement, he shall forward a copy of the agreement, together with the title deed of the land in question, to the registrar of deeds for the area in which the land is situated, who shall note the agreement against the title deed of the land in question and in the appropriate registers]** The registrar may, if the applicant, for a reason acceptable to the registrar, is unable to obtain the title deed of the land in question in the case of an application for the registration of any cession, renewal, modification, abandonment or cancellation of a registered nomination agreement, exempt the applicant from the provisions of subsection (1) (b).

(3) **[Whenever any registered nomination agreement has been abandoned or cancelled, the provisions of subsection (2) shall *mutatis mutandis* apply in connection with the registration of such abandonment or cancellation]** Whenever the registrar has registered any nomination agreement or any cession, renewal, modification, abandonment or cancellation of a registered nomination agreement, he shall forward to the registrar of deeds for the area in which the land in question is situated—

(a) a copy of the first-mentioned agreement or the deed referred to in subsection (1) (a), as the case may be; and

(b) the title deed of the land in question or, where the registrar has in terms of subsection (2) exempted the applicant from the provisions of subsection (1) (b), a certificate to that effect issued by the registrar.

(4) After receipt of the documents referred to in subsection (3), the said registrar of deeds shall note the nomination agreement in question or the cession, renewal, modification, abandonment or cancellation of a registered nomination agreement, as the case may be, in his records and shall also note that nomination agreement or, where the registrar has not in terms of subsection (2) exempted the applicant from the provisions of subsection (1) (b), that cession, renewal, modification, abandonment or cancellation of a registered nomination agreement, as the case may be, against the title deed of the land in question.

(5) Where the registrar has in terms of subsection (2) exempted the applicant from the provisions of subsection (1) (b) and has issued a certificate in terms of subsection (3) (b), the registrar of deeds concerned shall register no further transactions relating to the land until the relevant cession, renewal, modification, abandonment or cancellation of a registered nomination agreement has been noted against the title deed of that land.”.

4. This Act shall be called the Mining Titles Registration Amendment Act, 1980.

Short title.