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THE PRESIDENCY

MO-PRESIDENTE

No. 1359.

13 December 2000

Nmr. 1359.

13 Desembere 2000

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

Mo go tsebišwa gore Mo-Presidente o dumetše molao o latelago, wona o tla gatišwa e le tsebišo ya kakaretšo:—

No. 67 of 2000: Abolition of Lebowa Mineral Trust Act, 2000.

Nmr. 67 ya 2000: Molao wa Phedišo ya Therasete ya Diminerale ya Lebowa, 2000.

(English text signed by the President.)
(Assented to 5 December 2000.)

ACT

To provide for the abolition of Lebowa Mineral Trust; to provide for the transfer of assets, liabilities, rights, obligations and staff of Lebowa Mineral Trust to the State; and to provide for matters incidental thereto.

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

Definitions

1. In this Act, unless the context indicates otherwise—
 - “fixed date” means the date of commencement of this Act as determined under section 8; 5
 - “Minister” means the Minister of Minerals and Energy;
 - “prescribe” means prescribe by regulation;
 - “State” means the national sphere of government;
 - “Trust” means Lebowa Mineral Trust established by section 2 of Lebowa Mineral Trust Act, 1987 (Act No. 9 of 1987). 10

Abolition of Trust

2. The Trust is abolished with effect from the fixed date.

Vesting and transfer of assets, liabilities, rights and obligations of Trust

3. (1) (a) Despite any provision to the contrary in any law, all assets, liabilities, rights and obligations of the Trust will vest in the State. 15
 (b) The right to minerals held by the Trust in terms of any law, including any obligations of the Trust relating to such right to minerals, will vest in the State, subject to paragraph (c).
 (c) The Minister may, on application by any person who claims any right to minerals referred to in paragraph (b), grant such right to the person concerned if such person produces proof of ownership of such right to minerals as prescribed in terms of section 5. 20
 (2) (a) The relevant registrar of deeds must, as provided for in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), make the necessary entries and endorsements in the register in order to give effect to such vesting as contemplated in subsection (1). 25
 (b) No transfer duty or stamp duty is payable in respect of such transfer, entry or endorsement.

Transfer and handling of staff

4. (1) (a) Despite any provision to the contrary in any law, the Minister must, in respect of every person in the employ of the Trust on the fixed date, either— 30

(English text signed by the President.)
(Assented to 5 December 2000.)

MOLAO

Go beakanyetša phedišo ya Therasete ya Lebowa ya Diminerale; go beakanyetšwa go šuthišwa ga dithoto, dikoloto, ditokelo, ditlamo le badiredi ba Therasete ya Lebowa gore ba be ka tlase ga Mmušo; le go beakanyetša merero ye e sepelelanago le tše.

O FETISWA ke Kabinete ya Repabliki ya Afrika Borwa ka tsela ye e latelago:

Ditlhalošo

1. Go Molao, ntle le ge kamano e bontšha ka tsela ye nngwe—
- 5 “letšatši le le beilwego” gora gore letšatši la go thoma go šoma la Molao wo, bjalo ka ge go beilwe go karolo ya 8;
- “laetšwego” gora gore laetšwego ka molawana wa tshepedišo;
- “Tona” gora gore Tona ya Diminerale le Enetši;
- 10 “Therasete” gora gore Therasete ya Diminerale ya Lebowa bjalo ka ge e hlomilwe ke Molao wa Lebowa wa Diminerale, 1987 (Molao wa No. 9 wa 1987);
- “Mmušo” gora gore mmušo wa bosetšhaba.

Phedišo ya Therasete

2. Therasete e a fedišwa go tlogela ka letšatši le le beilwego.

Go swara le go šuthišwa ga dithoto, dikoloto, ditokelo le ditlamo tša Therasete

- 15 3. (1) (a) Ntle ge taelo efe goba efe e bolela ka tsela ye nngwe go molao ofe goba ofe, dithoto ka moka, ditlabele, ditokelo le ditlamo tša Therasete di tla ba diatleng tša Mmušo.
- (b) Ditokelo tša diminerale tšeo di swerwego ke Therasete go ya ka molao ofe goba ofe go akaretšwa le setlamo sefe goba sefe sa Therasete seo se amanago le ditokelo tšeo
- 20 tša diminerale, di tla ba diatleng tša mmušo, ka tlase ga mabaka a paragrafo (c).
- (c) Tona a kare ge motho mang goba mang a dira kgopelo gomme a letla gore o na le tokelo efe goba efe ya diminerale tšeo go boletšwego ka tšona go paragrafo (b), a fa motho yoo tokelo yeo, ge eba motho yoo o bontšha bohlatse bja gore ke yena mong wa tokelo, gomme bohlatse bo laelwa go ya ka karolo ya 5.
- 25 (2) (a) Mongwadiši wa dithoto yo go boletšwego ka yena o swanetše go dira ditseno tše di hlokegago ke mesaeno ka gare ga rejistara gore go swarwa ga ditokelo fao go boletšwego ka gona go karolo ya (1), go thome go šoma, gomme tše di tla dirwa go ya ka ge go laelwa ke Molao wa Ngwadišo ya Dithoto, 1937 (Molao wa. 47 wa 1937).
- 30 (b) Gago go šuthišwa gofe goba gofe goba go lefišwa ga setempe mabapi le ditseno goba mesaeno.

Go šuthišwa le go šomana le badiredi

4. (1) (a) Le ge go ka ba le seo se ganetšago go molao ofe goba ofe, Tona o swanetše gore mabapi le motho yo mongwe le yo mongwe yo a hirilwego ke Therasete le ka
- 35 letšatši leo le beilwego a—

- (i) transfer such person to a post in the public service, subject to subsection (2);
- (ii) transfer such person to any other body established by or under any law and approved by the Minister, subject to subsection (4); or
- (iii) deal with such person subject to the Labour Relations Act, 1995 (Act No. 66 of 1995),

with effect from the fixed date.

(b) The Minister may only transfer a person as contemplated in paragraph (a)(i) and (ii) with that person's consent.

(2) A person transferred to a post in the public service in terms of subsection (1)(a)(i), is appointed on a salary approved for such post and on the conditions applying to the appointment and service of officers in the public service but—

- (a) vacation leave standing to the credit of any person with the Trust stands to his or her credit in the public service;
- (b) pensionable service performed by any person in the service of the Trust and pensionable service recognised by the Trust is regarded as pensionable service performed by him or her in the public service;
- (c) a person does not as a consequence of such appointment acquire a retirement age, that is less favourable than that which applied to him or her in the service of the Trust.

(3) Any disciplinary proceedings instituted against such person in respect of alleged misconduct, committed before the date of his or her transfer, must be finalised in accordance with the rules applicable to employees of the Trust.

(4) (a) A person transferred in terms of subsection (1)(a)(ii) must be appointed on a salary approved by such body and on the conditions applicable to the appointment and service of employees with such body, subject to subsection (3).

(b) The provisions of subsection (2) apply with the necessary changes to a person transferred in terms of subsection (1)(a)(ii).

Regulations

5. The Minister may—

- (a) after consultation with the relevant Portfolio Committee of Parliament, make regulations regarding the nature of proof required in terms of section 3(1)(c); and
- (b) make regulations regarding any matter which is necessary in order to achieve the objects of this Act.

Delegation of powers and duties

6. The Minister may in writing authorise any officer or employee of the Department of Minerals and Energy, to exercise or perform, in general or in a particular case, any power or duty conferred or imposed on the Minister by or under this Act.

Repeal of law

7. (1) Subject to subsection (2), the Lebowa Mineral Trust Act, 1987, is repealed.

(2) Anything done under the Lebowa Mineral Trust Act, 1987, or any act performed by the Trust before the repeal of that Act which can be done in terms of this Act, remains in force as if the Act has not been repealed.

Short title and commencement

8. (1) This Act is called Abolition of Lebowa Mineral Trust Act, 2000, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

(2) Different dates may be determined in terms of subsection (1) for the commencement of different provisions of this Act.

MOLAO WA PHEDIŠO YA THERASETE YA
DIMINERALE YA LEBOWA, 2000

Molao Nmr. 67, 2000

- (i) šuthiša motho yoo go bodirela mmušo, ka tlase ga mabaka a a beilwego go karolwana ya (2);
- (ii) šuthiša motho mang goba mang go sebopego sefe goba sefe seo se beilwego ka tlase ga molao ofe goba ofe le gona se amogetšwe ke Tona ka tlase ga karolwana ya (4); goba
- 5 (iii) go šomana le motho yoo mošomo ka tlase ga Molao wa Dikamano tša Mošomong wa 1995 (Molao wa No. 66 wa 1995), go tlogela ka letšatši le le beilwego.
- (b) Tona o tla transfera motho yo a itšego bjalo ka ge go akantšwe go paragrafo (a)(i) le (ii), ge fela motho yoo a dumela.
- (2) Motho yo a šuthišitswego go ya go sekgoaba sa mošomo se se itšego ka gare ga bodirela-mmušo ka go latela karolwana ya (1)(a)(i), o tla fiwa poso yeo go ya ka mogolo wo o beetšwego poso yeo le mabaka ao a šomago go bahlankedi ba mmuso eupša—
- 15 (a) matšatši a maikhutšo ao a bego a na le wona go Therasete, o tla tšwela pele ka go ba le wona go bodirela-mmušo;
- (b) tirelo yeo e dirilwego ke motho yo a itšego go Therasete le tirelo yeo e nago le phenšene yeo e amogelwago ke Therasete, e tšewa e le tirelo ye e nago le phenšene ka gare ga bodirela-mmušo;
- 20 (c) motho yo a šuthišitswego, ga a swanela gore ka baka la seo, a bewe go nako ya phenšene yeo e sego ye botse ge e bapetšwa le ye a bego a swanetše go ye hwetša ge a šomela Therasete.
- (3) Dikgato dife goba dife tšeo di tšerwego kgahlanong le yena mabapi le maitshwano ao a sego molaong pele ga ge a šuthišwa, di swanetše go phethagatšwa go
- 25 ya ka melawana yeo e šomago go Therasete.
- (4) (a) Motho yo a transferwago ka go latela karolwana ya (1)(a)(ii) o swanetše go hwetša mogolo wo o amogetšwego ke sebopego seo le go ba ka tlase ga mabaka ao a šomago go poso yona yeo le sebaka sa tirelo go sebopego sona seo, ka tlase ga karolwana (3).
- 30 (b) Ditaalo tša karolwana (2) di šoma ka diphethogo tše di hlokegago go motho yo a transfetšwego ka go latela karolwana (1)(a)(ii).

Melawana ya tšhepedišo

5. Tona a ka—
- (a) ka morago ga go bonana le Portfolio Committee yeo e amegago ya Palamente, a dira melawana ya tšhepedišo mabapi le mohuta wa bohlatse bjo bo nyakegago ka go latela karolo ya (3)(1)(c); le
- 35 (b) go dira melawana ya tšhepedišo mabapi le morero ofe goba ofe wo o hlokegago gore go fihlelwe maikemišetšo a Molao wo.

Phetišetšo ya maatla le mešomo

- 40 6. Tona a ka re ka go šomiša lengwalo, a fetišetša maatla goba mošomo ofe goba ofe go mohlankedi wa Kgoro ya Diminerale le Enetši, gomme mošomo woo, o le wa Tona, se; Tona e ka se dira ka kakaretšo goba mabapi le tiragalo ye e itšego ka tlase ga Molao.

Phedišo ya molao

7. (1) Ka tlase ga karolwana (2), Molao wa Therasete ya Lebowa ya Diminerale, 45 1987, o a fedišwa.
- (2) Se sengwe le se sengwe seo se dirilwego ka tlase ga Molao wa Diminerale wa Lebowa, 1987, goba se sengwe le se sengwe seo se dirilwego ke Therasete ya Diminerale ya Lebowa pele ga ge Molao o fedišwa, seo gape se ka dirwago ka go latela Molao wo, se tla tšwela pele ka go šoma o ka re Molao wa pele ga se wa fedišwa.

50 Leina ka boripana

8. (1) Molao wo o tla bitšwa Molao wa Phedišo ya Therasete ya Diminerale ya Lebowa, 2000, gomme o tla thoma go šoma ka letšatši leo le beilwego ke mo Presidente ka tsebišo go Kuranta ya Mmušo.
- (2) Matšatši ao a fapanego a ka bewa ka go latela karolwana ya (1), mabapi le go 55 thoma go šoma ga dikarolo tše di fapafapanego tša Molao wo.

