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

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;
   “Minister” means the Minister of Minerals and Energy;
   “prescribe” means prescribe by regulation;
   “State” means the national sphere of government;

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.
   (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.

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—
MOLAO

Go beakanyetša phedišo ya Therasete ya Lebowa ya Diminerale; go beakanyetšwa go šuthšišwa 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 šše.

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

Ditlhalošo

1. Go Molao, nle le ge kamano e bontšha ka tsele ye ngwe—
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 tšepedišo;
“Tona” gora gore Tona ya Diminerale le Enetši;
“Therasete” gora gore Therasete ya Diminerale ya Lebowa bjalo ka ge e hliomitiwe ke Molao wa Lebowa wa Diminerale, 1987 (Molao wa No. 9 wa 1987);
10 “Mmušo” gora gore mnušo wa bosetšaba.

Phedišo ya Therasete

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

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

15 3. (1) (a) Nle ge taelo efe e bolela ka tsele ye ngwe go molao ofe goba ofe, dithoto ka moka, ditlabelo, 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 akarešwega le setlamo sefe goba sefe sa Therasete se o se amanago le ditokelo tšeo tša diminerale, di tla ba diatleng tša mnušo, 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.
20 (2) (a) Mongwadiši wa dithoto yo go boletšwego ka yena o swanetše go dira ditšeno 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 go laelwa ke Molao wa Ngwadišo ya Dithoto, 1937 (Molao wa. 47 wa 1937).
(b) Gago go šuthšišwa gofe goba gofe goba go lešišwa ga setempe mabapi le ditšeno goba mesaeno.

Go šuthšišwa le go šomana le badiredi

4. (1) (a) Le ge go ka ba le se o se ganeššago go molao ofe goba ofe, Tona o swanetše gore mabapi le motho yo mongwe le yo mongwe yo a hirišwego ke Therasete le ka 35 letšatši leo le beilwego a—
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(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), 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)(i) 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.
(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
(iii) go šomana le motho yoo mošomo ka tlase ga Molao wa Dikamano ša Mošomong wa 1995 (Molao wa No. 66 wa 1995),
go tlogela ka lešatši le le beilwego.

(b) Tona o tla transfera motho yo a itšego bjalo ka ge go akantšwe go parago (a)(i)
le (ii), ge fela motho yoo a dumela.

(2) Motho yo a šuthišitswe go ya ya sekogoba sa mošomo se se itšego ka gare ga bodirela-mmũšo ka go latela karolwana ya (1)(a)(i), o tla fiwa poso yeo go ya ka mogolo wo o bešewego poso yeo le mabaka ao a šomago go bahlanedi ga mmuso e cupa—

(a) matšaši, a maikhuto ao a bego a na le wona go Therasete, o tla tšwela pele ka go ba le wona go bodirela-mmũšo;
(b) tšerelo yeo e dirilwego ka motho yo a itšego go Therasete le tšerelo yeo e nago le phešene yeo e bešewego ka Therasete, e tšewa e le tšerelo ye e nago le phešene ka gare ga bodirela-mmũšo;
(c) motho yo a šuthišitswego, ga a swanela gore ka baka la se, a bewe go nako ya phešene yeo e sego ye botse ge e bapetišwe le ye e bego a swanela go ye hweši a gna Moloka Therasete.

(3) Dikgato dife goba dife tše di tšerwego kgahlanong le yena mabapi le maitšhwaro ao a sego molaong pele ga a šuthišwa, di swanela go phešišašwe go ya ka melawana yeo e šomago go Therasete.

(4) (a) Motho yo a transferwago ka go latela karolwana ya (1)(a)(ii) 0 swanela go hwetošo a o amogetšwe go sebopego seo le go ba ka tlase ga mabaka ao a šomago go poso yona yeo le sebaka sa tšerelo go sebopego šana se, ka tlase ga karolwana (3).
(b) Ditaelo ša karolwana (2) di šona ka diphetšhogo tšie di hlokešego go motho yo a transferwego ka go latela karolwana (1)(a)(ii).

Melawana ya tshepedišo

5. Tona a ka—
   (a) ka morago ga go bonana le Portfolio Committee yeo e amegago ya Palameñte, a dira melawana ya tshepethšišo mabapi le mohuta wa bohlatse hjo bo nyakago ga ka go latela karolwana ya (3)(1)(c); le
   (b) go dira melawana ya tshepethšišo mabapi le morero ofe goba ofe woa ho hlokešego gore go fihleše maikemšišeto a Molao woa.

Phetiššišo ya maatla le mošomo

6. Tona a ka re ka go šomiša lengwulo, a fetiššiša maatla gošomo ofe goba ofe go mohlankedi wa Kgoro ya Diminerale le Eneši, gomme mošomo woa, o le wa Tona, se; Tona e ka se dira ka kakaretši gošomo mabapi le tiragalo ye e itšego ka tlase ga Molao.

Phediššo ya molao

7. (1) Ka tšale ga karolwana (2), Molao wa Therasete ya Lebowa ya Diminerale, 1987, o a fedišša.
   (2) Se sengwe le se sengwe seo se dirilwego ka tšale ga Molao wa Diminerale wa Lebowa, 1987, goba se sengwe le se sengwe seo se dirilwego ke Therasete ya Diminerale ya Lebowa pele ga se Molao o fedišša, sego 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 fedišša.

50 Leina ka boriptšana

8. (1) Molao wo o tla bitšwa Molao wa Phediššo ya Therasete ya Diminerale ya Lebowa, 2000, gomme o tla thoma go šoma ka lešatši le le beilwego ke mo Presidente ka tshebišo go Kuranta ya Mmušo.
   (2) Maitšaši o a fapanego a ka bewa ka go latela karolwana ya (1), mabapi le go thoma go šoma ga dikarolo tšie di fapafapanego šiša Molao woa.