

MINERALS ACT 50 OF 1991

[ASSENTED TO 15 MAY 1991] [DATE OF COMMENCEMENT: 1 JANUARY 1992]

(Afrikaans text signed by the State President)

as amended by

Minerals Amendment Act 103 of 1993

Mine Health and Safety Act 29 of 1996

also amended by

General Law Fourth Amendment Act 132 of 1993

[with effect from a date to be proclaimed]

ACT

To regulate the prospecting for and the optimal exploitation, processing and utilization of minerals; to regulate the orderly utilization and the rehabilitation of the surface of land during and after prospecting and mining operations; and to provide for matters connected therewith.

Section 20 Restriction on dividing of rights to minerals

(1) Notwithstanding anything to the contrary contained in any law, but subject to sections 71 (2) (a) and 73bis of the Deeds Registries Act, 1937 (Act 47 of 1937), no deed which, if it would be registered, would give effect to-

(a) the division of any right to any mineral or minerals in respect of land among two or more persons into undivided shares; or

(b) an increase in the number of holders of undivided shares in any right to any mineral or minerals in respect of land,

and if such right has been severed from the ownership of the land concerned or is about to be so severed upon the registration of such deed, shall be registered by the registrar of deeds concerned, unless the Director-General has under subsection (3) in writing approved such division or increase.

[Sub-s. (1) amended by s. 8 of Act 103 of 1993.]

(2) Any person who desires the approval of the Director-General for any division or increase referred to in subsection (1), shall lodge with the Director: Mineral Development an application in writing together with the prescribed application fee, as well as any such documents and any other information as may be necessary to enable the Director-General to come to a proper decision.

[Sub-s. (2) amended by s. 99 of Act 29 of 1996.]

(3) The Director-General may, after consideration of any application referred to in subsection (2), approve the division or increase comprising the subject of such application in writing, or refuse so to approve it if he is satisfied that such division or increase may detrimentally affect any of the objects of this Act.

Section 21 Restriction on acquisition of rights to minerals by succession

If compliance with any testamentary disposition or the law regarding intestate succession will result in a division or increase as referred to in section 20 (1) and the Director-General has under section 20 (3) refused to approve such division or increase and the heirs or beneficiaries concerned are unable to come to an agreement which will not result in any such division or increase, the executor of the estate concerned shall, notwithstanding anything to the contrary contained in any law or testamentary provisions, realize the right to a mineral concerned or any undivided share therein and dispose of the net proceeds thereof in accordance with such testamentary disposition or the law regarding intestate succession, as the case may be.