

# Department of Mineral Resources and Energy



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Department:  
Mineral Resources and Energy  
REPUBLIC OF SOUTH AFRICA



# *PRESENTER*

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# OVERVIEW

1. Objectives of the Act
2. Requirements of the Act to conduct mining
3. Rights that are administered by the Department
4. Application process
5. Environmental Authorisation process
6. SLP requirements



# *OBJECTS OF THE ACT - MINERALS & PETROLEUM DEVELOPMENT ACT (MPRDA)*

## **The objects of the Act (section 2(d)) of MPRDA**

Give effect to the principle of the State's custodianship of the nation's mineral and petroleum resources, promote equitable access to the nation's mineral and petroleum resources to all the people of South Africa.

Expand opportunities for historically disadvantaged persons, including women, to enter the mineral and petroleum industries

Ensure that holders of mining and production rights contribute towards the socio-economic development of the areas in which they are operating



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# REQUIREMENTS

To conduct mining activities a person or entity must have a prospecting right, permission to remove, mining right, mining permit, exploration right and must have an issued Environmental Authorisation, which is issued in terms of the National Environmental Management Act (NEMA)

Mining Permit Section 27 – (amended by Section 23 of the Amendment Act)  
Small scale mining (e.g Sand & aggregates)

Prospecting Rights Section 16 – (amended by section 12 of the Amendment Act)  
It is the search and collection of data to determine if it is economically viable to conduct mining activities

Mining Rights Section 22 – (amended by section 18 of the Amendment Act)  
This is where there is actual mining and removal of the mineral in a big scale and make profit

# MINING PERMIT – SECTION 27

The mining area in question must not **exceed 5.0 hectares** in extent.

Pay application fee **R100**

Any person who wishes to apply to the Minister for a mining permit must **simultaneously apply for an environmental authorization**, which is processed under the provisions of NEMA

The granting of a permit will not result in the applicant being granted **more than one mining permit on the same or adjacent land**, applicants are only allowed to have only 1 permit per farm but can apply for more permits in different farms.

The Regional Manager must accept or reject the application within 14 working days upon the receipt of the application

# PROSPECTING RIGHT – I.T.O SECTION 16

The prospecting right application must be simultaneously lodged with an environmental authorization.

- Pay non-refundable fee of R500
- full particulars of the applicant
- in the case of a company or closed corporation, company documents must be submitted and a signed resolution for the company representative.
- the plan, contemplated in regulation 2(2) to which the application relates
- Prospecting Work Programme



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# REQUIREMENTS FOR PROCESSING

The Regional office will therefore prepare a recommendation to the decision maker (DDG, DG or Minister)

- The application must comply with the following to be granted the applicant has access to financial resources and has the technical ability to conduct the proposed prospecting operation optimally in accordance with the prospecting work programme
- the estimated expenditure is compatible with the proposed prospecting operation and duration of the prospecting work programme.
- the prospecting will not result in unacceptable pollution, ecological degradation or damage to the environment, in terms of the provisions of National Environmental Management Act (Act No. 107 of 1998).

# REQUIREMENTS FOR PROCESSING

- Must consult in the prescribed manner with the landowner, lawful occupier and any interested and affected party and include the result of the consultation in the environmental reports
- the applicant has the ability to comply with the relevant provisions of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996)

If the application does not meet the abovemention requirements, then it will be recommended for refusal

# MINING RIGHT I.T.O SECTION 22

Any person who wishes to apply to the Minister for a mining right must simultaneously apply for an environmental authorisation and must lodge the application

- Pay non-refundable fee of R1000 Full particulars of the applicant
- in the case of a company or closed corporation, company documents must be submitted and a signed resolution for the company representative.
- the plan, contemplated in regulation 2(2) to which the application relates
- Mining Work Programme
- Social and Labor Plan



# PROCESSING FOR GRANTING & REFUSAL

## I.T.O SECTION 23

A mining right will be granted when the following aspects are satisfied a recommendation will be forwarded to the decision maker (as per the delegation Minister, DG or DDG) for a decision.

- (a) the mineral can be mined optimally in accordance with the mining work programme;
- (b) the applicant has access to financial resources and has the technical ability to conduct the proposed mining operation optimally;
- (c) the financing plan is compatible with the intended mining operation and the duration thereof;
- (d) the mining will not result in unacceptable pollution, ecological degradation or damage to the environment, in terms of the provisions of National Environmental Management Act (Act No. 107 of 1998).

# CONT PROCESSING FOR GRANTING & REFUSAL I.T.O SECTION 23

(e) Must consult in the prescribed manner with the landowner, lawful occupier and any interested and affected party and include the result of the consultation in the relevant environmental reports

(f) the applicant has the ability to comply with the relevant provisions of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996)

(g) Indicate that the granting of such right will further the objects referred to in section 2(d) and (f) and in accordance with the charter ( BEE participation and Social and Labor Plan (SLP)

# ENVIRONMENTAL AUTHORISATION PROCESS

BAR (Basic Assessment Report) for prospecting rights and mining permits

- Once an application has been accepted in terms of section 16 and 27 of the MPRDA then the process of NEMA (Environmental Authorisation) will commence.
- Applicant has **90 or 140** days to submit BAR from the date of the acceptance of the application.
- The Competence Authority (DMRE) has **107 days** from the date of receipt of **BAR** to take decision.
- The Competence Authority has **05 days** from the date of taking decision to notify the applicant about the decision.

# ENVIRONMENTAL AUTHORISATION PROCESS

Scoping Report (SR) and Environmental Impact Assessment (EIA) for mining right and mining permits (strategic minerals)

Applicant has **44** days to submit SR from the date of the acceptance of the application.

The CA has **43** days from the date of receipt of SR to accept SR or refuse EA

Applicant has **106 or 156** days to submit EIR and EMPr (Environmental Management Programme) from the date of acceptance of SR.

The CA has **107** days from the date of receipt of EIR and EMPr to take decision.

The CA has **05** days from the date of taking decision to notify the applicant about the decision.



# ENVIRONMENTAL AUTHORISATION PROCESS

The CA has **05** days from the date of taking decision to notify the applicant about the decision.

The decision can be for a refusal or granting of the Environmental Authorisation (EA)

In case where the recommendation is for granting the CA must issue an Environmental Authorisation

The applicant must notify the interested and affected parties on the issued authorization and if there is an appeal against the Authorisation it must be lodged with the Minister of the Department of Forestry, Fisheries and Environmental Affairs.



# SOCIAL & LABOR PLAN

Promote employment and advance the social and economic welfare of all South Africans

Promote economic growth and mineral and petroleum resources development in the Republic.

Ensure that holders of mining or production rights contribute towards the socio-economic development of the areas in which they are operating.

Social and Labor Plan must be consulted with the affected communities and the municipality to source the development projects from the IDP



# SOCIAL & LABOR PLAN

## TYPES OF PROJECTS

- Infrastructure Development and Income Generating Projects
- Sustainable projects

## Purpose for the projects

- Job creation
- Address the identified needs of the community
- Improve the lives of the people where mining is taking place
- Poverty eradication on the host community and the labor sending area



# THANK YOU



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