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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

- (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),

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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—

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- (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.

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(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.

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(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).

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(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.

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Delegation of powers and duties

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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.

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(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*.

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