GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NOTICE 4088 OF 2026

INVITATION FOR PUBLIC COMMENTS ON THE GENERAL (MINING) LAWS AMENDMENT BILL, 2026

1. INVITATION

1.1 The Department of Justice and Constitutional Development (the Department) invites interested parties to submit written comments on the draft General (Mining) Laws Amendment Bill, 2026.

1.2 The draft Bill is available on the website of the Department at: https://www.justice.gov.za/legislation/invitations/invites.htm

2. COMMENTS

2.1 The comments must be submitted not later than **Friday, 11 September 2026**, marked for the attention of **Ms F Bhayat**, and–

(a) if they are forwarded by post, be addressed to–
The Department of Justice and Constitutional Development
Private Bag X81, Pretoria, 0001
(Floor 14, Office No. 27)

(b) if they are delivered by hand, be delivered at–
The Department of Justice and Constitutional Development
Momentum Building, 329 Pretorius Street, Pretoria
(Floor 14, Office No. 27)

(c) if they are delivered by email, be emailed to FBhayat@justice.gov.za

2.2 For more information, please contact Ms F Bhayat on **012 406 4771/078 511 4307**

REPUBLIC OF SOUTH AFRICA

GENERAL (MINING) LAWS AMENDMENT BILL, 2026

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(As introduced in the National Assembly (proposed section 75); explanatory summary of Bill and prior notice of its introduction published in Government Gazette No. …….. of ……. 2026) (The English text is the official text of the Bill)

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(MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT)

[B — 2026]

GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments

_____ Words underlined with a solid line indicate insertions in existing enactments

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BILL

To amend—

- **the Criminal Procedure Act, 1977, so as to insert new offences in Schedule 1;**
- **the Diamonds Act, 1986, so as to increase penalties;**
- **the Mineral and Petroleum Resources Development Act, 2002, so as to—**
  - * **insert the definitions of "artisanal mining; artisanal mining permit; "authorised person" and small-scale mining permit;**
  - * **amend the provisions relating to the criminalisation of illegal prospecting and mining activities;**
  - * **provide for the prohibition of assistance to persons committing illegal prospecting and mining activities;**
  - * **provide for the members of the South African Police Service to perform certain compliance functions; and**
  - * **amend provisions relating to offences and penalties;**
- **the Precious Metals Act, 2005, so as to increase penalties,**

and to provide for matters connected therewith.

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

Amendment of Schedule 1 to Act 51 of 1977, as substituted by section 17 of Act 26 of 1987, amended by section 8 of Act 122 of 1998, substituted by section 68 of Act 32 of 2007, amended by section 11 of Act 13 of 2013, section 48 of Act 7 of 2013, section 11 of Act 12 of 2021 and section 24 of Act 23 of 2022

1. Schedule 1 to the Criminal Procedure Act, 1977, is hereby amended by the insertion of the following offences:

"Illegal prospecting and mining activities as contemplated in section 5A or section 5B of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002.); and

Prohibition of assistance in committing illegal prospecting and mining activities as contemplated in section 5B of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002.)."

Amendment of section 87 of Act 56 of 1986, as amended by section 13 of Act 10 of 1991

2. Section 87 of the Diamonds Act, 1986, is hereby amended by the substitution for paragraphs *(a)* and *(b)* of the following paragraphs:

"*(a)* in the case of an offence referred to in section 82*(a)* or *(b)*, to a fine not exceeding **[R250 000]** R100 million, or to imprisonment for a period not exceeding **[ten]** 30 years, or to both such fine and such imprisonment;

(b) in the case of an offence referred to in section 82*(c)*, 83*(a)* or 84*(a)*, to a fine not exceeding **[R100 000]** R100 million, or to imprisonment for a period not exceeding **[four]** 30 years, or to both such fine and such imprisonment;".

Amendment of section 1 of Act 28 of 2002, as amended by section 1 of Act 49 of 2008

3. Section 1 of the Mineral and Petroleum Resources Development Act, 2002, is hereby amended—

(a) by the insertion before the definition of **"beneficiation"** of the following definitions:

"**"artisanal mining"** means mining activities using rudimentary mining methods, manual and rudimentary tools to access mineral ore, usually available on the surface or at shallow depths;

"artisanal mining permit" means a permit issued in terms of section 27A(6);

"authorised person" means any person designated by the Minister in terms of section 91;" and

(b) by the insertion after the definition of **"retention permit"** of the following definition:

"**"small-scale mining permit"** means a permit issued in terms of section 27(6);".

Amendment of section 5A of Act 28 of 2002, as inserted by section 5 of Act 49 of 2008

4. Section 5A of the Mineral and Petroleum Resources Development Act, 2002, is hereby amended—

(a) by the substitution for the heading of the following heading:

"**[Prohibition relating to illegal act] Illegal prospecting and mining activities**";

(b) by the substitution for the words preceding paragraph *(a)* of the following words:

"No person may prospect for or remove, mine, conduct **[technical co-operation operations,]** reconnaissance operations, **[explore for and]** produce any mineral **[or petroleum]** or commence with any work incidental thereto on any area without—";

(c) by the substitution for paragraph *(a)* of the following paragraph:

"*(a)* an environmental authorisation in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998);"; and

(d) by the substitution for paragraph *(b)* of the following paragraph:

"*(b)* a reconnaissance permission, prospecting right, permission to remove, mining right, **[mining permit]** small-scale mining permit, artisanal mining permit**[,]** or retention permit, **[technical co-operation permit, reconnaissance permit, exploration right or production right,]** as the case may be; and".

Insertion of section 5B in Act 28 of 2002

5. The following section is hereby inserted in the Mineral and Petroleum Resources Development Act, 2002 after section 5A:

"**Prohibition of assistance in committing illegal prospecting and mining activities**

5B. No person may assist or provide any service to any person, directly or indirectly, which enables or aids that person in committing an act contemplated in section 5A.

Amendment of section 91 of Act 28 of 2002

6. Section 91 of the Mineral and Petroleum Resources Development Act, 2002, is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) The Minister may designate **[any member of the Board, the or]**, any officer or any person with appropriate expertise as an authorised person, who can carry out the functions contemplated in subsection (4) and in section 92."; and

(b) by the substitution in subsection (4) for paragraph *(a)* of the following paragraph:

"*(a)* in order to obtain evidence, enter any reconnaissance, prospecting, mining **[,exploration, production]** or retention area, or any place where prospecting operations or mining operations are being conducted, where he or she has reason to believe that any provision of this Act has been, is being or will be contravened;".

Insertion of section 91A in Act 28 of 2002

7. The following section is hereby inserted in the Mineral and Petroleum Resources Development Act, 2002 after section 91

"**Powers of members of South African Police Service**

91A. (1) A member of the South African Police Service has, in respect of an offence in terms of this Act, all the powers of an authorised person

in terms of section 91, including the powers conferred in terms of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), excluding the power to—

(a) conduct routine inspections in terms of section 92; and

(b) issue and enforce compliance notices in terms of section 93.

(2) Despite subsection (1), the Minister may, with the concurrence of the Cabinet member responsible for police, by written notice to a member of the South African Police Service, assign to that member all the powers contemplated in sections 92 and 93.".

Amendment of section 98 of Act 28 of 2002, as amended by section 69 of Act 49 of 2008

8. Section 98 of the Mineral and Petroleum Resources Development Act, 2002 is hereby amended by—

(a) the substitution in paragraph *(a)* for subparagraph (i) of the following subparagraph:

"(i) section **[5(4), or]** 28; and

(b) the insertion in paragraph *(a)* after subparagraph (i) of the following subparagraph:

"(iA) section 5A or 5B;".

(c) the insertion after paragraph *(a)* of the following paragraph:

"*(a*A*)* unlawfully and intentionally—

(i) attempts;

(ii) conspires with any other person; o

(iii) aids, abets, induces, incites, instigates, instructs, commands or procures another person,

to assist or provide any service to any person as contemplated in section 5A;".

Amendment of section 99 of Act 28 of 2002

9. Section 99 of the Mineral and Petroleum Resources Development Act, 2002 is hereby amended by the substitution in subsection (1) for paragraph *(a)* of the following paragraph:

"*(a)* in the case of an offence referred to in section 98*(a)*(i), (iA) and *(a*A*)* to a fine not exceeding **[R100 000]** R100 million or to imprisonment for a period not exceeding **[two years]** 30 years or to both such fine and such imprisonment;".

Amendment of section 20 of Act 37 of 2005

10. Section 20 of the Precious Metals Act, 2005 is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) Any person who—

(a) contravenes section 4(1) or (3), 5(1) or (2), 7(5) or (6), 8(6), (7) or (9), 9(5), (9) or (10), 10(1) or (2), 11(1) or (2) or 12(1) or (2);

(b) buys unwrought or semi-fabricated precious metal without having satisfied himself or herself that the vendor thereof is lawfully entitled to sell or dispose of such metal; or

(c) maliciously places any unwrought or semi-fabricated precious metal in the possession or on the premises of any other person with the intent that such other person may be convicted under this Act,

is guilty of an offence and liable on conviction to a fine not exceeding R100 million or to imprisonment for a period not exceeding 30 years or to both such fine and such imprisonment."; and

(b) by the substitution in subsection (2) for paragraph *(a)* of the following paragraph:

"*(a)* contravenes section 4(4), 7(8) or (9), 8(4) or (10), 9(7), (8), (10) or (11), **[10(1) or (2),]** 13 or 15(1) or (2) or 22(1);".

Short title and commencement

11. This Act is called the General (Mining) Laws Amendment Act, 2026 and comes into operation on a date determined by the President by a proclamation in a *Gazette*.