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THE PRESIDENCY

No. 5485 **29 October 2024**

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

Act No. 23 of 2024: Upstream Petroleum Resources Development Act, Act 2024

UMENGAMELI

No. 5485 **29 Oktober 2024**

Kuyaziswa lapha bona uMengameli uvumile umThetho olandelako, ogadangiswe lapha ukuthola ilwazi elijayelekileko:—

UMthetho 23 ka-2024: Umthetho Wezokuthuthukiswa Kwesigabasithomo Somkhiqizo Wepetroliyam 2024

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(English text signed by the President)
(Assented to 25 October 2024)

ACT

To provide for orderly development of petroleum resources; to provide for equitable access to, and sustainable development of, the nation's petroleum resources; to provide for active State and black persons' participation in the development of the nation's petroleum resources; to provide for a petroleum right that integrates the right to explore and to produce; to provide for the facilitation of acquisition of petroleum geo-technical data; to provide for a controlled application system through licensing rounds; to create an enabling environment for the acceleration of exploration and production of the nation's petroleum resources; to provide for third party access to upstream petroleum infrastructure; to provide for a petroleum right holder to sell a percentage of petroleum to the State for strategic stock requirements; to designate a state-owned company as an entity responsible for managing the State's carried interest in petroleum rights; to provide for the advancement of national developmental imperatives by the state-owned company through the development of petroleum resources; to provide for the holder of a petroleum right to retain its empowerment status after the exit of black persons under circumscribed circumstances; to provide for local content as a development strategy to enable skills development, local recruitment and national participation through supply of goods and services; to designate the Petroleum Agency of South Africa as the regulatory authority for the upstream petroleum sector; and to provide for matters connected therewith.

PREAMBLE

ACKNOWLEDGING that South Africa's petroleum resources belong to the nation and that the State is the custodian thereof;

RECOGNISING that petroleum resources are non-renewable natural resources and must contribute to South Africa's social and economic development;

FURTHER RECOGNISING the need to accelerate petroleum exploration and production; and

REAFFIRMING the State's commitment to regulatory certainty and guaranteeing security of tenure in respect of petroleum rights,

(English text signed by the President)
(Assented to 25 October 2024)

UMTHETHO

Ukuqalelela ukuthuthukiswa okuhlelekileko kwemikhiziso yepetroliyamu; ukuqalelela ukufinyeleleka okulinganako, kanye netuthuko esimeleleko yepetroliyamu yesitjhaba; ukuqalelela ukusebenza komBuso kanye nokubandakanyeka kwabantu abanzima etuthukweni yepetroliyamu yesitjhaba; ukuqalelela ilungelo langokomthetho lepetroliyamu elihlanganisa ilungelo lokuzuma nokukhizisa; ukuqalelela ukukghonakaliswa kokufumaneka kwedatha yesayensi yokuhlela nokwakha yepetroliyamu; ukuqalelela irherho elilawulwako ngokusetjenziswa kwemizombe yamalaysensi; ukwakha ibhoduluko elivumela ukurhatjiswa kokuzuma nokukhizisa ipetroliyamu yesitjhaba; ukuqalelela ukufinyelelwa mumuntu wesithathu komthangalasisekelo wesigabasithomo sepetroliyamu; ukuqalelela umnikazi welungelo langokomthetho lepetroliyamu bonyana athengisele umBuso amaphesende athileko wepetroliyamu ngokomnqopho weemfuno zesitoko esiliqhinga nesigade isimetjhe; ukulayela ikhamphani yombuso bonyana ibe yikhamphani ezakuphathiswa ukulawula inzalo eyabiwako yomBuso ngaphakathi kwamalungelo wangokomthetho wepetroliyamu; ukuqalelela ukuthuthukiswa kwembopho zenarha yikhamphani yombuso ngokusebenzisa ituthuko yemikhiziso yepetroliyamu; ukuqalelela umnikazi welungelo langokomthetho lepetroliyamu bonyana ahlale nobujamo bakhe bokuphiwa amandla nangemva kokuphuma kwabantu abanzima ngaphasi kweezimo ezibekelwe imikhawulo; ukuqalelela ilwazi lendawo njengeqhinga lokuthuthuka elivumela ukuthuthukiswa kwamakghono, ukuqatjiswa kwabantu bendawo leyo kanye nokubandakanyeka kwesitjhaba ngokusebenzisa ukuphakelwa kwepahla neensiza; ukukhetha umSebenzeli wezePetroliyamu yeSewula Afrika njengesiphathimandla esilawulako somkhakha wesigabasithomo sepetroliyamu; begodu nokuqalelela iindaba ezikhambelana nalokhu.

ISENDLALELO

UKUVUMA bonyana imikhiziso yepetroliyamu yeSewula Afrika ingeyesitjhaba begodu nokuthi umBuso umbambeli waso;

UKUTJHEJA bonyana imikhiziso yepetroliyamu iyimvelo engavuselelekileko begodu kufanele idlale indima etuthukweni yomphakathi nomnotho weSewula Afrika;

NANGOKUTJHEJA UKUYAPHAMBILI isidingo sokurhabisa ukuzunywa nokukhizwa kwepetroliyamu; begodu

NANGOKUQINISEKISA ukuzibophelela komBuso ukulawula ngeqiniso begodu nangokuqinisekisa ivikeleko lesikhathi sokuphatha ngokuphathelene namalungelo wangokomthetho wepetroliyamu,

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

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CHAPTER 1

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DEFINITIONS

Definitions

1. In this Act, unless the context indicates otherwise—

“**acreage**” means any area of land or sea, including the sea bed, identified as a block by co-ordinates on a map prepared by the Petroleum Agency and situated wholly or partly in the Republic or its exclusive economic zone, and includes any part of such block; 35

“**administrative action**” means administrative action as defined in section 1 of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000);

“**appraisal operations**” means any operation, study, activity to appraise and evaluate the extent and volume of petroleum within a discovery made by the holder in the petroleum area for purposes of determining whether the discovery is in such quantities as will permit the economic development thereof on its own or in combination with other existing discoveries as part of a unitised development; 40

“**appraisal work programme**” means the approved appraisal work programme indicating the operations to be conducted in the appraisal area during the validity of the petroleum right, including— 45

- (a) the details regarding the appraisal activities, phases and equipment to be used; and
- (b) estimated expenditures for the different appraisal activities and phases; 50

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ISIAHLUKO 5

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ISIAHLUKO 1

IINHLATHULULO 30

Iinhathululo

1. Ngaphakathi komThetho lo, ngaphandle kwalapho ubujamo butshwaya okuhlukileko—

“**umango**” kuhlathulula nanyana ngiyiphi indawo nofana ilwandle, ekufaka hlangana ingaphasi lelwandle elikhonjwe njengebloko ngokusebenzisa iinlungeleli zomebhe mSebenzeli wePetroliyam begodu nenzinze ngokupheleleko nofana ingcenyayo ingaphakathi kweRiphabliki nofana indawo yomnotho ekhethekileko, begodu kufaka hlangana nananyana ngiyiphi ingcenyayo yeblokwele; 35

“**igadango lokuphatha**” kuhlathulula igadango lezokuphatha njengokuhlathulwe esigabeni 1 somThetho wezokuKhuthazwa kokuPhathwa kobuLungiswa, womnyaka wee-2000 (umThetho wesi-3 womnyaka wee-2000); 40

“**imisebenzi yezokulinganisa**” kuhlathulula nanyana ngimuphi umsebenzi, isifundo, umsebenzi wokulinganisa nokuhlolisisa ububanzi nobukhulu bepetroliyam etholwe mnikazi endaweni yepetroliyam ngeminqopho yokuqunta bonyana okutholakelekoko kungesilinganiso esizakuvumela ituthuko yomnotho ngokwayo nofana ngehlanganisela yokhanye okutholakeleko njengengcenyayo yetuthuko ebumbeneko; 45

“**ihlelo lomsebenzi wokulinganisa**” kuhlathulula ihlelo lomsebenzi eliphasisiweko lokulinganisa elitshwaya imisebenzi ezokwenziwa endaweni elinganiswako ngesikhathi sokuqinisekisa ilungelo langokomthetho lepetroliyam, ekufaka hlangana—

- (a) imininingwana ephathelene nemisebenzi yezokulinganisa, iingaba kanye neensetjenziswa ezizokusetjenziswa; begodu 50
 (b) nesilinganiso seendleko zemisebenzi ehlukahlukeneko yokuhlola kanye neengaba;

“**black person**” is—

- (a) for purposes of section 31—
 - (i) a generic term which means Africans, Coloureds and Indians—
 - (aa) who are citizens of the Republic by birth or descent; or
 - (bb) who became citizens of the Republic by naturalisation— 5
 - (aaa) before 27 April 1994; or
 - (bbb) on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date; or
 - (ii) a juristic person which is managed and controlled by persons contemplated in subparagraph (i)(aa) or (bb), and the persons collectively or as a group own and control 50 plus one per cent of the issued share capital or members’ interest, and are able to control the majority of the members’ vote; and 10
- (b) for purposes of section 32—
 - (i) a generic term which means Africans, Coloureds and Indians— 15
 - (aa) who are citizens of the Republic by birth or descent; or
 - (bb) who became citizens of the Republic by naturalisation—
 - (aaa) before 27 April 1994; or
 - (bbb) on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date; or 20
 - (ii) a juristic person which is managed and controlled by persons contemplated in subparagraph (i)(aa) or (bb), and the persons collectively or as a group own and control all issued share capital or members’ interest, and are able to control the majority of the members’ vote; 25

“**carried interest**” means State participation through an interest in a petroleum right as contemplated in section 34, which interest vests exclusively for the benefit of the State and the costs of which are borne by the carrying holder of a petroleum right;

“**carrying holder**” means any other holder of an undivided participation interest in a petroleum right, except black persons as defined in this Act;

“**Chief Inspector**” means the Chief Inspector of petroleum operations appointed in terms of applicable legislation regulating upstream petroleum health and safety; 30

“**commercial discovery**” means the discovery of petroleum within the petroleum right area in such quantities as will permit the economic development thereof, on its own or in combination with other existing discoveries or as part of a unitised development;

“**Committee**” means the Petroleum Development and Environmental Committee established in terms of section 21; 35

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**controlling interest**”, in relation to—

- (a) a company, means the majority of the voting rights attaching to all classes of shares in the company; 40
- (b) any other business, other than a company referred to in paragraph (a) or a petroleum right, means any interest which enables the holder thereof to exercise directly or indirectly any control whatsoever over the activities or assets of the business or a petroleum right;

“umuntu onzima”—**(a)** ngokweminqopho yesigaba 31—

- (i) kuligama elijwayelekileko elihlathulula ama-Afrika, amaKhaladi namaNdiya—

(aa) abazizakhamuzi zeRiphabliki ngokubelethwa nofana 5
ngokwesizukulwana; nofana

(bb) ababe zizakhamuzi zeRiphabliki ngokomthetho—

(aaa) ngaphambi komhlaka 27 kuSihlabantangana 1994; nofana

(bbb) ngomhlaka nofana ngemva komhlaka 27 kuSihlabantangana 1994 begodu nebaphiwe ilungelo lokufumana ubuhlali 10
ngokomthetho ngaphambi kwelangelo; nofana

- (ii) umuntu womthetho olawulwa babantu abahlathululwe esigatjaneni

(i)(aa) nofana (bb), begodu nabantu ngokwesiqhema sabo nofana njengesiqhema esilawula amaphesende angaphezu kwama-50 nelilodwa ngaphezulu wezabelo zemali yokuthoma ezikhutjihiweko nofana 15
amakonyana wamalunga, begodu nabakghona ukulawula ubunengi bamavowudu wamalunga; begodu

(b) ngokweminqopho yesigaba 32—

- (i) kuligama elijwayelekileko elihlathulula ama-Afrika, amaKhaladi namaNdiya— 20

(aa) abazizakhamuzi zeRiphabliki ngokubelethwa nofana
ngokwesizukulwana; nofana

(bb) ababe zizakhamuzi zeRiphabliki ngokomthetho—

(aaa) ngaphambi komhlaka 27 kuSihlabantangana 1994; nofana

(bbb) ngomhlaka nofana ngemva komhlaka 27 kuSihlabantangana 25
1994 begodu nebaphiwe ilungelo lokufumana ubuhlali
ngokomthetho ngaphambi kwelangelo; nofana

- (ii) umuntu womthetho olawulwa babantu abahlathululwe esigatjaneni

(i)(aa) nofana (bb), begodu nabantu ngokwesiqhema sabo nofana njengesiqhema esilawula zoke izabelo zemali yokuthoma 30
ezikhutjihiweko nofana amakonyana wamalunga, begodu nabakghona ukulawula ubunengi bamavowudu wamalunga; begodu

“inzalo eyabiwako” kuhlathulula ukubandakanyeka komBuso ngenzalo elungelweni langokomthetho lepetroliyam elihlathululwe esigabenni 34, nekuyinzalo ekhethekileko yokuhlomulisa umBuso kanye neendleko lezo ezithwelwe mnikazi 35
wenzalo eyabiwako welungelo langokomthetho lepetroliyam;

“umnikazi wenzalo eyabiwako” kuhlathulula nanyana ngimuphi umnikazi omunye wenzalo engakahlukaniseki ngaphakathi kwelungelo langokomthetho lepetroliyam, ngaphandle kwabantu abanzima njengokuhlathululwe emThethweni lo;

“umHloli omKhulu” kuhlathulula umHloli omKhulu wemisebenzi yepetroliyam 40
oqatjhwe ngokomthetho ofaneleko olawula ukuphepha nepilo ehle esigabenisithomo sepetroliyam;

“okutholakeleko nekunerhwebo” kuhlathulula ukutholakala kwepetroliyam ngaphakathi kwendawo yelungelo langokomthetho lepetroliyam ngeminqopho yokuqunta bonyana okutholakelekokho kungesilinganiso esizakuvumela ituthuko 45
yomnotho ngokwayo nofana ngehlanganisela yokhune okutholakeleko njengengcinye yetuthuko ebumbeneko;

“iKomidi” kuhlathulula iKomidi yezokuThuthukiswa kwePetroliyam kanye neBhoduluko ehlonywe ngokwesigaba 21;

“umThethosisekelo” kuhlathulula umThethosisekelo weRiphabliki yeSewula 50
Afrika, womnyaka we-1996;

“inzalo engaphezulu”, ngokuphathelele—

- (a) nekhamphani kuhlathulula ubunengi bamalungelo wokuvowuda ahlange neengaba zoke zezabelo zangaphakathi kwekhamphani;

(b) nanyana ngiyiphi enye ibhizinisi, ngaphandle kwekhamphani ekhonjwe 55
endimeni (a) nofana ilungelo langokomthetho lepetroliyam, kuhlathulula nanyana ngiyiphi inzalo ekghonakalisa umnikazi wayo bonyana asebenzise bunqopho nangokungakanqophi nanyana ngiliphi ilawulo emisebenzini nofana epahleni yebhizinisi nofana elungelweni langokomthetho lepetroliyam; 60

“**day**” means a calendar day, excluding a Saturday, Sunday or public holiday, and when any particular number of days are prescribed for the performance of any act, those days must be reckoned by excluding the first and including the last day;

“**deep water**” means water depths above 301 meters;

“**Department**” means the Department of Mineral Resources and Energy; 5

“**development**” means the installation of facilities for production, drilling of development wells, construction and installation of equipment, pipelines, facilities, plants and systems which are required for production, treatment, transportation, storage and lifting of petroleum, including the construction and installation of approved secondary and tertiary recovery systems carried out in connection with development; 10

“**development programme**” means the development programme referred to in section 59;

“**Director-General**” means the Director-General of the Department;

“**discovery**” means the discovery by the holder of a petroleum right of petroleum within the petroleum right area; 15

“**employee**” means any person who works for the holder and who is entitled to receive any remuneration, and includes any person working for an independent contractor;

“**environment**” means the environment as defined in section 1 of the National Environmental Management Act; 20

“**environmental authorisation**” has the meaning assigned to it in section 1 of the National Environmental Management Act;

“**exploration operation**” means any operation carried out for, or in connection with, the exploration of petroleum, and includes the reprocessing of existing seismic data, acquisition and processing of new seismic data or any other related activity to define a trap to be tested by drilling, logging and testing, including extended well testing with the intention of locating a discovery, and appraisal operations; 25

“**exploration right**” means an exploration right granted in terms of section 80 of the Mineral and Petroleum Resources Development Act;

“**gas**” means any hydrocarbon which at a temperature of 21 degrees Celsius and a pressure of one atmosphere, is in a gaseous phase existing in a natural condition in the earth’s crust, regardless of the nature of the host rock, and includes condensate of such gas, but does not include hydrocarbon gas obtained by destructive distillation or gas arising from a marsh or other surface deposit; 30

“**holder**”, in relation to a retention permit, exploration right, production or petroleum right, reconnaissance permit or technical co-operation permit, means the person to whom such right or permit has been granted or such person’s successor in title; 35

“**land**” includes the surface of the land and the sea, where appropriate;

“**listed company**” means a ‘listed company’ as defined by the Income Tax Act, 1962 (Act No. 58 of 1962); 40

“**Mineral and Petroleum Resources Development Act**” means the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);

“**Mineral and Petroleum Titles Registration Office**” means the Mineral and Petroleum Titles Registration Office contemplated in section 2 of the Mining Titles Registration Act, 1967 (Act No. 16 of 1967); 45

“**minimum work commitment**” means the approved minimum exploration work programme indicating the petroleum exploration operations to be conducted on the petroleum right area during the validity of the petroleum right, including the details regarding the exploration activities, phases, equipment to be used and estimated expenditures for the different exploration activities and phases; 50

“ilanga” kuhlathulula ilanga lenyanga, ngaphandle kwangomGqibelo noSondarha nofana ngelanga lokuphumula, begodu lokha nanyana ngisiphi isibalo samalanga sibekelwe ukwenza nanyana ngimuphi umsebenzi, amalanga lawo kufanele abalwe ngokutjihiya ngaphandle ilanga lokuthoma begodu kubalwe lokugqina;

“amanzi atjhingako” kuhlathulula amanzi atjhingela ngamamitha ama-301; 5

“umNyango” kuhlathulula umNyango wemiThombo yezeNjiwa nezaMandla;

“ituthuko” kuhlathulula ukuhlonywa kwezenzabulula zokukhiqiza, ukubhora imithombo yetuthuko, zokwakha nokuhlonywa kwezenzabulula, amaphayiphu, izenzabulula, iintjalo namarherho adingelwa ukukhiqiza, ukunakekela, ukuthutha, ukubulunga kanye nokuthwalwa kwepetroliyam, ekufaka hlangana nokwakha kanye nokuhlonywa okuphasisiweko wesigaba esiphasi nesiphezulu samarherho enziwa ngokukhambisana netuthuko; 10

“ihlelo letuthuko” kuhlathulula ihlelo lokuthuthukisa elikhonjwe esigabeni 59;

“umNqophisizombebele” kuhlathulula umNqophisizombebele womNyango;

“okutholakeleko” kuhlathulula lokho okutholwe mnikazi welungelo langokomthetho lepetroliyam osendaweni yelungelo langokomthetho lepetroliyam; 15

“isisebenzi” kuhlathulula nanyana ngimuphi umuntu osebenzela umnikazi begodu onelungelo lokufumana nanyana ngimuphi umrhlo, begodu nekufaka hlangana nananyana ngimuphi umuntu osebenzela usokotranga ozijameleko;

“ibhoduluko” kuhlathulula ibhoduluko njengokuhlathululwe ngaphakathi komThetho wezokuLawulwa kweBhoduluko leNarha; 20

“ukugunyazwa kwebhoduluko” kunehlathululo ekuphiwe yona esigabeni 1 somThetho wezokuLawulwa kweBhoduluko leNarha;

“umsebenzi wokuzuma” kuhlathulula umsebenzi owenzelwa, nangokukhambelana nokuzuma ipetroliyam, begodu kufaka hlangana ukusetjenzwa ngobutjha kwedatha yokudengezela kwephasi, ukufumana nokusebenza idatha etja ngokudengezela kwephasi nofana nanyana ngimuphi omunye umsebenzi ofaneleko ukwenzela ukuhlathulula isithiyo ekufanele sihlolwe ngokubhorwa, ukuloga nokuhlola, ekufaka hlangana ukuhlolwa kule okunabisiweko ngomnqopho wokukhomba okuzakutholakala, kanye nemisebenzi yokulinganiswa; 30

“ilungelo lokuzuma” kuhlathulula ilungelo lokuzuma eliphiwe ngokwesigaba 80 somThetho wezokuThuthukiswa kwezeNjiwa nemiKhiqizo yePetroliyam;

“irhasi” kuhlathulula nanyana ngiyiphi ihayidrokhakhoni leyo yezingakutjhisema-21 we-degrees Celsius kanye negandelelo lomoya we-athimofere eyodwa, esesigabeni sokuba yirhasi etholakala isebujameni bemvelo ehlabathini, nangaphandle komhlolo wedwala elisingetheko, begodu nefaka hlangana umrhawamuko werhasi, kodwana itjihiya ngaphandle irhasi yehayidrokhakhoni etholakele ngetjhubisomrhawamuko etjhabalalisako nofana ngerhasi equbuka emidzweleni nofana endaweni erharhathaleko; 35

“umnikazi” ngokuphathelele nokuba nemvumo yokugodla, ilungelo lokuzuma, lokukhiqiza nofana ilungelo langokomthetho lepetroliyam, umvumo yokuhlola kwendawo nofana imvumo yokusebenzisana ngokwethenikhali, kuhlathulula umuntu loyo ophiwe ilungelwelo nofana imvumo nofana umuntu ongena esikhundleni ngokomthetho; 40

“umhlaba” kufaka hlangana ingaphezulu lomhlaba kanye nelwandle, lapho kufaneleke khona; 45

“amakhamphani arhenyisiweko” kuhlathulula ‘ikhamphani erhenyisiweko’ njengokuhlathululwe ngaphakathi komThetho wezomThelo weNgeniso, womnyaka we-1962 (umThetho wama-58 womnyaka we-1962);

“umThetho wezokuThuthukiswa kwezeNjiwa nemiKhiqizo yePetroliyam” kuhlathulula umThetho wezokuThuthukiswa kwezeNjiwa nemiKhiqizo yePetroliyam, womnyaka we-2002 (umThetho wama-28 womnyaka we-2002); 50

“i-Ofisi lezokuTloliswa kobuNini bezeNjiwa nePetroliyam” kuhlathulula i-Ofisi lezokuTloliswa kobuNini bezeNjiwa nePetroliyam elihlathululwe esigabeni 2 somThetho wezokuTloliswa kobuNikazi bezokuMayina, womnyaka we-1967 (umThetho we-16 womnyaka we-1967); 55

“isibopho sobuncani bomsebenzi” kuhlathulula ihlelo lobuncani bomsebenzi eliphasisiweko lokuzuma elitshwaya imisebenzi yokuzunwa kwepetroliyam ekufanele kwenziwe endaweni yelungelo langokomthetho lepetroliyam ngesikhathi sokuqinisekisa ilungelo langokomthetho lepetroliyam, ekufaka hlangana imininingwana yemisebenzi yokuzuma, iingaba, insetjenziswa ekufanele zisetjenziswe begodu nesilinganiso seendleko zemisebenzi neengaba ezihlukahlukeneko zokuzuma; 60

- “**Minister**” means the Minister responsible for mineral resources and energy;
- “**National Environmental Management Act**” means the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- “**National Water Act**” means the National Water Act, 1998 (Act No. 36 of 1998);
- “**officer**” means any employee of Petroleum Agency; 5
- “**owner**”, in relation to land—
- (a) means a person in whose name the land is registered; or
- (b) if it is land owned by the State, means the State together with any occupant thereof;
- “**petroleum**” means any liquid, solid hydrocarbon or combustible gas existing in a natural condition in the earth’s crust, and includes associated liquid or gas, any liquid or solid hydrocarbon or combustible gas, but does not include coal, bituminous shale or other stratified deposits from which oil can be obtained by destructive distillation or gas arising from a marsh or other surface deposit; 10
- “**Petroleum Agency**” refers to the South African Agency for Promotion of Petroleum Exploration and Exploitation (SOC) Ltd, Registration No. 1999/015715/30 as designated in terms of section 9; 15
- “**petroleum reservoir**” means a geological formation containing petroleum;
- “**petroleum right**” means a right granted in terms of section 44 to explore for and produce petroleum; 20
- “**petroleum right area**” means the area covered by the petroleum right in which the holder is authorised to explore for, develop and produce petroleum, but excludes areas relinquished in accordance with the provisions of this Act;
- “**Public Finance Management Act**” means the Public Finance Management Act, 1999 (Act No. 1 of 1999); 25
- “**prescribed**” means prescribed by regulation;
- “**production operation**” means any operation carried out in connection with the extraction of petroleum, and includes any activity or matter that relates to the exploration, appraisal, development and extraction of petroleum;
- “**production right**” means a production right granted in terms of section 70 of the Mineral and Petroleum Resources Development Act; 30
- “**Promotion of Access to Information Act**” means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);
- “**reconnaissance operation**” means any operation carried out for or in connection with the search for petroleum by geological, geophysical and photo geological surveys and includes any remote sensing techniques but does not include any exploration operation other than acquisition and processing of new seismic data; 35
- “**reconnaissance permit**” means a permit granted in terms of section 39;
- “**record**” means recorded information regardless of form or medium;
- “**regional manager**” has the meaning assigned to it in terms of the Mineral and Petroleum Resources Development Act; 40
- “**regulation**” means any regulation made under section 107;
- “**retention permit**” means a permit granted in terms of section 70;
- “**shallow water**” means water depths equal to or less than 300 meters;
- “**State**” means the Republic of South Africa; 45
- “**strategic stock**” means petroleum that must be held by the State to cater for severe fuel supply disruptions in South Africa;

“uNgqongqotjhe” kuhlathulula uNgqongqotjhe ophathiswe imithombo yezenjiwa nezamandla;

“umThetho wezokuLawulwa kweBhoduluko leNarha” kuhlathulula umThetho wezokuLawulwa kweBhoduluko leNarha, womnyaka we-1998 (umThetho we-107 womnyaka we-1998);

“umThetho wezaManzi weNarha” kuhlathulula umThetho wezaManzi weNarha, womnyaka we-1998 (umThetho wama-36 womnyaka we-1998);

“isiphathiswa” kuhlathulula nanyana ngisiphi isisebenzi somSebenzeli wePetroliyam;

“umnikazi” ngokuphathelele nandawo—

(a) kuhlathulula umuntu loyo indawo etloliswe egameni lakhe; nofana

(b) nangabe kuyindawo yomBuso, kuhlathulula bonyana umBuso kanye nananyana ngibaphi abahlali bayo;

“ipetroliyam” kuhlathulula nanyana ngiyiphi itlelezi, iyihayidrokhabhoni eqinileko nofana irhasi evuthako etholakala isebujameni bemvelo ehlabathini, begodu ifaka hlangana itlelezi ekhambela nayo nofana irhasi, nanyana ngiyiphi itlelezi nofana ihayidrokhabhoni eqinileko nofana irhasi evuthako, kodwana lokhu akufaki hlangana ilahle, amatje alibumba nofana amanye akokorenoko lapho i-oli ingatholakala khona ngokusebenzisa indlela yokuqwilisa ngemanzini apulako nofana irhasi etholakele ngetjhubisomrhwamuko etjhabalalisako nofana ngerhasi equbuka emidzweleni nofana endaweni erharhathaleko;

“umSebenzeli wePetroliyam” kutjho umSebenzeli weSewula Afrika wezokuThuthukisa ukuZunywa nokuSetjenziswa kwePetroliyam (SOC) Ltd, Registration No. 1999/015715/30 njengokulayelwe ngokwesigaba 9;

“idamu lepetroliyam” kuhlathulula isakhiwo samatje ahlelekileko esimumatha ipetroliyam;

“ilungelo langokomthetho lepetroliyam” kuhlathulula ilungelo eliphiwe ngokwesigaba 44 sokuzuma nokukhiqiza ipetroliyam;

“ilungelo langokomthetho lepetroliyam lendawo” kuhlathulula indawo embeswe lilungelo langokomthetho lepetroliyam lapho umnikazi agunyazelwe ukuyizuma, ukuthuthukisa nokuyikhiqiza, kodwana lokhu akufaki hlangana indawo eliswe ngesihle ngokukhambisana neenqalelelo zomThetho lo;

“umThetho wezokuPhathwa kweeMali zikaRhulumende” kuhlathulula umThetho wezokuPhathwa kweeMali zikaRhulumende, womnyaka we-1999 (umThetho woku-1 womnyaka we-1999);

“okubekiweko” kuhlathulula lokho okubekwe mthetholawulo;

“umsebenzi wokukhiqiza” kuhlathulula umsebenzi owenziwa ngokuphathelele nokukhutjiswa kwepetroliyam, begodu kufaka hlangana nanyana ngimuphi umsebenzi nofana indaba ekhambelana nokuzuma, ukulinganiswa, ukuthuthukiswa kanye nokukhutjiswa kwepetroliyam;

“ilungelo lokukhiqiza” kuhlathulula ilungelo lokukhiqiza eliphiwe ngokwesigaba 70 somThetho wezokuThuthukiswa kwezeNjiwa nemiKhiqizo yePetroliyam;

“umThetho wezokuThuthukiswa kweLungelo lokuFinyelela iLwazi” kuhlathulula umThetho wezokuThuthukiswa kweLungelo lokuFinyelela iLwazi, womnyaka we-2000 (umThetho wesi-2 womnyaka we-2000);

“umsebenzi wokuhlola kwendawo” kuhlathulula nanyana ngimuphi umsebenzi owenziwa nofana ophathelene nokuzunywa kwepetroliyam ngokusebenzisa amarhubhululo wokwakheka komhlaba, i-geophysical nemifaniso yejiyoloji, begodu ifaka hlangana amaqhinga wokuzwelela kude kodwana akufaki hlangana nanyana ngimuphi umsebenzi wokuzuma ngaphandle kokutholakala nokusetjenzwa kwedatha etja yokudengezela kwephasi;

“imvumo yokuhlola kwendawo” kuhlathulula imvumo ephiwe ngokwesigaba 39;

“irekhodi” kuhlathulula ilwazi elirekhodiweko nangaphandle kokuthi lingayiphi indlela nofana ilimi;

“umphathi wesiyingi” unehlathululo aphiwe yona ngokomThetho wezokuThuthukiswa kwezeNjiwa nemiKhiqizo yePetroliyam;

“umthetholawulo” kuhlathulula umthetholawulo owenziwe ngaphasi kwesigaba 107;

“imvumo yokugodla” kuhlathulula imvumo ephiwe ngokwesigaba 70;

“amanzi angatjhingeliko” kuhlathulula amanzi wokutjhingela okulingana nofana okungaphasi kwamamitha ama-300;

“umBuso” kuhlathulula iRiphabliki yeSewula Afrika;

“**royalties**” means any royalties payable to the State in terms of an Act of Parliament;

“**sustainable development**” has the meaning assigned to it in section 1 of the National Environmental Management Act;

“**technical co-operation permit**” means a technical co-operation permit issued in terms of section 77 of the Mineral and Petroleum Resources Development Act; 5

“**the sea**” has the meaning assigned to it by the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008), and includes the territorial waters, the exclusive economic zone and the continental shelf as contemplated in the Maritime Zones Act, 1994 (Act No.15 of 1994);

“**third party**” means any person or entity other than a partner or an affiliate of a holder of a permit or right granted in terms of this Act; 10

“**this Act**” includes the regulations;

“**upstream petroleum infrastructure**” means upstream petroleum pipeline, relevant oil processing facility and relevant gas processing facility including equipment used in the production, extraction, recovery, lifting or stabilisation of petroleum; 15

“**upstream petroleum operations**” means the exploration and production of oil and gas, which includes conducting geological and geophysical surveys and development activities such as the drilling of onshore and offshore wells;

“**well**” means a borehole made by drilling or for purposes of exploration or production operations; and 20

“**wellhead**” means equipment used in drilling, completing or operating the wells.

CHAPTER 2

FUNDAMENTAL PRINCIPLES

Objects of Act

2. The objects of this Act are to— 25

- (a) recognise the internationally accepted right of the State to exercise sovereignty over all the petroleum resources within the Republic;
- (b) give effect to the principle of the State’s custodianship of the nation’s petroleum resources;
- (c) promote equitable access to the nation’s petroleum resources to all the people of South Africa; 30
- (d) substantially and meaningfully expand opportunities for black persons, to enter into and actively participate in the upstream petroleum sector and to benefit from the exploitation of the nation’s petroleum resources;
- (e) promote local employment, skills development, technology transfer and national industry participation through supply of goods and services; 35
- (f) promote economic growth and petroleum resources development in the Republic;
- (g) advance the social and economic welfare of all South Africans;
- (h) provide for security of tenure in respect of exploration and production operations; 40
- (i) give effect to section 24 of the Constitution by ensuring that the nation’s petroleum resources are developed in an orderly and ecologically sustainable manner while promoting justifiable social and economic development;

“isitoko esiliqhinga nesigade isimetjhe” kuhlathulula ipetroliyam ekufanele iphathwe mBuso ukwenzela ukuqalana nokuthikameziseka okhulu kokuphakelwa kwepetroliyam eSewula Afrika;

“inzuzo” kuhlathulula nanyana ngiyiphi inzuzo yomBuso ngokomThetho wePalamende;

“ituthuko esimeleleko” iphiwe ihlathululo esigabeni 1 somThetho wezokuLawulwa kweBhoduloko leNarha;

“imvumo yokusebenzisana ngokwetheknikhali” kuhlathulula imvumo yokusebenzisana ngokwetheknikhali ekhutjhe ngokwesigaba 77 somThetho wezokuThuthukiswa kwezeNjiwa nemiKhiziso yePetroliyam;

“ilwandle” inehlathululo eliphiwe yona liLawulo leBhoduloko leNarha: umThetho oHlangeneko wezokuPhathwa kweLigu, womnyaka we-2008 (umThetho wama-24 womnyaka we-2008), begodu kufaka hlangana amanzi angaphasi kwelawulo lendawo, kodwana akufaki hlangana indawo yomnotho kanye nesiqephu selwandle senarhakazi njengokuhlathululwe ngaphakathi komThetho weNdawo zemaLwandle, womnyaka we-1994 (umThetho we-15 womnyaka we-1994);

“umuntu wesithathu” kuhlathulula nanyana ngimuphi umuntu nofana ikhamphani ngaphandle komlingani nofana umbambisani womnikazi wemvumo nofana ophiwe ilungelo ngokomThetho lo;

“umThetho lo” kufaka hlangana imithetholawulo;

“umthangalisisekelo wesigabasithomo sepetroliyam” kuhlathulula iphayiphi lesigabasithomo sepetroliyam, isenzabulula esifaneleko sokusebenza i-oli kanye nesenjabulula esifaneleko sokusebenza irhasi ekufaka hlangana isisetjenziswa esisetjenziselwe ukukhizisa, ukukhupha, ukufumana, ukukhuphula nofana ukunzinzisa ipetroliyam;

“imisebenzi yesigabasithomo sepetroliyam” 5kuhlathulula ukuzunywa nokukhizwa kwe-oli nerhasi, ekufaka hlangana ukwenziwa kwerhubhululo lejiyoloji ne-geophysical nemisebenzi yokuthuthukisa efana nokubhora emthonjeni weligu nangaphandle kweligu;

“umthombo” kuhlathulula umgodi owenziwe ngokubhora nofana ngokomnqopho wemisebenzi yokuzuma nofana yokukhizisa; begodu

“isithomo somthombo” kuhlathulula isisetjenziswa esisetjenziselwa ukubhora, ukuphetha nofana ukusebenza imithombo.

ISIAHLUKO 2

IINKAMBISOKOLELO EZISISEKELO

Iminqopho yomThetho

2. Iminqopho yomThetho lo ngile elandelako—

- (a) ukutjheja ilungelo lomBuso elamukelwe ziintjhabatjhaba lokungamela yoke imikhiziso yepetroliyam ngaphakathi kweRiphabliki;
- (b) ukupha amandla wokusebenza kwekambisokolelo yokubanjelwa mBuso kwemikhiziso yepetroliyam yenarha;
- (c) ukuthuthukisa ukufinyeleleka kwemikhiziso yepetroliyam kibo boke abantu beSewula Afrika;
- (d) ukwandisa khulu nangendlela esizako amathuba wabantu abanzima, ukungenela nokuzibandakanya phakathi komkhakha wesigabasithomo sepetroliyam begodu nokuzuma ekusetjenzisweni kwemikhiziso yepetroliyam yenarha;
- (e) ukukhuthaza ukuqatjiswa kwabantu bendawo, ukuthuthukiswa kwamakghono, ukudlulisa kwetheknoloji nokuzibandakanya emkhakheni wenarha ngokuphakela ipahla neensiza;
- (f) ukukhuthaza ukukhula komnotho nokuthuthukiswa kwemikhiziso yepetroliyam ngaphakathi kweRiphabliki;
- (g) ukuthuthukisa ihlalahle yezomphakathi nomnotho wawo woke amaSewula Afrika;
- (h) ukupha ivikeleko lesikhathi esiphathelene nemisebenzi yokuzuma nokukhizisa;
- (i) ukupha amandla isigaba 24 somThethosisekelo ngokuqinisekisa bonyana imikhiziso yepetroliyam yenarha ithuthukiswa ngendlela ehlelekileko nangendlela yokusimelela kwemvelo ngokukhuthaza ukuthuthukiswa komphakathi nomnotho ngendlela efaneleko;

- (j) accelerate exploration and production, and maximise the economic recovery of petroleum for the benefit of the people of South Africa;
- (k) provide the framework for developing third party access arrangements to upstream petroleum infrastructure; and
- (l) promote and facilitate acquisition of petroleum geo-technical data. 5

Custodianship of nation's petroleum resources

3. (1) Petroleum resources are the common heritage of all the people of South Africa and the State is the custodian thereof for the benefit of all South Africans.

(2) As the custodian of the nation's petroleum resources, the State, acting through the Minister, may— 10

- (a) grant, issue, refuse, control, administer and manage any reconnaissance permit, permission to remove, retention permit and petroleum right; and
- (b) prescribe administrative fees and any other fees payable in terms of this Act.

(3) The Minister must ensure the sustainable development of South Africa's petroleum resources within a framework of national environmental policy while promoting economic and social development. 15

Interpretation of Act

4. (1) When interpreting a provision of this Act, any reasonable interpretation which is consistent with the objects of this Act must be preferred over any other interpretation which is inconsistent with such objects. 20

(2) In so far as the common law is inconsistent with this Act, this Act prevails.

Legal nature of petroleum right, and rights of holders thereof

5. (1) A petroleum right granted in terms of this Act and registered in terms of the Mining Titles Registration Act, 1967 (Act No. 16 of 1967), is a limited real right in respect of the petroleum and the block or blocks to which such a right relates. 25

(2) The holder of a petroleum right is entitled to the rights referred to in this section and such other rights as may be granted to, acquired by or conferred upon such holder under this Act or any other law.

(3) Subject to this Act, any holder of a petroleum right may—

- (a) enter the land, block or blocks to which such right relates together with his or her employees, and bring onto that block or blocks any plant, machinery or equipment and build, construct or lay down any surface, underground or undersea infrastructure which may be required for the purpose of exploration or production, as the case may be; 30
- (b) explore for or produce petroleum, as the case may be, for his or her own account on or under such land, block or blocks; 35
- (c) remove and dispose of any petroleum that is produced;
- (d) subject to the National Water Act, use water from any natural spring, lake, river or stream, situated on, or flowing through, such land, block or blocks or from any excavation previously made and used for exploration or production purposes, or sink a well or borehole required for use relating to exploration or production on such land, block or blocks; and 40

- (j) ukurhabisa ukuzuma nokukhiqiza, nokwandisa ukusimama komnotho wepetroliyam ukwenzela ukuhlomulisa abantu beSewula Afrika;
- (k) ukupha iphahla lesikhathi sokuthuthukisa amahlelo wokufinyelelwa mumuntu wesithathu komthangalasisekelo wesigabasithomo sepetroliyam; begodu 5
- (l) nokukhuthaza kanye nokukghonakalisa ukutholakala kwedatha yesayensi yokuhlela nokwakha yepetroliyam.

Ukubanjelwa kwemikhiziqo yepetroliyam yesitjhaba

3. (1) Imikhiziqo yepetroliyam imagugu avamileko kibo boke abantu beSewula Afrika begodu umBuso umbambeli wayo ukwenzela ukuhlomulisa woke amaSewula Afrika. 10

(2) Njengombambeli wemikhiziqo yepetroliyam yenarha, uNgqongqotjhe, ngokujamela umBuso—

- (a) angapha, akhuphe, ararhe, alawule, angamele begodu apha nanyana ngiyiphi imvumo yokuhlolwa kwendawo, imvumo yokususa, imvumo yokugodla kanye nelungelo langokomthetho lepetroliyam; begodu 15
- (b) angabeka neembadalo zokuphatha kanye nananyana ngiziphi ezinye iimbaddalo ezibhadalwa ngokomThetho lo.

(3) UNgqongqotjhe kufanele aqinisekise ituthuko esimeleleko yemikhiziqo yepetroliyam yeSewula Afrika ngaphakathi kwephahla lomthethomgomo webhoduluko lenarha kube ngakelinye ihlangothi ukhuthaza umnotho nokuthuthukisa umphakathi. 20

Ukuhlathulula umThetho

4. (1) Lokha nokuhlathululwa isiqalelelo somThetho lo, nanyana ngiyiphi ihlathululo ekhambisana neminqopho yomThetho lo kufanele inyulwe kunezinye iihlathululo ezingakhambisani neminqopho leyo. 25

(2) Ukufikela lapho umthetho ovamileko ungakhambisani khona nomThetho, kuzakujama umThetho lo.

Ilungelo langokomthetho lepetroliyam, namalungelo wabanikazi bangokomthetho bawo 30

5. (1) Ilungelo langokomthetho lepetroliyam liphiwa ngokomThetho lo begodu litloliwa ngokomThetho wezokuTloliwa kwamaThayithela wokuMayina, womnyaka we-1967 (umThetho we-16 womnyaka we-1967), kulilungelo elitlhayelelwako lamambala ngokuphathelene nepetroliyam kanye namabloko akhambela nelungelweli. 35

(2) Umnikazi welungelo langokomthetho lepetroliyam unelungelo lokuphiwa amalungelo akhunjwe ngaphakathi kwesigabesi begodu amalungelo lawo angaphiwa, atholwe nofana anikelwe umnikazi loyo ngaphasi komThetho lo nofana ngananyana ngimuphi omunye umthetho.

(3) Ngokulawulwa mThetho lo, umnikazi welungelo langokomthetho lepetroliyam— 40

- (a) angangena endaweni, emablokweni lapho ilungelo elimvumela khona kanye nabasebenzi bakhe, begodu bangaletsa amaplanti, imitjhini nofana iinsetjenziswa begodu bakhe, nofana bandlale ngaphasi kwehlabathi nofana ngaphasi komthangalasisekelo welwandle ongafunelwa umnqopho wokuzuma nofana ukukhiqiza, ngokulawulwa sisimo; 45
- (b) ukuzumela ukukhiqiza ipetroliyam, ngokuya ngesimo ngokwe-akhawundi yakhe nofana ngaphasi kwendawo, amabloko;
- (c) asuse begodu alahle nanyana ngiyiphi ipetroliyam ekhiqiziweko;
- (d) ngokulawulwa mThetho wezaManzi weNarha, asebenzise amanzi wemvelo, womlambo, indubazi, nomsele, lawo adlula endaweni, eblokweni nofana ukusuka kunanyana ngikuphi okubunjwe ngaphambilini begodu nasetjenziswe ukuzuma nofana ukukhiqiza, ukuqwilisa nofana ebhorweni yamanzi efunekako ukusetjenziswe ukuzuma nofana ukukhiqiza endaweni leyo, eblokweni nofana emablokweni; begodu 55

- (e) carry out any other activity incidental to exploration or production operations, which activity does not contravene the provisions of this Act.

Prohibition relating to illegal acts

6. No person may conduct reconnaissance operations, explore for and produce any petroleum or commence with any work incidental thereto on any block or blocks without— 5

- (a) a reconnaissance permit, permission to remove, exploration right, production right or petroleum right, as the case may be; and
(b) giving the Petroleum Agency, owner or lawful occupier of the land in question at least 21 days' written notice prior to commencement. 10

Principles of administrative justice

7. (1) Subject to the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), any administrative action in terms of this Act must be taken within a reasonable time and in accordance with the principles of lawfulness, reasonableness and procedural fairness. 15

(2) Any administrative action contemplated in subsection (1) must be in writing and accompanied by written reasons.

(3) The Petroleum Agency must, within 30 days from the date of granting of an application lodged in terms of section 15, 16 or 38 make known, in the prescribed manner, that an application for a reconnaissance permit or petroleum right has been granted in respect of the land, block or blocks in question. 20

CHAPTER 3

ADMINISTRATION OF ACT

Administration of acreage

8. (1) All acreage for exploration, development and production of petroleum in South Africa must be administered by the Petroleum Agency in accordance with this Act and any other relevant law. 25

(2) The Petroleum Agency must, by notice in the *Gazette*, designate any area, block or blocks, including shale gas acreage, over which there is no or limited knowledge of the geology as frontier. 30

(3) The Petroleum Agency must adopt a national grid system for petroleum acreage management, which must include, but is not limited to, the following:

- (a) A coordinate system;
(b) a numbering system;
(c) subdivisions and aggregation of blocks within the grid system; 35
(d) the delineation of licence areas; and
(e) such other regulatory and acreage management procedures as may be applicable.

(4) The size of the block or blocks in respect of existing permits or rights granted before the coming into effect of this Act may not be reduced as a result of subsection (3)(c). 40

Designation of Petroleum Agency

9. The Petroleum Agency is designated to perform functions referred to in section 10.

- (e) nokwenza nanyana ngimuphi omunye umsebenzi okhambisana nemisebenzi yokuzuma nofana ukukhiqiza, nekumsebenzi ongatjhayisani neenqalelelo zomThetho lo.

Iinkhandeli ezikhambelana nezenzo ezingekho emthethweni

6. Akunamuntu ongenza imisebenzi yokuhlolwa kwendawo, ukuzumela ukukhiqiza nanyana ngiyiphi ipetroliyam nofana ukuthoma ngananyana ngimuphi umsebenzi okhambisana nakho kunanyana ngimaphi amabloko ngaphandle—

- (a) kwemvumo yokuhlolwa kwendawo, imvumo yokususa, ilungelo lokuzuma, ilungelo lokukhiqiza nofana ilungelo langokomthetho lepetroliyam, nangokulawulwa bujamo; begodu 10
- (b) nokupha umSebenzeli wePetroliyam isaziso esimtlolo wokuthomokho, umnikazi nofana umhlali wangokomthetho wendawo le ekhulunyiswako emalangenani ama-21.

Iinkambisokolelo zokuphathwa kobulungiswa

7. (1) Ngokulawulwa mThetho wezokuPhathwa kokuKhuthazwa kobuLungiswa, 15 womnyaka wee-2000 (umThetho wesi-3 womnyaka wee-2000), nanyana ngisiphi isenzo sokuphatha ngokomThetho lo kufanele senziwe esikhathini esizwisakalako begodu nangokukhambisana neenkambisokolelo zomthetho, ukuzwisiseka begodu nangekambiso engathathi ihlangothi.

(2) Nanyana ngisiphi isenzo sokuphatha esihlathululwe esigatjaneni (1) kufanele sibe ngomtlolo begodu uphekelelwe ziinzathu ezitloliweko. 20

(3) UmSebenzeli wePetroliyam, emalangenani ama-30 ukusukela ngelanga lokuvumela isibawo esifakwe ngokwesigaba 15, 16 nofana 38, azise ngendlela ebekiweko, lapho isibawo semvumo yokuhlolwa kwendawo nofana ilungelo langokomthetho lepetroliyam nalivunywe ngokuphathelene nendawo, namabloko 25 akhulunyiswako.

ISIAHLUKO 3

UKUPHATHWA KOMTHETHO

Ukuphathwa komango

8. (1) Koke ukuvunywa emangweni, ukuthuthukiswa nokukhiqizwa kwepetroliyam eSewula Afrika kufanele kunganyelwe mSebenzeli wePetroliyam ngokukhambisana nomThetho lo begodu nanyana ngimuphi omunye umthetho ofaneleko. 30

(2) Ngesaziso sangaphakathi kweGazede umSebenzeli wePetroliyam kufanele akhethe nanyana ngiyiphi indawo, amabloko, ekufaka hlangana umango werhasi yamatje alibumba, lapho kunganasiqabo selwazi lejiyoloji njengomkhawulo. 35

(3) UmSebenzeli wePetroliyam kufanele amukele irherho legridi yenarha yelawulo lomango wepetroliyam, nekufanele ifake hlangana, kodwana ingapheleli kwaphela kokulandelako:

- (a) Erhelweni lokulungelela;
- (b) erhelweni lesibalo; 40
- (c) ekuhlukanisweni neenqephu zamabloko ngaphakathi kwegridi yerherho;
- (d) ukuhlathululwa kweendawo zamalayisensi; begodu
- (e) nezinye iinkambiso zokulawula kanye nokuphatha umango ngokufaneleka kwawo.

(4) Ubukhulu bamabloko ngokuphathelene neemvumo ezikhona nofana amalungelo apiwe ngaphambi kokuthoma ukusebenza komThetho lo bungarhunyezwa ngokulandela isigatjana (3)(c). 45

Ukukhethwa komSebenzeli wePetroliyam

9. UmSebenzeli wePetroliyam ukhethelwa ukwenza umsebenzi okhonjwe esigabeni 10. 50

Functions of Petroleum Agency**10. The Petroleum Agency must—**

- (a) provide technical support to the Minister for the promotion of onshore and offshore exploration and production of petroleum;
- (b) formulate exploration strategy that includes acquisition of seismic data through non-exclusive multi-client speculative surveys in frontier or under explored areas ahead of licensing rounds; 5
- (c) formulate licence allocation strategy that includes delineation of blocks to be licensed, licensing guidelines for each invitation, and licensing terms and conditions that reflect the risk profile of the specific areas; 10
- (d) ensure optimal levels of recovery of petroleum resources;
- (e) verify the measurements of petroleum production to allow for assessment of royalties and revenue due to the State;
- (f) receive and evaluate applications for reconnaissance permits, petroleum rights and retention permits in terms of this Act and make recommendations to the Minister; 15
- (g) monitor, enforce compliance and report regularly to the Minister in respect of compliance with such permits or rights;
- (h) receive, maintain, store, interpret, evaluate, add value to, disseminate or deal in, all geo-technical data relating to petroleum submitted in terms of section 79; 20
- (i) enforce health, safety and quality standards in accordance with the applicable legislation regulating upstream petroleum health and safety;
- (j) bring to the notice of the Minister any information in relation to the exploration and production of petroleum which is likely to benefit the State; 25
- (k) collect the prescribed fees in respect of reconnaissance permits, retention permits and petroleum rights;
- (l) set, review and approve tariffs and charges for third party access to upstream petroleum infrastructure in consultation with the National Energy Regulator of South Africa; 30
- (m) receive and review applications for environmental authorisations in terms of the National Environmental Management Act, and make recommendations to the Minister; and
- (n) perform any other function in respect of petroleum resources which the Minister may determine from time to time. 35

Funding of Petroleum Agency**11. (1) Funds of the Petroleum Agency consist of—**

- (a) moneys appropriated by Parliament;
- (b) moneys received by way of a State grant, contribution or investment;
- (c) fees payable in terms of this Act; and 40
- (d) revenue received from the sale of petroleum geo-technical data.

(2) The Petroleum Agency must utilise its funds to defray the expenses incurred in the performance of its functions under this Act.

(3) Moneys received by way of any State grant or contribution in accordance with subsection (1)(b) must be utilised in accordance with any conditions so imposed by the grantor or contributor. 45

(4) The Petroleum Agency may, with the approval of the Minister, provide technical and consulting services and assistance to equivalent agencies of other countries.

Imisebenzi yomSebenzeli wePetroliyam**10. UmSebenzeli wePetroliyam kufanele—**

- (a) aphe isekelo lesitheknikhali kuNgqongqotjhe ukwenzela ukukhuthaza ukuzunywa nokukhiqizwa kwepetroliyam ngaphakathi nangaphandle kweligu; 5
- (b) akhe iqhinga lokuzuma elifaka hlangana ukufumana idatha ngokudengezela kwephasi ngokusebenzisa amaphenyo aqagelako wamatlayenthi amanengi nangakakhetheki emkhawulweni nofana nangaphasi kweendawo ezihloliweko ngaphambi kweenzathu zokuphiwa kwelayisensi; 10
- (c) akhe iqhinga lokunikela ngamalayisensi elifaka hlangana ihlathululo yamabloko ekufanele aphiwe ilayisensi, iinkombandlela zelayisensi zesimemo ngasinye, begodu nemigomo nemibandela yelayisensi ekhombisa iphrofayili yobungozi beendawo ezithileko; 10
- (d) aqinisekise amazinga aphezulu wokutholakala kwepetroliyam; 15
- (e) aqinisekise iinlinganiso zomkhiziso wepetroliyam ukwenzela ukuvumela ukuhlolwa kweenzuzo kanye nengeniso yomBuso; 15
- (f) amukele begodu ahlolisise iimbawo zeemvumo zokuhlolwa kwendawo, amalungelo wangokomthetho lepetroliyam kanye neemvumo zokugodla ngokomThetho lo begodu enze neemphakamiso kuNgqongqotjhe; 20
- (g) abeke ilihlo, aqinise ukuthobela umthetho begodu abikele uNgqongqotjhe qobe ngokuphathelele nokuthobela umthetho ngeemvumezo nofana ngamalungelo lawo; 20
- (h) amukele, anakekele, abulunge, ahlathulule, ahlolisise, angezelele ukuqakatheke, asabalalise nofana asebenze yoke idatha yesayensi yokuhlela nokwakha ephathelene nepetroliyam ethunyelwe ngokwesigaba 79; 25
- (i) aqinise ipilo ehle, ukuphepha kanye namazinga wekhwalithi ngokukhambisana nomthetho ofaneleko olawula ipilo ehle nokuphepha esigabenisithomo sepetroliyam; 25
- (j) azise uNgqongqotjhe ngananyana ngiliphi ilwazi eliphathelele nokuzuma kanye nokukhiqiza ipetroliyam leyo ezakuhlomulisa umBuso; 30
- (k) abuthelele iimbawo ebekiweko ngokuphathelele neemvumo zokuhlolwa kwendawo, iimvumo zokugodla kanye namalungelo wangokomthetho wepetroliyam; 30
- (l) andlale, abuyekeze begodu aphasise imithelo kanye neendleko zomuntu wesithathu zokufinyelelwa kwakhe umthangalasisekelo wesigabasithomo sepetroliyam ngokubonisana nomLawuli wezaMandla weNarha weSewula Afrika; 35
- (m) amukele begodu abuyekeze iimbawo zokugunyazelwa ibhoduluko ngokomThetho wokuLawulwa kweBhoduluko leNarha, begodu enze neemphakamiso kuNgqongqotjhe; begodu 40
- (n) enze nananyana ngimuphi omunye umsebenzi ngokuphathelele nemikhiziso yepetroliyam leyo uNgqongqotjhe angaunta ngayo ngeenkhati ezihlukahlukeneko. 40

Isekelomali lomSebenzeli wePetroliyam

11. (1) Isekelomali lomSebenzeli wePetroliyam libumbeke ngendlela elandelako— 45
 - (a) iimali azabelwe yiPalamende; 45
 - (b) iimali ezifunyenwe ngendlela yesibonelelo somBuso, umnikelo nofana isiso; 45
 - (c) iindleko ezibhadalwa ngokomThetho lo; begodu 45
 - (d) nengeniso efunyenwe ekuthengisweni kwedatha yesayensi yokuhlela nokwakha yepetroliyam. 50
- (2) UmSebenzeli wePetroliyam kufanele isebenzise iimali zayo ukubhadala iindleko zayo ezifumene nayezenza imisebenzayo ngaphasi komThetho lo. 50
- (3) Iimali ezifunyenwe ngendlela yesibonelelo somBuso nofana ngomnikelo wangokwesigatjana (1)(b) kufanele izisebenzise ngokukhambisana nemibandela ebekwe mnikeli wazo. 55
- (4) UmSebenzeli wePetroliyam, ngemvumo kaNgqongqotjhe, angapha iinsiza zetheknikhali kanye nezokubonisana nesizo kwabanye abasebenzeli bakwamanye amazwe. 55

Accounting by Petroleum Agency

12. (1) The Petroleum Agency must perform its functions and report in accordance with the Public Finance Management Act and any other Act of Parliament.

(2) The Petroleum Agency must open one or more accounts in its name with one or more financial institutions registered as a bank in terms of the Banks Act, 1990 (Act No. 94 of 1990), and deposit therein all moneys received from the sources contemplated in section 11. 5

(3) The financial records of the Petroleum Agency must be audited in accordance with the Public Audit Act, 2004 (Act No. 25 of 2004).

(4) The financial year of the Petroleum Agency starts on 1 April of each year and ends on 31 March of the following year. 10

CHAPTER 4**PETROLEUM REGULATION****Licensing rounds**

13. (1) No person, except as provided for in this Act, may conduct activities relating to exploration for, or production of, petroleum activities without a permit or a right granted in terms of this Act. 15

(2) The Minister may, periodically, on recommendation by the Petroleum Agency, initiate competitive administrative or open licensing rounds by publishing an invitation notice in the *Gazette*. 20

(3) A petroleum right may be granted only to a company incorporated in South Africa under the Companies Act, 2008 (Act No. 71 of 2008).

(4) Where a petroleum right is to be held through an unincorporated joint venture, all companies that are parties to the joint venture must be incorporated in South Africa as contemplated in subsection (3). 25

(5) A holder of a petroleum right must maintain an office in South Africa from which the petroleum activities will be managed.

Duration of reconnaissance permit and petroleum right

14. (1) A reconnaissance permit is valid for a period not exceeding two years.

(2) A petroleum right granted in relation to onshore and offshore acreage in shallow waters is valid— 30

(a) in respect of the exploration phase, for a total period of nine years, made up of—

(i) an initial term of three years; and

(ii) a second, third and fourth term of two years each; and 35

(b) in respect of the production phase, for an unlimited period, made up of—

(i) an initial term of 30 years; and

(ii) further terms of 10 years each.

(3) A petroleum right granted in relation to acreage designated as frontier, as contemplated in section 8(2), and offshore acreage in deep waters is valid— 40

(a) in respect of the exploration phase, for a total period of 14 years, made up of—

(i) an initial term of five years; and

(ii) a second, third and fourth term of three years each; and

Ukuziphendulela komSebenzeli wePetroliyam

12. (1) UmSebenzeli wePetroliyam kufanele enze imisebenzakhe begodu abike ngokukhambisana nomThetho wezokuPhathwa kweeMali zikaRhulumende kanye nananyana ngimuphi omunye umThetho wePalamende.
- (2) UmSebenzeli wePetroliyam kufanele avule i-akhawundi yinye nofana ezimbili egameni lakhe neziko linye nofana amanye amaziko wezeemali atlolisiweko njengebhanga ngokomThetho wezamaBhanga, womnyaka we-1990 (umThetho wama-94 womnyaka we-1990), begodu afake zoke iimali ezifunyenwe emithonjeni ehlathululwe esigabeni 11.
- (3) Amarekhodi weemali zomSebenzeli wePetroliyam kufanele ahlolwe ngokukhambisana nomThetho wezokuHlolwa kwakaRhulumende, womnyaka wee-2004 (umThetho wama-25 womnyaka wee-2004).
- (4) Umnyakamali womSebenzeli wePetroliyam uthoma ngomhlaka 1 kuSihlabantangana waqobe mnyaka begodu uphela ngomhlaka 31 kuNtaka womnyaka olandelako.

ISAHLUKO 4**UMTHETHO WOMTHETHOLAWULO WEZEPETROLIYAMU****Imizombe yelaysensi**

13. (1) Ngaphandle kwalapho umThetho uqalelela khona, akunamuntu ongenza imisebenzi ephathelene nokuzuma, nofana ukukhiqiza ipetroliyam ngaphandle kwemvumo nofana ilungelo eliphiwe ngokomThetho lo.
- (2) Ngeenkathi ezihlukahlukene nangokwesiphakamiso somSebenzeli wePetroliyam, uNgqongqotjhe angasungula zokuphatha ezisebenzako nofana avule imizombe yezokuphiwa kwamalaysensi ngokuphablitjha isaziso sesimemo ngaphakathi kweGazede.
- (3) Ilungelo langokomthetho lepetroliyam lingaphiwa kwaphela ikhamphani engaphasi kweSewula Afrika ngaphasi komThetho wezamaKhamphani, womnyaka wee-2008 (umThetho wama-71 womnyaka wee-2008).
- (4) Lapho kufanele kubanjwe khona ilungelo langokomthetho lepetroliyam ngehlanyela engakhlanganiswa, woke amakhamphani ayingcenge yehlanyela leyo kufanele abe ngaphasi kweSewula Afrika njengokuhlathululwe esigatjaneni (3).
- (5) Umnikazi welungelo langokomthetho lepetroliyam kufanele abe ne-ofisi azaligcina eliseSewula Afrika lapho imisebenzi yokulawulwa kwepetroliyam izakwenziwa khona.

Ubude besikhathi semvumo yokuhlolwa kwendawo nelungelo langokomthetho lepetroliyam

14. (1) Imvumo yokuhlolwa kwendawo isebenza ubude besikhathi obungadluli iminyaka emibili.
- (2) Ilungelo langokomthetho lepetroliyam eliphiwe ngokuphathelene nomango engaphakathi nangaphandle kweligu emanzini angatjhangi ukuyaphi isebenza—
- (a) ngokuphathelene nesigaba sokuzuma, isikhathi esiminyaka elithoba, ibunjwa—
- (i) ngethemu yokuthoma eminyaka emithathu; begodu
- (ii) ithemu yesibili, yesithathu neyesine eminyaka emibili ngayinye; begodu
- (b) nangokuphathelene nesigaba sokukhiqiza, ubude besikhathi esingaphelelwako, esibunjwa—
- (i) ngethemu yokuthoma eminyaka ema-30; begodu
- (ii) namanye amathemu aragela phambili weminyaka eli-10 ngayinye.
- (3) Ilungelo langokomthetho lepetroliyam eliphiwe ngokuphathelene nomango okhethiweko njengomkhawulo, njengokuhlathululwe esigabeni 8(2), emangweni engaphandle kweligu ngaphakathi kwamanzi atjhangako isebenza—
- (a) ngokuphathelene nesigaba sokuzuma, ubude besikhathi esiminyaka eli-14, esibunjwa—
- (i) ngethemu yokuthoma eminyaka emihlanu; begodu
- (ii) ithemu yesibili, yesithathu neyesine eminyaka emithathu ngayinye; begodu

- (b) in respect of the production phase, for an unlimited period, made up of—
 - (i) an initial term of 30 years; and
 - (ii) further terms of 10 years each.
- (4) The holder may, from the second term, structure the period for each term according to the nature and dynamics of the project, subject to— 5
 - (a) approval by the Petroleum Agency; and
 - (b) such structuring not delaying exploration or defeating the object referred to in section 2(k).
- (5) The period of validity—
 - (a) of a permit or a right granted in terms of this Act must be reckoned from the date on which the relevant permit or right is notarially executed as contemplated in section 42; and 10
 - (b) of terms within the exploration and production phases must be reckoned from the date on which the deed of amendment of the right to record the new term is notarially executed. 15
- (6) Where any court proceedings, affecting reconnaissance, exploration or petroleum operations, are instituted immediately before or during the period of validity of a reconnaissance permit or petroleum right, the running of the period of validity shall be suspended until the finalisation of those court proceedings.

Competitive administrative licensing round for petroleum right 20

- 15.** (1) The Minister may, by notice in the *Gazette*, invite applications for a petroleum right in respect of block or blocks as specified in the notice, and may prescribe in such notice the period within which such applications may be lodged with the Petroleum Agency.
- (2) The notice contemplated in subsection (1) must be accompanied by the licensing round guidelines setting out, amongst others, the following: 25
- (a) Processes, rules, standards and evaluation parameters;
 - (b) minimum work commitment for the initial term of the exploration phase;
 - (c) a projected long-term exploration work programme;
 - (d) a list of documents required for the evaluation of technical and financial competence; 30
 - (e) the details and cost of available data packages;
 - (f) any documentation required to indicate the ownership structure of the applicant;
 - (g) the prescribed non-refundable application fee; 35
 - (h) the terms and conditions subject to which applications received may be accepted, rejected, granted or refused; and
 - (i) any other information considered relevant by the Minister.
- (3) The terms and conditions referred to in subsection (2)(h) must be necessary for the achievement of the objects referred to in section 2. 40
- (4) Applications received pursuant to a notice contemplated in subsection (1) and section 16(1) must be processed in accordance with the relevant provisions of this Act, the licensing round guidelines, including the terms and conditions that will accompany the notice contemplated in subsection (1).
- (5) Notwithstanding the publication of a notice contemplated in subsection (1) and section 16(1), the Minister is not obliged to grant any permit or petroleum right pursuant to an application so received. 45

Competitive administrative licensing round for reconnaissance permit

- 16.** (1) The Minister may, by notice in the *Gazette*, invite applications for a reconnaissance permit from seismic companies to acquire seismic data on a non-exclusive multi-client speculative business model in respect of a block or blocks, or in respect of a wide regional area comprising multiple blocks or areas as specified in the notice. 50

- (b) nangokuphathelele nesigaba sokukhiqiza, ubude besikhathi esingaphelelwako, esibunjwa—
- (i) ngethemu yokuthoma eminyaka ema-30; begodu
- (ii) namanye amathemu aragela phambili weminyaka eli-10 ngayinye.
- (4) Ukususkela ethemini yesibili, umnikazi angahlalisa ubude besikhathi sethemu ngayinye ngokuya ngomhlobo nokuhlukahluka kwephrojekthi, ngokulawulwa—
- (a) kuphasiswa mSebenzeli wePetroliyam; begodu
- (b) nangokuthi ukuhlaliswa kuhloko akuriyadi ukuzuma nofana kuphambane nomnqopho okhonjwe esigabeni 2(k).
- (5) Ubude besikhathi sokusebenza—
- (a) semvumo nofana ilungelo eliphiwe ngokomThetho lo kufanele sisuselwe ukusukela ngelanga lapho imvumo nofana ilungelo elifaneleko lasetjeniswa ngokusemthethweni njengokuhlathululwe esigabeni 42; begodu
- (b) namathemu ngaphakathi kweengaba zokuzuma nokukhiqiza kufanele sithome ngelanga lapho ithayithela yokukhabelela kwelungelo lokurekhoda ithemu etja lasetjeniswa ngokomthetho.
- (6) Lapho kunekambiso yekhotho ethinta ukuhlolwa kwendawo, ukuzuma nofana imisebenzi yezepetroliyam, njengokusungulwe msinyazana ngaphambi nofana ngesikhathi sokusebenza kwemvumo yokuhlolwa kwendawo nofana ilungelo langokomthetho lepetroliyam, kuzakujanyiswa ukuragela phambili kwesikhathi sokusebenza ukufikela lapho kuphethwa khona iinkambiso zekhothwezo.

Umzombe welayisensi yokuphatha ngokwephaliswana lelungelo langokomthetho lepetroliyam

15. (1) Ngokusebenzisa isaziso ngaphakathi kweGazede, uNgqongqotjhe angamema iimbawo zelungelo langokomthetho lepetroliyam ngokuphathelele namabloko akhonjwe ngaphakathi kwesaziso, begodu angabeka ngaphakathi kwesazisweso ubude besikhathi ekufanele kufakwe ngaso iimbawo kumSebenzeli wePetroliyam.
- (2) Isaziso esihlathululwe esigatjaneni (1) kufanele siphekelelwe ziinkombandlela zomzombe wamalayisensi ezindlala lokho okulandelako, hlangana nokhanye—
- (a) iinkambiso, imithetho, amazinga kanye nemikhawulo yokuhlolisisa;
- (b) isibopho sobuncani bomsebenzi wethemu yokuthoma yesigaba sokuzuma;
- (c) ibonelo phambili lethemu ede yehlelo lomsebenzi wokuzuma;
- (d) irhelo lemitlolo efunekako yokuhlola ikghono lezobuthekniki neemali;
- (e) imininingwana kanye neendleko zamaphakheji wedatha elikhona;
- (f) nanyana ngimuphi umtlobo ofunekako okhombisa ihlelo lobunikazi besibawo;
- (g) imbadelo nengabuyiselwako emuva ebekiweko yesibawo;
- (h) imigomo nemibandela ngokulawulwa kukhuthi ngiziphi iimbawo ezizakwamukelwa, zirarhwe, nofana zaliwe; begodu
- (i) nanyana ngiliphi elinye ilwazi uNgqongqotjhe alithatha njengelifaneleko.
- (3) Imigomo nemibandela ekhonjwe esigatjaneni (2)(h) kufanele zisize ukuphumelelela iminqopho ekhonjwe esigabeni 2.
- (4) Iimbawo ezifunyenweko ngemva kwesaziso esihlathululwe esigatjaneni (1) nesigaba 16(1) kufanele zisetjenzwe ngokukhambisana neenqalelelo ezifaneleko zomThetho lo, iinkombandlela zomzombe wamalayisensi, ekufaka hlangana imigomo nemibandela ezakuphekelela isaziso esihlathululwe esigatjaneni (1).
- (5) Nangaphandle kokuphablitjhwa kwesaziso esihlathululwe esigatjaneni (1) nesigabeni 16(1), uNgqongqotjhe akakateleleki bonyana aphe nanyana ngiyiphi imvumo nofana ilungelo langokomthetho lepetroliyam eliphathelene nesibawo esifunyenweko.

Umzombe welayisensi yokuphatha ngokwephaliswano lemvumo yokuhlolwa kwendawo

16. (1) Ngesaziso sangaphakathi kweGazede, uNgqongqotjhe angamema iimbawo zemvumo yokuhlolwa kwendawo emakhamphanini wezokudengezela kwephasi bonyana zithola idatha yokudengezela kwephasi ngokusebenzisa imodeli yebhizinisi eqagelako yamatlayenthi amanengi ngokuphathelele namabloko, nofana ngokuphathelele nendawo ebanzi yesiyingi ebunjwe ngamabloko amanengi nofana iindawo ezikhonjwe ngaphakathi kwesaziso.

(2) A notice contemplated in subsection (1) may be in relation to multiple blocks or areas which are encumbered by exploration, production or petroleum rights for purposes of enabling the State to assess the geological potential and establish prospectivity of a wider regional area.

(3) A notice contemplated in subsection (1) must prescribe the period within which such applications may be lodged with the Petroleum Agency. 5

(4) The Minister may grant a reconnaissance permit over an area encumbered by exploration, production and petroleum rights—

- (a) after consultation with the holders of the rights in question;
- (b) on condition that the reconnaissance activities will not unreasonably interfere 10 with the activities of the holder of rights;
- (c) subject to terms and conditions to be agreed upon between the Petroleum Agency and the successful seismic company; and
- (d) if the granting will promote and facilitate the acquisition of petroleum geo-technical data as contemplated in section 2(l). 15

(5) Notwithstanding the provisions of subsection (1), applications for reconnaissance permits may be lodged in terms of section 34 in the prescribed manner with the Petroleum Agency at any time.

Acceptance of applications

17. (1) The Petroleum Agency must, within 14 days, acknowledge receipt of an application lodged in terms of section 15 or 16 in writing. 20

(2) The Petroleum Agency must, within 90 days from the last day of the period within which applications may be lodged, as contemplated in section 15(1) or 16(3), as the case may be, accept only one successful application that will proceed to environmental authorisation application and consultation processes if the following requirements are 25 satisfied:

- (a) The proposed—
 - (i) minimum work commitment, associated time lines and projected long-term exploration programme are the most competitive and will enable the acceleration of exploration and production of petroleum 30 resources as envisaged in section 2(j); or
 - (ii) seismic survey and processing of data acquired will deploy advanced technologies, offering the State an opportunity to get high quality seismic data;
- (b) the applicant has proven adequate financial resources and the technical ability 35 to conduct the proposed reconnaissance, exploration or production operations, optimally, in accordance with the reconnaissance programme or the minimum work commitment, as the case may be;
- (c) the application complies with the terms and conditions stipulated in the invitation notice; and 40
- (d) the applicant has the ability to comply with relevant prescribed provisions relating to upstream petroleum health and safety.

Rejection of applications

18. (1) If the Petroleum Agency rejects an application lodged in terms of section 15 or 16, the Petroleum Agency must, within 30 days of the decision, notify the applicant 45 in writing of the decision and the reasons therefor.

(2) A person aggrieved by a decision of the Petroleum Agency contemplated in subsection (1) may appeal in accordance with section 99.

Consultation with interested and affected parties by Petroleum Agency

19. (1) The Petroleum Agency must, within 14 days from the date of acceptance of an application lodged in terms of section 15, 16, or 38— 50

(2) Isaziso esihlathululwe esigatjaneni (1) singakhambelana namabloko amanengi akhandelwakuzuma, ukukhiqiza nofana amalungelo wangokomthetho wepetroliyam ngeminqopho ekghonakalisa bonyana umBuso uhlolisise ikghonakalo yejiyoloji begodu nokuhloma amathuba wesiyingi sendawo esibanzi.

(3) Isaziso esihlathululwe esigatjaneni (1) kufanele sibeke ubude besikhathi lesi 5 ekufanele kufakwe ngaso iimbawo kumSebenzeli wePetroliyam.

(4) UNGqongqotjhe angapha imvumo yokuhlolwa kwendawo endaweni akhandelwa kuzuma, ukukhiqiza namalungelo wangokomthetho wepetroliyam—

- (a) ngemva kokubonisana nabanikazi bamalungelo akhulunyiswako;
- (b) ngombandela wokuthi imisebenzi yokuhlolwa kwendawo angekhe 10 yathikameza imisebenzi yomnikazi wamalungelo;
- (c) ngokulawulwa migomo nemibandela ekuzakuvunyelwano ngayo phakathi komSebenzeli wePetroliyam kanye nekhamphani ephumeleleko yezokudengezela kwephasi; begodu
- (d) nangabe ukuphiwoko kuzakukhuthaza begodu kukghonakalise ukutholakala 15 kwedatha yesayensi yokuhlela nokwakha yepetroliyam njengokuhlathululwe esigabeni 2(l).

(5) Nangaphandle kweenqalelelo zesigatjana (1), iimbawo zeemvumo zokuhlolwa kwendawo zingafakwa ngokwesigaba 34 ngendlela ebekiweko kumSebenzeli wePetroliyam ngananyana ngisiphi isikhathi. 20

Ukwamukelwa kweembawo

17. (1) 5Emalangen ali-14, umSebenzeli wePetroliyam amukele ukufumana isibawo esifakwe ngokwesigaba 15 nofana 16 ngomtlo.

(2) 10Emalangen ama-90 ukusukela elangeni lokugcina wesikhathi lapho iimbawo zithunyelwe khona, umSebenzeli wePetroliyam, njengokuhlathululwe esigabeni 15(1) 25 nofana 16(3), nangokuya ngobujamo, kufanele amukele isibawo sinye esiphumeleleko esizakuragela phambili esibaweni sokugunyazelwa ibhoduloko begodu nangeenkambiso zokubonisana nangabe iimfuneko ezilandelako zanelisiwe:

- (a) Ezihloselwe—
 - (i) isibopho sobuncani bomsebenzi, iinkhathi ezikhambelanako kanye 30 nethemu ede ebonelwe phambili yehlelo lokuzuma ngezikhamba phambili begodu zizakukghonakalisa ukurhatjiswa kokuzuma nokukhiqiza ipetroliyam njengokubonelwe phambili esigabeni 2(j); nofana
 - (ii) irhubhululo ngokudengezela kwephasi kanye nokusebenza ngedatha 35 etholakeleko izakuhloma amatheknoloji athuthukileko, apha umBuso ithuba lokuthola ikhwalithi ephezulu yedatha ngokudengezela kwephasi;
- (b) umfakisibawo unobufakazi obubonakalako bokuba neemali ezaneleko kanye namandla wesithekniki wokwenza ukuhlolwa kwendawo okuhlongozliweko, imisebenzi yokuzuma nofana ukukhiqiza, ngokukhambisana nehlelo 40 lokuhlolwa kwendawo nofana isibopho sobuncani bomsebenzi, nangokuya ngobujamo;
- (c) isibawo sithobeke imigomo nemibandela ehlathululwe ngaphakathi kwesaziso sesimemo; begodu
- (d) umfakisibawo unamandla wokuthobela iinqalelelo ezifaneleko nezibekiweko 45 ezikhambelana nepilo ehle nokuphepha esigabenisithomo sepetroliyam.

Ukurarhwa kweembawo

18. (1) Nangabe umSebenzeli wePetroliyam urarha isibawo esifakwe ngokwesigaba 15 nofana 16, umSebenzeli wePetroliyam kufanele azise umfakisibawo ngomtlo omalungana nesiquanto kanye neenzathu zalokho, emalangen ama-30 wesiquanto. 50

(2) Umuntu ongakaphatheki kuhle ngesiquanto somSebenzeli wePetroliyam esihlathululwe esigatjaneni (1) angazibilayeza ngokukhambisana nesigaba 99.

Ukubonisana nomSebenzeli wePetroliyam nabantu abanetjiskalo nabathintekileko

19. (1) Emalangen ali-14 ukusukela ngelanga ekufunyenwe ngalo isibawo esifakwe 55 ngokwesigaba 15, 16 nofana 38 umSebenzeli wePetroliyam kufanele—

- (a) make known, in the prescribed manner, that an application for a reconnaissance permit or petroleum right has been accepted in respect of the block or blocks in question;
- (b) call upon interested and affected persons to submit their comments and objections regarding the application, within 30 days from the date of the notice, to the Petroleum Agency. 5
- (2) The Petroleum Agency, having regard to the consultation report in respect of the consultation process undertaken by the applicant, may conduct public hearings on the application that has been accepted as contemplated in sections 17, 38(2) and 43(2) within the prescribed period after receiving a consultation report from the applicant. 10
- (3) If a person objects to an application for a reconnaissance permit or petroleum right, the Petroleum Agency—
 - (a) must refer the objection to the Petroleum Development and Environmental Committee to consider the objections and to advise the Minister thereon; and
 - (b) may refer the objection and comments to the applicant to consult with the person objecting and submit the results of the consultation to the Petroleum Agency within 60 days. 15
- (4) Should the consultation contemplated in subsection (3)(b) result in an agreement, such agreement must be reduced to writing and forwarded to the Petroleum Agency for noting and onward transmission to the Petroleum Development and Environmental Committee. 20
- (5) If the applicant and the objecting person fail to reach an agreement, the objection must be referred to the Petroleum Development and Environmental Committee.

Consultation with affected parties by applicant

- 20. (1) The Petroleum Agency must, within 14 days from the date of acceptance of an application lodged in terms of section 15, 16 or 38, notify the applicant in writing to— 25
 - (a) consult in the prescribed manner with the owner, lawful occupier and any affected party;
 - (b) submit the consultation report to the Petroleum Agency, within 60 days from the date of acceptance of the application; and 30
 - (c) where applicable, apply for an environmental authorisation in terms of the National Environmental Management Act.
- (2) The Petroleum Agency must attend consultation processes undertaken by the applicant as contemplated in subsection (1)(a) to ensure that the process is transparent, fair and meaningful. 35
- (3) The applicant must notify the Petroleum Agency, and provide the Petroleum Agency proof in the prescribed manner of steps taken to trace the owner, lawful occupier or successor in title, if the owner or lawful occupier of the land concerned—
 - (a) cannot be readily traced; or
 - (b) is deceased and no successor in title can be readily traced. 40
- (4) The applicant must also publish a notice in a local and national newspaper to trace the owner, lawful occupier or a successor in title.
- (5) The notice referred to in subsection (4) must be published for a period of not less than 30 days.
- (6) Notwithstanding any other law, the Petroleum Agency may, on application in writing from the applicant and on payment of the prescribed application fee, if at the lapsing period contemplated in subsection (5) the owner, lawful occupier or successor in title still cannot be traced— 45
 - (a) grant consent to the applicant to install a notice on a visible place on the land and enter the land to which the application relates; and 50
 - (b) subject the applicant to such other terms and conditions as the Petroleum Agency may determine.

- (a) azise ngendlela ebekiweko, bonyana isibawo semvumo yokuphenya nofana selungelo langokomthetho lepetroliyam samukelwe ngokuphathelene namabloko akhulunywako;
- (b) ameme abantu abanetjisakalo nabathintekileko bonyana bathumele imfakelabo begodu nabaphikisana nakho ngokuphathelene nesibawo kumSebenzeli wePetroliyam, emalangenani ama-30 ukusukela elangenani lesaziso. 5
- (2) Ngokuphathelene nombiko wezokubonisana ephathelene nekambiso yokubonisana eyenziwe mfakisibawo, umSebenzeli wePetroliyam, angabamba ukulalelwa komphakathi malungana nesibawo esamukelweko njengokuhlathulwe eengabeni 17, 38(2) kanye no 43(2) esikhathini esibekiweko ngemva kokufumana umbiko wokubonisana womfakisibawo. 10
- (3) Nangabe umuntu uphikisana nesibawo semvumo yokuhlolwa kwendawo nofana selungelo langokomthetho lepetroliyam, umSebenzeli wePetroliyam—
- (a) kufanele athumele isiphikisweso eKomidini yezokuThuthukiswa kwePetroliyam kanye neBhoduluko bonyana itheje iinghonyilwezo begodu iluleke uNgqongqotjhe ngalokho; begodu 15
- (b) angathumela isinghonyilwe neemfakela kumfakisibawo bonyana abonisane nomuntu ophikisako begodu athumele imiphumela wokubonisanokho kumSebenzeli wePetroliyam emalangenani ama-60. 20
- (4) Nangabe ukubonisana okuhlathulwe esigatjaneni (3)(b) kugcina kusivumelwano, isivumelwanweso kufanele sibe ngomtlo begodu sidluliselwe umSebenzeli wePetroliyam bonyana yazi ngaso begodu ukuya phambili idluliselwe eKomidini yezokuThuthukiswa kwePetroliyam kanye neBhoduluko.
- (5) Nangabe umfakisibawo kanye nomuntu ophikisako bahluleka ukufinyelela isivumelwano, isinghonyilwe kufane sidluliselwe eKomidini yezokuThuthukiswa kwePetroliyam kanye neBhoduluko. 25

Ukubonisana komfakisibawo nabantu abathintekileko

20. (1) Emalangenani ali-14 ukusukela ngelanga lokwamukelwa kwesibawo esifakwe ngokwesigaba 15, 16 nofana 38, umSebenzeli wePetroliyam kufanele azise umfakisibawo ngomtlo— 30
- (a) bonyana babonisane ngendlela ebekiweko nomnikazi, umhlali wangokomthetho kanye nabathintekileko;
- (b) athumele umbiko wokubonisana kumSebenzeli wePetroliyam, emalangenani ama-60 ukusukela ngelanga ekwamukelwe ngalo isibawo; begodu 35
- (c) lapho kufanele khona, afake isibawo sokugunyazelwa ibhoduluko ngokomThetho wezokuLawulwa kweBhoduluko leNarha.
- (2) UmSebenzeli wePetroliyam kufanele akhambise iinkambiso zokubonisana ezenziwa mfakisibawo njengokuhlathulwe esigatjaneni (1)(a) ukwenzela ukuqinisekisa bonyana ikambiso iyakhanyela, ayithathi ihlangothi begodu wePetroliyam ubufakazi ngendlela ebekiweko ngamagadango athethweko ukufumana umnikazi, umhlali wangokomthetho nofana ozokungena esikhundleni ngokomthetho, nangabe umnikazi nofana umhlali wangokomthetho wendawo ekhulunywako—
- (a) akatholakali; nofana
- (b) uhlongakele begodu nozokungena esikhundleni ngokomthetho naye akatholakali, 45
- (4) Umfakisibawo kufanele aphaletjhe isaziso ngaphakathi kwephephandaba lendawo nelenarha ukwenzela ukuzuma umnikazi, umhlali ngokomthetho nofana loyo ozokungena esikhundleni ngokomthetho.
- (5) Isaziso esikhonjwe esigatjaneni (4) kufanele siphablitjhelwe ubude besikhathi obungaphezu kwamalanga ama-30. 50
- (6) Nangaphandle kwananyana ngimuphi umthetho, umSebenzeli wePetroliyam, ngesibawo esimtlo esivela kumfakisibawo begodu nangemva kwembadalo ebekiweko, nangabe ekupheleni kwesikhathi esihlathulwe esigatjaneni (5) umnikazi, umhlali wangokomthetho nofana loyo ozokungena esikhundleni ngokomthetho solo akatholakali— 55
- (a) aphe imvumo kumfakisibawo yokuhloma isaziso endaweni ebonakalako endaweni begodu angene endaweni leyo ayifakele isibawo; begodu
- (b) alayele umfakisibawo imigomo nemibandela ezakubekwa mSebenzeli wePetroliyam. 60

Establishment of Petroleum Development and Environmental Committee

21. The Petroleum Development and Environmental Committee is hereby established.

Functions of Committee

- 22.** The Committee must— 5
- (a) advise the Minister on any objections received pursuant to consultation in terms of sections 19(1)(b) and 20; and
 - (b) make recommendations to the Minister in terms of section 91(5).

Composition of Committee

- 23.** (1) The members appointed to the Committee must have expertise in petroleum environmental management, petroleum resource exploration and production. 10
- (2) The Committee must consist of not more than 14 members appointed by the Minister and must include—
- (a) the Chief Executive Officer of the Petroleum Agency, as chairperson;
 - (b) the relevant Regional Manager; 15
 - (c) the Principal Inspector responsible for upstream petroleum operations; and
 - (d) one representative from each of the departments of Environmental Affairs, Forestry and Fisheries, Human Settlements, Water and Sanitation, Cooperative Governance and Traditional Affairs, Agriculture, Rural Development and Land Affairs and Transport, in the province to which the application relates. 20
- (3) The Minister may appoint a representative from any relevant public entity when necessary.

Disqualification from membership

- 24.** A person may not be appointed as a member of the Committee—
- (a) unless he or she is a South African citizen who resides in the Republic permanently; or 25
 - (b) if he or she—
 - (i) is an unrehabilitated insolvent or has been declared to be of unsound mind by a court of the Republic; or
 - (ii) has been convicted of an offence committed after the date of commencement of the Constitution, and sentenced to imprisonment without the option of a fine, unless the person has received a grant of amnesty or a free pardon before the date of his or her appointment. 30

Vacation of office

- 25.** (1) A member of the Committee must vacate his or her office if he or she— 35
- (a) becomes subject to any disqualification contemplated in section 24 or, in the case of an official in the service of the State, ceases to be such an official;
 - (b) has been absent for more than two consecutive meetings of the Committee without leave of the Committee;
 - (c) tenders his or her resignation in writing to the Minister and the Minister accepts the resignation; or 40
 - (d) is removed from office by the Minister under subsection (2).
- (2) The Minister may remove any member of the Committee from office—
- (a) on account of misconduct or inability to perform the functions of his or her office properly; or 45
 - (b) if the member has engaged in any activity that may undermine the integrity of the Committee, which activities may include—
 - (i) participation in an investigation, hearing or decision concerning a matter in respect of which that person has a financial or personal interest;

Ukuhlonywa kweKomidi yezokuThuthukiswa kwePetroliyam kanye neBhoduluko

21. IKomidi yezokuThuthukiswa kwePetroliyam kanye neBhoduluko ngalokhu iyahlonywa.

Imisebenzi yeKomidi 5

22. IKomidi kufanele—

- (a) iluleke uNgqongqotjhe ngeenghonyayo ezifunyenweko malungana nokubonisana ngokweengaba 19(1)(b) kanye nama-20; begodu
- (b) yenzele noNgqongqotjhe iimphakamiso ngokwesigaba 91(5).

Ukubunjwa kweKomidi 10

23. (1) Amalunga akhethelwe iKomidi kufanele abe zizazi ngezokulawulwa kwebhoduluko lezepetroliyam, ukuzuma nokukhiqiza ipetroliyam.

(2) IKomidi kufanele ibunjwe ngamalunga angadluliko kali-14 akhethwe nguNgqongqotjhe begodu kufanele afake hlangana—

- (a) umPhathi omKhulu womSebenzi wePetroliyam, usihlalo; 15
- (b) umPhathi wesiYingi ofaneleko; 15
- (c) umHloli omKhulu ophathiswe imisebenzi yezesigabasithomo sepetroliyam ; begodu
- (d) nomjameli ovela emnyangweni ngamunye wezeeNdaba zeBhoduluko, amaHlathi neenHlambi, ukuHlaliswa kwabantu, aManzi nokuHlwengeka, ukuBusa ngokuBambisana neeNdaba zeSintu, zokuLima, ukuThuthukiswa kweendawo zemaKhaya neeNdaba zeNarha kanye neenThuthi, esifundeni salapho kufakelwe khona isibawo. 20

(3) UNgqongqotjhe angakhetha umjameli ovela kunanyana ngiyiphi ikhamphani yombuso nakunesidingo. 25

Ukungafaneleki Kobulunga

24. Ukungafaneleki kobulunga Umuntu angekhe akhethwa njengelunga leKomidi—

- (a) ngaphandle kwalapho asisakhamuzi seSewula Afrika esihlala ngaphakathi kweRiphabliki unomphela; nofana 30
- (b) nangabe—
 - (i) uqwila eenkolwedeni nofana umenyezelwe yikhotho yeRiphabliki njengokanzinzi emkhumbulweni; nofana
 - (ii) Ulahlwe licala alenze ngemva kokuthoma ukusebenza komThethosisekelo, begodu apiwe isigwebo sokubotjiswa ngaphandle kwethuba lehlawulo, ngaphandle kwalapho umuntu loyo afumene khona izwelo nofana alitjalelwe khona simahla ngaphamni kwelanga lokukhethwa kwakhe. 35

Ukutjhiya isikhundla

25. (1) Ilunga leKomidi kufanele litjhiye isikhundla salo nangabe— 40

- (a) lifika esigabeni lapho lingasafaneleki khona njengokuhlathulwe esigabeni 24 nofana, ebujaeni besisebenzi somBuso, nalitjhiya phasi isikhundla sokuba sisebenzi;
- (b) lilove emihlanganweni yeKomidi engaphezu kwemibili ngokulandelana nangaphandle kwemvumo yeKomidi; 45
- (c) linikela incwadakhe yokuthokoza umsebenzi kuNgqongqotjhe begodu uNgqongqotjhe nakamukela ukuthokoza isikhundloko; nofana
- (d) nalisuswa esikhundleni nguNgqongqotjhe ngaphasi kwesigatjana (2).

(2) UNgqongqotjhe angasusa nanyana ngiliphi ilunga leKomidi esikhundleni—

- (a) ngesizathu sokungaziphathi kuhle nofana ngokungakghoni ukwenza imisebenzakhe ngendlela efaneleko; nofana 50
- (b) nangabe ilunga libandakanyeka esenzweni esehlisele phasi isithunzi seKomidi, nekuzizenzo ezifaka hlangana—
 - (i) ukubandakanyeka ephenyweni, ekulalelweni nofana esiquntwini esiphathelene nendaba leyo umuntu loyo aneenrhuluphelo zeemali kizo;

- (ii) making private use of, or profiting from, any confidential information obtained as a result of performing his or her functions as a member of the committee; or
- (iii) divulging any information referred to in subparagraph (ii) to any third party, except as required by or under this Act or the Promotion of Access to Information Act. 5

Term of office and filling of vacancies

26. (1) A member of the Committee holds office for a period not exceeding three years.

(2) The Minister may reappoint any member of the Committee at the expiry of his or her term for another period not exceeding three years. 10

(3) If a member of the Committee vacates the office or dies, the Minister must fill the vacancy by appointing a person in accordance with section 23 for the remainder of the term of office of his or her predecessor.

Report of Committee

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27. In addition to any specific report which the Minister may request from the Committee, the Committee must, before 31 March of each year, submit a report to the Minister setting out the activities of the Committee during the year preceding that date and must include a business plan for the ensuing year.

Transferability and encumbrance of petroleum right

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28. (1) A petroleum right or an interest in any such right, or a controlling interest in a company or close corporation, may not be ceded, transferred, let, sublet, assigned, alienated or otherwise disposed of without the written consent of the Minister, except in the case of change of interest in a listed company.

(2) Any person who wishes to apply for the Minister's consent contemplated in subsection (1) must lodge the application— 25

- (a) in the prescribed manner; and
- (b) together with the prescribed non-refundable application fee.

Granting of transfer or encumbrance of petroleum right

29. (1) The Minister must grant the consent referred to in section 28(1) if the cessionary, transferee, lessee, sub-lessee, assignee or person to whom the petroleum right will be alienated or disposed— 30

- (a) is capable of carrying out and complying with the obligations and the terms and conditions of the petroleum right in question; and

- (b) satisfies the requirements contemplated in section 44, as the case may be. 35

(2) The consent contemplated in section 28(1) is not required in respect of the encumbrance by mortgage of a right or interest as security to obtain a loan or guarantee for the purpose of funding or financing an exploration or production project by—

- (a) any bank, as defined in the Banks Act, 1990 (Act No. 94 of 1990); or
- (b) any other financial institution approved for that purpose by the Registrar of Banks referred to in the Banks Act, 1990 (Act No. 94 of 1990), on request by the Minister; or 40

- (ii) nakasebenzisela, nofana nakazihlomulisa, kunanyana ngiliphi ilwazi eliyifihlo elitholakele ngemphumela yangokwemisebenzakhe njengelunga lekomidi; nofana
- (iii) nakambula nanyana ngiliphi ilwazi eliyifihlo elikhonjwe esigatjaneni (ii) kunanyana ngimuphi omunye umuntu wesithathu, ngaphandle kwalapho akhonjelwe khona nofana ngaphasi komThetho lo nofana ngokomThetho wezokuKhuthazwa kweLungelo lokuFumana iLwazi.

Isikhathi sethemu nokuvalwa kweenkhundla zomsebenzi

26. (1) Ilunga leKomidi libasesikhundleni isikhathi esingadluliko eminyakeni emithathu.
- (2) UNgqongqotjhe angakhetha ngobutjha nanyana ngiliphi ilunga leKomidi nakuphela isikhathi sethemu yalo yokuba sesikhundleni ngesinye isikhathi esingadluli iminyaka emithathu.
- (3) Nangabe ilunga leKomidi litjhiya phasi isikhundla nofana liyahlongakala, uNgqongqotjhe kufanele avale isikhundleso ngokukhetha omunye umuntu ngokukhambisana nesigaba 23 ozakubamba isikhathi ebegade sisele sethemu yaloyo azomulama esikhundleni.

Umbiko weKomidi

27. Ukungezelela kunanyana ngimuphi umbiko loyo uNgqongqotjhe angawubawa eKomidini, ngaphambi komhlaka 31 kuNtaka womnyaka ngamunye, iKomidi kufanele ithumele umbiko kuNgqongqotjhe ondlala imisebenzi yeKomidi ngesikhathi somnyaka odlulileko begodu kufanele ufake hlangana nehlelo lebhizinisi lomnyaka olandelako.

Ukudluliseka nokukhandelwa kwelungelo langokomthetho lepetroliyam

28. (1) Ilungelo langokomthetho lepetroliyam nofana inzalo yananyana ngikuphi elungelwenelo, nofana inzalo engaphezulu yokulawula ekhamphanini nofana ekhamphanini yangeqadi, akukafaneli kunikelwe ngelungelo ngokukateleleka, lidluliswe, liqatjhiswe, liphiwe omunye, lihlukaniselwane, nofana lihlahlwe ngaphandle kwemvumo etloliweko kaNgqongqotjhe, nangaphandle kwebujameni lapho kunokutjhoguluka kwenzuzo ekhamphanini erhenyisiweko.
- (2) Nanyana ngimuphi umuntu ofisa ukufaka isibawo semvumo kaNgqongqotjhe ehlathululwe esigatjaneni (1) kufanele afake isibawo—
- (a) ngendlela ebekiweko; begodu
 - (b) nangembadalo ebekiweko engabuyiselwako emuva yesibawo.

Ukuvumela ukudlulisa nofana ukukhanela ilungelo langokomthetho lepetroliyanu

29. (1) UNgqongqotjhe kufanele aphe imvumo ekhonjwe esigabeni 28(1) nangabe onikela ngelungelo ngokukateleleka, odluliselwako, umqatjhiselwa, umqatjhiselwa ongaphasi komqatjhiselwa, onikelwako nofana umuntu loyo ilungelo langokomthetho lepetroliyam lizakuhlukaniselanwa nofana lilahlwe—
- (a) uneqghono lokwenza begodu nokuthobela iimbopho kanye nemigomo nemibandela yelungelo langokomthetho lepetroliyam elikhunywako; begodu
 - (b) uhlangabezana neemfuno ezihlathululwe esigabeni 44, ngokuya ngobujamo.
- (2) Imvumo ehlathululwe esigabeni 28(1) ayifuneki ngokuphathelele nokukhandelwa mbolekisimali welungela nofana inzalo njengesiviko sokuthola isikolodo nofana isiqinisekiso somnqopho wokusizwa ngeemali nofana iimali zephrojekthi yokuzuma nofana ukukhiqiza—
- (a) kwananyana ngiyiphi ibhanga, njengokuhlathululwe ngaphakathi komThetho wezamaBhanga, womnyaka we-1990 (umThetho wama-94 womnyaka we-1990); nofana
 - (b) nanyana ngiliphi elinye iziko lezeemali eliphasiselwe umnqopho womBulungimitlolo wamaBhanga walokho okhonjwe ngaphakathi komThetho wezawamaBhanga, womnyaka we-1990 (umThetho wama-94 womnyaka we-1990), ngesibawo sikaNgqongqotjhe; nofana

- (c) any other institution as requested by the petroleum right holder and approved by the Minister, if the bank, financial institution or any other institution in question undertakes in writing that any sale in execution or any other disposal pursuant to the foreclosure of the mortgage will be subject to the consent in terms of subsection (1). 5

(3) An application for a written consent of the Minister as contemplated in subsection (1) must be finalised within 90 days from the date of receipt.

(4) Any transfer, cession, letting, subletting, alienation, encumbrance by mortgage or variation of a petroleum right, as the case may be, contemplated in this section must be lodged for registration at the Mineral and Petroleum Titles Registration Office within 60 10 days of notarial execution of the relevant deed.

Partitioning of petroleum right

30. (1) A petroleum right may not be partitioned without prior written consent of the Minister.

(2) Any person who wishes to apply for the Minister's consent as contemplated in subsection (1) must lodge the application— 15

- (a) in the prescribed manner;
- (b) accompanied by an application contemplated in section 105 to vary the right and an application for a petroleum right in respect of the area or block that is being partitioned from the existing petroleum right in terms of section 43; and 20
- (c) together with the prescribed non-refundable application fee.

(3) The Minister's consent contemplated in subsection (1) must be granted if the applicant has been granted a petroleum right in respect of the area or block that is being partitioned from the existing petroleum right.

Participation of black persons in petroleum rights 25

31. (1) Every petroleum right must have a minimum of 10 per cent undivided participating interest by black persons.

(2) The black persons' undivided participation interest in a petroleum right contemplated in subsection (1) may be diluted to no less than five per cent, subject to a right of first refusal by the State on terms agreed to with the relevant black person, to any funder or company, regardless of the ownership structure of such a funder or company, for purposes of raising capital subject to section 29. 30

(3) The dilution of black persons' participation contemplated in subsection (2) will not trigger a requirement for the holder of the petroleum right to augment black persons' participation interest to 10 per cent. 35

(4) The holder or an applicant for a petroleum right who is not able to comply with the required black persons' participation interest requirement contemplated in subsection (1) must lodge a request for extension to comply within a period to be determined by the Petroleum Agency.

(5) An application for extension contemplated in subsection (4) must be accompanied 40 by—

- (a) detailed information and proof of inability to secure the required percentage of black participation in the petroleum right;
- (b) full details of potential black persons that were engaged; and
- (c) any other information as may be determined by the Petroleum Agency for 45 purposes of assessing the application.

(6) The Petroleum Agency may grant extension contemplated in subsection (4) for a period not exceeding two years, subject to terms and conditions that must be recorded in the petroleum right.

(c) nanyana ngiliphi iziko njengokwesibawo somnikazi welungelo langokomthetho lepetroliyamu begodu neliphasiswe nguNgqongqotjhe, nangabe ibhanga, iziko lezeemali nofana nanyana ngiliphi iziko elikhulunyiswako owenziwe ngomtlo bonyana nanyana ngikuphi ukuthengiswa nofana nanyana ngikuphi ukulahlwa ngemva kokudliwa kwepahla kuzakulawulwa yimvumo ngokwesigatjana (1). 5

(3) Isibawo semvumo etloliweko kaNgqongqotjhe esigatjaneni (1) kufanele siphethwe emalangenani ama-90 ukusukela ngelange ekwamukelwe ngalo.

(4) Nanyana ngikuphi ukudluliselwa, ukuqedwa, ukuqatjhiswa, ukwabiwa, ukukhandelwa mbolekisimali nofana ukuhluka kwelungelo langokomthetho lepetroliyam, nangokuya ngobujamo, ekuhlathululwe esigabenesi kufanele sifakelwe ukutloliswa e-Ofisini lezokuTloliswa kobuNini bezeNjiwa kanye nePetroliyam emalangenani ama-60 wokuqinisekiswa ligcwetha lezeemvumelwano zomtlolobunikazi. 10

Ukuhlukaniswa kwelungelo langokomthetho lepetroliyam

30. (1) Ilungelo langokomthetho lepetroliyam akukafaneli lihlukaniswe ngaphandle kwemvumo etloliweko kaNgqongqotjhe. 15

(2) Nanyana ngimuphi umuntu ofisa ukufaka isibawo kuNgqongqotjhe semvumo ehlathululwe esigatjaneni (1) kufanele afake isibawo—

(a) ngendlela ebekiweko;

(b) esiphekelelwa sibawo esihlathulwe esigabeni 105 sokuhlukanisa ilungelo kanye nesibawo selungelo langokomthetho lepetroliyam ngokuphathelene nendawo nofana ibloko elihlukanisiweko elungelweni langokomthetho lepetroliyam elikhona ngokwesigaba 43; begodu 20

(c) nangembadalo ebekiweko engabuyiselwako emuva yesibawo.

(3) Imvumo kaNgqongqotjhe ehlathululwe esigatjaneni (1) kufanele siphwe umfakisibawo nangabe umfakisibawo uphiwe ilungelo langokomthetho lepetroliyam ngokuphathelene nendawo nofana ibloko elihlukaniselwe elungelweni langokomthetho lepetroliyam elikhona. 25

Ukubandakanyeka kwabantu abanzima emalungelweni wangokomthetho wepetroliyam 30

31. (1) Loke ilungelo langokomthetho lepetroliyam kufanele libe nobuncani obumaphesende ali-10 angakahlukaniseki wokubandakanya isirhuluphelo sabantu abanzima.

(2) Isirhuluphelo sokubandakanyeka kwabantu abanzima elungelweni langokomthetho lepetroliyam elihlathululwe esigatjaneni (1) lingatjhugululwa libe maphesende angaphezu kwamahlanu, ngokulawulwa lilungelo lokwalelwa kokuthoma mBuso ngemibandela ekuvunyenwe ngayo nabantu abanzima abafaneleko, nananyana ngimuphi umsunguli nofana ikhamphani, nangaphandle kwesakhiwo sobunini babasungulabo nofana ikhamphani, ngeminqopho yokwandisa ihlokomali ngokulawulwa sigaba 29. 35

(3) Ukweliswa kokubandakanyeka kwabantu abanzima okuhlathululwe esigatjaneni (2) angekhe kubangele isifuno somnikazi welungelo langokomthetho lepetroliyam ukwandisa ukubandakanyeka kwabantu abanzima ngenzalo emaphesende ali-10. 40

(4) Umnikazi nofana umfakisibawo welungelo langokomthetho lepetroliyam ongakghoniko ukuthobela iimfuno zenzuzo yokubandakanyeka kwabantu abanzima ekuhlathululwe esigatjaneni (1) kufanele afake isibawo sokulula ukuthobela umthetho esikhathini esibekwe mSebenzeli wePetroliyam. 45

(5) Isibawo sokulula isikhathi esihlathululwe esigatjaneni (4) kufanele sithunyelwe—

(a) ngemininingwana epheleleko kanye nobufakazi bukungakghoni ukufumana amaphesende wokubandakanyeka kwabantu abanzima elungelweni langokomthetho lepetroliyam; 50

(b) imininingwana epheleleko yabantu abanzima abathembisene ukuthathana; begodu

(c) nanyana ngiliphi ilwazi elizakubekwa mSebenzeli wePetroliyam ngokweminqopho yokuhlolisisa isibawo. 55

(6) UmSebenzeli wePetroliyam kufanele avumele ukululwa kwesikhathi okuhlathululwe esigatjaneni (4) isikhathi esingadluliko eminyakeni emibili, ngokulawulwa migomo nemibandela ekufanele irekhodwe ngaphakathi kwelungelo langokomthetho lepetroliyam.

(7) An application for a petroleum right may be granted subject to the provisions of subsections (3), (4) and (5).

Reservation of block or blocks for black persons

32. (1) In order to give effect to the objects referred to in section 2(c) and (d), the Minister may, by notice in the *Gazette*— 5

- (a) reserve a block or blocks for black persons; and
- (b) invite applications for petroleum rights from black persons as contemplated in section 15.

(2) The Minister must grant petroleum rights to black persons subject to compliance with sections 43, 44 and 45 and all other relevant provisions of this Act, including the terms and conditions listed in the notice of invitation for applications published in the *Gazette*. 10

(3) The black persons' participation interest in a petroleum right granted to black persons in respect of a block or blocks contemplated in subsection (1) may be diluted to no less than 30 per cent to any funder or company, regardless of the ownership structure of such funder or company, for purposes of raising capital, subject to section 29. 15

(4) The Minister may, after having invited applications for petroleum rights as contemplated in subsection (1)(b), request any relevant organ of state to assist potential applicants concerned with the application for petroleum rights process, including an application for environmental authorisation, formulation of work commitment for exploration and production phases and any other assistance as may be determined by the relevant organ of state. 20

Exit of black persons from petroleum right

33. Where black persons exit from a specific petroleum right, the empowerment credentials of that specific petroleum right must be recognised for the duration of the petroleum right: Provided that— 25

- (a) black persons have held undivided participating interest for a minimum period equivalent to a third of the duration of the initial term of the production phase of a petroleum right, or a lesser period if paragraph (b) is complied with before the minimum period in this paragraph; 30
- (b) at least 50 per cent net value has vested in black persons;
- (c) an agreement detailing exit mechanisms and black persons' financial obligations is submitted to the Petroleum Agency; and
- (d) the recognition of empowerment credentials may not be claimed or recognised for other petroleum rights or future petroleum right applications. 35

State participation in petroleum rights

34. (1) The State Petroleum Company is designated as a state-owned entity responsible for managing State participation in exploration and production activities through a carried interest in petroleum rights as contemplated in subsections (2) and (3).

(2) The State has a right to a 20 per cent carried interest in petroleum rights, including in both the exploration and production phase. 40

(3) The carrying holder or holders are entitled to recover 50 and 100 per cent of the State's proportionate share of exploration and production costs, respectively.

(7) Isibawo selungelo langokomthetho lepetroliyam singaphiwa ngokulawulwa zinqalelelo zesigatjana (3), (4), kanye (5).

Ukubekelwa ngeqadi kwamabloko wabantu abanzima

32. (1) Ukwenzela ukupha amandla iminqopho ekhonjwe esigabeni 2(c) nese-(d), ngesaziso sangaphakathi kweGazede, uNgqongqotjhe— 5

(a) angabekela ngeqadi amabloko wabantu abanzima; begodu

(b) ameme nabantu abanzima bonyana bafake iimbawo zamalungelo wangokomthetho wepetroliyam njengokuhlathulwe esigabeni 15.

(2) UNgqongqotjhe angapha abantu abanzima amalungelo wangokomthetho wepetroliyam ngokulawulwa kuthotjelwa kweengaba 43, 44 nesama-45 kanye nazo zoke ezinye iinqalelelo ezifaneleko zomThetho lo, ekufaka hlangana imigomo nemibandela erhenyiswe ngaphakathi kwesaziso sesimemo seembawo esiphablitjhe ngaphakathi kweGazede. 10

(3) Isirhuluphelo sokubandakanyeka kwabantu abanzima elungelweni langokomthetho lepetroliyam eliphiwe abantu abanzima ngokuphathelene namabloko ahlathulwe esigatjaneni (1) singehliswa kodwana singabi ngaphasi kwamaphesende ama-30 wananyana ngimuphi umsekelimali nofana ikhamphani, nangaphandle kwesakhiwo sobunini bomsekelimalo nofana ikhamphani, ngeminqopho yokwandisa ikhephithali, nangokulawulwa sigaba 29. 15

(4) Ngemva kokumema iimbawo zamalungelo wangokomthetho wepetroliyam ezihlathulwe esigatjaneni (1)(b), uNgqongqotjhe angabawo nanyana ngisiphi isijamiso sombuso esifaneleko bonyana sisize abafakimbawo abakhulunyiswako ngokufaka isibawo sekambiso yamalungelo wangokomthetho wepetroliyam, ekufaka hlangana isibawo sokugunyazelwa ibhoduluko, ukwakhiwa kwesibopho somsebenzi wesigaba sokuzuma nokukhiqiza begodu nananyana ngiliphi elinye isizo elizakubekwa sijamiso sombuso esifaneleko. 20 25

Ukuphuma kwabantu abanzima elungelweni langokomthetho lepetroliyam

33. Lapho abantu abanzima baphuma khona elungelweni langokomthetho lepetroliyam, iimfanelo zokupha amandla zelungelo langokomthetho lepetroliyam elithileko kufanele litjhejwe ngesikhathi selungelo langokomthetho lepetroliyam: Kwaphela nange— 30

(a) abantu abanzima baba nerhuluphelo yokubandakanyeka ehlahlukanisa phakathi isikhathi sobuncani obungalingana nethemu yesithathu yesikhathi sethemu yokuthoma yesigaba sokukhiqiza selungelo langokomthetho lepetroliyam, nofana isikhathi esifitjhani kunalokho nangabe indima (b) ithotjelwe ngaphambi kwesikhathi sobuncani obusendimeni le; 35

(b) ubuncani bakhona amaphesende ama-50 wenani elipheleleko aphiwe abantu abanzima;

(c) isivumelwano esindlala iindlela zokuphuma kanye neembopho zeemali zabantu abanzima zithunyelwe kumSebenzeli wePetroliyam; begodu 40

(d) ukutjhejwa kweemfanelo zokuphiwa amandla akukafaneli kutleyinywe nofana kutjhejwe amanye amalungelo wangokomthetho wepetroliyam nofana iimbawo zesikhathi esisezako zelungelo langokomthetho lepetroliyam. 45

Ukubandakanyeka komBuso elungelweni langokomthetho wepetroliyam

34. (1) IKhamphani yezePetroliyam yomBuso ikhethwe njengekhamphani elawulwa mbuso ephathiswe zokulawula ukubandakanyeka komBuso emisebenzini yokuzuma nokukhiqiza ngokusebenzisa inzalo eyabiwako ngaphakathi kwamalungelo wangokomthetho wepetroliyam njengokuhlathulwe eengatjaneni (2) nese-(3). 50

(2) UmBuso unelungelo lamaphesende ama-20 wenzalo eyabiwako ngaphakathi kwamalungelo wangokomthetho wepetroliyam, ekufaka hlangana esigabeni sakho kokubili ukuzuma nokukhiqiza. 55

(3) Umnikazi wenzalo eyabiwako nofana abanikazi banelungelo lokufumana amaphesende ama-50 wesabelo somBuso weendleko zokuzuma nokukhiqiza, ngokuhlukana kwazo.

(4) The State's proportionate share of exploration and production costs must, subject to subsection (3), be recoverable from its proportionate share of production or revenue.

(5) The State may elect to take its proportionate share of petroleum production in kind or in cash.

(6) A percentage of the State's annual share of production or revenue, as the case may be, for repayment of its proportionate share of exploration and production development and production costs is as prescribed. 5

(7) Cost recovery rules that govern the recovery of exploration and production costs as contemplated in subsection (3) are as prescribed, and to the extent necessary, further amplified in the terms and conditions of the petroleum right. 10

(8) The State Petroleum Company must enter into a joint operating agreement with the holder or become a party to an existing joint operating agreement and appoint a minimum of two or more representatives to the joint operating committee of the exploration or production operation to represent the State.

(9) The State Petroleum Company is entitled to full participation, including corresponding percentage of voting rights as determined in the joint operating agreement. 15

Development of petroleum resources to advance national developmental imperatives

35. (1) In order to give effect to the objects referred to in section 2, the Minister may, by notice in the *Gazette*, reserve a block, part of a block or blocks in an open area for purposes of advancing national developmental imperatives. 20

(2) In order to advance national developmental imperatives, the Minister may, in respect of a reserved block, part of a block or blocks as contemplated in subsection (1) issue a directive to the State Petroleum Company to— 25

- (a) carry out, on behalf of the State, any reconnaissance operations, exploration or production operations on its own or with any other person; or
- (b) obtain the services of an exploration and production company or service company on a risk service model to undertake operations in the reserved block or blocks as contemplated in paragraph (a), subject to terms and conditions to be approved by the Petroleum Agency. 30

(3) The State Petroleum Company may, for purposes of undertaking operations in a reserved block or blocks with any other person as contemplated in subsection (2)(a), dilute its participation interest to no less than 40 per cent, provided that it will still remain the majority holder, subject to section 29. 35

(4) The State Petroleum Company must, for purposes of subsection (2), be deemed to be a holder of a petroleum right.

(5) Notwithstanding the provisions of subsection (4), and unless indicated otherwise in this Act, the State Petroleum Company is subject to all other provisions of this Act and must— 40

- (a) apply for an environmental authorisation in terms of the National Environmental Management Act;
- (b) where applicable, apply for a water use licence in terms of the National Water Act;
- (c) consult with interested and affected parties as contemplated in section 19; and 45
- (d) submit minimum exploration and production work commitment and annual work commitment for approval by the Petroleum Agency.

(6) The State Petroleum Company is exempt from a black persons' participation requirement as contemplated in section 31.

(4) Isabelo esilinganisiweko sombuso seendleko zokuzuma nokukhiqiza, ngokulawulwa sigatjana (3), kufanele sitholakale emalini esilinganiso sesabelo sokukhiqiza nengeniso.

(5) UmBuso ungakhetha ukuthatha ingcenywe yawo yesabelo esilinganisiweko yomkhiqizo wepetroliyam ngesihle nofana ngekhethi. 5

(6) Amaphesende wezabelo zaqobe mnyaka zomBuso zomkhiqizo nofana ingeniso, ngokuya ngobunjalo bobujamo, zokubhadlwa kwesilinganiso sesabelo sokuthuthukisa ukuzuma nokukhiqiza kanye neendleko zokukhiqiza zingendlela ebekiweko.

(7) Imithetho yeendleko zokufumana elawula ukutholakala kweendleko zokuzuma nokukhiqiza ezihlathululwe esigatjaneni (3) zingendlela ebekiweko, begodu zinabisa ukuya phambili ngokwemigomo nemibandela yelungelo langokomthetho lepetroliyam. 10

(8) IKhamphani yezePetroliyam yomBuso inganelela ihlanganyela yesivumelwano nomnikazi nofana ibe yingcenywe yehlanganyela yemvomo yezokusebenza begodu ingakhetha abajameli abangaba babili nofana ngaphezulu ekomidi yehlanganyela yokusebenza umsebenzi wezokuzuma nofana ukukhiqiza bonyana bajamele umBuso. 15

(9) IKhamphani yezePetroliyam yomBuso inelungelo lokuzibandakanya, ekufaka hlangana ukuhlanganisa amaphesende wamalungelo wokuvowuda njengokundlalwe ngaphakathi kwesivumelwano sezehlanganyela yokusebenza.

Ukuthuthukiswa kwemikhiqizo yepetroliyam ukwenzela ukuthuthukisa iimbopho zesitjhaba 20

35. (1) Ukwenzela ukupha amandla iminqopho ekhonjwe esigabeni 2, ngokusebenzisa isaziso sangaphakathi kweGazede, uNgqongqotjhe angabekela ngeqadi ibloko nofana ingcenywe yamabloko endaweni evulekileko ngeminqopho yezokuthuthukisa okuziimfuno zenarha. 25

(2) Ukwenzela ukuthuthukisa okuziimfuno zenarha, nangokuphathelele nebloko elibekelwe ngeqadi, ingcenywe yamabloko njengokuhlathululwe esigatjaneni (1), uNgqongqotjhe angakhuphela iKhamphani yezePetroliyam yomBuso umlayo—

(a) wokwenzela umbuso, nanyana ngimiphi imisebenzi yokuhlolwa kwendawo, imisebenzi yokuzuma nofana imisebenzi yokukhiqiza ngokwayo nofana nananyana ngimuphi omunye umuntu; nofana 30

(b) wokuthola iinsiza zekhamphani zokuzuma nokukhiqiza nofana ikhamphani yezenzelwa ngokuphathelele nemodeli yezengozi yokwenza imisebenzi eseblokweni elibekelwe ngeqadi njengokuhlathululwe endimeni (a), ngokulawulwa migomo nemibandela ephasiswe mSebenzeli wePetroliyam. 35

(3) IKhamphani yezePetroliyam yomBuso, ngokweminqopho yokwenza imisebenzi ebekwelwe amabloko nananyana ngimuphi omunye umuntu njengokuhlathululwe esigatjaneni (2)(a), ingehlisa inzuzo yezokubandakanyeka bonyana ingabi ngaphasi kwamaphesende ama-40, kwaphela nange izakuba mnikazi wamaphesende amanengi, ngokulawulwa sigaba 29. 40

(4) IKhamphani yezePetroliyam yomBuso, ngokweminqopho yesigatjana (2), kufanele ithathwe njengomnikazi welungelo langokomthetho lepetroliyam.

(5) Nangaphandle kweenqalelelo zesigatjana (4), nangaphandle kwalapho kutshwaywe khona ngendlela ehlukileko ngaphakathi komThetho lo, iKhamphani yezePetroliyam yomBuso ilawulwa ngizo zoke iinqalelelo zangaphakathi komThetho lo begodu— 45

(a) kufanele ifake nesibawo sokugunyazelwa ibhoduluko ngokomThetho wezokuLawulwa kweBhoduluko leNarha;

(b) lapho kufuneka khona, ifake isibawo selayisensi yezokusebenzisa amanzi ngokomThetho wezaManzi weNarha; 50

(c) ibonisane neenhlangothi ezinetyisakalo kanye nezithintekileko njengokuhlathululwe esigabeni 19; begodu

(d) ithumele ubuncani besibopho somsebenzi wokuzuma nokukhiqiza kanye nesibopho somsebenzi waqobe mnyaka bonyana siphasiswe mSebenzeli wePetroliyam. 55

(6) IKhamphani yezePetroliyam yomBuso inelungelo elikhethekileko lesifuno sokubandakanyeka kwabantu abanzima njengokuhlathululwe esigabeni 31.

Strategic stock obligations

36. (1) A petroleum right holder must sell a percentage of petroleum at the prevailing market price to the State Petroleum Company or any other state-owned entity designated by the Minister to meet the State's strategic stock requirements, subject to terms and conditions to be agreed upon. 5
- (2) The percentage of petroleum that must be sold by the holder to meet the State's strategic stock requirements as contemplated in subsection (1) will be determined by the State Petroleum Company or any other state-owned entity designated by the Minister.
- (3) The terms and conditions for the sale of petroleum as contemplated in subsection (1), including the determination of the prevailing market price, must be agreed upon between the holder and the State Petroleum Company or any other state-owned entity designated by the Minister. 10
- (4) If the parties are unable to reach an agreement as contemplated in subsection (3), the dispute must be referred to arbitration as provided for in the petroleum right.
- (5) If the parties are able to reach an agreement as contemplated in subsection (3), such an agreement must be annexed to the petroleum right. 15
- (6) Failure by the holder of a petroleum right to adhere to the agreement annexed to the petroleum right as contemplated in subsection (5) constitutes a breach of the terms and conditions of the petroleum right.

Open licensing round 20

37. (1) Notwithstanding the provisions of section 15 the Minister may, by notice in the *Gazette*, invite open applications for petroleum rights in respect of a block or blocks indicated in such a notice.
- (2) The notice of invitation contemplated in subsection (1) must indicate the time frames within which applications must be lodged. 25
- (3) An application received in terms of subsection (1) must be processed in terms of sections 38 and 43.
- (4) If the Petroleum Agency receives more than one application for a petroleum right in respect of the same block or blocks, applications received on—
- (a) the same day must be regarded as having been received at the same time and must be dealt with in accordance with subsection (5); or 30
- (b) different days must be dealt with in order of receipt.
- (5) When the Minister considers applications received on the same day, he or she must give preference to applications from black persons.
- (6) The block or blocks in respect of technical co-operation permits or exploration rights granted prior to the commencement of this Act will not be subject to the publication of a notice of invitation by the Minister as contemplated in subsection (1) and section 15. 35

Application for reconnaissance permit

38. (1) Notwithstanding the provisions of sections 15 and 37, any person may, at any given time, lodge an application for a reconnaissance permit to acquire seismic data— 40
- (a) in the prescribed manner; and
- (b) together with the prescribed non-refundable application fee.
- (2) The Petroleum Agency must, within 14 days of receipt of the application, accept an application for a reconnaissance permit if— 45

Iimbopho zesitoko esiliqhinga nesigade isimetjhe

36. (1) Umnikazi welungelo langokomthetho lepetroliyam kufanele athengisele iKhamphani yezePetroliyam yomBuso nofana nananyana ngiyiphi ikhamphani yomBuso ekhethwe nguNgqongqotjhe ukwenzela ukuhlangabezana neemfuno zomBuso zesitoko esiliqhinga nesigade isimetjhe ngentengo yemakethe ephambili, nangokulawulwa migomo nemibandela ekuvunyelenwe ngayo. 5

(2) Amaphesende wezepetroliyam ekufanele athengise mnikazi ukwenzela ukuhlangabezana neemfuneko zomBuso zesitoko esiliqhinga nesigade isimetjhe njengokuhlathululwe esigatjaneni (1) azakubekwa yiKhamphani yezePetroliyam yomBuso nofana ngananyana ngiyiphi ikhamphani yomBuso ekhethwe nguNgqongqotjhe. 10

(3) Imigomo nemibandela yokuthengiswa kwepetroliyam njengokuhlathululwe esigatjaneni (1), ekufaka hlangana ukubekwa kwentengo yemakethe ephambili, kufanele kuvunyelwane ngakho phakathi komnikazi kanye neKhamphani yezePetroliyam yomBuso nofana nananyana ngiyiphi enye ikhamphani yomBuso ekhethwe nguNgqongqotjhe. 15

(4) Nangabe iinhlango ezibandakenyakako azikghoni ukufinyelela isivumelwano njengokuhlathululwe esigatjaneni (3), kuzakufanele kudluliselwe umbango loyo ebandleli elilamulako njengokuqalelwe ngaphakathi kwelungelo langokomthetho lepetroliyam. 20

(5) Nangabe amalunga abandakanyekako akakghoni ukufinyelela isivumelwano njengokuhlathululwe esigatjaneni (3), isivumelwaneso kufanele sifakwe ngaphakathi kwelungelo langokomthetho lepetroliyam.

(6) Ukuhlulela komnikazi welungelo langokomthetho lepetroliyam ukuthobela isivumelwano esifakwe ngaphakathi kwelungelo langokomthetho lepetroliyam njengokuhlathululwe esigatjaneni (5) kuzakuthathwa njengokuphulwa kwemigomo nemibandela yelungelo langokomthetho lepetroliyam. 25

Ukuvulwa komzombe welayisensi

37. (1) Nangaphandle kweenqalelelo zesigaba 15, nangesaziso sangaphakathi kweGazede, uNgqongqotjhe angamema iimbawo ezivulekileko zamalungelo wangokomthetho wepetroliyam ngokuphathelele namabloko atshwaywe ngaphakathi kwesazisweso. 30

(2) Isaziso sokumema esihlathululwe esigatjaneni (1) kufanele sitshwaye iphahla lesikhathi lapho ekufanele iimbawo zithunyelwa ngaso.

(3) Isibawo esifunyenwe ngokwesigatjana (1) kufanele sisetjenzwe ngokweengaba 35 nesama-43.

(4) Nangabe umSebenzeli wePetroliyam ufumana isibawo esingaphezu kwesisodwa selungelo langokomthetho lepetroliyam ngokuphathelele nebloko eyodwa, iimbawo ezifunyenwe—

(a) ngelanga linye kufanele zithathwe njengezifunyenwe ngesikhathi esifaneke begodu kufanele kusetjenzwe ngazo ngokukhambisana nesigatjana (5); nofana 40

(b) emalangeneni angafaniko kufanele kusetjenzwe ngazo ngokuya ngeenkathi ezifike ngazo.

(5) Lokha uNgqongqotjhe nakatjheja iimbawo ezifunyenwe ngelanga elilodwa, kufanele abekele phambili iimbawo zabantu abanzima. 45

(6) Amabloko aphathelele neemvumo zokusebenzisana ngokwetheknikhali nofana zamalungelo wokuzuma apiwe ngaphambi kokuthoma ukusebenza komThetho lo azikazokulawulwa kuphablitjhwa kwesaziso sesimemo sikaNgqongqotjhe njengokuhlathululwe esigatjaneni (1) nesigaba 15. 50

Isibawo semvumo yokuhlolwa kwendawo

38. (1) Nangaphandle kweenqalelelo zeengaba 15 nesama-37, nanyana ngimuphi umuntu, kunanyana ngisiphi isikhathi, ofaka isibawo semvumo yokuhlolwa kwendawo yokufuna idatha ngokudengezela kwephasi—

(a) ngendlela ebekiweko; begodu 55

(b) nangokwembadelo ebekiweko nengabuyiselwako emuva.

(2) Emalangeneni ali-14 ngemva kokufumana isibawo, umSebenzeli wePetroliyam kufanele amukele isibawo semvumo yokuhlolwa kwendawo nangabe—

- (a) the requirements contemplated in subsection (1) are met;
- (b) no other person holds a technical co-operation permit, exploration, production or petroleum right over the same block or blocks.

(3) The Petroleum Agency may accept an application for a reconnaissance permit over any part of an area subject to a technical co-operation permit, exploration, production or petroleum right, subject to the applicant furnishing written consent from the holder of a technical co-operation permit, exploration, production or petroleum right, as the case may be, giving the Petroleum Agency consent to accept and process the application. 5

(4) Notwithstanding the provisions of subsections (2)(b) and (3), the Petroleum Agency may accept and process an application for a reconnaissance permit over an area encumbered by a permit or a right if the proposed seismic data acquisition will promote and facilitate the acquisition of petroleum geo-technical data as contemplated in section 2(l). 10

(5) If the application does not comply with the requirements of this section, the Petroleum Agency must notify the applicant in writing within 14 days of receipt of the application and provide reasons. 15

(6) If the Petroleum Agency accepts the application, it must, within 14 days of receipt of the application, only if the proposed reconnaissance operations do not involve space-borne or air-borne instruments operating at altitudes greater than 100 metres, notify the applicant in writing to— 20

- (a) consult in the prescribed manner with the owner, lawful occupier and any affected party;
- (b) submit the consultation report to the Petroleum Agency, within 60 days from the date of acceptance; and 25
- (c) where applicable, apply for an environmental authorisation in terms of the National Environmental Management Act.

(7) The Petroleum Agency must attend the consultation process contemplated in subsection (6)(a) to ensure that the consultation process is undertaken in a transparent, fair and meaningful manner. 30

Granting and duration of reconnaissance permit

39. (1) Subject to subsection (4), the Minister must grant a reconnaissance permit if—

- (a) the applicant has access to financial resources and has the technical ability to conduct the proposed reconnaissance operation;
- (b) the estimated expenditure is compatible with the intended reconnaissance operation and duration of the reconnaissance programme; 35
- (c) the environmental authorisation, where necessary, has been granted;
- (d) the applicant has the ability to comply with the relevant provisions of the applicable legislation regulating upstream petroleum health and safety; and
- (e) the applicant is not in contravention of any relevant provision of this Act. 40

(2) The Minister must refuse to grant a reconnaissance permit if the application does not meet all the requirements contemplated in subsection (1).

(3) If the Minister refuses to grant a reconnaissance permit, the Minister must, within 30 days of the decision, in writing notify the applicant of the decision and the reasons therefor. 45

(4) A reconnaissance permit granted in terms of subsection (1) is—

- (a) subject to the prescribed terms and conditions;
- (b) valid for a period indicated in section 14;
- (c) not transferable; and
- (d) not renewable. 50

- (a) sihlangebeze neemfuno ezihlathululwe esigatjaneni (1);
- (b) akekho omunye umuntu ophethe imvumo yezokusebenzisana ngokwetheknikhali, ukuzuma, ukukhiqiza nofana yelungelo langokomthetho lepetroliyam lamabloko afanako.
- (3) UmSebenzeli wePetroliyam angamukela isibawo semvumo yokuhlolwa kwendawo sananyana ngiyiphi enye indawo ngokulawulwa yimvumo yezokusebenzisana ngokwetheknikhali, ukuzuma, ukukhiqiza nofana ilungelo langokomthetho lepetroliyam, ngokulawulwa kukuthi umbawo aphe imvumo ngomtlo evela kumnikazi wemvumo yezokusebenzisana ngokwetheknikhali, ukuzuma, ukukhiqiza, nofana ilungelo langokomthetho lepetroliyam, nangokuya ngobunjalo bobujamo, ngokupha imvumo kumSebenzeli wePetroliyam bonyana amukele begodu isebenze ngesibawo. 5
- (4) Nangaphandle kweenqalelelo zeengatjana (2)(b) nese-(3), umSebenzeli wePetroliyam angamukela bekasebenze ngesibawo semvumo yokuhlolwa kwendawo ekhandelwe ngemvumo nofana ngelungelo nangabe ukutholakala kwedatha ngokudengezela kwephasi kuzakukhuthaza begodu kukghonakalise ukufumaneka kwedatha yesayensi yokuhlela nokwakha yepetroliyam njengokuhlathululwe esigabeni 2(l). 15
- (5) Nangabe isibawo asithobeli iimfuno zesigabesi, umSebenzeli wePetroliyam kufanele azise umbawo ngomtlo emalangeneni ali-14 ngemva kokufumana isibaweso begodu amuphe neenzathu. 20
- (6) Nangabe umSebenzeli wePetroliyam wamukela isibawo, emalangeneni ali-14 ngemva kokufumana isibawo, kwaphela nangabe imisebenzi ehlongoziweko yokuhlolwa kwendawo ayibandakanyi iinsetjenziiswa zokusebenza ezikhamba ngaphakathi nofana emoyeni esiphakamenilwandle ngobukhulu obumamitha ama-100, kufanele azise umbawo ngomtlo— 25
- (a) ukubonisana ngendlela ebekiweko nomnikazi, umhlali wangokomthetho kanye nananyana ngubani omunye othintekileko;
- (b) athumela umbiko wokubonisana nomSebenzeli wePetroliyam, emalangeneni ama-60 ukusukela elangeneni ekufunyenwe ngalo isibawo; begodu 30
- (c) laphe kufanele khona, ukufaka isibawo sokugunyazelwa ibhoduluko ngokomThetho wezokuLawulwa kweBhoduluko leNarha.
- (7) UmSebenzeli wePetroliyam kufanele akhambale ikambiso yezokubonisana ehlahululwe esigatjaneni (6)(a) ukwenzela ukuqinisekisa bonyana ikambiso yokubonisana yenziwa ngokukhanyela, ingathathi ihlangothi nenomrhula. 35

Ukuvunyelwa nobude besikhathi semvumo yokuhlolwa kwendawo

39. (1) Ngokulawulwa sigatjana (4), uNgqongqotjhe kufanele aphe imvumo yokuhlolwa kwendawo nangabe—
- (a) umbawo ukhombise ngokwaneleko ukuba neensetjenziiswa zeemali kanye namandla wezobuthetnikhi wokwenza umsebenzi wokuhlolwa kwendawo ohlongoziweko; 40
- (b) isilinganiso seendleko esikhambisana nomsebenzi wokuhlolwa kwendawo ohlosiweko kanye nobude besikhathi sehlelo lokuhlolwa kwendawo;
- (c) ukugunyazwa kwebhoduluko, laphe kudingeka khona, nasivunyelweko; 45
- (d) umbawo unamandla wokuthobela iinqalelelo ezifaneleko zomthetho osebenzako nolawulwa ipilo ehle nokuphepha esigabenisithomo sepetroliyam; begodu
- (e) nombawo nakangaphuli nanyana ngisiphi isiqalelelo somThetho lo.
- (2) UNgqongqotjhe kufanele ararhe isibawo semvumo yokuhlolwa kwendawo nangabe isibaweso asihlangabezani nazo zoke iimfuno ezihlathululwe esigatjaneni (1). 50
- (3) Nangabe uNgqongqotjhe urarha imvumo yokuhlolwa kwendawo, emalangeneni ama-30 wesiquntweso, uNgqongqotjhe kufanele azise umbawo ngomtlo malungana nesiqukto kanye neenzathu zaso.
- (4) Imvumo yokuhlolwa kwendawo ephiwe ngokwesigatjana (1)—
- (a) ilawulwa migomo nemibandela ebekiweko; 55
- (b) isebenza ubude besikhathi esitshwaywe ngaphakathi kwesigaba 14;
- (c) ayidluliselwana; begodu
- (d) ayivuselelwa.

(5) Notwithstanding the provisions of section 38(3), the Minister may grant a reconnaissance permit over an area subject to existing technical co-operation permit, exploration, production or petroleum right—

- (a) after consultation with the holder of the permit or right in question;
- (b) on condition that the reconnaissance activities do not unreasonably interfere with the activities of the holder; 5
- (c) subject to terms and conditions to be agreed upon between the Petroleum Agency and the applicant; and
- (d) if the granting will promote and facilitate the acquisition of petroleum geo-technical data as contemplated in section 2(l). 10

Rights of reconnaissance permit holder

40. (1) The holder of a reconnaissance permit has—

- (a) the right to conduct reconnaissance operations in the reconnaissance area; and
- (b) an exclusive right to market any data acquired under the reconnaissance permit for a maximum period of 10 years, which period must be reckoned from the date of lapsing of the permit. 15

(2) The exclusive right to market data as contemplated in subsection (1) is subject to the terms and conditions of the exclusive agreement to be agreed upon between the Petroleum Agency and the holder.

Obligations of reconnaissance permit holder

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41. The holder of a reconnaissance permit must—

- (a) actively conduct reconnaissance operations in respect of petroleum on the reconnaissance area in accordance with the reconnaissance programme;
- (b) comply with the terms and conditions of the reconnaissance permit, relevant provisions of this Act, and any other applicable law; 25
- (c) comply with the approved environmental authorisation;
- (d) pay the prescribed reconnaissance fees to the Petroleum Agency;
- (e) submit a reconnaissance permit for recording at the Mineral and Petroleum Titles Registration Office;
- (f) commence with reconnaissance activities within 90 days from the date of notarial execution of the reconnaissance permit or such extended period as the Petroleum Agency may authorise; and 30
- (g) submit such information, data, reports and interpretations to the Petroleum Agency as may be prescribed.

Notarial execution of permit, right or deed of amendment

35

42. (1) A holder of a permit or a right granted in terms of this Act must notarially execute—

- (a) a permit, right or deed of renewal of a retention permit within 30 days from the date of notification of the outcome of the application by the Petroleum Agency; and 40
- (b) a deed of amendment of the right after obtaining permission from the Petroleum Agency to move to the next term or phase under the petroleum right within 30 days from the date of notification by the Petroleum Agency.

(2) A holder of a permit or a right may apply in the prescribed manner to the Petroleum Agency for an extension of a further 30 days for the notarial execution of a permit, right or deed of amendment, as the case may be, if there are circumstances that make it impossible for the permit or right to be notarially executed within the 30 days contemplated in subsection (1). 45

(5) Nangaphandle kweenqalelelo zesigaba 38(3), uNgqongqotjhe angapha imvumo yokuhlolwa kwendawo endaweni ngokulawulwa kukuba khona kwemvumo yezokusebenzisana ngokwetheknikhali, ukuzuma, ukukhiqiza nofana ilungelo langokomthetho lepetroliyam—

- (a) ngemva kokubonisana nomnikazi wemvumo nofana welungelo elikhulunyiswako; 5
- (b) ngombandela wokuthi imisebenzi yokuhlolwa kwendawo ayithikazisi imisebenzi yomnikazi;
- (c) ngokulawulwa migomo nemibandela ekuzakuvunyelwana ngayo phakathi komSebenzeli wePetroliyam kanye nombaw; begodu 10
- (d) nangabe ukuvunyokho kuzakukhuthaza begodu kukghonakalise ukufumaneka kwedatha yesayensi yokuhlela nokwakha yepetroliyam njengokuhlathululwe esigabeni 2(l). 10

Amalungelo womnikazi wemvumo yokuhlolwa kwendawo

- 40. (1) Umnikazi wemvumo yokuhlolwa kwendawo— 15
 - (a) unelungelo lokwenza imisebenzi yokuhlolwa kwendawo endaweni ehlokwako; begodu
 - (b) unelungelo elikhethekileko lokumaketha nanyana ngiyiphi idatha ngaphasi kwemvumo yokuhlolwa kwendawo ubude besikhathi esiminyaka eli-10, nekububude besikhathi ekufanele buthume ngelanga lokuphela kwemvumo. 20
- (2) Ilungelo elikhethekileko lokumaketha idatha njengokuhlathululwe esigatjaneni
- (1) lilawulwa migomo nemibandela yesivumelwano esikhethekileko ekuzakuvunyelwana ngaso phakathi komSebenzeli wePetroliyam kanye nomnikazi.

Iimbopho zomnikazi wemvumo yokuhlolwa kwendawo

- 41. Umnikazi wemvumo yokuhlolwa kwendawo kufanele— 25
 - (a) enze imisebenzi yokuhlolwa kwendawo ngokuphathelele nepetroliyam endaweni ehlokwako ngokukhambisana nehlelo lokuhlolwa kwendawo;
 - (b) athobele imigomo nemibandela yemvumo yokuhlolwa kwendawo, iinqalelelo ezifaneleko zomThetho lo, kanye nananyana ngimuphi umthetho ofaneleko;
 - (c) athobele ukugunyazwa kwebhoduluko okuphasisiweko; 30
 - (d) abhadale iimbadalo ezibekiweko zokuhlolwa kwendawo zomSebenzeli wePetroliyam;
 - (e) athumele imvumo yokuhlolwa kwendawo bonyana iyokurekhodwa e-Ofisini lezokuTloliswa kokuNini bezeNjiwa kanye nePetroliyam;
 - (f) athome ngemisebenzi yokuhlolwa kwendawo emalangenani ama-90 ukusukela ngelanga lokuqinisekiswa ligcwetha lezeemvumelwano kwemvumo yokuhlolwa kwendawo nofana ngesikhathi esiluliweko ngokugunyazwa mSebenzeli wePetroliyam; begodu 35
 - (g) athumele ilwazelo, idatha, imibiko kanye neenhlathululo zomSebenzeli wePetroliyam ngokuya ngendlela ebekiweko. 40

Ukuqinisekiswa ligcwetha lezeemvumelwano kwemvumo, ilungelo isikhibelelo somtlolobunikazi

- 42. (1) Umnikazi wemvumo nofana welungelo eliphiwe ngokomThetho lo kufanele aqinisekise ngokomthetho—
 - (a) imvumo, ilungelo nofana ukuvuselelwa kwencwadibunikazi yemvumo yokugodla emalangenani ama-30 ukusukela ngelanga lesaziso somphumela wesibawo somSebenzeli wePetroliyam; begodu 45
 - (b) isikhibelelo sencwadibunikazi selungelo ngemva kokuthola imvumo yomSebenzeli wePetroliyam bonyana adlulele ethemini elandelako nofana esigabeni esingaphasi kwelungelo langokomthetho lepetroliyam emalangenani ama-30 ukusukela ngelanga lesaziso somSebenzeli wePetroliyam. 50
- (2) Umnikazi wemvumo nofana welungelo angafaka isibawo ngendlela ebekiweko kumSebenzeli wePetroliyam bonyana ingezelele amalanga nangamanye ama-30 wokuqinisekiswa ligcwetha lezeemvumelwano kwemvumo, ilungelo nofana isikhibelelo somtlolobunikazi, nangokulawulwa kunjalo besimo, nangabe kunezimo ezikhandela bonyana imvumo nofana ilungelo lisetjenziswe ngokomthetho emalangenani ama-30 ahlathululwe esigatjaneni (1). 55

(3) A permit or a right, including a right in respect of a deed of amendment not notarially executed within the time-frames provided for in subsections (1) and (2), lapses and the block or blocks in question revert to the State.

(4) A deed of renewal of a retention permit that has not been notarially executed as provided for in subsections (1) and (2) lapses and the holder of a petroleum right that relates to the lapsed retention permit must, within 60 days from the notification by the Petroleum Agency, apply for approval to progress to the production phase as contemplated in section 58(1), failing which the petroleum right also lapses. 5

(5) The Petroleum Agency must notify the holder of a permit or a right that has lapsed as contemplated in subsections (3) and (4). 10

(6) Where an appeal against the granting of the petroleum right or the approval of the environmental authorisation has been lodged within the prescribed period, the notarial deed of granting may not be notarially executed until such appeal has been finalised.

Application for petroleum right

43. (1) Any person who applies for a petroleum right must, subject to sections 15 and 37, lodge the application— 15

- (a) in the prescribed manner; and
- (b) together with the prescribed non-refundable application fee.

(2) The Petroleum Agency must, within 14 days of receipt of the application, accept an application for a petroleum right if— 20

- (a) no other person holds a technical co-operation permit, exploration, production or petroleum right for petroleum over the same block or blocks applied for;
- (b) the requirements contemplated in subsection (1) are met; and
- (c) no prior application for a technical co-operation permit, exploration, production or petroleum right over the same block or blocks applied for, has been accepted. 25

(3) If the application does not comply with the requirements of this section, the Petroleum Agency must notify the applicant in writing within 14 days of receipt of the application and provide reasons therefor.

(4) If the Petroleum Agency accepts the application, the Petroleum Agency must, within 14 days of receipt of the application, notify the applicant in writing to— 30

- (a) consult in the prescribed manner with the owner, lawful occupier and any affected party;
- (b) submit the consultation report to the Petroleum Agency, within 60 days from the date of acceptance; 35
- (c) apply for an environmental authorisation in terms of the National Environmental Management Act; and
- (d) where applicable, apply for a water use licence in terms of the National Water Act.

(5) The Petroleum Agency must attend the consultation process as contemplated in subsection (4)(a) to ensure that the consultation process is undertaken in a transparent, fair and meaningful manner. 40

Granting and duration of petroleum right

44. (1) The Minister must grant a petroleum right if—

- (a) the applicant has proven access to financial resources and has the technical ability to conduct the proposed exploration operation optimally in accordance with the exploration work commitment for the initial term; 45
- (b) the estimated expenditure is compatible with the intended minimum exploration commitment for the initial term;
- (c) the application and associated proposed terms and conditions will result in the achievement of the objects referred to in section 2; 50

(3) Imvumo nofana ilungelo, ekufaka hlangana ilungelo eliphathelene nesikhabelelo nencwadibunikazi engakasetjenziswa ngokomthetho esikhathini esiqalelelwe eengatjaneni (1) nese-(2), ziphelelwa sikhathi begodu amabloko akhulunyiswako azakubuyela ngaphasi komBuso.

(4) Incwadibunikazi yokuvuselela imvumo yokugodla engakasetjenziswa ngokomthetho njengokuqalelelwe eengatjaneni (1) nese-(2) iphelelwa sikhathi begodu umnikazi welungelo langokomthetho lepetroliyam elikhambisana nokuphelelwa sikhathi kwemvumo yokugodla, emalangeneni ama-60 ukusukela ngelanga lesaziso somSebenzeli wePetroliyam, angafaka isibawo sokuvunyelwa ukudlulela ukudlulela esigabeni sokukhiqiza njengokuhlathululwe esigabeni 58(1), nange ahluleka ukwenza njalo, ilungelo langokomthetho lepetroliyam lizakuphelelwa sikhathi. 10

(5) UmSebenzeli wePetroliyam kufanele azise umnikazi wemvumo nofana welungelo bonyana liphelelwe sikhathi njengokuhlathululwe eengatjaneni (3) nese-(4).

(6) Lapho ukuvunyelwa kwelungelo langokomthetho lepetroliyam nofana ukugunyazwa kwebhodululo kufakelwe isibilayezo ngesikhathi esibekiweko, incwadibunikazi yangokomthetho yokuvunyelwa leyo akukafaneli isetjenziswe ngokomthetho ukufikela lapho iphethwa khona. 15

Isibawo selungelo langokomthetho lepetroliyam

43. (1) Nanyana ngimuphi umuntu ofaka isibawo selungelo langokomthetho lepetroliyam, kufanele afake isibawo ngokulawulwa ziingaba 15 nesama-37— 20

(a) ngendlela ebekiweko; begodu

(b) nangembadalo ebekiweko engabuyiselwako emuva yesibawo.

(2) Emalangeneni ali-14 ngemva kokufumana isibawo, umSebenzeli wePetroliyam kufanele amukele isibawo selungelo langokomthetho lepetroliyam nangabe—

(a) akekho omunye umuntu ophethe imvumo yezokusebenzisana ngokwetheknikhali, ukuzuma, ukukhiqiza nofana yelungelo langokomthetho lepetroliyam lamabloko afanako. 25

(b) sihlangebeze neemfuneko ezihlathululwe esigatjaneni (1); begodu

(c) akunasibawo sangaphambilini esivunyiweko semvumo yokusebenzisana ngokwetheknikhali, ukuzuma, ukukhiqiza nofana yelungelo langokomthetho lepetroliyam yamabloko afanako. 30

(3) Nangabe isibawo asithobeli iimfuno zesigabesi, umSebenzeli wePetroliyam kufanele azise umbawo ngomtlole emalangeneni ali-14 ngemva kokufumana isibaweso begodu amuphe neenzathu zalokho.

(4) Nangabe umSebenzeli wePetroliyam wamukela isibawo, emalangeneni ali-14 ngemva kokufumana isibawo, umSebenzeli wePetroliyam kufanele azise umbawo ngomtlole bonyana— 35

(a) babonise ngendlela ebekiweko nomnikazi, umhlali wangokomthetho kanye nabathintekileko;

(b) athumele umbiko wokubonisana nomSebenzeli wePetroliyam, emalangeneni ama-60 ukusukela elangeni ekufunyenwe ngalo isibawo; begodu 40

(c) afake nesibawo sokugunyazelwa ibhoduluko ngokomthetho wezokuLawulwa kweBhoduluko yeNarha.

(d) lapho kufanele khona, afake isibawo sokusebenzisa amanzi ngokomthetho wezaManzi weNarha. 45

(5) UmSebenzeli wePetroliyam kufanele akhambela ikambiso yezokubonisana ehlatululwe esigatjaneni (4)(a) ukwenzela ukuqinisekisa bonyana ikambiso yokubonisana leyo yenziwa ngokukhanyela, ngokungathathi ihlangothi nenomrhula.

Ukuphiwa kanye nobude besikhathi selungelo langokomthetho lepetroliyam

44. (1) UNgqongqotjhe kufanele aphe ilungelo langokomthetho lepetroliyam nangabe— 50

(a) umbawo ukhombise ngokwaneleko ukuba neensetjenziswa zeemali kanye namandla wezobutheteki wokwenza umsebenzi ohlongozweko wezokuzuma ngokukhambisana nesibopho sokusebenza ukuzuma ethemini yokuthoma; 55

(b) isilinganiso seendleko sikhambisana nomsebenzi wezokuphenya ohlosiweko wesibopho sokuzuma sethemu yokuthoma;

(c) isibawo kanye nemigomo nemibandela ekhambelana naso izakusiza ukuphumelelisa iminqopho ekhonjwe esigabeni 2;

- (d) an environmental authorisation has been granted;
- (e) the applicant is not in contravention of any relevant provision of this Act;
- (f) the applicant has complied with the terms and conditions of the technical co-operation permit, if applicable;
- (g) the applicant has, where applicable, provided proof of application for a water use licence in terms of the National Water Act; and
- (h) the applicant has the ability to comply with relevant prescribed provisions relating to upstream petroleum health and safety.

(2) The Minister must, within 60 days of receipt of the application from the Petroleum Agency, refuse a petroleum right if the application does not meet all the requirements referred to in subsection (1).

(3) If the Minister refuses a petroleum right, he or she must, within 30 days of the decision, in writing notify the applicant of the decision and the reasons therefor.

(4) A petroleum right is—

- (a) subject to prescribed terms and conditions to be agreed upon by the holder and the Petroleum Agency, and approved by the Minister, covering both exploration and production phases; and
- (b) valid for a period determined in accordance with section 14.

Minimum work commitment and annual plans

45. (1) A petroleum right must include a clause on—

- (a) the minimum work commitment with a corresponding minimum expenditure amount to be fulfilled by a holder during the applicable term of the exploration or production phase; and
- (b) the annual work plan and the corresponding budget.

(2) Failure to fulfil the minimum work commitment constitutes a breach of the terms and conditions of a petroleum right as contemplated in section 88(1)(c).

Application for approval to progress to next term (exploration phase)

46. (1) A holder of a petroleum right may not progress to the second, third or fourth term of the exploration phase, as the case may be, without the approval of the Petroleum Agency.

(2) A holder of a petroleum right who applies to the Petroleum Agency for approval to progress to the second, third or fourth term of the exploration phase, as the case may be, must lodge the application—

- (a) before the expiry date of the current term;
- (b) in the prescribed manner; and
- (c) together with the prescribed non-refundable application fee.

(3) An application for approval to progress to the next term must—

- (a) state the reasons and period for which the next term is required;
- (b) be accompanied by—
 - (i) a detailed report reflecting the exploration results, the interpretation thereof and the exploration expenditure incurred;
 - (ii) a report reflecting the extent of compliance with the conditions of the environmental authorisation; and
 - (iii) a detailed report on compliance with black persons empowerment and State participation; and
- (c) include a detailed minimum work commitment and expenditure for the next term.

(4) The holder of a petroleum right must, when applying for approval to progress to the next term, relinquish—

- (a) 20 per cent of the total extent of the petroleum right area at the end of the initial term of the exploration phase; and
- (b) 15 per cent of the total extent of the original petroleum right area at the end of each subsequent term.

- (d) kuphiwe isigunyazo sebhoduluko;
- (e) nombawi akaphuli nanyana ngisiphi isiqalelelo somThetho lo;
- (f) umbawi uthobele imigomo nemibandela yemvumo yokusebenzisana yezethekniki, nangabe kunesidingo;
- (g) laphe kudingeka khona, umbawi uphe ubufakazi besibawo selayisensi yokusebenzisa amanzi ngokomThetho wezaManzi weNarha; begodu 5
- (h) umbawi unamandla wokuthobela iinqalelelo ezibekiweko eziphathelele nepilo ehle nokuphepha esigabenisithomo sepetroliyam.
- (2) Emalangenani ama-60 ngemva kokufumana isibawo somSebenzeli wePetroliyam, uNgqongqotjhe kufanele ararhe ilungelo langokomthetho lepetroliyam nangabe isibawo asihlangabezani nazo zoke iimfuno ezikhonjwe esigatjaneni (1). 10
- (3) Nangabe uNgqongqotjhe urarha ilungelo langokomthetho lepetroliyam, emalangenani ama-30 wesiquntweso, kufanele azise umbawo ngesiquntweso kanye neenzathu zaso.
- (4) Ilungelo langokomthetho lepetroliyam— 15
 - (a) lilawulwa imigomo nemibandela ebekiweko ekuzakuvunyelwa ngayo phakathi komnikazi kanye nomSebenzeli wePetroliyam, begodu izakuphasiswa nguNgqongqotjhe, elizakutjheja iingaba zombili sokuzuma nesokukhiqiza; begodu
 - (b) lisebenza ubude besikhathi esibekwe ngokwesigaba 14. 20

Isibopho sobuncani bomsebenzi kanye namahlelo womnyaka

- 45.** (1) Ilungelo langokomthetho lepetroliyam kufanele lifake hlangana umutjhwana—
- (a) wesibopho sobuncani bomsebenzi kanye nobuncani benani leendleko ekufanele ziphunyeleliswe mnikazi ngesikhathi sethemu efaneleko yesigaba sokuzuma nofana sokukhiqiza; begodu 25
 - (b) nehlelo lomnyaka lokusebenza kanye nesabelomali salo.
 - (2) Ukuhluleka ukufeza isibopho sobuncani bomsebenzi kuzakuthathwa njengokuphula imigomo nemibandela yelungelo langokomthetho lepetroliyam njengokuhlathululwe esigabeni 88(1)(c). 30

Isibawo sokuphasiselwa ukuragela phambili ethemini elandelako (isigaba sokuzuma)

- 46.** (1) Umnikazi welungelo langokomthetho lepetroliyam akakafaneli ukugaragela phambili ethemini yesibili, yesithathu nofana keyesine yesigaba sokuzuma, ngokuya ngobunjalo bobujamo, ngaphandle kwemvumo yomSebenzeli wePetroliyam. 35
- (2) Umnikazi welungelo langokomthetho lepetroliyam angafaka isibawo kumSebenzeli wePetroliyam bonyana amuvumele ukudlulela ethemini yesibili, yesithathu nofana keyesine yesigaba sokuzuma, ngokuya ngobunjalo bobujamo, begodu kufanele afake isibawo—
- (a) ngaphambi kokuphela kwethemu yagadesi; 40
 - (b) ngendlela ebekiweko; begodu
 - (c) nangembadalo ebekiweko engabuyiselwako emuva yesibawo.
 - (3) Isibawo sokuvunyelwa ukudlulela ethemini elandelako kufanele—
 - (a) sindlale iinzathu kanye nobude besikhathi bethemu esifunekako; 45
 - (b) sizakuphelelelwa—
 - (i) mbiko onabileko okhombisa imiphumela yezokuzuma, ihlathululo yalo kanye neendleko ezifunyenweko zokuzuma;
 - (ii) umbiko okhombisa ukuthotjelwa kwemibandela yokugunyazelwa ibhoduluko; begodu
 - (iii) umbiko onabileko wokuthotjelwa kokuphiwa amandla kwabantu abanzima kanye nokubandakanyeka komBuso; begodu 50
 - (c) nofaka hlangana imininingwana isibopho sobuncani bomsebenzi kanye neendleko zethemu elandelako.
 - (4) Lokha nakafaka isibawo sokuvunyelwa ukudlulela ethemini elandelako, umnikazi welungelo langokomthetho lepetroliyam kufanele arhoqise— 55
 - (a) amaphesende ama-20 wenani elipheleleko lelungelo langokomthetho lepetroliyam lendawo ekupheleni kwethemu yesigaba sokuzuma; begodu
 - (b) namaphesende ali-15 wenani elipheleleko lelungelo langokomthetho lepetroliyam lamambala ekupheleni kwethemu ngayinye elandelako.

(5) The area relinquished as contemplated in subsection (4)(a) and (b) must, unless otherwise determined by the Petroleum Agency, be contiguous, compact and of a size and shape that will enable petroleum activities to be conducted in such relinquished area.

(6) The area to be retained at the end of the exploration phase must, to the extent permissible in terms of this Act and possible—

(a) include geological structures containing discoveries in the petroleum right area; and

(b) be of the size and shape approved by the Petroleum Agency.

(7) A term that has expired remains in force notwithstanding its expiry: Provided that an application to progress to the next term was lodged before expiry of the preceding term.

(8) A term that has expired will remain in force as contemplated in subsection (7)—

(a) until an application to progress to the next term is approved or refused by the Petroleum Agency; and

(b) a notarial deed of amendment has been executed.

(9) A holder is entitled to continue with exploration operations in accordance with the approved minimum or optional work commitment until an application to progress to the next term has been finalised in accordance with subsection (8)(a) and (b).

Approval of application to progress to next term

47. (1) The Petroleum Agency must grant the approval for the holder of a petroleum right to progress to another term if the holder—

(a) has complied with the terms and conditions of the petroleum right and is not in contravention of any provision of this Act;

(b) has completed the approved initial, second or third term work commitment, as the case may be;

(c) has relinquished the petroleum right area in accordance with the provisions of section 46(4) and (5);

(d) has access to financial resources and has the technical ability to conduct the proposed exploration operation optimally in accordance with the exploration minimum work commitment for the next term;

(e) has complied with the conditions of the environmental authorisation;

(f) has, where applicable, been granted an amended or a new environmental authorisation in terms of the National Environmental Management Act; and

(g) has complied with the requirements of State participation and empowerment of black persons.

(2) The period of validity for the subsequent term or phase must, after a holder is granted approval to progress to the subsequent term or phase, as the case may be, be recorded in the petroleum right.

Refusal of application to progress to next term

48. (1) The Petroleum Agency may refuse an application for approval to progress to the next term if the petroleum right holder fails to meet the requirements contemplated in section 47(1).

(2) The decision by the Petroleum Agency to refuse an application by the holder to progress to another term as contemplated in subsection (1) must be confirmed or set aside by the Minister.

(3) If the Minister sets aside the Petroleum Agency's decision to refuse an application by the holder to progress to the next term, he or she must refer the matter back to the Petroleum Agency for the holder to implement the directives issued by the Minister.

(4) If the Minister confirms the Petroleum Agency's decision to refuse an application by the holder to progress to the next term, he or she must cancel the petroleum right in terms of section 88.

(5) Indawo elisiweko njengokuhlathululwe esigatjaneni (4)(a) neye-(b), ngaphandle kwalapho kubekwe okuhlukileko mSebenzeli wePetroliyamu, kufanele ihlangane, ibambane begodu ibe ngobukhulu nesakhiwo esizakukghonakalisa imisebenzi ezakwenziwa endaweni elisiweko leyo.

(6) Indawo ekufanele ibanjwe ekupheleni kwesigaba sokuzuma, kufanele ukufikela lapho kuvumelekileko ngokomThetho lo begodu nakukghonakalako—

(a) ifake hlangana izakhiwo zokwakheka komhlaba ezimumethe okutholakeleko endaweni yelungelo langokomthetho lepetroliyamu; begodu

(b) ibe ngesilinganiso nebumbeko eliphasiswe mSebenzeli wePetroliyamu.

(7) Ithemu ephelwelewe sikhathi iragela phambili nokusebenza nangaphandle kokuphelelwa sikhathi: Kwaphela nange isibawo sokudlulela ethemini elandelako safakwa ngaphambi kwelanga lokuphelelwa sikhathi kwethemu yengaphambili.

(8) Ithemu ephelwelewe sikhathi izakuragela phambili nokusebenza njengokuhlathululwe esigatjaneni (7)—

(a) ukufikela lapho isibawo sokudlulela ethemini elandelako sivunyelwa khona nofana sirarhwa khona mSebenzeli wePetroliyamu; begodu

(b) isikhabelelo sencwadibunikazi yangokomthetho sisetjenzisiwe.

(9) Umnikazi unelungelo lokuragela phambili nemisebenzi yokuzuma ngokukhambisana nobuncani obuvunyelweko nofana isibopho somsebenzi esikhethiweko ukufikela lapho isibawo sokudlulela ethemini elandelako siphethwa khona ngokukhambisana nesigatjana (8)(a) neye-(b).

Ukuvunyelwa kwesibawo sokudlulela ethemini elandelako

47. (1) UmSebenzeli wePetroliyamu kufanele aphe imvumo kumnikazi welungelo langokomthetho lepetroliyamu bonyana adlulele ethemini elandelako nangabe umnikazi—

(a) uthobeke imigomo nemibandela yelungelo langokomthetho lepetroliyamu begodu akaphuli nanyana ngisiphi isiqalelelo somThetho lo;

(b) uphethe ithemu yokuthoma, yesibili nofana neyesithathu yesibopho somsebenzi, nangokuya ngobunjalo bobujamo;

(c) ulise indawo yelungelo langokomthetho lepetroliyamu ngokukhambisana neenqalelelo zesigaba 46(4) nese-(5);

(d) umbawo ukhombise ngokwaneleko ukuba neensetjenziswa zeemali kanye namandla wezobuthekniki wokwenza umsebenzi ohlongoziweko wezokuzuma ngokukhambisana nesibopho sobuncani bomsebenzi wokuzuma ethemini elandelako;

(e) uthobeke imibandela yezokugunyaza ibhoduluko;

(f) lapho kukghonakala khona, nangemva kokuphiwa isigunyazi sebhoduluko esitjha ngokomThetho wezokuLawulwa kweBhoduluko leNarha; begodu

(g) uthobeke iimfuno zikaRhulumende zokubandakanyeka kanye nokuhlonyiswa kwabantu abanziba.

(2) Ubude besikhathi sokusebenza sethemu nofana isigaba esilandelako kufanele sirekhodwe ngaphakathi kwelungelo langokomthetho lepetroliyamu, ngemva kokuthi umnikazi aphiwe imvumo yokudlulela ethemini nofana esigabeni esilandelako, nangokuya ngobunjalo bobujamo.

Ukurarhwa kwesibawo sokudlulela ethemini elandelako

48. (1) UmSebenzeli wePetroliyamu angararha isibawo sokuvumela ukudlulela ethemini elandelako nangabe umnikazi welungelo langokomthetho lepetroliyamu akahlangabezani neemfuno ezihlathululwe esigabeni 47(1).

(2) Isiqunto somSebenzeli wePetroliyamu sokurarha isibawo somnikazi sokudlulela ethemini elandelako njengokuhlathululwe esigatjaneni (1) kufanele siqinisekise nofana sibekelwe ngeqadi nguNgqongqotjhe.

(3) Nangabe uNgqongqotjhe ubekela ngeqadi isiqunto somSebenzeli wePetroliyamu sokurarha isibawo somnikazi sokudlulela ethemini elandelako, kufanele adlulisele indaba leyo emuva kumSebenzeli wePetroliyamu bonyana umnikazi aphumelelise imilayelo ekhutjhe nguNgqongqotjhe.

(4) Nangabe uNgqongqotjhe uqinisekisa isiqunto somSebenzeli wePetroliyamu sokurarha isibawo somnikazi sokudlulela ethemini elandelako, kufanele asule ilungelo langokomthetho lepetroliyamu ngokwesigaba 88.

Rights of petroleum right holder

- 49.** The holder of a petroleum right has the right—
- (a) to apply to the Petroleum Agency for approval to progress to the second, third or fourth term of the exploration phase as the case may be, subject to section 46; 5
 - (b) to apply to the Petroleum Agency for approval to progress to the production phase and further terms, subject to section 58;
 - (c) to produce or conduct drill stem tests, subject to section 52;
 - (d) exclusively to remove and dispose of any petroleum found during the course of production operations; and 10
 - (e) to transfer and encumber the petroleum right, subject to section 29.

Obligations of petroleum right holder

- 50.** The holder of a petroleum right must—
- (a) lodge such a right and any amendments thereto within 60 days from the date of notification by the Petroleum Agency for registration or endorsement at the Mineral and Petroleum Titles Registration Office; 15
 - (b) continuously and actively conduct exploration operations in accordance with the provisions of section 51 and the approved exploration work commitment;
 - (c) comply with the terms and conditions of the petroleum right, the relevant provisions of this Act and any other applicable law; 20
 - (d) comply with the requirements of the approved environmental authorisation;
 - (e) comply with the requirements for State participation and empowerment of black persons;
 - (f) pay the prescribed fees to the Petroleum Agency;
 - (g) carry out development activities in accordance with the approved development programme; 25
 - (h) continuously and actively conduct optimal and efficient production operations in accordance with the approved production work programme;
 - (i) provide the Petroleum Agency with proof of adequate insurance to address the risks related to development and production operations; 30
 - (j) relinquish the percentage of the total extent of the original petroleum right area in accordance with section 46(4);
 - (k) conduct exploration and production operations in accordance with health and safety provisions; and
 - (l) pay all revenue due to the State in terms of the applicable legislation. 35

Manner of conducting exploration operations

- 51.** (1) The petroleum right must include terms and conditions prescribing how exploration operations should be conducted, and the obligation to—
- (a) carry out exploration operations in accordance with Good International Petroleum Industry Practices; 40
 - (b) take all reasonable steps necessary to secure the safety and health of persons employed for purposes of exploration operations;
 - (c) maintain in good condition and repair all structures, equipment and other goods in the petroleum area used in connection with exploration operations;
 - (d) remove from such petroleum area, or otherwise deal with as directed by the Petroleum Agency, all installations, equipment, pipelines and other facilities, whether onshore or offshore, not used or intended to be used in connection with such exploration operations; and 45

Amalungelo womnikazi welungelo langokomthetho lepetroliyam

- 49.** Umnikazi welungelo langokomthetho lepetroliyam unelungelo—
- (a) lokufaka isibawo somSebenzeli wePetroliyam sokuvumela ukudlulela ethemini yesibili, yesithathu nofana keyesine yesigaba sokuzuma, ngokuya ngobunjalo bobujamo, nangokulawulwa sigaba 46; 5
 - (b) lokufaka isibawo kumSebenzeli wePetroliyam sokumvumela ukudlulela esigabeni sokukhiqiza kanye nakamanye amathemu, ngokulawulwa sigaba 58;
 - (c) lokukhiqiza nofana ukwenza ukuhlola kokubhora, ngokulawulwa sigaba 52;
 - (d) lokususa nofana ukulahla nanyana ngiyiphi ipetroliyam etholakele ngesikhathi semisebenzi yomkhiziso; begodu 10
 - (e) nelokudlulisela kanye nokuthikameza ilungelo langokomthetho lepetroliyam, ngokulawulwa sigaba 29.

Iimbopho zomnikazi welungelo langokomthetho lepetroliyam

- 50.** Umnikazi welungelo langokomthetho lepetroliyam kufanele— 15
- (a) afake ilungelwelo kanye nananyana ngisiphi isikhobebelelo emalangenini ama-60 ukusukela ngelanga lesaziso somSebenzeli wePetroliyam sokutloliswa nofana ukugunyazwa e-Ofisini lezokuTloliswa kobuNini bezeNjiwa kanye nePetroliyam; 15
 - (b) aragele phambili nokwenza imisebenzi yokuzuma ngokukhambisana neenqalelelo zesigaba 51 kanye nesibopho somsebenzi esivunyelweko sokuzuma; 20
 - (c) athobele imigomo nemibandela yelungelo langokomthetho lepetroliyam, iinqalelelo ezifaneleko zomThetho lo kanye nananyana ngimuphi omunye umthetho ofaneleko; 25
 - (d) athobele iimfuno zokugunyazwa kwebhoduluko eziivunyelweko;
 - (e) athobele iimfuno zokubandakanyeka komBuso kanye nokuhlomisa abantu abanzima;
 - (f) abhadale iimbadalo ebekiweko kumSebenzeli wePetroliyam;
 - (g) enze imisebenzi yokuthuthukisa ngokukhambisana nehlelo lokuthuthukisa elivunyelweko; 30
 - (h) aragele phambili nokwenza umbesebenzi kanye nomkhiziso osezingeni eliphezulu ngokukhambisana nehlelo lomsebenzi lomkhiziso eliphasisiweko;
 - (i) aphe umSebenzeli wePetroliyam ubufakazi obaneleko bokuqinisekisa ukuqalana nobungozi obuhlobene netuthuko kanye nemisebenzi yokukhiqiza; 35
 - (j) arhoqise amaphesende wenani lendawo yamambala yelungelo langokomthetho lepetroliyam ngokukhambisana neenqalelelo zesigaba 46(4);
 - (k) enze imisebenzi yokuzuma nokukhiqiza ngokukhambisana neenqalelelo zepilo ehle kanye nokuphepha; begodu 40
 - (l) abhadale yoke ingeniso ebhadalwa umBuso ngokomthetho ofaneleko.

Indlela yokwenza imisebenzi yokuzuma

- 51.** (1) Ilungelo langokomthetho lepetroliyam kufanele lifake hlangana imigomo nemibandela ebeka bonyana imisebenzi yezokuzuma kufanele yenziwe njani, kanye nesibopho— 45
- (a) sokwenza imisebenzi yokuzuma ngokukhambisana neenKambiso eziHle zeenTjhabatjhaba zeBubulo lePetroliyam;
 - (b) sokuthatha amagadango afaneleko wokuqinisekisa ukuphepha kanye nepilo ehle yabantu abaqatjhelwe iminqopho yemisebenzi yokuzuma;
 - (c) sokunakekele begodu nokulungisa zoke iinjamo, iinsetjenziwa kanye nepahla endaweni yepetroliyam ezisetjenziwa emisebenzini yezokuzuma; 50
 - (d) sokususa indawo yepetroliyam, nofana ukusebenza ngokomlayelo womSebenzeli wePetroliyam, zoke iinhlomelelo, isisetjenziwa, amaphayiphu kanye nezinye izenzabulula, ngaphakathi nangaphandle kwelwandle, ezingakasetjenziwa nofana ezihloselwe ukusetjenziwa emisebenzini yezokuzuma; begodu 55

- (e) take reasonable steps to warn persons who may, from time to time, be in the vicinity of any such structures, equipment or other goods of the possible hazards resulting therefrom.
- (2) Without derogating from the generality of subsection (1), the holder must—
 - (a) control the flow and prevent the waste, escape or spilling of petroleum in the petroleum area; 5
 - (b) prevent damage to petroleum-bearing strata in any area outside the petroleum area;
 - (c) prevent water or any other substance entering any petroleum reservoir through the wells in the petroleum area, except if required by and in accordance with Good International Petroleum Industry Practices; 10
 - (d) not flare any combustible gas, except for safety purposes;
 - (e) not abandon, close or plug a well without the Petroleum Agency's written approval; and
 - (f) promptly inform the Petroleum Agency and any relevant Government 15 department of the occurrence of any event described in paragraphs (a) to (e).

Application for drilling permit

- 52. (1) A petroleum right holder may not undertake drilling without a drilling permit.
- (2) A holder intending to undertake drilling as contemplated in subsection (1) must apply to the Petroleum Agency for a drilling permit as prescribed. 20
- (3) The Petroleum Agency must approve the application for a drilling permit within 60 days from the date of lodgment of the application, subject to such terms and conditions as it may determine.
- (4) Any well drilled or petroleum field must be identified by a unique designation assigned by the Petroleum Agency. 25
- (5) The designation of a well or field may not be changed by the holder without the written approval of the Petroleum Agency.

Permission to produce petroleum and conduct tests during exploration

- 53. (1) The holder of a petroleum right that is in the exploration phase may not produce petroleum, conduct drill stem tests, extended well tests or any other similar tests without prior written permission of the Petroleum Agency. 30
- (2) A holder who wishes to apply for a permit to produce or conduct tests as contemplated in subsection (1) must lodge the application in the prescribed manner and submit the following:
 - (a) Proof of payment of the prescribed non-refundable application fee; 35
 - (b) an application for an amendment of the authorisation or a new application for environmental authorisation in terms of the National Environmental Management Act, where applicable;
 - (c) full details regarding—
 - (i) the testing programme and the type of equipment to be used; 40
 - (ii) the type of data that will be acquired;
 - (iii) the duration of the envisaged tests and production of petroleum;
 - (iv) the quantity of petroleum to be produced;
 - (v) the full details of how the produced petroleum will be utilised; and
 - (vi) any other information as may be required by the Minister. 45
- (3) The Petroleum Agency must grant a permit to produce or conduct tests within 60 days from the date of receipt of the application, subject to such terms and conditions as determined by the Petroleum Agency.
- (4) A permit to produce or conduct drill stem tests is valid for a period of up to two years and is non-renewable. 50

- (e) sokuthatha namagadango azwisisakalako ukuyelelisa abantu, ngeenkathi ezihlukileko, abangaba sendaweni yeenjamiswezo, isisetjenziswa nofana enye ipahla enobungozi obungalethwa ngizo.
- (2) Ngaphandle kokwehlisela phasi ukusukela esigatjaneni (1), umnikazi kufanele—
- (a) alawule itlelezo nokukhandela ukulahlwa, ukufahla nokuthuluka kwepetroliyam endaweni yepetroliyam; 5
- (b) akhadele umonakalo wesisingathi sepetroliyam kunanyana ngiyiphi indawo engaphandle kwendawo yepetroliyam;
- (c) akhadele amanzi nofana nanyana ngimuphi omunye umtlelezo ongena edamini lepetroliyam ngokusebenzisa imithombo yendawo yepetroliyam, ngaphandle kwalapho nangabe kufuneka ngokukhambisana neenKambiso eziHle zeenTjhabatjhaba zeBubulo lePetroliyam; 10
- (d) angatjisi nanyana ngiyiphi irhasi evuthako, ngaphandle kweminqopho yezokuphepha;
- (e) angalahli, avale nofana avale umthombo ngaphandle kwemvumo etoliweko yomSebenzeli wePetroliyam; begodu 15
- (f) azise umSebenzeli wePetroliyam ngokurhabako kanye nananyana ngimuphi umnyango kaRhulumende ngananyana ngisiphi ishlakalo esihlathulwe eendabeni (a) ukufikele keye-(e).

Isibawo semvumo yokubhora

20

52. (1) Umnikazi welungelo langokomthetho lepetroliyam akavumeleki ukwenza umsebenzi wokubhora ngaphandle kwemvumo yokubhora.

(2) Umnikazi ofisa ukwenza umsebenzi wokubhora njengokuhlathulwe esigatjaneni (1) kufanele afake isibawo kumSebenzeli wePetroliyam ukwenzela ukuthola imvumo yokubhora ebekiweko. 25

(3) UmSebenzeli wePetroliyam kufanele avumele isibawo semvumo yokubhora emalangenini ama-60 ukusukela ngelanga ekufakwe ngalo isibawo, nangokulawulwa migomo nemibandela ezakubekwa.

(4) Nanyana ngimuphi umthombo obhoriweko nofana indawo yepetroliyam ekhonjwe ngokukhethwa okuhlukileko mSebenzeli wePetroliyam. 30

(5) Ukukhethwa komthombo nofana indawo akukafaneli kutjhugululwe mnikazi ngaphandle kwemvumo etoliweko yomSebenzeli wePetroliyam.

Imvumo yokukhiqiza ipetroliyam kanye nokwenza ukuhlola ngesikhathi sokuzuma

53. (1) Umnikazi welungelo langokomthetho lepetroliyam osesigabeni sokuzuma akukafaneli akhiqize ipetroliyam, enze ukuhlola nokubhora, anabise ukuhlolwa kwemithombo nofana nananyana ngikuphi okhunye ukuhlola ngaphandle kwemvumo atlolelwe yona mSebenzeli wePetroliyam. 35

(2) Umnikazi ofisa ukufaka isibawo semvumo yokukhiqiza nofana ukwenza ukuhlola njengokuhlathulwe esigatjaneni (1) kufanele afake isibawo ngendlela ebekiweko begodu athumele nokulandelako: 40

(a) Ubufakazi bembadelo ebekiweko nengabuyiselwako emuva yesibawo;

(b) isibawo sesikhiselelo sokugunyaza nofana isibawo esitjha sokugunyazelwa ibhoduluko ngokomThetho wezokuLawulwa kweBhoduluko leNarha, lapho kufanele khona; 45

(c) imininingwana ezeleko ngokuphathelele—

(i) nehlelo lokuhlola kanye nomhlobo wesisetjenziswa esizakusetjenziswa;

(ii) umhlobo wedatha ezakutholakala;

(iii) ubude besikhathi sokuhlola okuhlongoziweko kanye nomkhiziso wepetroliyam; 50

(iv) ubunengi bepetroliyam ekufanele ikhiqizwe;

(v) imininingwana ezeleko yokuthi ipetroliyam ikhiqizwa njani azakusetjenziswa; begodu

(vi) nanyana ngiliphi ilwazi elinye elizakufunwa nguNgqongqotjhe.

(3) UmSebenzeli wePetroliyam kufanele aphe imvumo yokukhiqiza nofana yokwenza ukuhlola emalangenini ama-60 ukusukela ngelanga afumene ngalo isibawo, nangokulawulwa migomo nemibandela ezakubekwa mSebenzeli wePetroliyam. 55

(4) Imvumo yokukhiqiza nofana ukwenza ukuhlola ukubhora okusebenza isikhathi esingafikele eminyakeni emibili begodu ayivuseleleki.

Discovery of petroleum and appraisal

- 54.** (1) When a discovery is made, the holder must—
- (a) notify the Petroleum Agency within five days of such a discovery;
 - (b) provide the full particulars of the discovery in writing within 100 days after the notification of the discovery; 5
 - (c) provide any other information as may be required by the Petroleum Agency; and
 - (d) conduct tests within the prescribed period in accordance with Good International Petroleum Industry Practice on such discovery to determine whether such discovery is worthy of appraisal and submit the results of such tests to the Petroleum Agency. 10
- (2) If the results contemplated in subsection (1)(d) indicate that a discovery is worthy of appraisal, the holder must—
- (a) submit an appraisal work programme in the format and within the timeframe prescribed; and 15
 - (b) where applicable, apply for a new environmental authorisation or amendment of the approved environmental authorisation in terms of the National Environmental Management Act.
- (3) The Petroleum Agency must, within 60 days from receipt of the proposed appraisal work programme— 20
- (a) notify the holder in writing of its approval; and
 - (b) indicate the time-frame within which the holder must commence with appraisal operations; or
 - (c) refer the proposed appraisal work programme to the holder with proposed amendments and provide reasons therefor. 25
- (4) If the holder elects not to conduct tests referred to in subsection (1)(d), the holder must, with effect from the date of the notification contemplated in subsection (3), subject to the provisions of subsection (7), relinquish the area encompassing the geological structure in which the discovery is located.
- (5) The delineation of the area to be relinquished as contemplated in subsection (4) is subject to the approval of the Petroleum Agency. 30
- (6) The area encompassing the geological structure in which the discovery is located must be regarded to be relinquished if the holder—
- (a) elects not to conduct tests referred to in subsection (1)(d);
 - (b) does not relinquish the area encompassing the geological structure in which the discovery is located as contemplated in subsection (4); 35
 - (c) does not lodge an application for exemption as contemplated in subsection (7) or such an application is refused; and
 - (d) does not notify the Petroleum Agency whether it elects to conduct the tests referred to in subsection (1)(d). 40
- (7) The holder may lodge an application to be exempted from the provisions of subsection (4) with the Petroleum Agency as prescribed.
- (8) An application for exemption in terms of subsection (7) must be approved if—
- (a) the holder intends to drill other prospects in the area;
 - (b) there are other valid technical reasons that justify the deferment of tests contemplated in subsection (1)(d); and 45
 - (c) the deferment of tests will not defeat the object referred to in section 2(j).
- (9) An approval of an application for exemption in terms of subsection (8) may be subject to terms and conditions as determined by the Petroleum Agency.
- (10) The Petroleum Agency must finalise an application for exemption as contemplated in subsection (7) within a period of 30 days and in the case of refusal provide reasons. 50
- (11) The holder must, within 10 days from the date of notification of refusal of an application for exemption, notify the Petroleum Agency whether it elects to conduct the tests contemplated in subsection (1)(d). 55
- (12) If the holder fails to indicate its election as referred to in subsection (11), the area encompassing the geological structure in which the discovery is located must be regarded to be relinquished as contemplated in subsection (6)(c).

Ukutholakala kwepetroliyam nokuhlola

- 54.** (1) Lokha nakunokutholakeleko, umnikazi kufanele—
- (a) azise umSebenzeli wePetroliyam emalangen i amahlanu wokutholakalokho;
 - (b) aphe imininingwana egcweleko yokutholakeleko ngomtlo emalangen i ali-100 ngemva kwesaziso sokutholakeleko; 5
 - (c) aphe nanyana ngiliphi elinye ilwazi elizakufunwa mSebenzeli wePetroliyam; begodu
 - (d) enze nokuhlola esikhathini esibekiweko ngokukhambisana neenKambiso eziHle zeenTjhabatjhaba zeBubulo lePetroliyam ngokuphathelelene nokutholakeleko ukwenzela ukuqunta bonyana okutholakeleko kunesidingo sokuhlolwa begodu nokuthumela imiphumela yokuhlolokho kumSebenzeli wePetroliyam. 10
- (2) Nangabe imiphumela ehlathululwe esigatjaneni (1)(d) itshwaya bonyana okutholakelekokho kunesidingo sokuhlolwa, umnikazi kufanele— 15
- (a) athumele ihlelo lomsebenzi wokuhlola ngendlela nangesikhathi esibekiweko; begodu
 - (b) lapho kudingeka khona, afake nesibawo sokugunyezela ibhoduluko nofana lesikhibelelo sokugunyezela ibhoduluko esivunyelweko ngokomThetho wezokuLawulwa kweBhoduluko leNarha . 20
- (3) UmSebenzeli wePetroliyam emalangen i ama-60 ngemva kokufumana isibawo sehlelo lomsebenzi ohlongoziweko wokuhlola, kufanele—
- (a) azise umnikazi ngomtlo ngokuphasiswa kwayo; begodu
 - (b) atshwaye iphahla lesikhathi lapho umnikazi afanele athome khona ngemisebenzi yokuhlola; nofana 25
 - (c) adlulisele ihlelo lomsebenzi wokuhlola elihlongoziweko kumnikazi kanye neenkhibelelo ezihlongoziweko ezikhambisana neenzathu zalokho.
- (4) Nangabe umnikazi ukhetha ukungenzi ukuhlolwa okukhonjwe esigatjaneni (1)(d), ukusukela ngelanga lesaziso esihlathululwe esigatjaneni (3), nangokulawulwa ziinqalelelo zesigatjana (7), umnikazi kufanele arhoqise indawo ezombeleze isijamiso sokwakheka komhlaba lapho kunokutholakeleko. 30
- (5) Ihlathululo yendawo ekufaneke iliswe njengokuhlathululwe esigatjaneni (4) kulawulwa yimvumo yomSebenzeli wePetroliyam.
- (6) Indawo ezombeleze isakhiwo sokwakheka komhlaba lapho kunokutholakeleko kufanele ithathwe njengezokuliswa nangabe umnikazi— 35
- (a) ukhetha ukungenzi ukuhlola okukhonjwe esigatjaneni (1)(d);
 - (b) akarhoqisi indawo ezombeleze isakhiwo sokwakheka komhlaba lapho kunokutholakeleko njengokuhlathululwe esigatjaneni (4);
 - (c) akafaki isibawo selungelo elikhethekileko njengokuhlathululwe esigatjaneni (7) nofana isibaweso nasirarhiweko; begodu 40
 - (d) akazisi umSebenzeli wePetroliyam bonyana uzakwenza na ukuhlola okukhonjwe esigatjaneni (1)(d).
- (7) Umnikazi uzakufaka isibawo esizakukhetheka eenqalelelweni zesigatjana (4) nomSebenzeli wePetroliyam njengokubekiweko.
- (8) Isibawo selungelo elikhethekileko ngokwesigatjana (7) kufanele sivunyelwe nangabe— 45
- (a) umnikazi uhlose ukubhora amanye amathuba endaweni;
 - (b) kunezinye iinzathu zobuthekinikhali ezizwakalako ezisekela ukutshwiliwa kokuhlola okuhlathululwe esigatjaneni (1)(d); begodu
 - (c) ukutshwiliwa kokuhlola akukazokuliya umnqopho okhonjwe esigabeni 2(j). 50
- (9) Ukuvunyelwa kwesibawo selungelo elikhethekileko ngokwesigatjana (8) kuzakulawulwa migomo nemibandela ezakubekwa umSebenzeli wePetroliyam.
- (10) UmSebenzeli wePetroliyam kufanele aphe the isibawo selungelo esikhethekileko esihlathululwe esigatjaneni (7) esikhathini esimalanga ama-30 begodu nange kwenzeka sirarhwe uzakupha iinzathu. 55
- (11) Emalangen i ali-10 ukusukela ngelanga lesaziso sokurarhwa kwesibawo selungelo elikhethekileko, umnikazi kufanele azise umSebenzeli wePetroliyam bonyana uzakwenza na ukuhlola okuhlathululwe esigatjaneni (1)(d).
- (12) Nangabe umnikazi uhluleka ukutshwaya lokho akukhetheko njengokukhonjwe esigatjaneni (11), indawo ezonjelezwe sijamiso sokwakheka komhlaba lapho kunokutholakeleko kona kufanele ithathwe njengelisiweko njengokuhlathululwe esigatjaneni (6)(c). 40 60

Discovery not worthy of appraisal

55. (1) If the results referred to in section 54(1)(d) conclude that a discovery is not worthy of appraisal, the Petroleum Agency may direct that an area encompassing the geological structure of the discovery that is not of commercial interest be relinquished, subject to the provisions of subsection (2). 5

(2) The Petroleum Agency must, before requesting the holder to relinquish an area encompassing the geological structure of the discovery that is not of commercial interest as contemplated in subsection (1)—

- (a) notify the holder of its intention to exercise its powers as contemplated in subsection (1); and 10
- (b) request the holder to make representations to the Petroleum Agency on or before a date specified in such notice.

(3) The Petroleum Agency may, having regard to representations made by the holder, request the holder to relinquish an area encompassing the geological structure of the discovery that is not of commercial interest as contemplated in subsection (1) if it is satisfied that the discovery may be of potential commercial interest to a third party. 15

Extension of exploration phase period

56. (1) The Petroleum Agency may, upon application by the holder of a petroleum right, extend the exploration phase period where—

- (a) a discovery of petroleum is made in the last year of the fourth term of the exploration phase and an extension is necessary to enable a determination of whether the discovery is worthy of being appraised; or 20
- (b) the fourth term of the exploration phase period lapsed during the drilling of a well and an extension is necessary to enable the holder to— 25
 - (i) complete such drilling; and
 - (ii) determine whether there is a discovery worthy of being appraised.

(2) An extension contemplated in subsection (1) must—

- (a) be in respect of an area encompassing the geological structure in which the discovery is located;
- (b) be limited to the time period necessary for the completion of the drilling operations and determination of whether any discovery is worthy of being appraised; and 30
- (c) not exceed two years.

(3) An application for extension of the exploration phase period as contemplated in subsection (1) may be granted if the holder— 35

- (a) has carried out the minimum work commitment for all the exploration phases to the satisfaction of the Petroleum Agency; and
- (b) is not in breach of the provisions of this Act, and the terms and conditions of the petroleum right.

Declaration of commercial discovery 40

57. (1) A petroleum right holder must, within 180 days after undertaking appraisal operations, or such further period as agreed to by Petroleum Agency, submit the following to the Petroleum Agency:

- (a) A declaration as to whether the discovery is commercial;
- (b) a full report of the appraisal operations results, including— 45
 - (i) particulars and preliminary estimates relating to the location and depth of petroleum-bearing structures;
 - (ii) the composition of petroleum and the estimated recoverable reserves of petroleum; and
 - (iii) the estimated daily production potential of petroleum; and 50
- (c) an indication of whether the holder will proceed to develop the discovery.

Okutholakeleko nokungakafaneli ukuhlolwa

55. (1) Nangabe iimphumela ekhonjwe esigabeni 54(1)(d) iphetha ngokuthi okutholakeleko akukafaneli ukuhlolwa, umSebenzeli wePetroliyam angalayela bonyana indawo ezombeleze sijamiso sokwakheka komhlaba sokutholakeleko esingasiyo inzuzo yezokurhweba kufanele iliswe, ngokulawulwa ziinqalelelo zesigatjana (2). 5

(2) Ngaphambi kokubawa umnikazi bonyana alise indawo ezombeleze isijamiso sokwakheka komhlaba salokho okutholakeleko nokungasiyo inzuzo yezokurhweba njengokuhlathululwe esigatjaneni (1), umSebenzeli wePetroliyam kufanele—

(a) azise umnikazi ngehloswakhe yokusebenzisa amandlakhe njengokuhlathululwe esigatjaneni (1); begodu 10

(b) abawe umnikazi bonyana enze izethulo kumSebenzeli wePetroliyam ngelanga nofana ngaphambi kwelanga elitshwaywe ngaphakathi kwesazisweso.

(3) Ngokutjheja izethulo ezenziwe umnikazi, umSebenzeli wePetroliyam angabawa umnikazi bonyana alise indawo ezombeleze isijamiso sokwakheka komhlaba sokutholakeleko nokungasiyo inzuzo yezokurhweba njengokuhlathululwe esigatjaneni (1), nangabe yanelisekile bonyana lokho okutholakeleko kungaba nenzuzo yokurhweba emuntwini wesithathu. 15

Ukululwa kwesikhathi sesigaba sokuzuma

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56. (1) Ngemva kokufuma isibawo somnikazi welungelo langokomthetho lepetroliyam, umSebenzeli wePetroliyam angalula isikhathi sesigaba sokuzuma lapho—

(a) ukutholakala kwepetroliyam kwenziwe emnyakeni odlulileko wethemu yesine yesigaba sokuzuma begodu nokululokho kufunelwa ukugxhonakalisa ukuqunta bonyana okutholakeleko kukulungele na ukuhlolwa; 25

(b) ithemu yesine yesigaba sokuzuma iphela ngesikhathi sokubhora umthombo begodu ukululokho kuzakurhonakalisa bonyana umnikazi—

(i) aphethe ngokubhorokho; begodu

(ii) aqunte bonyana kukhona na okutholakeleko nekufanelwe ukuhlolwa. 30

(2) Ukululwa okuhlathululwe esigatjaneni (1) kufanele—

(a) kube ngokuphathelele nendawo ezombeleze isijamiso sokwakheka komhlaba lapho kunotholakeleko khona;

(b) kuphelele esikhathi esidingekako sokuphetha imisebenzi yokubhora kanye nokuqunta ngokobanyana nanyana ngikuphi okutholakeleko kufanelwe na ukuhlolwa; begodu 35

(c) akweqi iinyanga ezisithandathu.

(3) Isibawo sokulula isikhathi sesigaba sokuzuma njengokuhlathululwe esigatjaneni (1) singaphiwa umnikazi ngangabe—

(a) wenze isibopho sobuncani bomsebenzi beengaba zoke zokuzuma ukwenzela ukwanelisa umSebenzeli wePetroliyam; begodu 40

(b) akakaphuli iinqalelelo zomThetho lo, kanye nemigomo nemibandela yelungelo langokomthetho lepetroliyam.

Isimemezelo sokutholakeleko nokunerhwebo

57. (1) Emalangenali ali-180 ngemva kokwenziwa kwemisebenzi yokuhlola, nofana esikhathini esingezelweleko nekuvunyelenwe ngaso nomSebenzeli wePetroliyam, umnikazi welungelo langokomthetho lepetroliyam kufanele athumele umSebenzeli wePetroliyam lokhu okulandelayo: 45

(a) Isimemezelo sokobanyana okutholakeleko kuyarhwebeka na;

(b) umbiko ophelileko wemiphumela yemisebenzi yezokuhlola, ekufaka hlangana— 50

(i) imininingwana neenlinganiso zekuthomeni eziphathelele nendawo kanye nokutjhejela kweenjamiso ezimumutha ipetroliyam;

(ii) ibumbeko yepetroliyam kanye nesilinganiso sokubekela ngeqadi sepetroliyam; begodu 55

(iii) nesilinganiso somkhizozo waqobe langa wepetroliyam; begodu

(c) netshwayo lokobana umnikazi uzokuragela phambili na nokuthuthukisa okutholakeleko.

(2) If the holder elects not to proceed to develop the discovery, the holder must relinquish the entire area encompassing the geological structure in which the discovery is located.

(3) The holder must, within 180 days after electing to develop the discovery as contemplated in subsection (1)(c), apply for—

- (a) approval to progress to the production phase in accordance with section 59; or
- (b) apply for a retention permit in accordance with section 69.

Application for approval to progress to production phase

58. (1) A petroleum right holder may not progress to the production phase without the approval of the Petroleum Agency.

(2) A holder of a petroleum right who applies to the Petroleum Agency for approval to progress to the production phase must—

- (a) lodge the application within 180 days after electing to develop the discovery as contemplated in section 54(1)(d), in the prescribed manner;
- (b) pay the prescribed non-refundable application fee;
- (c) where applicable, apply for a new environmental authorisation or an amendment in terms of the National Environmental Management Act;
- (d) where applicable, apply for a water use licence in terms of the National Water Act;
- (e) relinquish a percentage of the total extent of the original petroleum right area in accordance with the provisions of section 46(4) and (5).

(3) An application for approval to progress to the production phase in terms of subsection (2)(a) must be accompanied by—

- (a) the prescribed development and production programme in respect of a petroleum field to be developed;
- (b) a report reflecting the extent of compliance with the conditions of the environmental authorisation during the last term of the exploration phase;
- (c) a report on compliance with black persons' and State participation requirements as contemplated in sections 31 and 34, respectively;
- (d) a prescribed local content plan, which includes—
 - (i) the procurement progression plan for fulfilling the requirements with respect to the provision of goods and services by black persons;
 - (ii) the payment of upstream training trust fees; and
 - (iii) a recruitment and training programme for South Africans, that includes on-the-job training and coaching.

Approval of application to progress to production phase

59. (1) The Petroleum Agency must approve an application to progress to the production phase contemplated in section 58 within 120 days from the date of receipt of the application if—

- (a) the petroleum right holder has demonstrated that the development and production programme will ensure efficient, optimal and timely production of the petroleum resources;
- (b) the development and production programme is consistent with Good International Petroleum Industry Practice;
- (c) the holder has demonstrated access to adequate financial and technical resources and competence to undertake efficient, optimal and timely development and production operations;
- (d) the environmental authorisation or amendment in terms of the National Environmental Management Act, where applicable, has been granted;
- (e) the local content plan is approved; and
- (f) the holder is not in breach of the provisions of this Act or the terms and conditions of the petroleum right.

(2) Nangabe umnikazi ukhetha ukungarageli phambili nokuthuthukisa okutholakeleko, umnikazi kufanele alise indawo yoke ezombeleze isijamiso sokwakheka komhlaba lapho kube nokutholalako khona.

(3) Emalangeneni ali-180 ngemva kokukhetha ukuthuthukisa okutholakeleko njengokuhlathululwe esigatjaneni (1)(c), umnikazi kufanele afake isibawo— 5

- (a) sokuvunyelwa ukudlulela esigabeni somkhiqizo ngokukhambisana nesigaba 59; nofana
- (b) afake isibawo semvumo yokugodla ngokukhambisana nesigaba 69.

Isibawo sokuvunyelwa ukudlulela esigabeni sokukhiqiza

58. (1) Umnikazi welungelo langokomthetho lepetroliyam angekhe adlulele 10 esigabeni somkhiqizo ngaphandle kwemvumo yomSebenzeli wePetroliyam.

(2) Umnikazi welungelo langokomthetho lepetroliyam ofaka isibawo kumSebenzeli wePetroliyam sokuvunyelwa ukudlulela esigabeni somkhiqizo kufanele—

- (a) afake isibawo emalangeneni ali-180 ngemva kokukhetha ukuthuthukisa okutholakeleko njengokuhlathululwe esigabeni 54(1)(d), nangendlela 15 ebekiweko;
- (b) abhadale imbadalo ebekiweko yesibawo nengabuyiselwako emuva;
- (c) lapho kudingeka khona, afake nesibawo sokugunyazelwa ibhoduluko nofana lesikhibekele sokugunyazelwa ibhoduluko esivunyelweko ngokomThetho wezokuLawulwa kweBhoduluko leNarha; 20
- (d) lapho kufaneleke khona, afake isibawo selayisensi yokusebenzisa amanzi ngokomThetho wezaManzi weNarha;
- (e) arhoqise amaphesende wenani lendawo yamambala yelungelo langokomthetho lepetroliyam ngokukhambisana neenqalelelo zesigaba 46(4) ne (5); 25

(3) Isibawo sokuvunyelwa ukudlulela esigabeni somkhiqizo ngokwesigatjana (2)(a) kufanele siphekelelwe—

- (a) lihlelo lokuthuthukisa nomkhiqizo elibekiweko ngokuphathelele nebubulo lepetroliyam elizokuthuthukiswa;
- (b) umbiko okhombisa ukuthobela imibandela yokugunyazwa kwebhoduluko 30 ngesikhathi sethembu edlulileko yesigaba sokuzuma;
- (c) umbiko wokuthotjelwa kokuhlonyiswa amandla kwabantu abanzima kanye nesifuno sokubandakanyeka komBuso njengokuhlathululwe eengabeni 31 nesama-34, ngokuhlukana kwazo;
- (d) ihlelo lelwazi lendawo elibekiweko, nelifaka hlangana— 35
 - (i) ihlelo lokuthenga okuthuthukako ukwenzela ukuzeza iimfuno eziphathelele nesiqalelelo sephahla neensiza zabantu abanzima;
 - (ii) ukubhadalwa kwembadalo yobuphathelele bokuthwasiselwa isigabasithomo; begodu
 - (iii) nehlelo lokurhorha nokuthwasisa amaSewula Afrika, elifaka hlangana 40 ukuthwasiselwa emsebenzini kanye nokubandulwa.

Ukuvunyelwa kwesibawo sokudlulela esigabeni somkhiqizo

59. (1) UmSebenzeli wePetroliyam kufanele avumele isibawo sokudlulela esigabeni somkhiqizo esihlathululwe esigabeni 58 emalangeneni ali-120 ukusukela ngelanga lokwamukela isibawo nangabe— 45

- (a) umnikazi welungelo langokomthetho lepetroliyam ukhombisile bonyana ihlelo lokuthuthukisa nokukhiqiza lizakuqinisekisa umkhiqizo kuhle, omkhulu nangesikhathi kwemikhiqizo yepetroliyam;
- (b) ihlelo lokuthuthukisa nokukhiqiza likhambisana neenKambiso eziHle zeenTjhabatjhaba zeBubulo lePetroliyam; 50
- (c) umnikazi ukhombisile ukuba neemali ezaneleko kanye neensetjenziswa zetheknikhali ezaneleko kanye nekgono lokusebenza ngepumbelelo, nangesikhathi emisebenzini yokuthuthukisa nokukhiqiza;
- (d) nakuphiwe ukugunyazelwa ibhoduluko nofana isikhibekele ngokomThetho wezokuLawulwa kweBhoduluko leNarha, lapho kufanele khona; 55
- (e) ihlelo lelwazi lendawo liphasisiwe; begodu
- (f) umnikazi akakaphuli inqalelelo zomThetho lo nofana imigomo nemibandela yelungelo langokomthetho lepetroliyam.

(2) The Petroleum Agency may refer the development and production programme to the holder with proposed amendments and specify reasons for such amendments, which may include the need to address national developmental imperatives.

(3) The Petroleum Agency may require the holder to ensure that a marginal field delineated before and after approval of the development and production programme is optimally developed and produced. 5

Refusal of application to progress to production phase

60. (1) The Petroleum Agency may refuse an application for approval to progress to the production phase if the petroleum right holder fails to meet the requirements contemplated in section 59(1). 10

(2) The decision by the Petroleum Agency to refuse an application by the holder to progress to the production phase as contemplated in subsection (1) must be confirmed or set aside by the Minister.

(3) If the Minister sets aside the Petroleum Agency's decision to refuse an application by the holder to progress to the production phase, he or she must refer the matter back to the Petroleum Agency. 15

(4) If the Minister confirms the Petroleum Agency's decision to refuse an application by the holder to progress to the production phase, he or she must cancel the petroleum right in terms of section 88.

Postponement of development 20

61. (1) The Petroleum Agency may, having regard to national interests, after consultation with the Minister and the holder, postpone the development of a petroleum field.

(2) In the event the development of a field is postponed as contemplated in subsection (1), the duration of the applicable term for the production phase of the petroleum right must be extended for the period of postponement and the new period must be recorded in the petroleum right. 25

(3) The holder must notarially execute the deed of amendment of the petroleum right, recording the new extended period and submit it to the Mineral and Petroleum Titles Registration Office in accordance with section 50(1)(a). 30

Application for approval to progress to next term (production phase)

62. (1) A holder of a petroleum right may not progress to the second or further terms of the production phase without the approval of the Petroleum Agency.

(2) A holder who applies to the Petroleum Agency to progress to the second or further term must lodge the application— 35

- (a) in the prescribed manner;
- (b) together with the prescribed non-refundable application fee; and
- (c) before the expiry of the current term.

(3) An application to progress to the second or further term of the production phase must— 40

- (a) state the reasons for which the next term is required;
- (b) be accompanied by—
 - (i) a detailed report reflecting the production results, the interpretation thereof and the production expenditure incurred;
 - (ii) a report reflecting the right holder's compliance with the requirements of the approved environmental authorisation, the rehabilitation to be completed and the estimated cost thereof; 45
 - (iii) details of the production operations carried out, including the total amount of petroleum recovered and the amounts expended and received;
 - (iv) a detailed report on compliance with the requirements of State participation and black persons' empowerment; 50
 - (v) a detailed report on compliance with the approved local content plan;
 - (vi) a detailed production work programme for the next term and expenditure proposed for operations to be carried out.

(2) UmSebenzeli wePetroliyam angadlulisela ihlelo lokuthukiswa nokukhiqiza kumnikazi kanye neenkhibelelo ezihlongozweko beyitshwaye neenzathu zeenkhibelelezo, nezingafaka hlangana isidingo sokulungisa okuzimfuno zokuthukiswa zenarha.

(3) UmSebenzeli wePetroliyam angakhombela umnikazi bonyana aqinisekise bonyana indawo ehlathulweko ngaphambili nangemva kokuvunyelwa kwehlelo lokuthukiswa nokukhiqiza ithukiswa beyikhiqizwe kuhle. 5

Ukurarhwa kwesibawo sokudlulela esigabeni sokukhiqiza

60. (1) UmSebenzeli wePetroliyam angararha isibawo sokuvunyelwa esigabeni somkhqizo nangabe umnikazi welungelo langokomthetho lepetroliyam uhluleka 10
ukuhlangabezana neenfuno ezihlathulwe esigabeni 59(1).

(2) Isiqunto somSebenzeli wePetroliyam sokurarha isibawo somnikazi sokudlulela esigabeni somkhqizo njengokuhlathulwe esigatjaneni (1) kufanele siqinisekise nofana sibekelwe ngeqadi nguNgqongqotjhe.

(3) Nangabe uNgqongqotjhe ubekela ngeqadi isiqunto somSebenzeli wePetroliyam sokurarha isibawo somnikazi sokudlulela esigabeni somkhqizo, kufanele athumele indaba le kumSebenzeli wePetroliyam. 15

(4) Nangabe uNgqongqotjhe uqinisekisa isiqunto somSebenzeli wePetroliyam sokurarha isibawo somnikazi sokudlulela esigabeni somkhqizo, kufanele asule ilungelo langokomthetho lepetroliyam ngokwesigaba 88. 20

Ukutshwila ituthuko

61. (1) Ngemva kokutjheja iinzuzo zesitjhaba, nangemva kokubonisana noNgqongqotjhe nomnikazi, umSebenzeli wePetroliyam angatshwila ukuthukiswa kwendawo yepetroliyam.

(2) Ebujaeni lapho ukuthukiswa kwendawo kutshwile khona 25
njengokuhlathulwe esigatjaneni (1), ubude besikhathi sethemu yesigaba somkhqizo welungelo langokomthetho lepetroliyam kufanele silulelwe esikhathini esitshwileweko begodu isikhathi esitjha kufanele sirekhodwe ngaphakathi kwelungelo langokomthetho lepetroliyam.

(3) kufanele asebenzise ngokusemthethweni isikhibelelo sencwadibunikazi 30
yelungelo langokomthetho lepetroliyam, arekhode ukululwa kwesikhathi esitjha begodu awuthumele e-Ofisini lezokuTloliswa kobuNini bezeNjiwa kanye nePetroliyam ngokukhambisana nesigaba 50(1)(a).

Isibawo sokuvunyelwa ukudlulela ethemini elandelako (yesigaba sokukhiqiza)

62. (1) Umnikazi welungelo langokomthetho lepetroliyam akakafaneli ukugaragela 35
phambili ethemini yesibili nofana keyesine sesigaba sokukhiqiza ngaphandle kwemvumo yomSebenzeli wePetroliyam.

(2) Umnikazi angafaka isibawo kumSebenzeli wePetroliyam sokudlulela ethemini yesibili nofana kenye ithem kufanele afake isibawo—

(a) ngendlela ebekiweko; begodu 40

(b) nangembadalo yesibawo ebekiweko engabuyiselwako emuva; begodu

(c) nangaphambi kokuphelelwa sikhathi sethemu yagadesi.

(3) Isibawo sokudlulela ethemini yesibili nofana kenye ephambili yesigaba sokukhiqiza kufanele—

(a) sindlale iinzathu zokuthi kubayini kunesidingo sethemu elandelako; 45

(b) siphekelelwe—

(i) mbiko onabileko okhombisa imiphumela yomkhqizo, ihlathululo yayo kanye neendleko ezifunyenweko zomkhqizo;

(ii) umbiko okhombisa bona umnikazi welungelo langokomthetho uthobela iimfuneko ezivunyelweko zokugunyazelwa ibhoduluko, ukubuyisela 50
esigeni ekuzakwenziwa begodu nesilinganiso seendleko zakho;

(iii) imininingwana yemisebenzi yokukhiqiza eyenziweko, ekufaka hlangana isibalo esipheleleko sepetroliyam efunyenweko kanye namanani asetjenzisiweko nafunyenweko;

(iv) umbiko onabileko wokuthobela iimfuneko zokubandakanyeka komBuso 55
kanye nokuhlonyiswa kwabantu abanzima;

(4) A term that has expired remains in force notwithstanding its expiry, provided an application to progress to the next term was lodged before expiry of the preceding term.

(5) A term that has expired will remain in force as contemplated in subsection (4)—

(a) until an application to progress to the next term is approved or refused by the Petroleum Agency; and

(b) a notarial deed of amendment has been executed.

(6) A holder is entitled to continue with exploration operations in accordance with the approved production work programme until an application to progress to the next term has been finalised in accordance with subsection (5).

Approval of application to progress to next term (production phase)

63. (1) The Petroleum Agency must grant approval for the holder of a petroleum right to progress to the next term if—

(a) the application has met the requirements of section 2;

(b) the applicant is not in contravention of any relevant provisions of this Act;

(c) the holder has complied with—

(i) the terms and conditions of the petroleum right;

(ii) the development and production work programme;

(iii) the requirements of the prescribed local content plan;

(iv) the requirements of State participation and black persons' empowerment; and

(v) the requirements of the approved environmental authorisation.

(2) The period of validity for the subsequent term must, after a holder is granted approval to progress to the subsequent term, be recorded in the petroleum right.

Review of petroleum right

64. (1) The Minister may, after the expiry of the initial term of the production phase, having regard to the need for the State to derive a fair share of benefits from the production of its petroleum resources—

(a) amend an existing term and condition of a petroleum right; or

(b) insert a new term or condition in the petroleum right.

(2) The Minister must, before amending the agreed terms and conditions of the petroleum right as contemplated in subsection (1)(a), consult with the petroleum right holder in good faith to agree on an equitable arrangement that takes into account the impact of the proposed amendments or insertions contemplated in subsection (1) on the holder.

(3) If the Minister and the holder are unable to reach an agreement on an equitable arrangement as contemplated in subsection (2), either party is entitled to refer the matter to arbitration as provided for in the terms and conditions of the petroleum right.

(4) The arbitral tribunal contemplated in subsection (3) must have its seat in South Africa and be conducted in accordance with South African laws.

Manner of conducting production operations

65. (1) A petroleum holder must—

(a) develop and produce petroleum in a manner that will ensure maximum long-term recovery of the petroleum;

- (v) umbiko onabileko wokuthotjelwa kwehlelo lelwazi lendawo elivunyelweko;
- (vi) ihlelo elinabileko lomsebenzi wokukhiqiza lethemu elandelako kanye neendleko ezihlongozliweko zemisebenzi ezokwenziwa.
- (4) Ithemu ephelelwe sikhathi iragela phambili nokusebenza nangaphandle kokuphelelwa sikhathi, kwaphela nange isibawo sokudlulela ethemini elandelako sifakwe ngaphambi kokuphelelwa sikhathi sethemu yangaphambilini. 5
- (5) Ithemu ephelelwe sikhathi izakuragela phambili nokusebenza njengokuhlathululwe esigatjaneni (4)—
- (a) ukufikela lapho isibawo sokudlulela ethemini elandelako sivunyelwa khona nofana sirarhwa khona mSebenzeli wePetroliyamu; begodu 10
- (b) isikhabelelo sencwadibunikazi yangokomthetho sisetjenzisiwe.
- (6) Umnikazi unelungelo lokuragela phambili nemisebenzi yokuzuma ngokukhambisana nehlelo lomsebenzi wokukhiqiza elivunyelweko ukufikela lapho isibawo sokudlulela ethemini elandelako siphethwa khona ngokukhambisana nesigatjana (5). 15

Ukuvunyelwa kwesibawo sokudlulela ethemini elandelako (esigabeni somkhiziqo)

- 63.** (1) UmSebenzeli wePetroliyamu kufanele iphe imvumo kumnikazi welungelo langokomthetho lepetroliyamu lokudlulela ethemini elandelako nangabe—
- (a) isibawo sihangabezene neemfuneko zesigaba 2; 20
 - (b) umbawo akakaphuli nanyana ngiziphi iinqalelelo ezifaneleko zomThetho lo;
 - (c) umnikazi uthobele—
 - (i) imigomo nemibandela yelungelo langokomthetho lepetroliyamu;
 - (ii) ihlelo lomsebenzi wokuthuthukisa nokukhiqiza;
 - (iii) iimfuneko ezibekiweko zehlelo lelwazi lendawo; 25
 - (iv) iimfuneko zokubandakanyeka komBuso kanye nokuhlonyiswa kwabantu abanzima; begodu
 - (v) neemfuneko zokugunyazwa kwebhoduluko okuvunyelweko.
 - (2) Isikhathi sokusebenza kwethemu edlulileko, ngemva kokuvunyelwa ukudlulela ethemini elandelako, kufanele sirekhodwe ngaphakathi kwelungelo langokomthetho lepetroliyamu. 30

Ukubuyezwa kwelungelo langokomthetho lepetroliyamu

- 64.** (1) Ngemva kokuphelelwa sikhathi sethemu yokuthoma yesigaba somkhiziqo, nangokutjheja isidingo somBuso sokuthola isabelo esilingeneko eenzuzweni zomkhiziqo wepetroliyamu, uNgqongqotjhe— 35
- (a) angakhabelela imigomo nemibandela ekhona yelungelo langokomthetho lepetroliyamu; nofana
 - (b) ahlomelele imigomo nofana imibandela emitjha ngaphakathi kwelungelo langokomthetho lepetroliyamu.
 - (2) Ngaphambi kokukhabelela imigomo nemibandela ekuvunyelwenwe ngayo yelungelo langokomthetho lepetroliyamu njengokuhlathululwe esigatjaneni (1)(a), uNgqongqotjhe kufanele abonisane nomnikazi welungelo langokomthetho lepetroliyamu ngokuthembeka ukwenzela ukuvumelana ngehlelo elilinganako elitjheja umthelela kumnikazi weenkhibelelo ezihlongozliweko nofana ukuhlonyelwa okuhlathululwe esigatjaneni (1). 45
 - (3) Nangabe uNgqongqotjhe nomnikazi abavumelani ngehlelo elilinganako njengokuhlathululwe esigatjaneni (2), bobabili banelungelo lokudlulisela indaba le bonyana iyokulanyulwa njengokuqalelelwe ngaphakathi kwemigomo nemibandela yelungelo langokomthetho lepetroliyamu.
 - (4) Ibandla elilamulako elihlathululwe esigatjaneni (3) kufanele kube linzinze eSewula Afrika begodu liragwe nangokukhambisana nemithetho yeSewula Afrika. 50

Indlela yokwenza imisebenzi yokukhiqiza

- 65.** (1) Umnikazi welungelo langokomthetho lepetroliyamu kufanele—
- (a) athuthukise bekakhiqize ipetroliyamu ngendlela ezakuqinisekisa ukutholakala kwawo ngobunengi nesikhathini eside esisezako; 55

- (b) take appropriate steps to increase or reduce the rate of petroleum production to a rate that will enhance optimum recovery of petroleum;
- (c) ensure that the development and production of petroleum is conducted in accordance with Good International Petroleum Industry Practice and sound economic principles, and in a manner that will ensure that waste of petroleum or loss of reservoir energy is avoided; 5
- (d) conduct continuous evaluation of the depletion strategy and technical solutions to problems arising from the production and take the necessary measures to optimise petroleum resources; and
- (e) submit a report on petroleum field related matters, including alternative schemes for production and, where applicable, the injection and the total recovery factor for the various schemes. 10

(2) The Petroleum Agency may direct a holder to take appropriate steps to increase or decrease the rate of petroleum production to a rate that will enhance the optimum recovery of petroleum, provided the capacity of existing production facilities will not be exceeded. 15

Measurement of petroleum

66. (1) A petroleum right holder must measure petroleum produced, transported and sold from a petroleum field by a measuring device customarily used in Good International Petroleum Industry Practice and approved by the Petroleum Agency. 20

(2) The Petroleum Agency must, after consultation with relevant state-owned entities or government departments, approve a measuring device which the holder must use for measuring petroleum as contemplated in subsection (1).

(3) An approved measuring device must be installed at the wellhead, or any other place approved by the Petroleum Agency. 25

(4) A holder may not alter an approved measuring device without the written approval of the Petroleum Agency.

(5) The Petroleum Agency may direct that an approved measuring device be tested or examined at regular intervals and may install facilities to monitor production.

(6) A holder who does not install a measuring device or knowingly uses a defective measuring device commits an offence. 30

Ascertainment of petroleum produced

67. (1) The quantity of petroleum produced by a petroleum right holder from a well during a period is taken to be the quantity measured by a measuring device approved by the Petroleum Agency as contemplated in section 66(2). 35

(2) If the Petroleum Agency is not satisfied that the quantity of petroleum measured by an approved measuring device has been accurately measured, the quantity of petroleum produced by the holder will be taken to be the quantity determined by the Petroleum Agency or an independent third party appointed by the Petroleum Agency. 40

(3) Where a measuring device is found to be defective— 40

- (a) the defect is considered to have existed for a period that is represented by half of the period from the last occasion when the measuring device was tested or examined to the date when the measuring device was found to be defective; and
- (b) royalty and any other payments due to the State for that period must be adjusted accordingly. 45

Third party access to upstream petroleum infrastructure

68. (1) The Petroleum Agency may direct that upstream petroleum facilities which are owned by a petroleum holder be used by third parties if warranted by considerations of efficient operation and resource management: Provided that— 50

- (a) the use would not unreasonably interfere with the usage requirements of the holder or of any person who has already been granted the right of use; and
- (b) it will not result in the reduction of production levels or disruption of the satisfactory progress of petroleum operations by the holder.

- (b) athathe amagadango afaneleko wokungezelela nofana ukunciphisa izinga lomkhqizo wepetroliyam ukufikela ezingeni elizokwandisa ukutholakala kwepetroliyam;
 - (c) aqinisekise bonyana ukuthuthukiswa nokukhizwa kwepetroliyam kwenziwa ngokukhambisana neenKambiso eziHle zeenTjhabatjhaba zeBubulo lePetroliyam kanye neenkambisokolelo ezizwakalako zomnotho, begodu nangendlela ezakuqinisekisa bonyana ukoniwa kwepetroliyam nofana ukulahlwa kwayo kuyabalekeleka; 5
 - (d) enze ukuhlola okuragela phambili kweqhinga lokunciphisa kanye neensombululo zobuthekniki zeenkinga ezisukela emkhizweni kanye namagadango afaneleko wokwandisa ipetroliyam; begodu 10
 - (e) athumele nombiko wendawo yepetroliyam weendaba ezikhambelana nayo, ekufaka hlangana ezinye iindlela zomkhqizo begodu, lapho kudingeka khona, isingezelelo nesibalo esipheleleko sokutholakeleko esima-20 seendlela ezihlukahlukeneko. 15
- (2) UmSebenzeli wePetroliyam angalayela umnikazi bonyana athathe amagadango afaneleko wokungezelela nofana ukuphungula izinga lomkhqizo wepetroliyam ukufikela ezingeni elizakwandisa ukufumaneka kwepetroliyam, kwaphela nange amandla wezenzabulula zomkhqizo angekhe eqiwa.

Ukulinganiswa kwepetroliyam

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66. (1) Umnikazi welungelo langokomthetho lepetroliyam kufanele enze isilinganiso sepetroliyam ekhizweko, ethuthiweko kanye nethengisiweko ukusuka endaweni yepetroliyam ngokusebenzisa isisetjenziswa sokulinganisa esivamise ukusetjenziswa eenKambisweni eziHle zeenTjhabatjhaba zeBubulo lePetroliyam kanye nomSebenzeli wePetroliyam. 25
- (2) Ngemva kokubonisana neenkhamphani zombuso ezifaneleko nofana iminyango karhulumente, umSebenzeli wePetroliyam kufanele aphasise isisetjenziswa sokulinganisa leso umnikazi ekufanele asisebenzisele ukulinganisa ipetroliyam ehlathululwe esigatjaneni (1).
- (3) Isisetjenziswa sokulinganisa esiphasisiweko kufanele sifakwe esithomeni somthombo, nofana kunanyana ngiyiphi enye indawo ephasise mSebenzeli wePetroliyam. 30
- (4) Umnikazi akavumeleki ukutjhugulula isisetjenziswa esiphasisiweko ngaphandle kwemvumo ayitolelwe mSebenzeli wePetroliyam.
- (5) UmSebenzeli wePetroliyam angalayela bonyana isisetjenziswa esiphasisiweko sihlolwe nofana sibuyekwezwe ngeenkhathi ezihlukahlukeneko begodu kungafakwa nezinye izenzabulula ezizakusiza ukutjheja umkhqizo. 35
- (6) Umnikazi ongakafaki isisetjenziswa sokulinganisa nofana osebenzisa isisetjenziswa esingakalungeli ukusebenza kube uyasazi bonyana asingakalungeli uzabe uphula umthetho. 40

Ukuqinisekiswa kwepetroliyam ekhizweko

67. (1) Inani lepetroliyam ekhizwe mnikazi welungelo langokomthetho lepetroliyam ukusukela emthonjeni ngesikhathi somkhqizo ithathwa njengenani elilinganise ngesisetjenziswa sokulinganisa esiphasiswe mSebenzeli wePetroliyam njengokuhlathululwe esigabeni 66(2). 45
- (2) Nangabe umSebenzeli wePetroliyam akaneliseki bonyana inani lepetroliyam elinganise ngesisetjenziswa sokulinganisa esiphasisiweko ilinganise kuhle, inani lepetroliyam ekhizwe mnikazi lizakuthathwa njengenani elibekwe mSebenzeli wePetroliyam nofana ngomunye olilunga lesithathu nozijameleko ozakukhethwa mSebenzeli wePetroliyam. 50
- (3) Lokha nakufumaniseka bonyana isisetjenziswa sokulinganisa asisebenzi kuhle—
- (a) ubutjhapo buzakuthathwa njengegade bukhona ukusukela ngesikhathi esijanyelwa siquntu sesikhathi sokusuka esikhathini esidlulileko lapho kwahlolwa khona isisetjenziswa sokulinganisa nofana sabuyekwezwa khona ukufikela elangeni lapho isisetjenziswa sokulinganisa satholakala sinobutjhapo khona; 55
 - (b) kuzakufanele kuhlaliswe kuhle nangobutjha inzuzo kanye nananyana ngiyiphi enye imbadalo ekolodwa umBuso yesikhatheso.

(2) The Petroleum Agency may only take a decision to direct that upstream petroleum facilities be used by third parties as contemplated in subsection (1) after consulting the affected petroleum right holder.

(3) The holder and a third party must, within a time period to be determined by the Petroleum Agency—

- (a) conclude an agreement on the use of upstream petroleum facilities, including the amount to be paid; and
- (b) submit the agreement to the Petroleum Agency for approval.

(4) The Petroleum Agency may, where an agreement for use is not reached or where the Petroleum Agency has not approved the agreement as contemplated in subsection (3)(b), determine the tariffs and other conditions for use in consultation with the National Energy Regulator of South Africa or any other state-owned entity.

(5) The Petroleum Agency must, when determining the tariffs and other conditions for use as contemplated in subsection (4), have regard to—

- (a) resource management considerations;
- (b) a reasonable return on investment for the holder; and
- (c) the provisions of subsection (1).

(6) The Petroleum Agency may alter the conditions of a previously approved agreement for third party use, having due regard to the provisions of subsection (5).

Application for retention permit

69. (1) A holder of a petroleum right may, within 180 days after electing to develop the discovery as contemplated in section 54(1)(d), or anytime during the production phase of the petroleum right, apply for a retention permit if—

- (a) the economic development of gas can only be accomplished if gas produced as the primary or secondary product is sold commercially; or
- (b) the development and production of petroleum would be uneconomical because of unfavourable prevailing market or economic conditions.

(2) A holder who applies for a retention permit must—

- (a) lodge the application in the prescribed manner;
- (b) lodge the application together with the prescribed non-refundable application fee; and
- (c) state the reasons and period for which the retention permit is requested.

(3) The Petroleum Agency must accept an application for a retention permit, if the requirements contemplated in subsection (2) are met.

Granting and duration of retention permit

70. (1) The Petroleum Agency may grant a retention permit if the holder has—

Ukufinyelelwa mumuntu wesithathu komthangalisisekelo wesigabasithomo sepetroliyam

68. (1) UmSebenzeli wePetroliyam angalayela bonyana izenzabulula zesigabasithomo sepetroliyam ezilawulwa mnikazi welungelo langokomthetho lepetroliyam zisetjenziswe babantu besithathu nangabe kuqinisekiswa ngokutjhejwa 5
ukwenza kuhle umsebenzi kanye nokulawula iinsetjenziswa: Kwaphela nange—

- (a) ukusetjenziswa angekhe kwakhinyabeza ngokungazwisisakaliko iimfuneko zokusetjenziswa mnikazi nofana kwananyana ngimuphi umuntu esele aphiwe ilungelo lokuzisebenzisa; begodu
- (b) angekhe kwanciphisa amazinga womkhizozo nofana kuthikazise ituthuko eyanelisako yemisebenzi yepetroliyam yomnikazi welungelo langokomthetho. 10

(2) UmSebenzeli wePetroliyam angathatha isiquqo kwaphela sokulayela bonyana izenzabulula zesigabasithomo sepetroliyam zisetjenziswe babantu besithathu njengokuhlathululwe esigatjaneni (1) ngemva kokubonisana nomnikazi welungelo langokomthetho othintekileko. 15

(3) Esikhathini esizakubekwe mSebenzeli wePetroliyam, umnikazi kanye nomuntu wesithathu kufanele—

- (a) baphethe isivumelwano sokusetjenziswa kwezenzabulula zesigabasithomo sepetroliyam, ekufaka hlangana inani lemali ezakubhadalwa; begodu 20
- (b) bathumele umSebenzeli wePetroliyam isivumelwaneso bonyana asiphasise.

(4) Lapho kungakafinyelelwa khona isivumelwano sokusetjenziswa nofana lapho umSebenzeli wePetroliyam angakaphasisi isivumelwano esihlathululwe esigatjaneni (3)(b), umSebenzeli wePetroliyam angabeka imithelo kanye neminye imibandela yokusetjenziswa ngokubonisana nomLawuli wezaMandla weNarha eSewula Afrika 25
nofana nanyana ngiyiphi ikhamphani yombuso.

(5) Lokha nayibeka imithelo kanye neminye imibandela yokusebenzisa njengokuhlathululwe esigatjaneni (4), umSebenzeli wePetroliyam kufanele atjheje—

- (a) ukutjhejwa kokuphathwa kweensetjenziswa;
- (b) imbuyiselo ezwisisakalako yesiso lomnikazi; begodu 30
- (c) neenqalelelo zesigatjana (1).

(6) UmSebenzeli wePetroliyam angatjhugulula imibandela yesivumelwano esaphasiswa ngaphambilini sokusetjenziswa mumuntu wesithathu, ngokutjheja khulu iinqalelelo zesigatjana (5).

Isibawo semvumo yokugodla 35

69. (1) Emalangenali ali-180 ngemva kokukhetha ukuthuthukisa okutholakeleko njengokuhlathululwe esigabeni 54(1)(d), nofana nanyana ngasiphi isikhathi ngesikhathi sesigaba somkhizozo welungelo langokomthetho lepetroliyam, umnikazi welungelo langokomthetho lepetroliyam angafaka isibawo semvumo yokugodla—

- (a) ukuthuthukiswa komnotho werhasi kungaphunyelelwa kwaphela nangabe 40
irhasi ekhizizwa njengomkhizozo wokuthoma nofana wesibili ithengiswa ngokwentengo; nofana
- (b) ukuthuthukiswa kanye nokukhizizwa kwepetroliyam angekhe kube nomnotho ngonobangela womhlobo wemakhethe ekhona nofana izimo zomnotho. 45

(2) Umnikazi ofaka isibawo sokugodla kufanele—

- (a) afake isibawo ngendlela ebekiweko;
- (b) afake isibawo nangembadalo yesibawo ebekiweko nengabuyiselwako emuva; begodu
- (c) atjho neenzathu kanye nobude besikhathi semvumo yokugodla efakelwa 50
isibawo.

(3) UmSebenzeli wePetroliyam kufanele amukele isibawo semvumo yokugodla, nangabe iimfuneko ezihlathululwe esigatjaneni (2) zihlangabeziwe.

Ukuvunyelwa kanye nobude besikhathi semvumo yokugodla

70. (1) UmSebenzeli wePetroliyam angapha imvumo yokugodla nangabe 55
umnikazi—

- (a) elected to develop the discovery as contemplated in section 69(1) or is already in the production phase of the petroleum right;
- (b) where applicable, proved that the economic development of gas can only be accomplished if gas produced as the primary or secondary product is sold commercially; 5
- (c) proved the need to undertake gas market development studies;
- (d) proved that the development and production of petroleum would be uneconomical because of unfavourable prevailing market or economic conditions.

(2) A retention permit issued under subsection (1) suspends the terms and conditions of the petroleum right to which the retention permit relates. 10

(3) Despite subsection (2), the conditions of the environmental authorisation issued in respect of the petroleum right remain in force.

(4) A retention permit is valid for the period specified in the permit, which period may not exceed three years and is renewable for a single further term of three years. 15

(5) Notwithstanding the provisions of subsection (4), the Petroleum Agency may renew a retention permit in respect of gas market development studies for further periods to be determined by the Petroleum Agency, having regard to the challenges of monetising gas projects.

Refusal of application for retention permit 20

71. (1) The Petroleum Agency may refuse to grant a retention permit if—

- (a) the requirements of section 70(1) have not been satisfied; and
- (b) the holder of a petroleum right to which the application for a retention permit relates is in contravention of the terms and conditions of the petroleum right, any other provision of this Act or any other law. 25

(2) The holder of a petroleum right must, within 60 days of being notified of refusal of an application for a retention permit or renewal thereof, apply for approval to progress to the production phase as contemplated in section 59(1), failing which the petroleum right will lapse.

Application for renewal of retention permit 30

72. An application for the renewal of a retention permit must be lodged in the same manner as an application for a retention permit contemplated in section 69(1) and must include—

- (a) a comprehensive report on the gas market development studies undertaken;
- (b) an updated report of the market or economic conditions; and 35
- (c) the period and reasons for the renewal.

Granting of renewal of retention permit

73. (1) A retention permit may only be renewed if—

- (a) the holder has complied with the relevant provisions of this Act, any other relevant law and the terms and conditions of the retention permit; 40
- (b) the gas market development studies undertaken have not yielded the required results that will enable the development of gas commercially; and
- (c) the market or economic conditions contemplated in section 70(1)(d) still prevail.

(2) A retention permit may be renewed once for a period not exceeding three years. 45

- (a) ukhethe ukuthuthukisa okutholakeleko njengokuhlathululwe esigabeni 69(1) nofana sele asesigabeni somkhqizo welungelo langokomthetho lepetroliyam;
- (b) laphe kufanele khona, aqinisekise bonyana ukuthuthukiswa komnotho werhasi kungafezwa kwaphela nangabe irhasi ekhizwa njengomkhqizo wokuthoma nofana wesibili ithengiswa ngokwentengo; 5
- (c) aqinisekise isidingo sokwenziwa kwamahubhululo wokuthuthukiswa kwemakethe yerhasi;
- (d) aqinisekise bonyana ukuthuthukiswa kanye nokukhizwa kwepetroliyam anekhe kube nomnotho ngonobangela womhlobo wemakethe ekhona nofana izimo zomnotho. 10
- (2) Imvumo yokugodla ekhutjwe ngaphasi kwesigatjana (1) ilengisa imigomo nemibandela yelungelo langokomthetho lepetroliyam elihlobene nemvumo yokugodla leyo.
- (3) Nangaphandle kwesigatjana (2), imibandela yokugunyazwa kwebhoduluko ekhutjwe ngokuphathelene nelungelo langokomthetho lepetroliyam iragela phambili nokusebenza. 15
- (4) Imvumo yokugodla isebenza ubude besikhathi esitshwaywe ngaphakathi kwemvumo leyo, nekusikhathi esingeqiko eminyakeni emithathu begodu singavuselelwa kwaphela ngethemu eyodwa eminyaka emithathu. 20
- (5) Nangaphandle kweenqalelelo zesigatjana (4), umSebenzeli wePetroliyam angavuselela imvumo yokugodla ngokuphathelene namahubhululo wokuthuthukiswa kwemakethe yerhasi ngezinye iinkhathi ezizakubekwa mSebenzeli wePetroliyam, ngokutjheja iintjhihilo zamaphrojekthi werhasi angenisa imali.

Ukurarhwa kwesibawo semvumo yokugodla

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- 71.** (1) UmSebenzeli wePetroliyam angala ukupha imvumo yokugodla nangabe—
- (a) iimfuneko sezigaba 70(1) azikahlangabezwa; begodu
- (b) umnikazi welungelo langokomthetho lepetroliyam loyo ofaka isibawo semvumo yokugodla uphula imigomo nemibandela yelungelo langokomthetho lepetroliyam, nananyana ngisiphi isiqalelelo somThetho nofana nanyana ngimuphi omunye umthetho. 30
- (2) Emalangenani ama-60 ngemva kokwaziswa ngokurarhwa kwesibawo semvumo yokugodla nofana sokuyivuselela, umnikazi welungelo langokomthetho lepetroliyam angafaka isibawo sokudlulela esigabeni somkhqizo njengokuhlathululwe esigabeni 59(1), nange uhluleka ukwenza njalo kutjho bonyana ilungelo lepetroliyam langokomthetho lizakuphelelwa sikhathi. 35

Isibawo sokuvuselela imvumo yokugodla

- 72.** Isibawo sokuvuselela imvumo yokugodla kufanele sifakwe ngendlela efanako nesibawo semvumo yokugodla ehlathululwe esigabeni 69(1) begodu kufanele sifake hlangana— 40
- (a) umbiko onabileko wamahubhululo enziweko wezokuthuthukiswa kwemakethe yerhasi;
- (b) umbiko wamva nje wemakethe nofana wobujamo bezomnotho; begodu
- (c) nobude besikhathi neenzathu zokuvuselelwa kwayo.

Ukuvumela ukuvuselelwa kwemvumo yokugodla

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- 73.** (1) Imvumo yokugodla ingavuselelwa kwaphela nangabe—
- (a) umnikazi uthobele iinqalelo ezifaneleko zomThetho lo; nananyana ngimuphi omunye umthetho kanye nemigomo nemibandela yemvumo yokugodla;
- (b) amahubhululo wokuthuthukiswa kwemakethe enziweko akakakhuphi imiphumela efunekako ezakukhona kalisa ukuthuthukiswa kwerhasi ngokokurhweba; begodu 50
- (c) nemakethe nofana izimo zomnotho ezihlathululwe esigabeni 70(1)(d) isajamile.
- (2) Imvumo yokugodla ingavuselelwa kanye esikhathini esingadluliko eminyakeni emithathu. 55

Refusal of application for renewal of retention permit

- 74.** The Petroleum Agency may refuse to grant a renewal of a retention permit if—
- (a) the holder of a permit has failed or did not undertake gas market development studies to the satisfaction of the Petroleum Agency;
 - (b) the Petroleum Agency is of the view that the market or economic conditions contemplated in section 70(1)(d) have improved significantly or no longer exist; or
 - (c) granting of a renewal will defeat the object referred to in section 2(i).

Rights and obligations of retention permit holder

- 75.** The holder of a retention permit must—
- (a) give effect to the conditions of the environmental authorisation;
 - (b) pay the prescribed retention fees;
 - (c) submit an annual progress report to the Petroleum Agency indicating—
 - (i) the progress on gas market development studies undertaken; and
 - (ii) the status of market or economic conditions and an analysis of whether the development and production of petroleum would still be uneconomical; and
 - (d) submit the retention permit for recording and endorsement against the relevant petroleum right at the Mineral and Petroleum Titles Registration Office within 60 days after the permit has been issued.

Vis major

76. (1) Any failure by the holder of a permit or right granted in terms of this Act to comply with any term or condition of a permit or right or any provision of this Act due to an act of war, hostility, insurrection or an act of nature, may not be regarded as failure to comply with such a term or condition of a permit or right or provision of this Act, as the case may be.

(2) The holder who is prevented from complying with a term or condition of a permit or a right or a provision of this Act as provided for in subsection (1) must notify the Petroleum Agency by notice in writing—

- (a) as soon as possible, setting out particulars of the nature, extent and causes of their failure to comply with any term or condition of a permit or right, or any provision of this Act;
- (b) as soon as the *vis major* event ends and request the Minister to extend the duration of the reconnaissance permit or the exploration or production phase of the petroleum right, as the case may be.

(3) The Minister may, upon request in terms of subsection (2)(b), extend, by notice in writing, the duration of the permit or the exploration or production phase of the petroleum right, as the case may be, on such conditions as may be determined by the Minister.

(4) The Minister may refuse a request for extension referred to in subsection (2)(b) if the holder of a permit or right concerned could have complied with the terms and conditions of a permit or petroleum right by taking reasonable steps which were available to such holder.

(5) The provisions of this section may not be construed as absolving any holder from complying with any obligation under this Act or any other Act to pay any royalties, annual charges, rent or fees.

Ukurarhwa kwesibawo sokuvuselela imvumo yokugodla

74. UmSebenzeli wePetroliyamu angala ukuvumela ukuvuselelwa kwemvumo yokugodla nangabe—

- (a) umnikazi wemvumo uhluleke nofana akakenzi amaruhbululo wezokuthuthukiswa kwemakethe yerhasi ukwenzela ukwanelisa umSebenzeli wePetroliyamu; 5
- (b) umSebenzeli wePetroliyamu abona bonyana imakethe nofana ubujamo bomnotho obuhlathululwe esigabeni 70(1)(d) buthuthukiswe kuhle khulu nofana ayisekho; nofana
- (c) ukuvumela ukuvuselelwa kuzakutjhayisana nomnqopho okhonjwe esigabeni 2(i). 10

Amalungelo kanye neembopho zomnikazi wemvumo yokugodla

75. Umnikazi wemvumo yokugodla kufanele—

- (a) enze bonyana kusebenze imibandela yokugunyazwa kwebhoduluko; 15
- (b) abhadale imbadalo yokugodla ebekiweko;
- (c) athumele umSebenzeli wePetroliyamu umbiko waqobe mnyaka wetuthuko ozakutshwaya—
 - (i) ituthuko eyenziweko yamarhubhululo wezokuthuthukiswa kwerhasi; begodu
 - (ii) nobujamo bemakethe nofana izimo zomnotho kanye nehlaiziyo lokobana ituthuko kanye nomkhiziqo wepetroliyamu uzakuba nomnotho; begodu 20
- (d) athumele imvumo yokugodla bonyana igadangiswe begodu igunyazwe malungana nokuphikisana nelungelo langokomthetho lepetroliyamu e-Ofisini lezokuTloliswa kobuNini bezeNjiwa kanye nePetroliyamu emalangenani ama-60 ngemva kokukhutjwa kwemvumo. 25

Isikateleli esingakhandelekiko

76. (1) Nanyana ngikuphi ukuhluleka komnikazi wemvumo nofana welungelo eliphiwe ngokomThetho lo ukuthobela nanyana ngimiphi imigomo nemibandela yemvumo nofana yelungelo nofana nanyana ngisiphi isiqalelelo somThetho lo ngonobangela wepi, inturhu, ukuvukela umbuso, isehlakalo semvelo, angekhe kwathathwa njengokuhluleka ukuthobela imigomo nemibandela le yemvumo nofana yelungelo nofana yesiqalelelo somThetho lo, ngokuya ngobunjalo bobujamo. 30

(2) Umnikazi okhandedlekileko bonyana athobele imigomo nemibandela yemvumo nofana yelungelo nofana yesiqalelelo somThetho lo njengokuqalelelwe esigatjaneni (1) kufanele azise umSebenzeli wePetroliyamu ngesaziso esimtlolo— 35

- (a) 10msinyazana ngendlela ekungakghonakala ngayo, esindlala iminingwana yomhlobo, kanye nabonobangela bokuhluleka ukuthobela imigomo nemibandela yemvumo nofana yelungelo, nofana yananyana ngisiphi isiqalelelo somThetho lo;
- (b) msinyazana ngemva kokwenzeka kwesimo esisikateleli esingakhandelekiko begodu abawe uNgqongqotjhe bonyana alule ubude besikhathi semvumo yokuhlolwa kwendawo nofana yokuzuma nofana yesigaba sokukhiqiza selungelo langokomthetho lepetroliyamu, ngokuya ngobunjalo bobujamo. 40

(3) Ngemva kokufumana isibawo ngokwesigatjana (2)(b), uNgqongqotjhe angalula ngesaziso esimtlolo ubude besikhathi semvumo yokuzuma nofana yesigaba sokukhiqiza selungelo langokomthetho lepetroliyamu, ngokuya ngobunjalo bobujamo, emibandeleni leyo ezakubekwa nguNgqongqotjhe. 45

(4) UNgqongqotjhe angararha isibawo sokulula esikhonjwe esigatjaneni (2)(b) nangabe umnikazi wemvumo nofana welungelo elikhulunyiswako azange akghone ukuthobela imigomo nemibandela yemvumo nofana yelungelo langokomthetho lepetroliyamu ngokuthi athathe amagadango abonakalako nebegade anethuba lokuwathatha. 50

(5) Iinqalelelo zesigabesi angekhe zathathwa njengokukhulula nanyana ngimuphi umnikazi bonyana angathobeli isibopho sangaphasi komThetho lo nofana nanyana ngimuphi omunye umThetho nofana zokungabhadali iinzuzo, iindleko zaqobe mnyaka, imali yomqatjho nofana iimbada. 55

Unitisation

77. (1) A holder of a petroleum right must notify the Petroleum Agency of any petroleum accumulation which extends beyond the boundaries of its area.

(2) The Petroleum Agency may, for the purpose of ensuring optimum recovery of petroleum, require that petroleum operations be carried out on the basis of a unitised development where— 5

(a) petroleum accumulation extends beyond the boundaries of the petroleum right area; and

(b) at least one holder has made a declaration of a commercial discovery.

(3) The process, terms and conditions for petroleum operations to be carried out on the basis of a unitised development, which are fair and equitable to the holders, must be fully set out in the petroleum right. 10

(4) The Minister may, after a due process to be determined in the terms and conditions of the petroleum right has been exhausted—

(a) impose a unitised development arrangement which is fair and equitable to the affected holders and will ensure optimum recovery of petroleum as envisaged in section 2(j); or 15

(b) cancel the petroleum right of a holder or holders who unreasonably failed to carry out any provision of the unitisation proposal.

Cross-border co-operation and unitisation

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78. The State may, where an accumulation of petroleum extends onto the land or the continental shelf of another country, seek to reach an agreement with that other country on the most efficient co-ordination of petroleum activities in connection with accumulation of petroleum as well as the apportionment of the accumulation of petroleum. 25

Information and data

79. (1) The holder of a reconnaissance permit, exploration right or petroleum right who conducts reconnaissance, exploration or production operations must submit such information, data, including geological, geophysical, technical, financial and economic reports, studies, analysis, progress reports and interpretations to the Petroleum Agency as may be prescribed. 30

(2) The data and information submitted in terms of subsection (1) become the sole property of the State.

(3) Notwithstanding the provisions of subsection (2)—

(a) a holder of a petroleum right who acquired the data and information contemplated in subsection (1) may use it for the duration of such a right; and 35

(b) a holder of a reconnaissance permit who acquired the data and information contemplated in subsection (1) may use it for a period determined in section 40.

Disclosure of information and data

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80. (1) Data and information contemplated in section 79(3) must be kept confidential by the Petroleum Agency for a period contemplated in that section.

(2) Notwithstanding the provisions of subsection (1), the Petroleum Agency may disclose information and data contemplated in section 79(1)—

(a) if it is in the interest of advancing the objects referred to in section 2; 45

(b) after a period of 10 years has lapsed, which period must be reckoned from the date of notarial execution of a permit or a right in terms of which such data was acquired; or

(c) from the date on which a permit or right in terms of which such data and information was acquired has lapsed, is cancelled, abandoned or relinquished; 50
and

Ukubumbana

77. (1) Umnikazi welungelo langokomthetho lepetroliyam kufanele azise umSebenzeli wePetroliyam ngananyana ngiliphi ibuthelelo elilulekela ngale kwemikhawulo yendawakhe.

(2) Ngokweminqopho yokuqinisekisa ukutholakala okukhulu kwepetroliyam, umSebenzeli wePetroliyam angafuna bonyana imisebenzi yepetroliyam yenziwe ngokwesisekelo setuthuko ebumbeneko lapho—

- (a) ibuthelelo lepetroliyam lilulekela ngale kwemikhawulo yendawo yelungelo langokomthetho lepetroliyam; begodu
- (b) nobuncani bakhona umnikazi munye enze isimemezelo sokutholakeleko nokurhwebekako.

(3) Ikambiso, imigomo nemibandela yemisebenzi yepetroliyam izakwenziwa ngokwesisekelo setuthuko ebumbeneko, engathathi ihlangothi nelinganako yabanikazi, kufanele indlalwe ngokupheleleko ngaphakathi kwelungelo langokomthetho lepetroliyam.

(4) Ngemva kwekambiso efaneleko ezakubekwa ngokwemigomo nemibandela yelungelo langokomthetho lepetroliyam nasele iphelileko, uNgqongqotjhe—

- (a) angakhombela ihlelo letuthuko ebumbeneko elingathathi ihlangothi nelilingene abanikazi abathintekileko begodu nelizakuqinisekisa ukutholakala okukhulu kwepetroliyam ehlongozwe esigabeni 2(j); nofana
- (b) angasula ilungelo langokomthetho lepetroliyam lomnikazi nofana labanikazi abahluleke ngokungazwakaliko ukwenza nanyana ngisisiphi isiqalelelo sokubumbana esihlongoziweko.

Ibambiswano nebumbano langaphetjheya kwemikhawulo

78. Lapho ibuthelelo lepetroliyam linabela endaweni nofana esiqephini selwandle lenarhakazi senye inarha, umBuso ungafuna ukwenza isivumelwano nenarha enye leyo malungana nendlela ehle yokulungelela imisebenzi yepetroliyam ngokuphathelele nebuthelelo lepetroliyam kanye nokwabiwa kwebuthelelo lepetroliyam.

Ilwazi nedatha

79. (1) Umnikazi wemvumo yokuhlolwa kwendawo, welungelo lokuzuma nofana ilungelo langokomthetho lepetroliyam owenza imisebenzi yokuhlolwa kwendawo, yokuzuma nofana yokukhiqiza kufanele athumele umSebenzeli wePetroliyam ilwazelo, idatha, ekufaka hlangana iimbiko ngokwakheka komhlaba, i-geophysical, itheknikhali, iimali nomnotho, amaruhbululo, ihlaziyo, iimbiko yetuthuko nehlathululo ngendlela ebekiweko.

(2) Idatha nelwazi elithunyelwa ngokwesigatjana (1) liba yipahla yomBuso kwaphela.

(3) Nangaphandle kweenqalelelo zesigatjana (2)—

- (a) umnikazi welungelo langokomthetho lepetroliyam ofumene idatha nelwazi elihlathululwe esigatjaneni (1) angalisebenzisa ubude besikhathi obulingana nebelungelo; begodu
- (b) nomnikazi wemvumo yokuhlolwa kwendawo ofumene idatha nelwazi elihlathululwe esigatjaneni (1) angalisebenzisa ubude besikhathi esibekwe sigaba 40.

Ukuvezwa ngaphambili kwelwazi nedatha

80. (1) Idatha nelwazi elihlathululwe esigabeni 79(3) kufanele libulungwe ngefihlo mSebenzeli wePetroliyam bekube bubude besikhathi esihlathululwe esigabeneso.

(2) Nangaphandle kweenqalelelo zesigatjana (1), umSebenzeli wePetroliyam angaveza ngaphambili ilwazi nedatha elhathululwe esigabeni 79(1)—

- (a) nangabe izakusiza ukuthuthukisa iminqopho ekhonjwe esigabeni 2;
- (b) ngemva kokuphela kweminyaka eli-10, nekusikhathi ekufanele sibalwe ukusuka elangeni lokuqinisekiswa ligcwetha lezeemvumelwano kwemvumo nofana ilungelo ngokwemibandela leyo idatha eyatholakala ngayo; nofana
- (c) ukusukela ngelanga lelo imvumo nofana ilungelo ngokwemibandela leyo idatha nelwazi eyatholakala liphelelwe sikhathi, lisuliwe, litjhiywe phasi nofana liliswe;

- (d) if disclosure is permitted in terms of the Promotion of Access to Information Act.
- (3) Neither the State, the Petroleum Agency, nor any of its employees—
 - (a) is liable for the *bona fide* or inadvertent release of information or data submitted in terms of this Act; and 5
 - (b) guarantee the accuracy or completeness of any such information or data or interpretation thereof.

Samples

81. (1) A holder of a reconnaissance permit or petroleum right may not export data and samples, including geological and reservoir samples, cuttings, cores, liquid and gas samples without the written approval of the Petroleum Agency. 10

- (2) The Petroleum Agency may approve the exportation of data and samples provided—
- (a) that representative samples and copies of the data have first been delivered to the Petroleum Agency; 15
 - (b) the holder returns the data or samples to the Petroleum Agency within 30 days after the interpretation or analysis or when directed to do so by the Petroleum Agency; and
 - (c) copies of the interpretation or analysis reports are submitted to the Petroleum Agency within 30 days after the completion of the interpretation or analysis. 20

Minister's power to direct submission of specified information or data

- 82.** The Minister may, in order to achieve the objects of this Act and to fulfil any of the functions in terms of this Act, direct in writing that specified information or data be submitted by—
- (a) an applicant for a reconnaissance permit, petroleum right or retention permit, as the case may be; 25
 - (b) any holder of a reconnaissance permit, petroleum right or retention permit; or
 - (c) any owner or lawful occupier of land which is the subject of a reconnaissance permit, petroleum right or retention permit or an application for such a right or permit. 30

Environmental authorisations

- 83.** (1) The Minister is the responsible authority for administering the National Environmental Management Act as it relates to reconnaissance exploration or production activities.
- (2) The National Environmental Management Act determines whether an environmental authorisation is required for reconnaissance, exploration and production activities. 35
- (3) Where an environmental authorisation is required in terms of the National Environmental Management Act for an application for a reconnaissance permit or petroleum right such environmental authorisation is a condition prior to the issuing of such reconnaissance permit or the granting of such petroleum right in terms of this Act. 40

Issuing of closure certificate

- 84.** (1) The holder of an exploration, production or petroleum right remains responsible for any environmental liability, pollution, ecological degradation, the pumping and treatment of extraneous water, compliance with the conditions of the 45

- (d) nangabe ukuvezwa ngaphambili kuvunyelwe ngokomThetho wezokuThuthukiswa kweLungelo lokuFinyelela iLwazi.
- (3) UmBuso, umSebenzeli wePetroliyam, nofana nanyana ngisiphi isisebenzi sawo—
- (a) asinasibopho sokukhutjwa kweqiniso nofana ukukhutjwa ngokungakanqophi kwelwazi nofana idatha ethunyelwe ngokomThetho lo; begodu 5
- (b) ukunemba nofana ukuphelela kwananyana ngiliphi ilwazi nofana idatha nofana ihlathululo yalo. 5

Amasampula 10

81. (1) Umnikazi wemvumo yokuhlolwa kwendawo nofana welungelo langokomthetho lepetroliyam akakafaneli ukuthumela ngaphandle idatha namasampula, ekufaka hlangana amasampula wejiyoloji newedamu lepetroliyam, iintokana, amasampula wetlelezo kanye newerhasi ngaphandle kwemvumo etoliweko yomSebenzeli wePetroliyam. 15
- (2) UmSebenzeli wePetroliyam angavumela ukukhutjelwa ngaphandle kwedatha namasampula kwaphela nange—
- (a) amasampula aziinjamiseleli namakhophi wedatha athome ngokunikelwa umSebenzeli wePetroliyam;
- (b) umnikazi ubuyisela idatha nofana amasampula kumSebenzeli wePetroliyam emalangenini ama-30 ngemva kokuhlathululwa nofana ukuhlaziya nofana lokha nakalayelwe mSebenzeli wePetroliyam bonyana enze njalo; begodu 20
- (c) nalokha amakhophi wemibiko yehlathululo nofana wehlaziyo athunyelwe mSebenzeli wePetroliyam emalangenini ama-30 ngemva kokuphethwa kwehlathululo nofana ihlaziyo. 25

Amandla kaNgqongqotjhe wokulayela ukuthunyelwa kwelwazi nofana idatha ethileko

82. Ukwenza ukuzeza iminqopho yomThetho lo kanye nokuphumelelisa nanyana ngimiphi imisebenzi yangokomThetho lo, uNgqongqotjhe angalayela ngomtlo bonyana ilwazi nofana idatha ethileko ithunyelwe— 30
- (a) mbawi wemvumo yokuhlolwa kwendawo, welungelo langokomthetho lepetroliyam nofana wemvumo yokugodla, ngokuya ngobunjalo bobujamo;
- (b) nanyana ngimuphi umnikazi wemvumo yokuhlolwa kwendawo, welungelo langokomthetho lepetroliyam nofana wemvumo yokugodla;
- (c) nanyana ngimuphi umnikazi nofana umhlali wangokomthetho wendaweni efakelwe isibawo semvumo sokuphenya, welungelo langokomthetho lepetroliyam nofana wemvumo yokugodla nofana isibawo selungelwelo nofana imvumo. 35

Ukugunyazwa kwebhoduluko

83. (1) UNgqongqotjhe usiphathimandla esiphathiswe zokuphatha umThetho wezokuLawulwa kweBhoduluko leNarha njengombana uphathelene nemisebenzi yokuhlolwa kwendawo, ukuzuma nofana ukukhiqiza. 40
- (2) UmThetho wezokuLawulwa kweBhoduluko leNarha uqunta bonyana sikhona na isidingo sokugunyazwa kwebhoduluko malungana nemisebenzi yokuhlolwa kwendawo, ukuzuma nokukhiqiza. 45
- (3) Lapho kunesidingo sokugunyazwa kwebhoduluko ngokomThetho wezokuLawulwa kweBhoduluko leNarha malungana nesibawo semvumo yokuhlolwa kwendawo nofana ilungelo langokomthetho lepetroliyam ukugunyazwa kwebhodulukokho kumbadela ngaphambi kokukhutjwa kwemvumo yokuhlolwa kwendawo nofana ukuphiwa ilungelo langokomthetho lepetroliyam ngokomThetho lo. 50

Ukutjhwa kwesitifikedi sokuvala

84. (1) Umnikazi welungelo lokuzuma, lokukhiqiza nofana langokomthetho lepetroliyam uhlala anesibopho sebhoduluko, sesilaphazo, ukoniwa kwemvelo, ukupompa kanye nokuhlaza amanzi wangaphandle, ukuthobela imibandela yokugunyazwa kwebhoduluko kanye nokuphathwa nokusimelela kwalo, ukufikela 55

environmental authorisation and the management and sustainable closure thereof, until the Minister has issued a closure certificate to the holder in terms of this Act.

(2) On the written application in the prescribed manner by the holder of an exploration, production or petroleum right, the Minister may transfer such environmental liabilities and responsibilities as may be identified in the environmental management report and any prescribed closure plan to a person with such qualifications as may be prescribed. 5

(3) The holder of an exploration, production or petroleum right, or the person contemplated in subsection (2), as the case may be, must apply for a closure certificate upon— 10

- (a) the lapsing, abandonment or cancellation of the right in question;
- (b) cessation of the exploration or production operation; or
- (c) the relinquishment of a portion of a block to which an exploration, production or petroleum right relates.

(4) An application for a closure certificate must be made to the Petroleum Agency within 30 days of lapsing, abandonment, cancellation, cessation or relinquishment contemplated in subsection (3) and must be accompanied by the required information, programmes, plans and reports as prescribed. 15

(5) No closure certificate may be issued unless the Chief Inspector and other government department responsible for the administration of any law which relates to a matter affecting the environment have confirmed in writing that the provisions pertaining to health and safety and management of pollution to water resources, the pumping and treatment of extraneous water and compliance to the conditions of the environmental authorisation have been addressed. 20

(6) Notwithstanding the provisions of subsection (5), a closure certificate may be issued without the confirmation of the Chief Inspector and other government department responsible for the administration of law which relates to a matter affecting the environment if the holder did not undertake invasive exploration operations. 25

(7) Confirmation from the Chief Inspector and other government department contemplated in subsection (5) must be received within 60 days from the date on which the Petroleum Agency informs such Chief Inspector or government department to do so in writing, failing which the Petroleum Agency must process and finalise the application for a closure certificate. 30

(8) When the Minister issues a certificate, he or she may return the financial provision contemplated in section 45 of the National Environmental Management Act, as the Minister may deem appropriate, to the holder of an exploration, production or petroleum right, or the person contemplated in subsection (2), but may retain any portion of such financial provision for latent and residual safety, health or environmental impact which may become known in the future. 35

(9) A portion which may be retained as contemplated in subsection (8) and the period for which it may be retained, must be determined in the prescribed manner. 40

(10) The holder of an exploration, production or petroleum right, or the person contemplated in subsection (2), as the case may be, must plan for, manage and implement such procedures and such requirements on petroleum operations closure, as may be prescribed. 45

(11) The Minister may, in consultation with the Minister responsible for environmental affairs, identify areas where petroleum operations are interconnected or their safety, health, social or environmental impacts are integrated, which results in a cumulative impact and publish such areas in the *Gazette*.

(12) The Minister may, in consultation with the Minister responsible for environmental affairs, publish by notice in the *Gazette* strategies to facilitate the closure of operations where petroleum operations are interconnected, have an integrated impact or pose a cumulative impact. 50

(13) The holder of an exploration, production or petroleum right, or the person contemplated in subsection (2), as the case may be, operating or who has operated within an area identified in subsection (11), must submit a closure plan which is aligned with the closure strategies contemplated in subsection (12). 55

lapho uNgqongqotjhe akhuphela khona umnikazi loyo isitifikedi sokuvalwa ngokomThetho lo.

(2) Ngokusebenzisa isibawo esimtlole wangendlela ebekiweko somnikazi welungelo lezokuzuma, ukukhiqiza nofana langokomthetho lepetroliyam, uNgqongqotjhe angadlulisela iimbopho zebhodulukwezo ngendlela ezikhonjwe ngayo ngaphakathi kombiko wezokuphthwa kwebhodulo kanye nananyana ngiliphi ihlelo lokuvala elibekiweko emuntwini ozobe aneemfuneko ezibekiweko. 5

(3) Umnikazi welungelo lokuzuma, lokukhiqiza nofana langokomthetho lepetroliyam, nofana umuntu ohlathululwe esigatjaneni (2), ngokuya ngobunjalo bobujamo, kufanele afake isibawo sesitifikedi sokuvalwa lokha— 10

(a) nakuphela isikhathi, nakutjhiywako nofana kusulwa ilungelo elikhulunyiswako;

(b) nakulisiwa umsebenzi wokuzuma nofana wokukhiqiza; nofana

(c) nakurhoqiswa ingcenywe yebloko elihlobene nelungelo lokuzuma, lokukhiqiza nofana langokomthetho lepetroliyam. 15

(4) Isibawo sesitifikedi sokuvalwa kufanele sithunyelwe kumSebenzeli wePetroliyam emalangenini ama-30 ngemva kokuphelelwa sikhathi, ukutjhiywa, ukusulwa, ukulisiwa nofana ukurhoqiswa okuhlathululwe esigatjaneni (3) begodu kufanele siphekelelwe lilwazi, mahlelo kanye neembiko efunekako nebekiweko. 20

(5) Angekhe kwakhutjha isitifikedi sokuvala ngaphambi kobanyana umHloli omKhulu kanye nomunye umnyango karhulumende ophathiswe zokuphatha nanyana ngimuphi umthetho ohlobene nendaba ethinta ibhoduluko aqinisekise ngomtlole bonyana iinqalelelo eziphathelene nepilo ehle kanye nokuphepha kanye nelawulo lezesilaphazo eensetjenzisweni zamanzi, ukupompa nokuhlanza amanzi wangaphandle begodu nokuthobela imibandela yokugunyazwa kwebhoduluko sele kulungisiwe. 25

(6) Nangaphandle kweenqalelelo zesigatjana (5), isitifikedi sokuvala singakhutjha ngaphandle kwesiqinisekiso somHloli omKhulu kanye nomunye umnyango karhulumende ophathiswe zokuphatha umthetho ohlobene nendaba ethinta ibhoduluko nangabe umnikazi akakenzi imisebenzi yokuzuma ngoqabelako. 30

(7) Isiqinisekiso somHloli omKhulu kanye nomunye umnyango karhulumende ohlathululwe esigatjaneni (5) kufanele sifunyanwe emalangenini ama-60 ukusukela ngelanga lelo umSebenzeli wePetroliyam azisa ngalo umHloli omKhulu nofana umnyango karhulumende ngomtlole bonyana wenze njalo, lapho uhluleka khona kutjho bonyana umSebenzeli wePetroliyam kuzakufanele asebenze bekaphethe isibawo sesitifikedi sokuvala. 35

(8) Lokha uNgqongqotjhe nakakhupha isitifikedi angabuyisela isiqalelelo seemali esihlathululwe esigabeni 45 somThetho wezokuLawulwa kweBhoduluko leNarha, nangendlela uNgqongqotjhe azakubona kufaneleke ngayo, kumnikazi welungelo lokuzuma, ukukhiqiza nofana langokomthetho lepetroliyam, nofana emuntwini ohlathululwe esigatjaneni (2), kodwana angagodla nanyana ngiyiphi ingcenywe yesiqalelelo seemali yokungakaveli kanye nokuseleko ukuphepha, umthelela wepilo nofana webhoduluko ongavela esikhathini esisezako. 40

(9) Ingcenywe ezakugodlwa njengokuhlathululwe esigatjaneni (8) begodu nobude besikhathi ezakugodlwa sona, kufanele sibekwe ngendlela ebekiweko. 45

(10) Umnikazi welungelo lokuzuma, lokukhiqiza nofana langokomthetho lepetroliyam, nofana umuntu ohlathululwe esigatjaneni (2), ngokuya ngobunjalo bobujamo, kufanele ahlelele ukuphatha nokuphumelelisa iinkambiswezi kanye neemfuneko zokuvalwa kwemisebenzi yepetroliyam, ngendlela ezakubekwa. 50

(11) Ngokubonisana noNgqongqotjhe ophathiswe iindaba zebhoduluko, uNgqongqotjhe angakhomba iindawo lapho imisebenzi yepetroliyam ithungelelene khona nofana ukuphepha kwayo, ipilo ehle, umphakathi nofana umthelela webhoduluko zihlanganiswe khona, erholela emtheleleni obuthelelweko begodu aphablitjhe iindawezo ngaphakathi kweGazede. 55

(12) Ngokubonisana noNgqongqotjhe ophathiswe iindaba zebhoduluko, uNgqongqotjhe angaphablitjha isaziso ngaphakathi kweGazede samaqhinga wokukhonakalisa imisebenzi yokuvala lapho imisebenzi yepetroliyam ithungelelene khona, ibe nomthelela ohlanganeko nofana olibuthelelo. 60

(13) Umnikazi welungelo lokuzuma, lokukhiqiza nofana langokomthetho lepetroliyam, nofana umuntu ohlathululwe esigatjaneni (2), ngokuya ngobunjalo bobujamo, osebenza nofana osebenze endaweni ekhonjwe esigatjaneni (11), kufanele athumele ihlelo lokuvala elikhambisana namaqhinga wokuvala ahlathululwe esigatjaneni (12).

(14) The Minister may, in consultation with the Minister responsible for environmental affairs, prescribe the methodology for the apportionment of liability in respect of petroleum operations that are interconnected or have an integrated health, safety, social or environmental impact.

- (15) No closure certificate may be issued unless complete and correct— 5
- (a) exploration reports in terms of sections 50 and 79 have been submitted to the Petroleum Agency;
 - (b) data contemplated in section 79 has been submitted to the Petroleum Agency; or
 - (c) surface and the relevant underground geological plans have been submitted to the Petroleum Agency. 10

Removal of buildings, structures and other objects

85. (1) When an exploration, production or petroleum right lapses, is cancelled or abandoned, or when any exploration or production operation ceases, the holder of any such right may not demolish or remove any building structure or object— 15
- (a) which may not be demolished or removed in terms of any other law; or
 - (b) which is to be retained in terms of an agreement between the holder and the owner or lawful occupier of the land, which agreement has been approved by the Minister in writing.
- (2) The provisions of subsection (1) do not apply to production or exploration equipment which may be removed lawfully. 20

Approval of joint operating agreements

86. (1) Joint operating agreements and any amendments thereto must, after signature by all parties, be submitted to the Petroleum Agency for approval.
- (2) The Petroleum Agency may refuse to approve a joint operating agreement as contemplated in subsection (1) only if the provisions of the agreement are inconsistent with this Act. 25

Financial guarantee for petroleum operations

87. (1) A holder of a right granted in terms of this Act must, before notarial execution of the right, provide a financial guarantee in a format to be determined by the Petroleum Agency within 60 days from the date of request, guaranteeing the availability of sufficient funds for the due fulfilment of exploration or production activities in respect of the applicable term. 30
- (2) The Minister may, on request by the Petroleum Agency, cancel the petroleum right if the holder fails to provide the financial guarantee contemplated in subsection (1) notwithstanding a reasonable opportunity afforded to the holder by the Petroleum Agency to provide the guarantee. 35
- (3) The Petroleum Agency must request the holder to make written representations regarding its intention to invoke the provisions of subsection (2) within 30 days from the date of request before proceeding to make a written request to the Minister to cancel the right. 40

Minister's power to suspend or cancel permit or right

88. (1) The Minister may, subject to subsections (2), (3) and (4), cancel or suspend any reconnaissance permit, retention permit, technical co-operation permit or an exploration, production or petroleum right if the holder thereof— 45
- (a) is conducting any reconnaissance, exploration or production operation in contravention of this Act;
 - (b) fails to provide a financial guarantee as contemplated in section 87;

(14) Ngokubonisana noNgqongqotjhe ophathiswe iindaba zebhoduluko, uNgqongqotjhe angabeka indlela yokwabiwa kwesibopho ngokuphathelele nemisebenzi yepetroliyam ethungeleleneko nofana ehlangeneko yezepilo, ukuphepha, umphakathi nofana umthelela webhoduko.

(15) Angekhe kwakhutjha isitifikedi sokuvala ngaphandle kokuphela nofana ukunemba— 5

- (a) kwemibiko yokuzuma ngokweengaba 50 nesama-79 ezithunyelwe umSebenzeli wePetroliyam;
- (b) kwedatha ehlathululwe esigabeni 79 ethunyelwe umSebenzeli wePetroliyam; nofana 10
- (c) kwamahlelo wangaphezu kanye newangaphasi komhlaba athunyelwe umSebenzeli wePetroliyam.

Ukususwa kwemakhiwo, iinjamo nezinye izinto

85. (1) Lokha nakuphela isikhathi selungelo lokuzuma, lokukhiqiza nofana ilungelo langokomthetho lepetroliyam, lisulwa nofana litjhiywa phasi nofana lokha kulisiswa umsebenzi wokuzuma nofana wokukhiqiza, umnikazi welungelwelo angagiriza nofana asuse nanyana ngisiphi isakhiwo somakhiwo— 15

- (a) nekungathogekiko bonyana ugirizwe nofana ususwe ngokomthetho othileko; nofana
- (b) nekufanele ugodlwe ngokwesivumelwano esiphakathi komnikazi welungelo langokomthetho lepetroliyam kanye nomnikazi wendawo nofana umhlali wangokomthetho wendawo leyo, nekusivumelwano esizakuphasiswa ngomtlole kaNgqongqotjhe. 20

(2) Iinqalelelo zesigatjana (1) azisebenzi eensetjenzisweni zokukhiqiza nofana zokuzuma ezizakuswa ngokomthetho. 25

Ukuvunyelwa kweemvumelwano zokusebenza ngehlanganyela

86. (1) Imvumelwano zokusebenza ngehlanganyela kanye neenkhiselelo zazo kufanele zithunyelwe umSebenzeli wePetroliyam bonyana aziphasise, ngemva kokutlilitwa ngiwo woke amalunga.

(2) UmSebenzeli wePetroliyam angala ukuphasisa isivumelwano sokusebenza ngehlanganyela njengokuhlathululwe esigatjaneni (1) kwaphela nangabe iinqalelelo zesivumelwano azikhambisana nomThetho lo. 30

Isiqinisekiso seemali zemisebenzi yepetroliyam

87. (1) Umnikazi welungelo eliphiwe ngokomThetho lo, ngaphambi kokuqinisekiswa ligcwetha lezeemvumelwano kwelungelwelo, kufanele aphe isiqinisekiso seemali ngefomethi ebekwe mSebenzeli wePetroliyam emalangenani ama-60 ukusukela ngelanga lesibawo, aqinisekise ukuthi uneemali ezaneleko zokufeza imisebenzi yokuzuma nofana yokukhiqiza ngokuphathelele nethemu efaneleko. 35

(2) Ngemva kokufumana isibawo somSebenzeli wePetroliyam, uNgqongqotjhe angasula ilungelo langokomthetho lepetroliyam nangabe umnikazi uhluleka ukupha isiqinisekiso esihlathululwe esigatjaneni (1) nangaphandle kwethuba elizwakalako aphiwe lona mSebenzeli wePetroliyam bonyana aphe isiqinisekiswa. 40

(3) UmSebenzeli wePetroliyam kufanele abawe umnikazi bonyana enze izethulo ngomtlole eziphathelele nehloso yokusetjenziswa kweenqalelelo zesigatjana (2) emalangenani ama-30 ukusukela ngelanga lesibawo nangaphambi kokuragela phambili nesibawo esitolelwa uNgqongqotjhe bonyana asule ilungelo. 45

Amandla kaNgqongqotjhe wokujamisa nofana wokusula imvumo nofana ilungelo

88. (1) Ngokulawulwa ziingatjana (2), (3) nese-(4), uNgqongqotjhe angasula nofana ajamise nanyana ngiyiphi imvumo yokuhlola kwendawo, imvumo yokugodla, imvumo yokusebenzisana ngokwethenikhali nofana ilungelo lokuzuma, lokukhiqiza nofana langokomthetho lepetroliyam nangabe umnikazalo— 50

- (a) wenza nanyana ngimuphi umsebenzi wokuhlola kwendawo, wokuzuma nofana wokukhiqiza ngokuphambene nomThetho lo;
- (b) uhluleka ukupha isiqinisekiso seemali esihlathululwe esigabeni 87; 55

- (c) breaches any material term or condition of such right or permit;
 - (d) is contravening any condition of an environmental authorisation;
 - (e) has submitted inaccurate, false, fraudulent, incorrect or misleading information for the purposes of an application or in connection with any matter required to be submitted under this Act; 5
 - (f) fails to meet the requirements to progress to another term as contemplated in section 63; and
 - (g) fails to meet the requirement to progress to production phase as contemplated in section 59.
- (2) Before acting under subsection (1), the Minister must— 10
- (a) give written notice to the holder indicating the intention to suspend or cancel the right or permit;
 - (b) set out the reasons why he or she is considering suspending or cancelling the right or permit;
 - (c) afford the holder a reasonable opportunity to show why the right, permit or permission should not be suspended or cancelled; and 15
 - (d) notify the mortgagee, if any, of the exploration, production or petroleum right concerned of his or her intention to suspend or cancel the right.
- (3) The Minister may, before suspending or cancelling the permit or right, direct the holder to take specified measures to remedy any contravention, breach or failure. 20
- (4) If the holder does not comply with the directive given under subsection (3), the Minister may act under subsection (1) against the holder after having—
- (a) given the holder a reasonable opportunity to make representations; and
 - (b) considered any such representations.
- (5) The Minister may, by written notice to the holder lift a suspension if the holder— 25
- (a) complies with a directive contemplated in subsection (3); or
 - (b) furnishes compelling reasons for the lifting of the suspension.

Restriction or prohibition of exploration and production on certain land or block

- 89.** (1) Subject to subsection (2) and section 48 of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), no reconnaissance permit or petroleum right may be granted in respect of— 30
- (a) land comprising a residential area;
 - (b) any public road, railway or cemetery; or
 - (c) any land being used for public or government purposes or reserved in terms of any other law. 35
- (2) A reconnaissance permit or petroleum right may be granted in respect of the land contemplated in subsection (1) if the Minister is satisfied that—
- (a) it is in the national interest; and
 - (b) the granting of such right or permit will not detrimentally affect the interests of members of the public who will be directly affected. 40
- (3) Where an application or authorisation is required in terms of any other legislation for related land or block use, such application must also be made, or such authorisation must also be requested in terms of that legislation.

Optimal production of petroleum resources

- 90.** (1) The Petroleum Agency may, subject to subsection (2), direct the holder of a petroleum right to take corrective measures if the Petroleum Agency establishes that the petroleum is not being produced optimally in accordance with the production work programme and a continuation of such practice will detrimentally affect the attainment of the objects referred to in section 2. 45

- (c) uphula nanyana ngimiphi imigomo nemibandela yelungelwelo nofana imvumo;
- (d) uphula nanyana ngimuphi umbandela wokugunyazwa kwebhoduluko;
- (e) uthumele ilwazi elinganembiko, elimamanga, lomgunyathi, elidurhisako ngeminqopho yesibawo nofana ngokuphathelene nananyana ngiyiphi indaba efuna ukuthunyelwa ngaphasi komThetho lo; 5
- (f) uhluleka ukuhlangabezana neemfuneko zokudlulela ethemini elandelako njengokuhlathululwe esigabeni 63; begodu
- (g) nohluleka ukuhlangabezana neemfuneko zokudlulela esigabeni somkhiziso njengokuhlathululwe esigabeni 59. 10
- (2) Ngaphambi kokuthatha igadango langaphasi kwesigatjana (1), uNgqongqotjhe kufanele—
- (a) aphe isaziso ngomtlole kumnikazi esitshwaya ihloswakhe yokujamisa nofana yokusula ilungelo nofana imvumo;
- (b) aphe iinzathu zokobana kubayini athatha isiquanto sokujamisa nofana sokusula ilungelo nofana imvumo; 15
- (c) aphe umnikazi ithuba elizwakalako lokukhombisa bonyana kubayini ilungelo nofana imvumo kufanele ingajanyiswa nofana isulwe; begodu
- (d) azise nombolekismali, nangabe ukhona, ngelungelo lokuzuma, lokukhiqiza nofana langokomthetho lepetroliyam elikhulunyiswako kanye nehloswakhe yokulijamisa nofana ukulisula. 20
- (3) Ngaphambi kokujamisa nofana ukusula imvumo nofana ilungelo, uNgqongqotjhe angalayela umnikazi bonyana athathe amagadango athileko wokulungisa nanyana ngikuphi ukuphulwa komthetho nofana ukuhluleka.
- (4) Nangabe umnikazi akathobeli umlayelo ophiwe ngaphasi kwesigatjana (3), uNgqongqotjhe angathatha igadango ngaphasi kwesigatjana (1) malungana nomnikazi loyo ngemva—
- (a) kokumupha ithuba elizwakalako lokwenza izethulo; begodu
- (b) nangokutjheja nanyana ngiziphi izethulo zakhe.
- (5) Ngesaziso esitolelwe umnikazi, uNgqongqotjhe angarhoqisa ukujanyisokho nangabe umnikazi— 30
- (a) uthobela umlayelo ohlathululwe esigatjaneni (3); nofana
- (b) nakapha iinzathu ezikatelelako zokurhoqiswa kokujanyisokho.

Ukwalelwa ukuzuma nokukhiqiza endaweni nofana eblokweni ethileko

- 89.** (1) Ngokulawulwa sigatjana (2) kanye nesigaba 48 sokuLawulwa kweBhoduluko leNarha: umThetho weeNdawo eziVikelweko, womnyaka wee-2003 (umThetho wama-57 womnyaka wee-2003), akunamvumo yokuhlolwa kwendawo nofana ilungelo langokomthetho lepetroliyam elizakukhutjiswa ngokuphathelene— 35
- (a) nendawo ekuyindawo yokuhlala kwabantu;
- (b) nanyana ngiyiphi indlela yomphakathi, isiporo nofana amathuna; nofana 40
- (c) nananyana ngiphi indawo esetjenzisela umphakathi nofana iminqopho karhulumente nofana ebekelwe ngeqadi ngokwananyana ngimuphi omunye umthetho.
- (2) Imvumo yokuhlolwa kwendawo nofana ilungelo langokomthetho lepetroliyam lingakhutjiswa ngokuphathelene nendawo ehlathululwe esigatjaneni (1) nangabe uNgqongqotjhe wanelisekile bonyana— 45
- (a) izakuhlomulisa umphakathi; begodu
- (b) ukuphiwa kwelungelo nofana imvumo leyo angekhe kwakhinyabeza iinrhuluphelo zamalunga womphakathi ezithinteka bunqophu.
- (3) Lapho isibawo nofana isigunyazi sifunwa ngokwananyana ngimuphi omunye umthetho ophathelene nendawo nofana ukusetjenziswa kwebloko, isibaweso kufanele senziwe, nofana ukugunyazokho kwenziwe ngokomthetho lowo. 50

Ukukhiqizwa okuphezulu kwepetroliyam

- 90.** (1) Ngokulawulwa sigatjana (2), umSebenzeli wePetroliyam angalayela umnikazi welungelo langokomthetho lepetroliyam bonyana athathe amagadango afaneleko nangabe umSebenzeli wePetroliyam uqinisekisa bonyana umkhiziso wepetroliyam uphezulu ngokukhambisana nehlelo lomsebenzi wokukhiqiza begodu ukuragela phambilokhu kuzakukhinyabeza kumbi ukufezwa kweminqopho ekhonjwe esigabeni 2. 55

(2) The Petroleum Agency must, before issuing the directive contemplated in subsection (1) afford the holder an opportunity to make representations within 30 days from the date of the notice.

(3) The Petroleum Agency may, after having considered the holder's representations as contemplated in subsection (2)—

- (a) notify the holder that it agrees with the content of the said representations; or
- (b) direct the holder in writing to take the necessary corrective measures to ensure that petroleum is produced optimally within a reasonable time-frame to be indicated in the notice; and
- (c) indicate that non-compliance with the directive may result in the suspension or cancellation of the petroleum right.

Compensation payable under certain circumstances

91. (1) The holder of a reconnaissance permit, exploration, production or petroleum right must notify the Petroleum Agency if that holder is prevented from commencing or conducting any reconnaissance, exploration or production operations because the owner or the lawful occupier of the land in question—

- (a) refuses to allow such holder to enter the land;
- (b) places unreasonable demands in return for access to the land; or
- (c) cannot be found in order to apply for access.

(2) The Petroleum Agency must, within 14 days from the date of the notice referred to in subsection (1)—

- (a) call upon the owner or lawful occupier of the land to make representations regarding the issues raised by the holder of a reconnaissance permit, exploration, production or petroleum right;
- (b) inform that owner or occupier of the rights of the holder of a right or permit in terms of this Act;
- (c) set out the provisions of this Act which such owner or occupier is contravening; and
- (d) inform that owner or occupier of the steps which may be taken, should he or she persist in contravening the provisions.

(3) If the Petroleum Agency, after having considered the issues raised by the holder under subsection (1) and any written representations by the owner or the lawful occupier of the land, concludes that the owner or occupier has suffered or is likely to suffer loss or damage as a result of the reconnaissance, exploration or production operations, the Petroleum Agency must request the parties concerned to endeavour to reach an agreement for the payment of compensation for such loss or damage.

(4) If the parties fail to reach an agreement, compensation must be determined by arbitration as provided for in the terms and conditions of the right or by a competent court.

(5) If the Petroleum Agency, having considered the issues raised by the holder under subsection (1), any representations by the owner or occupier of land and any written recommendation by the Petroleum Development and Environmental Committee, concludes that any further negotiation may detrimentally affect the objects of this Act referred to in section 2, the Petroleum Agency may recommend to the Minister that such land be expropriated in terms of section 92.

(6) If the Petroleum Agency determines that the failure of the parties to reach an agreement or to resolve the dispute is due to the fault of the holder of the reconnaissance permit, exploration right, production or petroleum right, the Petroleum Agency may in writing prohibit such holder from commencing or continuing with reconnaissance,

(2) Ngaphambi kokukhupha umlayelo ohlathululwe esigatjaneni (1) umSebenzeli wePetroliyam kufanele aphe umnikazi ithuba lokwenza izethululo emalangeneni ama-30 ukusukela elangeni lesaziso.

(3) Ngemva kokutjheja izethulo zomnikazezo njengokuhlathululwe esigatjaneni (2), umSebenzeli wePetroliyam—

- (a) angazisa umnikazi bonyana uvumelana nalokho okumumethwe ngaphakathi kwezathulwezo; nofana
- (b) alaye bonyana umnikazi athathe amagadango afaneleko wokulungisa ukuqinisekisa bonyana umkhiziso wepetroliyam uphezulu esikhathini esizwakalako esizakutshwaywa ngaphakathi kwesazisweso; begodu
- (c) atshwaye nokobana nange angathobeli umlayelo loyo lokho kuzakurholela ekujanyisweni nofana ekusulweni kwelungelo langokomthetho lepetroliyam.

Isililiso esibhadalwa ngaphasi kwezimo ezithileko

91. (1) Umnikazi wemvumo yokuhlolwa kwendawo, yokuzuma, yokukhizisa nofana yelungelo langokomthetho lepetroliyam kufanele azise umSebenzeli wePetroliyam nangabe umnikazi ukhandelwe bonyana angathomi ngokwenza nanyana ngimuphi umsebenzi wokuhlolwa kwendawo, wokuzuma nofana wokukhizisa ngombana umnikazi wendawo nofana umhlali wangokomthetho wendawo leyo ekhulunyiswako—

- (a) wale ukuvumela umnikazi welungelo bonyana angene endaweni leyo;
- (b) ubeka iimfuno ezingazwakaliko zokuthi kufinyelelwe indawo leyo; nofana
- (c) akatholakali bonyana azokuphiwa isibawo sokungena.

(2) Emalangeneni ali-14 ukusukela ngelanga lesaziso esikhonjwe esigatjaneni (1), umSebenzeli wePetroliyam kufanele—

- (a) abize umnikazi wendawo nofana umhlali wangokomthetho wendawo leyo bonyana enze izethulo ngokuphathelele nendaba ephakanyiswe mnikazi wemvumo yokuhlolwa kwendawo, yokuzuma, yokukhizisa nofana welungelo langokomthetho lepetroliyam;
- (b) azise umnikazi nofana umhlali wangokomthetho ngamalungelo womnikazi welungelo nofana wemvumo ngokomthetho lo;
- (c) andlale iinqalelelo zomthetho lo lezo umnikazi wendawo nofana umhlali wendaweni loyo aziphulako; begodu
- (d) azise umnikazi wendawo nofana umhlali wendaweni loyo ngamagadango angawathatha, nangabe ufuna ukuragela phambili nokuphambana neenqalelelo.

(3) Ngemva kokutjheja iindaba eziphakanyiswe mnikazi welungelo ngokwesigatjana (1) kanye nezinye izethulo ezitloliweko somnikazi nofana umhlali wangokomthetho wendaweni leyo, umSebenzeli wePetroliyam angaphetha bonyana umnikazi nofana umhlali wangokomthetho loyo ubethekile nofana kungenzeka bonyana alobe nofana ulinyalelwe ngonobangela wemisebenzi yokuhlolwa kwendawo, ukuzuma nofana ukukhizisa, umSebenzeli wePetroliyam kufanele abawe woke umuntu obandakanyekako bonyana balinge ukufinyelela isivumelwano sokubhadala isililiso sokulahlekelwa nofana somonakalo.

(4) Nangabe amalunga abandakanyekako ayahluleka ukufinyelela isivumelwano, isililiso kufanele sibekwe libandla lemibango njengokuqalelelwe ngaphakathi kwemigomo nemibandela yelungelo nofana yikhotho efaneleko.

(5) Ngemva kokutjheja iindaba eziphakanyiswe mnikazi welungelo ngokwesigatjana (1) kanye nezinye izethulo ezitloliweko zomnikazi wendawo nofana zomhlali wangokomthetho wendaweni leyo kanye nesinye isiphakamiso esitlolwe yiKomidi yezokuThuthukiswa kwePetroliyam kanye neBhoduluko, umSebenzeli wePetroliyam angaphetha bonyana nanyana ngikuphi okhunye ukukhulumisana okungakhinyabeza kumbi imingqopho yomthetho okhonjwe esigabeni 2, umSebenzeli wePetroliyam angahlongozela uNgongqotjhe bonyana inarha leyo ingathathelwa ubunikazi ngokwesigaba 92.

(6) Nangabe umSebenzeli wePetroliyam ubeka bonyana ukuhluleka kwamalunga abandakanyekako ukufinyelela isivumelwano nofana ukuraulula imbango ngonobangela wobutjhapho bomnikazi wemvumo yokuhlolwa kwendawo, welungelo lokuzuma, ilungelo lokukhizisa nofana langokomthetho lepetroliyam, umSebenzeli wePetroliyam angakhandela umnikazi loyo ngomtlo bonyana angathomi nofana angarageli phambili yokuhlolwa kwendawo, imisebenzi yokuzuma nofana yokukhizisa

exploration or production operations on the land or block in question until such time as the dispute has been resolved through arbitration or by a competent court.

(7) The owner or lawful occupier of land on which reconnaissance, exploration or production operations will be conducted, must notify the Petroleum Agency if that owner or occupier has suffered or is likely to suffer any loss or damage as a result of the exploration or production operation, in which case this section applies with the changes required by the context. 5

(8) Where the owner or lawful occupier of land referred to in subsection (7) has suffered or is likely to suffer any loss or damage and such loss or damage may result in the relocation or resettlement of the owner or lawful occupier of land, such relocation or resettlement must be carried out in the prescribed manner. 10

Minister's power to expropriate property for purpose of exploration or production

92. (1) If it is necessary for the achievement of the objects referred to in section 2, the Minister may, in accordance with section 25(2) and (3) of the Constitution, expropriate any land or any right therein and pay compensation in respect thereof. 15

(2)(a) Sections 6, 7 and 9(1) of the Expropriation Act, 1975 (Act No. 63 of 1975), apply to any expropriation in terms of this Act.

(b) Any reference in the sections referred to in paragraph (a) to "the Minister" must be construed as being a reference to the Minister defined in this Act.

Lapsing of right, permit or permission 20

93. (1) Any right, permit or permission granted or issued in terms of this Act lapses, whenever—

- (a) the holder is finally deregistered in terms of the Companies Act, 2008 (Act No. 71 of 2008), and no application has been made or was made to the Minister for the consent in terms of section 29, or such permission has been refused; 25
- (b) it is cancelled in terms of section 88;
- (c) it is abandoned; or
- (d) the holder has failed to execute the permit, right or deed of amendment notorially as contemplated in section 42.

(2) In the event that the holder is liquidated or sequestrated, the right, permit or licence must be sold and such sale is subject to the provisions of section 29. 30

CHAPTER 5

GENERAL AND MISCELLANEOUS PROVISIONS

Power to enter petroleum right area

94. (1) The Minister may designate any employee of the Petroleum Agency as an authorised person who can carry out the functions contemplated in subsection (4) and in section 95. 35

(2) An authorised person must be furnished with a certificate signed by the Minister stating that he or she has been authorised under subsection (1).

(3) An authorised person must, at the request of any person, exhibit the certificate referred to in subsection (2) to such a person. 40

(4) An authorised person may, on the authority of a warrant issued by a magistrate—

- (a) enter any area where exploration or production operations are being conducted in order to obtain evidence if he or she has reason to believe that any provision of this Act has been or is being contravened; 45

enarheni nofana eblokweni elikhulunyiswako ukufikela lapho umbango lo usonjululwa khona libandla lezemibango nofana yikhotho efaneleko.

(7) Umnikazi wendawo nofana umhlali wangokomthetho wenarheni leyo ekufanele kwenziwe imisebenzi yokuhlolwa kwendawo, ukuzuma nofana ukukhiqiza kiyo, kufanele azise umSebenzeli wePetroliyam nangabe umnikazi wendawo nofana umhlali loyo ubethekile nofana kungenzeka bonyana alobe nofana onakalelwe ngonobangela wemisebenzi yephenyo, ukuzuma nofana ukukhiqiza, lapho isigabesi sisebenza khona namatjhuguluko afunelwa ummongo.

(8) Lapho umnikazi nofana umhlali wenarheni ekhonjwe esigatjaneni (7) abethekileko nofana kungenzeka bonyana alobe nofana onakalelwe ngonobangela wokufuduka nofana ukuhlaliswa ngobutjha komnikazi wendawo nofana umhlali wangokomthetho endaweni leyo, ukufudukokho nofana ukuhlaliswa ngobutjha kufanele kwenziwe ngendlela ebekiweko.

Amandla kaNgqongqotjhe wokuthathela ubunikazi bepahla ngomnqopho wokuzuma nofana wokukhiqiza

92. (1) Nangabe kunesidingo sokufeza iminqopho ekhonjwe esigabeni 2, uNgqongqotjhe ngokukhambisana nesigaba 25(2) nese-(3) somThethosisekelo, angathathela ubunikazi bananyana ngiyiphi inarha nofana nanyana ngiliphi ilungelo kanye nokubhadala isililiso ngokuphathelele nalokhu.

(2)(a) 5 lingaba 6, 7 nese-9(1) somThetho wezokuThathelwa ubuNikazi, womnyaka we-1975 (umThetho wama-63 womnyaka we-1975), zesegehza kunanyana ngikuphi ukuthathelwa ubunikazi ngokomThetho lo.

(b) Nanyana ngiyiphi ireferensi yeengaba ezikhonjwe endimeni (a) “kuNgqongqotjhe” kufanele zithathwe njengeziqaliswe kuNgqongqotjhe ohlathululwe ngaphakathi komThetho lo.

Ukuphela kwesikhathi selungelo nofana imvumo

93. (1) Nanyana ngiliphi ilungelo nofana imvumo ephiwe nofana ekhutjwe ngokomThetho lo iphelelwa sikhathi, nanyana kunini lokha—

(a) umnikazi nasele asuswe erhelweni labatlolisiweko ngokomThetho wamaKhamphani, womnyaka wee-2008 (umThetho wama-70 womnyaka wee-2008), begodu nakunganasibawo esenziweko nofana esathunyelwa kuNgqongqotjhe bonyana asivumele ngokwesigaba 29, nofana imvumo leyo nayirarhiweko;

(b) sisulwe ngokwesigaba 88;

(c) sitjhiywe phasi; nofana

(d) umnikazi uhluleka ukusebenzisa imvumo, ilungelo nofana incwadibunikazi yesikhabelelo ngokomthetho njengokuhlathululwe esigabeni 42.

(2) Ebujaeni lapho umnikazi athathelwe ilungelo nofana otjhoniswe ngomlayo wekhotho, ilungelo, imvumo nofana ilayisensi kufanele ithengiswe begodu intengo leyo izakulawulwa ziinqalelelo zesigaba 29.

ISIAHLUKO 5

IINQALELELO EZIJWAYELEKILEKO NOKUHLUKAHLUKILEKO

Amandla wokungena endaweni yelungelo langokomthetho lepetroliyam

94. (1) UNgqongqotjhe angakhetha nanyana ngisiphi isisebenzi somSebenzeli wePetroliyam njengomuntu ogunyaziweko ozakwenza imisebenzi ehlathululwe esigatjaneni (4) nesigabeni 95.

(2) Umuntu ogunyaziweko kufanele aphiwe isitifikedi esitlikitlwe nguNgqongqotjhe esiveza bonyana ugunyaziwe ngaphasi kwesigatjana (1).

(3) Umuntu ogunyaziweko, ngesibawo sananyana ngimuphi umuntu, kufanele akhombise umuntu loyo isitifikedi esikhonjwe esigatjaneni (2)

(4) Umuntu ogunyaziweko, ngokwesigunyazi esikhutjwe ngumarhastrada—

(a) angangena endaweni lapho imisebenzi yokuzuma nofana yokukhiqiza yenziwa khona ukwenzela ukufumana ubufakazi nangabe unesizathu sokukholwa bonyana nanyana ngisiphi isiqalelelo somThetho lo siyaphulwa nofana siphuliwe;

- (b) direct the person in control of the exploration or production operations or any person employed by the holder—
 - (i) to deliver or furnish any information, including books, records or other documents, in the possession or under the control of that person that pertains to the investigation; and 5
 - (ii) to render such assistance as the authorised person requires in order to enable him or her to perform his or her functions under this Act;
 - (c) inspect any book, record, statement or other document including electronic records, documents or data and make copies thereof or extracts therefrom;
 - (d) examine any appliance or other material or substance found in such area; 10
 - (e) take samples of any material or substance and test, examine, analyse and classify such samples; and
 - (f) seize any material, substance, book, record, statement or other document including electronic records, documents or data which might be relevant to a prosecution under this Act and keep it in his or her custody. 15
- (5) The person from whom the control of any book, record or document including electronic records or data has been taken, may, at his or her own expense and under the supervision of the authorised person, make copies thereof or extracts therefrom.

Routine inspections

95. Any authorised person may, without a warrant— 20
- (a) enter any place where exploration or production operations are being conducted in order to inspect any activity, process or operation carried out in or upon the area or place in question; and
 - (b) require the holder of the right, permit or permission in question or the person in charge of such area or place or any person carrying out or in charge of the carrying out of such activities, process or operations to produce any book, record, statement or other document including electronic documents, information or data relating to matters dealt with in this Act, for inspection or for the purpose of obtaining copies thereof or extracts therefrom. 25

Orders, suspensions and instructions 30

96. (1) If an authorised person finds that a contravention or suspected contravention of, or failure to comply with any provision of this Act or any other law governing the permitted activity or any term or condition of any right, permit or permission granted or issued or an environmental authorisation issued, has occurred or is occurring on the petroleum right area or place where exploration or production operations or processing operations are being conducted, the authorised person may— 35
- (a) order the holder of the relevant right, permit or permission, or the person in charge of such area, any person carrying out or in charge of the carrying out of such activities or operations or the manager, official, employee or agent of such holder or person, to take immediate rectifying steps; or 40
 - (b) order that the reconnaissance, exploration, production or processing operations or part thereof be suspended or terminated, and give such other instructions in connection therewith as may be necessary.
- (2) The Director-General must confirm or set aside any order contemplated in subsection (1). 45

- (b) angalayela umuntu ophethe imisebenzi yokuzuma nofana yokukhiqiza nofana nanyana ngimuphi umuntu oqatjwe mnikazi—
- (i) bonyana alethe nofana anikele nanyana ngiliphi ilwazi, ekufaka hlangana iincwadi, amarekhodi nofana eminye imitlolo, ephethwe nofana engaphasi kwelawulo lomuntu loyo eliphathelene nephenyo; 5
begodu
- (ii) nokuthi aphe isizo azaligunyazelwa mumuntu olifunako ukwenzela ukumsiza ukukghonakalisa nofana ukwenza imisebenzi yangaphasi komThetho lo;
- (c) angahlola nanyana ngiyiphi incwadi, isitatimende nofana nanyana ngimuphi umtlole ekufaka hlangana amarekhodi we-elektroniki, imitlolo nofana idatha begodu enze namakhophi wazo nofana awakhuphe kiwo; 10
- (d) ahlolisise nanyana ngisiphi isisetjenziswa nofana enye into etholakala endaweni leyo;
- (e) angathatha amasampula wananyana ngisiphi isisetjenziswa nofana into begodu ayihlola, ayihlaziye begodu ayihlukanise ngeengaba amasampula lawo; begodu 15
- (f) abuthe nanyana ngisiphi isisetjenziswa, into, incwadi, irekhodi, isitatimende nofana omunye umtlole ekufaka hlangana amarekhodi we-elektroniki, imitlolo nofana idatha elingaba lisizo ekutjuthisweni ngaphasi komThetho lo begodu aligodile kuye. 20
- (5) Umuntu omnikazi wananyana ngiyiphi incwadi, irekhodi nofana umtlole ekufaka hlangana amarekhodi we-elektroniki nofana idatha athethweko, angenziwa amakhophi wawo nofana akhutjwe kiwo, ngokusebenzisa imalakhe nangaphasi kwelihlo lomuntu ogunyaziweko. 25

Ukuhlolwa okujwayelekileko

95. Nanyana ngimuphi umuntu ogunyaziweko, nangaphandle kwesigunyazi—

- (a) angangena kunanyana ngiyiphi indawo lapho imisebenzi yokuzuma nofana yokukhiqiza yenziwa khona ukwenzela ukuhlola nanyana ngimuphi umsebenzi, ituthuko nofana umsebenzi owenzelwa endaweni leyo nofana endaweni ekhulunyiswako; begodu 30
- (b) angakhombela umnikazi welungelo nofana wemvumo ekhulunyiswako nofana umuntu ophethe indawo leyo nofana indawo nofana nanyana ngimuphi umuntu osebenza nofana ophethe imisebenzi eyenziwako, ikambiso nofana imisebenzi yokukhiqiza nanyana ngiyiphi incwadi, irekhodi, isitatimende nofana omunye umtlole ekufaka hlangana imitlolo ye-elektroniki, ilwazi nofana idatha eliphathelene neendaba ezisetjenzwa ngaphakathi komThetho lo, bonyana zizokuhlolwa nofana ngomqopho wokufumana amakhophi wazo. 35

Imilayo, ukujanyiswa nemilayo

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96. (1) Nangabe umuntu ogunyaziweko ufumana bonyana kunokuphulwa komthetho nofana usolela ukuphulwa komthetho, nofana ukuhluleka ukuthobela nanyana ngisiphi isiqalelelo somThetho lo nofana nanyana ngamuphi omunye umthetho ongamela umsebenzi ovunyelweko nofana nanyana ngimuphi umbandela wananyana ngiliphi ilungelo, imvumo ephiwe nofana ekhutjiweko nofana isigunyazi sebhoduluko esikhutjiweko, okwenzeke nofana okwenzakala endaweni yelungelo langokomthetho lepetroliyam nofana endaweni lapho imisebenzi yokuzuma nofana yokukhiqiza nofana imisebenzi yokusebenza eyenziwa, umuntu ogunyaziweko—

- (a) angalayela umnikazi welungelo elifaneleko, nofana umuntu ophethe indawo leyo, nanyana ngimuphi umuntu owenza nofana ophethe imisebenzi eyenziwako nofana imisebenzi nofana umphathi, isiphathiswa, isisebenzi nofana umjameli womnikazi nofana umuntu, angathatha amagadango wokulungisa; nofana 50
- (b) umlayo wokuhlolwa kwendawo, ukuzuma, ukukhiqiza nofana imisebenzi yokusebenza nofana ingcenywe yayo ingajanyiswa nofana iqedwe, begodu aphe imilayo leyo ngokuthintene nalokhu ngokuya ngobujamo. 55

(2) UmNqophisizombebele kufanele aqinisekise nofana abekele ngeqadi umlayo ohlathululwe esigatjaneni (1).

(3) The Director-General must notify the relevant holder or other person contemplated in subsection (1) in writing within 60 days after the order referred to in subsection (1) has been confirmed or set aside, failing which such order lapses.

Prohibition of obstruction, hindering or opposing of authorised person

97. No person may obstruct, hinder or oppose any authorised person or any other person in the performance of his or her duties or the exercise of his or her powers and functions in terms of this Act. 5

Prohibition of occupational detriment against employee

98. (1) The holder of a right, permit or permission may not subject any of his or her employees to any occupational detriment on account, or partly on account, of any such employee disclosing information to the Minister, the Director-General or any authorised person— 10

- (a) regarding the failure by such holder to comply with any provision of this Act;
- (b) to the effect that such holder is conducting exploration or production operations, as the case may be, in a manner which is contrary to the objects contemplated in section 2 and contrary to the local content plan; or 15
- (c) that any activity or operation which is being conducted by such holder does not comply with any provision of this Act, any other law or any term or condition of such right, permit or permission.

(2) For the purposes of this section, occupational detriment means “occupational detriment” as defined in section 1 of the Protected Disclosures Act, 2000 (Act No. 26 of 2000). 20

Internal appeal process and access to courts

99. (1) Any person whose rights or legitimate expectations have been materially and adversely affected or who is aggrieved by any administrative decision in terms of this Act, may appeal within 30 days of becoming aware of such administrative decision in the prescribed manner to— 25

- (a) the Director-General, if it is an administrative decision by the Petroleum Agency or any officer to whom the power has been delegated or a duty has been assigned by or under this Act; or 30
- (b) the Minister, if it is an administrative decision that was taken by the Director-General.

(2) (a) An appeal in terms of subsection (1) suspends the administrative decision.

(b) Any subsequent application in terms of this Act must be suspended pending the finalisation of the appeal referred to in paragraph (a). 35

(3) No person may apply to a court for the review of an administrative decision contemplated in subsection (1) until that person has exhausted his or her remedies in terms of this section.

(4) Sections 6, 7(1) and 8 of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), apply to any court proceedings contemplated in this section. 40

Serving of documents

100. (1) Any notice, order, directive or other document which is required in terms of this Act to be served on or given to any person, must be regarded as having been duly served or given if it is—

- (a) delivered by hand to that person; or 45
- (b) sent by registered mail to that person’s last known business, postal or residential address.

(3) UmNqophisizombebele kufanele azise umnikazi ofaneleko nofana omunye umuntu ohlathululwe esigatjaneni (1) ngomtlole emalangeneni ama-60 ngemva komlayo okhonjwe esigatjaneni (1) nasele siqinisekisiweko nofana sibekelwe ngeqadi, nange ahluleka ukwenza njalo umlayo loyo uzakuphelelwa sikhathi.

Ukukhandela isithikamezi, ukuliya nofana ukuphikisa umuntu ogunyaziweko 5

97. Akunamuntu ongathikazisa, aliye nofana aphikisane nananyana ngimuphi umuntu ogunyaziweko nofana nanyana ngimuphi omunye umuntu owenza imisebenzakhe nofana osebenzisa amandlakhe kanye nemisebenzakhe ngokomThetho lo.

Ukukhandela umsebenzi olimaza isisebenzi 10

98. (1) Umnikazi welungelo nofana wemvumo akakafaneli ukubeka engozini nanyana ngimuphi wabasebenzi bakhe ngonobangela we-akhawundi, nofana ngengcenywe ye-akhawundi, wananyana ngimuphi wabasebenzi bonyana aveze ngaphambili ilwazi kuNgqongqotjhe, kumNqophisizombebele nofana umuntu ogunyaziweko— 15

- (a) ngokuphathelene nokuhlulekho komnikazi ukuthobela nanyana ngisiphi isiqalelelo somThetho;
- (b) ukufikela lapho umnikazi enza khona imisebenzi yokuzuma nofana yokukhiqiza, ngokuya ngobunjalo bobujamo, nangendlela ephambene neminqopho ehlathululwe esigabeni 2 begodu nangokuphambene nehlelo 20
- (c) bonyana nanyana ngimuphi umsebenzi owenziwa mnikazi loyo awuthobeli nanyana ngisiphi isiqalelelo somThetho lo, nanyana ngimuphi omunye umthetho nofana nanyana ngimiphi imigomo nemibandela yelungelwelo nofana imvumo. 25

(2) Ngeminqopho yesigabesi, ukulimaza emsebenzini kutjho “ukulimaza emsebenzini” njengokuhlathululwe esigabeni 1 somThetho wezokuVeza okuVikelweko, womnyaka wee-2000 (umThetho wama-26 womnyaka wee-2000).

Ikambiso yokubilayezwa yangaphakathi kanye nokufinyelelwa kwamakhotho

99. (1) Nanyana ngimuphi umuntu loyo amalungelwakhe nofana okulindeleke ngokusemthethweni kuthintekwe kumbi nofana loyo ophatheke kumbi ngonobangela wananyana ngisiphi isiqukto sokuphatha ngokomThetho lo, angafaka isibilayezo ngendlela ebekiweko emalangeneni ama-30 ngemva kokulimuka isiqukto sezokuphatheso— 30

- (a) asinqophise kumNqophisizombebele, nangabe kusiqukto sezokuphatha somSebenzeli wePetroliyam nofana sesiphathiswa esiphiwe amandla wokuthunywa nofana esilayelwe umsebenzi ngaphasi komThetho lo; nofana 35
- (b) kuNgqongqotjhe, nangabe siqukto sezokuphatha esithethwe mNqophisizombebele.

(2)(a) Isibilayezo sangokwesigatjana (1) sijamisa isiqukto sezokuphatheso. 40
(b) Nanyana ngisiphi isibawo esiza muva ngokomThetho lo kufanele sijanyiswe nakusalindwe ukuphethwa kwesibilayezo esikhonjwe endimeni.

(3) Akunamuntu ongafaka isibawo ekhotho sokubuyekenza kwesiqukto sezokuphatha esihlathululwe esigatjaneni (1) ukufikela lapho umuntu loyo aqede yoke imizamo yangokwesigabesi. 45

(4) Ingaba 6, 7(1) neso-8 zomThetho wezokuKhuthaza ukuPhathwa kobuLungiswa, womnyaka wee-2000 (umThetho wesi-3 womnyaka wee-2000), zisebenza kunanyana ngiyiphi ikambiso yekhotho ehlathululwe esigabenesi.

Ukunikelwa kwemitlolo

100. (1) Nanyana ngisiphi isaziso, umlayo, umlayelo nofana omunye umtlole ofunwa ngokomThetho lo bonyana unikelwe nofana uphiwe nanyana ngimuphi umuntu, kufanele uthathwe njengophiwe ngefanelo nofana nangabe— 50

- (a) usiwa ngenyama emuntwini loyo; nofana
- (b) uthunyelwa ngeposo etlolisiweko ebhizinisini yomuntu loyo eyaziwako, nofana ngesiphande seposo. 55

(2) Any notice, order, directive or any other document issued in terms of this Act is valid according to the terms thereof, despite any want of form or lack of power on the part of any officer who issues or authenticates it as long as such power is subsequently validly conferred upon the officer.

Offences 5

- 101.** Any person is guilty of an offence if he or she—
- (a) contravenes or fails to comply with—
 - (i) section 6, 45, 48, 52 or 53;
 - (ii) section 95, 97 or 98;
 - (iii) section 85; 10
 - (iv) section 36;
 - (v) any directive, notice, suspension, order, instruction or condition issued, given or determined in terms of this Act;
 - (vi) any direction contemplated in section 96; or
 - (vii) any other provision of this Act; 15
 - (b) submits inaccurate, incorrect or misleading information in connection with any matter required to be submitted under this Act.

Penalties

- 102.** Any person convicted of an offence in terms of this Act is liable—
- (a) in the case of an offence referred to in section 101(a)(i), to a fine not exceeding 20
10 per cent of the person's or right holder's annual turnover in the Republic and its exports from the Republic during the person's or right holder's preceding financial year or to imprisonment for a period not exceeding four years, or to both a fine and such imprisonment;
 - (b) in the case of an offence referred to in section 101(a)(ii), to a fine not 25
exceeding 10 per cent of the person's or right holder's annual turnover in the Republic or its exports from the Republic during the person's or right holder's preceding financial year or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment;
 - (c) in the case of an offence referred to in section 101(a)(iii), to a fine not 30
exceeding five per cent of the person's or right holder's annual turnover in the Republic and its exports from the Republic during the person's or right holder's preceding financial year or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment;
 - (d) in the case of an offence referred to in section 101(a)(v), to the penalty that 35
may be imposed in a magistrate's court for a similar offence;
 - (e) in the case of an offence referred to in section 101(a)(vi) or (vii), to a fine not
exceeding five per cent of the person's or right holder's annual turnover in the Republic and its exports from the Republic during the person's or right holder's preceding financial year; 40
 - (f) in the case of an offence referred to in section 101(b), to a fine not exceeding
10 per cent of the person's or right holder's annual turnover in the Republic or its exports from the Republic during the person's or right holder's preceding financial year for each day that such person persists in contravention of the said provision; and 45
 - (g) in the case of any conviction of an offence in terms of this Act for which no

(2) Nanyana ngisiphi isaziso, umlayo, umlayelo nofana omunye umtloko okhutjwe ngokomThetho lo sisebenza ngokulawulwa ngiwo, nangaphandle kwesifuno seforomo nofana ukuthlogeka kwamandla kunanyana ngisiphi isiphathiswa esikhupha nofana esiqinisekisa ikani nange amandla lawo aphiwe isiphathiswa ngokusemthethweni.

Amacala

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101. Nanyana ngimuphu umuntu unecala lokuphula umthetho nangabe—

- (a) uphambana nofana uhluleka ukuthobela—
 - (i) isigaba 6, 45, 48, 52 nofana 53;
 - (ii) isigaba 95, 97 nofana 98;
 - (iii) isigaba 85; 10
 - (iv) isigaba 36;
 - (v) nananyana ngimuphi umlayo, isaziso, ukujanyiswa, umlayelo nofana umbandela okhutjiweko, ophiweko nofana obekwe ngokomThetho lo;
 - (vi) nanyana ngimuphi umlayo ohlathululwe esigabeni 96; nofana
 - (vii) nanyana ngisiphi esinye isiqalelelo somThetho lo; 15
- (b) othumela ilwazi elinganembiko, elingasilo iqiniso nofana elidurhisako ngokuphathelene nananyana ngiyiphi indaba efunelwa ukuthunyelwa ngaphasi komThetho lo.

Iinhlawuliso

102. Nanyana ngimuphi umuntu olahlwe licala ngokomThetho lo— 20

- (a) ebujameni lapho kunecala elikhonjwe esigabeni 101(a)(i), uzakuthweswa ihlawulo engadluliko emaphesendeni ali-10 enzuzweni yaqobe mnyaka womuntu omnikazi welungelo langokomthetho ngaphakathi kweRiphabliki kanye nokuthunyelwa kwayo ngaphandle kweRiphabliki ngesikhathi somuntu nofana somnikazi welungelo langokomthetho emnyakenimali olandelako nofana ukuvalelwa isikhathi esiminyaka engadluliko kemine, nofana kokubili ihlawulo kanye nokuvalelwa; 25
- (b) ebujameni lapho icala elikhonjwe esigabeni 101(a)(ii), athweswe ihlawulo emaphesendeni ali-10 enzuzweni yaqobe mnyaka womuntu omnikazi welungelo langokomthetho ngaphakathi kweRiphabliki kanye nokuthunyelwa kwayo ngaphandle kweRiphabliki ngesikhathi somuntu nofana somnikazi welungelo langokomthetho emnyakenimali olandelako nofana ukuvalelwa isikhathi esiminyaka engadluliko keli-10, nofana kokubili ihlawulo kanye nokuvalelwa; 30
- (c) ebujameni lapho icala elikhonjwe esigabeni 101(a)(iii), athweswe ihlawulo emaphesendeni ali-10 enzuzweni yaqobe mnyaka womuntu omnikazi welungelo langokomthetho ngaphakathi kweRiphabliki kanye nokuthunyelwa kwayo ngaphandle kweRiphabliki ngesikhathi somuntu nofana somnikazi welungelo langokomthetho emnyakenimali olandelako nofana ukuvalelwa isikhathi esiminyaka engadluliko keli-10, nofana kokubili ihlawulo kanye nokuvalelwa; 35
- (d) ebujameni lapho icala elikhonjwe esigabeni 101(a)(v), athweswe ihlawulo engaphiwa yikhotho kamarhastrada malungana necala elifaneleko; 40
- (e) ebujameni lapho icala elikhonjwe esigabeni 101(a)(vi) nofana (vii), athweswe ihlawulo emaphesendeni angadluli kamahlanu enzuzweni yaqobe mnyaka womuntu omnikazi welungelo langokomthetho ngaphakathi kweRiphabliki kanye nokuthunyelwa kwayo ngaphandle kweRiphabliki ngesikhathi somuntu nofana somnikazi welungelo langokomthetho emnyakenimali olandelako; 45
- (f) ebujameni lapho icala elikhonjwe esigabeni 101(b), athweswe ihlawulo emaphesendeni ali-10 enzuzweni yaqobe mnyaka womuntu omnikazi welungelo langokomthetho ngaphakathi kweRiphabliki kanye nokuthunyelwa kwayo ngaphandle kweRiphabliki ngesikhathi somuntu nofana somnikazi welungelo langokomthetho emnyakenimali qobe lilanga lapho umuntu loyo aragela phambili nokuphula isiqalelelo esikhulunyiswako; 50
- (g) nebijameni bananyana ngikuphi ukulahlwa licala ngokomThetho lo lapho kunganahlawulo ebekiweko, abhadale ihlawulo nofana avelwe isikhathi 55

penalty is expressly determined, to a fine or to imprisonment for a period not exceeding six months or to both a fine and such imprisonment.

Administrative penalty

103. (1)(a) An authorised person referred to section 109 may make a recommendation in writing to the Director-General that an administrative fine be imposed on the holder who has failed to comply with any order contemplated in section 96. 5

(b) The authorised person must serve a copy of the recommendation on the holder concerned.

(c) The holder may make written representations to the Director-General within 30 days of receipt of a copy of the recommendation. 10

(d) A representation made in terms of paragraph (c) may not be used against the holder in any criminal or civil proceedings in respect of the same set of facts.

(2)(a) The Director-General, after considering the recommendation and any representation made in terms of subsection (1)(c), must within the prescribed period from the date of receipt of the holder's representations or after expiry of the 30-day period referred to in that subsection without such representations having been made, whichever is the earlier— 15

- (i) disregard the recommendation;
- (ii) impose a fine not exceeding R800 000; or
- (iii) refer the matter to the National Prosecuting Authority for a decision as to whether the holder should be charged with an offence. 20

(b) The Director-General must in writing notify the holder of his or her decision made in terms of paragraph (a) within the prescribed period.

(c) The holder may appeal the decision of the Director-General to the Minister in terms of section 99. 25

(d) Save if the holder has lodged an appeal in terms of paragraph (c), the holder must pay any fine imposed in terms of paragraph (a)(ii) within 30 days of receipt of the Director-General's notification thereof in terms of paragraph (b).

(e) If the right holder fails to pay the fine within the period referred to in paragraph (d) and an appeal has not been lodged within the required period, the Director-General may forthwith file with the clerk or registrar of a competent court a certified copy of the notice contemplated in paragraph (b), and the notice thereupon has the effect of a civil judgment lawfully given in that court in favour of the Department. 30

(3) Money received by the Department in payment of administrative fines imposed in terms of subsection (1) must be paid to a fund established and controlled by the Petroleum Agency in terms of this Act. 35

(4) The Petroleum Agency must, in consultation with the Minister, use the money in the fund for the promotion of exploration activities in the petroleum industry and matters incidental thereto.

Appointment of operator 40

104. (1) If the holder of a right, permit or permission appoints any person or employs an operator to perform any work within the boundaries of the reconnaissance or petroleum right area, as the case may be, such holder remains responsible for compliance with this Act.

(2) A copy of the contract appointing the operator must be submitted to the Petroleum Agency within 14 days from the date of signing for noting. 45

Amendment of rights, permits, work commitments, programmes and plans

105. A retention permit, reconnaissance permit, petroleum right, exploration work commitment, development and production work programme, or an environmental authorisation issued in terms of the National Environmental Management Act, may not be amended or varied without the written consent of the Minister. 50

esingadluliko eenyangeni ezisithandathu nofana kokubili ihlawulo kanye nokuvalelwa.

Ihlawulo yezokuphatha

103. (1)(a) 10Umuntu ogunyaziweko okhonjwe esigabeni 109 angenza isiphakamiso ngomtlo kumNqophisizombebele bonyana ihlawulo yokuphatha ingaphiwa umnikazi ohluleke ukuthobela nanyana ngimuphi umlayo ohlathululwe esigabeni 96. 5

(b) Umuntu ogunyaziweko angapha ikhophi lesiphakamiso kumnikazi okhulunyiswako.

(c) Umnikazi angenza izethulo ngomtlo kumNqophisizombebele emalangen ama-30 wokufumana ikhophi lesiphakamiso. 10

(d) Isethule esenziwe ngokwendima (c) akukafaneli sisetjenziswe kumnikazi kunanyana ngiziphi iinkambiso zamacala wobulelesi ngokuphathelene namaphuzu wamambala afanako.

(2)(a) Ngemva kokutjheja isiphakamiso kanye nananyana ngisiphi isethulo esenziwe ngokwesigatjana (1)(c), kufanele abeke isikhathi esithoma ngelanga lokufuma izethulo zomnikazi nofana ngemva kokuphelelwa sikhathi emalangen ama-30 akhonjwe esigatjaneneso ngaphandle kwezethulo ezenziweko, ngokuya ngokuthi ngikuphi okwenzeka qangi, umNqophisizombebele— 15

(i) angaphaya isiphakamiso;

(ii) angathwesa ihlawulo engadluliko ema-R800 000; nofana 20

(iii) athumele indaba le eBandleni lezokuTjhutjhiswa leNarha malungana nesiquento sokobana umnikazi kufanele athweswe icala.

(b) UmNqophisizombebele kufanele azise umnikazi ngomtlo ngesiquento esenziwe ngokwendima (a) esikhathini esibekiweko.

(c) Umnikazi angazibilayeza ngesiquento sikamNqophisizombebele kuNgqongqotjhe ngokwesigaba 99. 25

(d) Ngaphandle kwalapho nangabe isibilayezo somnikazi sifakwe ngokwendima (c), umnikazi loyo kufanele abhadale nanyana ngiyiphi ihlawulo athweswe yona ngokwendima (a)(ii) emalangen ama-30 ngemva kokufumana isaziso sikamNqophisizombebele ngokwendima (b). 30

(e) Nangabe umnikazi welungelo langokomthetho uhluleka ukubhadala ihlawulo athweswe yona esikhathini esikhonjwe endimeni (d) begodu nakangakafaki nesibilayezo esikhathini esifunekako, umNqophisizombebele angaragela phambili nokufayila ihlawulo netleke nofana umbulungimitlole wekhothe efaneleko enze ikhophi eliqinisekisiweko lesaziso esihlathululwe endimeni (b), begodu isazisweso sinomthelela phezu kwesahlulelo sangokomthetho ekhothe leyo malungana nomNyango. 35

(3) Imali efunyenwe mNyango ngembadalo yeenhlawulo zokuphatha ezithweswe ngokwesigatjana (1) kufanele ibhadalelwe esikhwamenimali ehlonyiweko nesilawulwa mSebenzeli wePetroliyam ngokomThetho lo. 40

(4) Ngokubonisana noNgqongqotjhe, umSebenzeli wePetroliyam kufanele asebenzise imali esesikhwameni ukukhuthaza imisebenzi yokuzuma ebubulweni lepetroliyam kanye neendabeni eziphathelene nakho lokhu.

Ukuqatjiswa komsebenzisi

104. (1) Nangabe umnikazi welungelo nofana wemvumo uqatjha nanyana ngimuphi umuntu nofana umsebenzisi bonyana enze nanyana ngimuphi umsebenzi ngaphakathi kwemikhawulo yendawo ehlolwako nofana elungelweni langokomthetho lepetroliyam, nangokuya ngobunjalo bobujamo, umnikazi loyo uhlala anesibopho sokuthobela umThetho lo. 45

(2) Ikhophi lekontraga yomsebenzisi kufanele lithunyelwe umSebenzeli wePetroliyam emalangen ali-14 ukusukela ngelanga lokutlilitlwa kwayo. 50

Ukukhitjelelwa kwamalungelo, iimvumo, iimbopho zomsebenzi namahlelo

105. Imvumo yokugodla, imvumo yokuhlolwa kwendawo, ilungelo langokomthetho lepetroliyam, isibopho somsebenzi wokuzuma, ihlelo lomsebenzi wokuthuthukisa nokukhiqiza, nofana isigunyazi sebhoduluko esikhutjhe ngokomThetho wezokuLawulwa kweBhoduluko leNarha, akukafaneli zikhitjelelwe nofana zifakelelwe ngaphandle kwemvumo etlolwe nguNgqongqotjhe. 55

Delegation and assignment

106. (1) The Minister may, subject to such conditions as he or she may impose, in writing delegate any power conferred on him or her by or under this Act, except a power to make regulations or deal with any appeal in terms of section 99, and may assign any duty so imposed upon him or her to the Director-General, the Chief Executive Officer or any officer. 5

(2) The Minister may, in delegating any power or assigning any duty under subsection (1), authorise the further delegation of such power and the further assignment of such duty by a delegatee or assignee.

(3) The Director-General, the Chief Executive Officer or any other officer to whom a power has been delegated or to whom a duty has been assigned by or under this Act, may in writing delegate any such power or assign any such duty to any other officer. 10

(4) The Minister, Director-General, Chief Executive Officer or officer may at any time—

(a) withdraw a delegation or assignment made in terms of subsection (1), (2) or (3); and 15

(b) withdraw or amend any decision made by a person exercising a power or performing a duty delegated or assigned in terms of subsection (1), (2) or (3), as the case may be: Provided that no existing rights of any person are affected by such withdrawal and amending of a decision. 20

(5) The Minister, Director-General, Chief Executive Officer or officer is not divested of any power or exempted from any duty delegated or assigned by him or her.

Regulations

107. (1) The Minister may, by notice in the *Gazette*, make regulations regarding—

(a) the local content plan which must address skills development, prioritisation of recruitment of local persons and national participation through procurement of goods and services by black persons; 25

(b) the exploitation, processing, utilisation or use of or the disposal of any petroleum;

(c) procedures in respect of appeals lodged under this Act; 30

(d) fees payable in relation to any right or permit issued or granted in terms of this Act;

(e) fees payable in relation to any appeal contemplated in this Act;

(f) the form of any application in terms of this Act and of any consent or document required to be submitted with such application, and the information or details which must accompany any such application; 35

(g) the form, conditions, issuing, renewal, abandonment, suspension or cancellation of any environmental authorisation, permit, licence, certificate, permission, receipt or other document which may or has to be issued, granted, approved, required or renewed in terms of this Act; 40

(h) the form of any register, record, notice, sketch plan or information which may or must be kept, given, published or submitted in terms of, or for the purposes of, this Act;

(i) the prohibition on the disposal of any petroleum or the use thereof for any specified purpose or in any specified manner or for any other purpose or in any other manner than a specified purpose or manner; 45

(j) the restriction of, or regulating the disposal or use of, any petroleum in general;

(k) the consultation with owners or lawful occupiers of land and other interested and affected parties; 50

Ukuphiwa nokulayelwa umsebenzi

106. (1) Ngokulawulwa mibandela ezakubekwa, uNgqongqotjhe angapha nanyana ngimaphi amandla aphiwe wona ngokomThetho lo, ngaphandle kwamandla wokwenza imithetholawulo nofana wokusebenza ngananyana ngisiphi isibilayezo ngokwesigaba 99, begodu angalayela nanyana ngimuphi umsebenzi kumNqophisizombebele, kumPhathi omKhulu nofana kunanyana ngisiphi isiphathiswa. 5

(2) Nakapha nanyana ngimaphi amandla nofana alayela nanyana ngimuphi umsebenzi ngaphasi kwesigatjana (1), uNgqongqotjhe angagunyaza ukuphiwa okhunye kwamandla layo begodu nokulayelwa komsebenzi loyo komunye umuntu.

(3) UmNqophisizombebele, umPhathi omKhulu nofana nanyana ngisiphi isiphathiswa esiphiwe amandla nofana esilayelwe umsebenzi ngokomThetho lo, singapha ngomtlo amandla lawo nofana silayele umsebenzi loyo kunanyana ngisiphi esinye isiphathiswa. 10

(4) UmNqophisizombebele, umPhathi omKhulu nofana nanyana ngisiphi isiphathiswa kunanyana ngisiphi isikhathi— 15

(a) singarhoqisa ukuphiwa kwamandlokho nofana ukulayelwa komsebenzokho ngokwesigatjana (1), (2), nofana (3); begodu

(b) singarhoqisa nofana sikhabele nanyana ngisiphi isiqunto esithethwe mumuntu obegase asebenzisa amandlakhe nofana ebekenza umsebenzi alayelwe wona ngokwesigatjana (1), (2), nofana (3), nangokuya ngobunjalo bobujamo: Kwaphela nange kunganamalungelo wananyana ngimuphi umuntu azakuthintwa kurhoqisokho nofana ukukhitjelelwa kwesiquntokho. 20

(5) UmNqophisizombebele, umPhathi omKhulu nofana nanyana ngisiphi isiphathiswa akakhujeki nofana akalungelo elikhethekileko naziza emsebenzi nofana emandleni aphiwe nguye. 25

Imithetholawulo

107. (1) Ngesaziso sangaphakathi kweGazede, uNgqongqotjhe angenza imithetholawulo ephathelene—

(a) nehlelo leendaba zendawo ekufanele litjheje ukuthuthukiswa kwamakghono, ukubekelwa phambili ukuqatjiswa kwabantu bendawo kanye nokubandakanyeka kwesitjhaba ngokusebenzisa ukuthengwa kwepahla neensiza zabantu abanzima; 30

(b) nokuzuma, ukusetjenzwa, ukusetjenziswa nofana ukulahlwa kwananyana ngiyiphi ipetroliyam;

(c) neenkambiso eziphathelene neembilayezo ezifakwe ngokomThetho lo; 35

(d) neembadalo ezibhadalwa ngokuphathelene nananyana ngiliphi ilungelo nofana imvumo ekhutjhe nofana ephiwe ngokomThetho lo;

(e) iimbado ebhadalwa ngokuphathelene nananyana ngisiphi isibilayezo esihlathululwe emThehweni lo;

(f) amaforomu wananyana ngisiphi isibawo sangokomThetho lo kanye nananyana ngiyiphi imvumo nofana umtlo ekufanele uthunyelwe nesibawo, nelwazi nofana imininingwana ekufanele iphekelele nanyana ngisiphi isibawo; 40

(g) iforomu, imibandela, ukukhutjiswa, ukuvuselelwa, ukutjhiywa, ukujanyiswa nofana ukusulwa kwananyana ngisiphi isigunyazo sebhoduluko, imvumo, ilayisensi, isitifikedi, ukufunyanwa nofana nanyana ngimuphi umtlo ongakhutjhelwa, uphiwe, uphasiswe, ofunekako nofana ovuselelwako ngokomThetho lo; 45

(h) iforomu lananyana ngiyiphi irejista, irekhodi, isaziso, ihlelo lomdwebo nofana ilwazi ekufanele libulungwe, liphilwe, liphablitjhe nofana lithunyelwe ngokweminqopho nofana ngokomThetho lo; 50

(i) ukukhandelwa kokulahlwa kwananyana ngiyiphi ipetroliyam nofana ukusetjenziswa kwayo ngominqopho otshwaywe nofana ngendlela ebekiweko nofana ngomunye uminqopho nofana ngenye indlela kunominqopho obekiweko; 55

(j) isiqabo, nofana ukulawulwa kokusetjenziswa kwananyana ngiyiphi ipetroliyam ngokujwayelekileko;

(k) ukubonisana nabanikazi nofana abahlali bangokomthetho benarha nofana abantu abamalunga wesithathu abanetjisakalo;

- (l) matters relating to upstream petroleum health and safety;
- (m) the manner in which relocation or resettlement of the owner or lawful occupier as contemplated in section 91 must be carried out;
- (n) any matter which may or must be prescribed for in terms of this Act; and
- (o) any other matter, the regulation of which may be necessary or expedient in order to achieve the objects of this Act. 5

(2) No regulation relating to State revenue or expenditure may be made by the Minister except with the concurrence of the Minister of Finance.

(3) Any regulation made under this section may provide that any person contravening such regulation or failing to comply therewith, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months. 10

Proof of facts

108. In any legal proceedings in terms of this Act, any statement, entry or information in or on any book, plan, record or other document is admissible as *prima facie* evidence of the facts in or on it by the person who made, entered, recorded or stored it. 15

Act binds State

109. This Act binds the State, save in so far as criminal liability is concerned.

Transitional arrangements and amendment of laws

110. (1) The amendment of the law mentioned in Schedule 2 does not affect the transitional arrangements, which are set out in Schedule 1. 20

(2) The law mentioned in Schedule 2 is hereby amended to the extent indicated in the third column of that Schedule.

Short title and commencement

111. (1) This Act is called the Upstream Petroleum Resources Development Act, 2024, and comes into operation on a date fixed by the President by proclamation in the *Gazette*. 25

(2) Different dates may be so fixed in respect of different provisions of this Act.

- (l) iindaba eziphathelele nepilo ehle nokuphepha esigabenisithomo sepetroliyam;
- (m) indlela yokufuduswa nofana yokuhlaliswa ngobutjha komnikazi nofana umhlali wangokomthetho njengokuhlathululwe esigabeni 91 kufanele kwenziwe; 5
- (n) nanyana ngiyiphi indaba ezakubekwa ngokomThetho lo; begodu nanyana ngiyiphi indaba, umthetholawulo ozakufunelwa nofana olisizo ukwenzela ukufeza iminqopho yomThetho lo;
- (o) nananyana ngiyiphi indaba, umthetholawulo ofaneleko nofana olisizo ukwenzela ukufeza iminqopho yomThetho lo. 10
- (2) Akunamthetholawulo ophathelene nengenisomali nofana iindleko zomBuso ozakwenziwa nguNgqongqotjhe ngaphandle kokuvumelana noNgqongqotjhe weeMali.
- (3) Nanyana ngimuphi umthetholawulo owenziwe ngesigabesi ungaqalelela bonyana nanyana ngimuphi umuntu ophula umthetholawulo loyo nofana ohluleka ukuwuthobela, unecala lokuphula umthetho begodu nange alahlwa licala uzakuthweswa ihlawulo nofana ukuvalelwa isikhathi esingadluli iinyanga ezisithandathu. 15

Ubufakazi bamaphuzu wamambala

108. Kunanyana ngiyiphi ikambiso yangokomThetho lo, nanyana ngisiphi isitatimende, umtlozi nofana ilwazi elisencwadini, ehlelweni, erekhodini nofana komunye umtlozi lizakuthathwa njengobufakazi obungatjhutjhiseka bamaphuzu wamambala nofana womuntu obenzileko, owafakileko, owarekhodileko nofana owabulungileko. 20

UmThetho obopha umBuso

109. UmBuso ubotjha mThetho lo, ngaphandle kobanyana kube necala lobulelesi.

Amahlelo wokudlulisela nokukhitjelelwa kwemithetho 25

110. (1) Ukukhitjelelwa komthetho okhonjwe eTjhejulini 2 akuthinti amahlelo wokudlulisela, nekungilawo andlalwe ngaphakathi kweTjhejuli 1.

(2) Umthetho okhonjwe ngaphakathi kweTjhejuli 2 ngalokhu uyakhitjelelwa ukufikela lapho kutshwaye ikholomu yesithathu yeTjhejuli.

Isihloko esifitjhani nokuthoma ukusebenza komThetho 30

111. (1) UmThetho lo uzakubizwa ngomThetho wezokuThuthukiswa kwesiGabasithomo somKhiqizo wePetroliyam, wonyaka wee-2024, begodu uthoma ukusebenza ngelanga elizakubekwa nguMengameli ngesimemezero sangaphakathi kweGazedi.

(2) Amalanga ahlukileko angabekwa ngokuphathelele neenqalelelo ezihlukileko zomThetho lo. 35

SCHEDULE 1

TRANSITIONAL ARRANGEMENTS

Definitions

1. In this Schedule, unless the context indicates otherwise—
- “**day**” means a calendar day, excluding a Saturday, Sunday or public holiday, and 5
when any particular number of days are prescribed for the performance of any act, those
days must be reckoned by excluding the first and including the last day;
- “**exploration right**” means an exploration right granted in terms of section 80 of the
Mineral and Petroleum Resources Development Act;
- “**Mineral and Petroleum Resources Development Act**” means the Mineral and 10
Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);
- “**MPRD Regulations**” means the Mineral and Petroleum Resources Development
Regulations, 2004;
- “**pending application**” means an application that was lodged in terms of the Mineral
and Petroleum Resources Development Act, but was not finalised before the 15
commencement of this Act;
- “**prescribed**” means prescribed by regulation;
- “**production right**” means a production right granted in terms of section 84 of the
Mineral and Petroleum Resources Development Act;
- “**reconnaissance permit**” means a reconnaissance permit issued in terms of section 20
75 of the Mineral and Petroleum Resources Development Act; and
- “**technical cooperation permit**” means a technical cooperation permit issued in
terms of section 77 of the Mineral and Petroleum Resources Development Act.

Objects of Schedule

2. The objects of this Schedule are, in addition to the objects contemplated in section 25
2 of this Act, to—
- (a) ensure that security of tenure is protected in respect of reconnaissance and
technical co-operation permits, exploration rights and production rights; and
- (b) give the holder of a technical cooperation permit, exploration right and 30
production right an opportunity to transition to this Act.

Pending applications

3. (1) Any pending application for a technical cooperation permit, exploration,
production right or renewal for an exploration right or production right, permission to
remove and dispose of any petroleum, Ministerial consent to transfer or encumber an
exploration right or production right, Ministerial consent to amend a permit or right, 35
lodged in terms of the Mineral and Petroleum Resources Development Act but not
finalised immediately before this Act took effect, must be finalised in terms of the
Mineral and Petroleum Resources Development Act.
- (2) A technical cooperation permit in respect of which an application for an
exploration right has been lodged, or an exploration right in respect of which a 40
production right has been lodged in terms of the Mineral and Petroleum Resources
Development Act when this Act takes effect, remains in force until such a right has been
granted or refused, notwithstanding its expiry date.

Continuation of permission to remove and dispose

4. A permission to remove and dispose in terms of section 20 of the Mineral and 45
Petroleum Resources Development Act in force immediately before this Act took effect,

ŠETULE YA 1

DIPEAKANYO TŠA GO FETOGELA GO MOLAO WO MOSWA

Ditlhalošo

1. Ka go Šetule ye, ntle le ge diteng di šupa se sengwe—

“**letšatši**” le ra letšatšikgwedi la ka gare ga tšhupamabaka, go sa akaretšwe la 5
Mokibelo, Sontaga goba la bosetšhaba la maikhutšo, ebile ge e ba go na le palo efe goba
efe ye e itšego ya matšatši ao a beilwego malebana le go phethagatša mošomo ofe goba
ofe, matšatši ao a swanetše go balwa ka go se akaretše la mathomo mola go akaretšwa
letšatši la mafelelo;

“**tokelo ya tlhohlomišo**” e ra tokelo ya tlhohlomišo yeo e filwego go ya ka karolo ya 10
80 ya Molao wa Tlhabollo ya Methopo ya Diminerale le Petroleamo;

“**Molao wa Tlhabollo ya Methopo ya Diminerale le Petroleamo**” o ra Molao wa
Tlhabollo ya Methopo ya Diminerale le Petroleamo, wa 2002 (Molao wa No. ya 28 wa
2002);

“**Melawana ya MPRD**” e ra Melawana ya Tlhabollo ya Methopo ya Diminerale le 15
Petroleamo, ya 2004;

“**kgopelo ye e sa letetšwego**” e ra kgopelo yeo e dirilwego go ya ka Molao wa
Tlhabollo ya Methopo ya Diminerale le Petroleamo, fela e se ya phethwa pele ga ge
Molao wo o thoma go šoma;

“**e laetšwego**” e ra taelo ye e laetšwego ke molawana; 20

“**tokelo ya tšweletšo**” e ra tokelo ya go tšweletša yeo e filwego go ya ka karolo ya 84
ya Molao wa Tlhabollo ya Methopo ya Diminerale le Petroleamo;

“**phemiti ya go dira tekolo**” e ra phemiti ya go dira tekolo yeo e ntšhitšwego go ya
ka karolo ya 75 ya Molao wa Tlhabollo ya Methopo ya Diminerale le Petroleamo; le

“**tumelelo ya tšhomišanommogo ya seteginiki**” e ra tumelelo ya 25
tšhomišanommogo ya seteginiki yeo e ntšhitšwego go ya ka karolo ya 77 ya Molao wa
Tlhabollo ya Methopo ya Diminerale le Petroleamo.

Dinepo tša Šetule

2. Dinepo tša Šetule ye, ka tlaleletšo go dinepo tšeo di hlalošitšwego ka go karolo ya 30
2 ya Molao wo, ke go—

(a) netefatša gore tšhireletšo ya tekano ya nako ye e beilwego e šireletšegile
malebana le dipheleli tša tekolo le tša tšhomišanommogo ya seteginiki,
ditokelo tša tlhohlomišo mmogo le ditokelo tša tšweletšo; le

(b) fa moswari wa tumelelo ya tšhomišanommogo ya seteginiki, tokelo ya 35
tlhohlomišo mmogo le tokelo ya tšweletšo monyetla wa go fetogela go Molao
wo.

Dikgopelo tše di sa letetšwego

3. (1) Kgopelo efe goba efe yeo e sa letetšwego ya tumelelo ya tšhomišanommogo ya
seteginiki, ya tlhohlomišo, ya tokelo ya tšweletšo goba ya go mpshafatša tokelo ya 40
tlhohlomišo goba tokelo ya tšweletšo, tumelelo ya go tloša le go lahla petroleamo efe
goba efe, Tumelelo ya Tona go fetiša goba go ganetša tokelo ya tlhohlomišo goba tokelo
ya tšweletšo, Tumelelo ya Tona go fetiša phemiti goba tokelo, yeo e dirilwego go ya ka
Molao wa Tlhabollo ya Methopo ya Diminerale le Petroleamo fela e se ya phethwa le
pele ga ge Molao wo o thoma go šoma, e swanetše go phethwa go ya ka Molao wa
Tlhabollo ya Methopo ya Diminerale le Petroleamo. 45

(2) Tumelelo ya tšhomišanommogo ya seteginiki malebana le moo kgopelo ya tokelo
ya tlhohlomišo e dirilwego, goba tokelo ya tlhohlomišo malebana le moo kgopelo ya
tokelo ya tšweletšo e dirilwego go ya ka Molao wa Tlhabollo ya Methopo ya Diminerale
le Petroleamo ge Molao wo o thoma go šoma, e sa šoma go fihlela tokelo ye bjalo e
dumelelwa goba e ganetšwa, go sa kgathalege letšatšikgwedi la go felelwa ke nako ga 50
yona.

Tšwelopele ya go šoma ga tumelelo ya go tloša le go lahla

4. Tumelelo ya go tloša le go lahla go ya ka karolo ya 20 ya Molao wa Tlhabollo ya
Methopo ya Diminerale le Petroleamo yeo e šomago pele ga ge Molao wo o thoma go

continues to be in force subject to the terms and conditions under which it was granted until it is terminated or expires.

Continuation of social and labour plan

5. (1) A social and labour plan in force immediately before this Act takes effect remains in force until it expires and all the local economic development projects have been completed, after which a petroleum holder must submit a local content plan for approval, as prescribed, within 120 days from the date of expiry of the social and labour plan. 5

(2) Notwithstanding the expiry of a social and labour plan, local economic development projects that are not finalised at the expiry of the social and labour plan must be finalised within a period to be determined by the Petroleum Agency. 10

Continuation of reconnaissance permit

6. A reconnaissance permit in force immediately before this Act took effect, continues to be in force until it expires, subject to the terms and conditions under which it was granted. 15

Transition of technical cooperation permit to petroleum right

7. (1) A technical cooperation permit in force immediately before this Act takes effect, or after this Act takes effect, continues to be in force until it expires, subject to the terms and conditions under which it was issued.

(2) A holder of a technical cooperation permit contemplated in subitem (1)— 20

(a) has the exclusive right to apply for a petroleum right in respect of the area to which the permit relates; and

(b) must apply for a petroleum right in terms of section 43 of this Act before the expiry of the technical cooperation permit.

(3) A technical cooperation permit in respect of which an application for a petroleum right has been lodged as contemplated in subitem (2)(b), remains valid until such time as the application for a petroleum right is granted or refused in terms of this Act. 25

Conversion of exploration right to petroleum right (exploration phase)

8. (1) An exploration right in force immediately before this Act takes effect, or after this Act takes effect, continues to be in force until the expiry of the term (initial, first, second or third renewal term) that was in force when this Act came into effect, subject to the terms and conditions under which it was granted. 30

(2) A holder of an exploration right referred to in subitem (1)—

(a) has the exclusive right to convert such exploration right in respect of the area to which it relates to a petroleum right for exploration phase or production phase; and 35

(b) must apply for conversion to a petroleum right before the expiry of the term referred to in subitem (1), failing which the exploration right in question will cease to exist.

(3) An exploration right in respect of which an application for conversion to a petroleum right has been lodged remains valid until such time as the application for conversion is granted or refused. 40

(4) An application for conversion to a petroleum right must—

(a) be lodged in a prescribed manner;

šoma, e tšwela pele go šoma go ya mabaka le dipeelano tšeo e filwego ka fase ga tšona go fihlela e fedišwa goba e felelwa ke nako.

Tšwelopele ya go šoma ga leano la setšhaba le bašomi

5. (1) Leano la setšhaba le bašomi leo le šomišwago pele ga ge Molao wo o thoma go šoma le sa šoma go fihlela le felelwa ke nako ebile diprojeke tša tlhabollo ya ekonomi ya selegae ka moka di phethilwe, ka morago ga moo moswari wa petroleamo o swanetše go romela leano la diteng tša selegae gore le dumelelwe, bjalo ka ge go laetšwe, ka gare ga matšatši a 120 go tloga ka letšatšikgwedi la go felelwa ke nako ga leano la setšhaba le bašomi.

(2) Go sa kgathalege gore leano la setšhaba le bašomi le feletšwe ke nako, diprojeke tša tlhabollo ya ekonomi ya selegae tšeo di sego tša phethwa ge leano la setšhaba le bašomi le felelwa ke nako di swanetše go phethwa ka tekano ya nako yeo e tlo hlathwago ke Etšensi ya Petroleamo.

Tšwelopele ya go šoma ga phemiti ya go dira tekolo

6. Phemiti ya go dira tekolo ye e šomago pele ga ge Molao wo o thoma go šoma, e tšwela pele go šoma go fihlela e felelwa ke nako, go ya ka mabaka le dipeelano tšeo e filwego ka fase ga tšona.

Go fetogela ga tumelelo ya tšhomišanommogo ya seteginiki go ya go tokelo ya go diriša petroleamo

7. (1) Tumelelo ya tšhomišanommogo ya seteginiki yeo e šomago pele ga ge Molao wo o thoma go šoma, e tšwela pele go šoma go fihlela e felelwa ke nako, go ya ka mabaka le dipeelano tšeo e filwego ka fase ga tšona.

(2) Moswari wa tumelelo ya tšhomišanommogo ya seteginiki yeo go bolelwago ka yona ka go ntlha ya ka fase ga (1)—

- (a) o na le tokelo ye e kgethegilego ya go dira kgopelo ya tokelo ya go diriša petroleamo malebana le tikologo yeo phemiti e amanago le yona; le
- (b) o swanetše go dira kgopelo ya tokelo ya go diriša petroleamo go ya ka karolo ya 43 ya Molao wo pele ga ge tumelelo ya tšhomišanommogo ya seteginiki e felelwa ke nako.

(3) Tumelelo ya tšhomišanommogo ya seteginiki malebana le moo kgopelo ya tokelo ya go diriša petroleamo e dirilwego bjalo ka ge go hlalošitšwe ka go ntlha ya ka fase ga (2)(b), e sa šoma go fihlela nako yeo kgopelo ya go diriša petroleamo e filwe goba e ganetšwa go ya ka Molao wo.

Phetolelo ya tokelo ya tlhohlomišo go ya go tokelo ya go diriša petroleamo (legato la tlhohlomišo)

8. (1) Tokelo ya tlhohlomišo yeo e šomago pele ga ge Molao wo o thoma go šoma, goba ka morago ga ge Molao wo o thomile go šoma, e sa tšwela pele go šoma go fihlela tekano ya sebaka sa yona sa go šoma e fela (sebaka sa mathomo, sa bobedi goba sa boraro seo se filwego morago ga go mpshafatšwa) seo se bego se šomišwa ge Molao wo o thoma go šoma, go ya ka mabaka le dipeelano tšeo e ntšhitšwego ka fase ga tšona.

(2) Moswari wa tokelo ya tlhohlomišo yeo go bolelwago ka yona ka go ntlha ya ka fase ga (1)—

- (a) o na le tokelo ye e kgethegilego ya go fetola tikologo yeo tokelo e šomago go yona go ya go tokelo ya go diriša petroleamo ya legato la tlhohlomišo le legato la tšweletšo; le
- (b) o swanetše go dira kgopelo ya phetošo ya tokelo ya go diriša petroleamo pele ga ge sebaka seo go bolelwago ka sona ka ntlha ya ka fase ga (1) se fela, moo e lego gore go palelwa ke go dira bjalo tokelo yeo ya tlhohlomišo e tlo emišwa.

(3) Tokelo ya tlhohlomišo yeo go dirilwego kgopelo malebana le yona ya go e fetolela go tokelo ya go diriša petroleamo e sa šoma go fihlela nako yeo e lego gore kgopelo yeo ya phetolelo e a dumelelwa goba ya ganetšwa.

(4) Kgopelo ya go fetogela go tokelo ya go diriša petroleamo e swanetše go—

- (a) dirwa ka mokgwa wo o laetšwego;

- (b) state the reasons and period for which the next term is required;
- (c) be accompanied by—
 - (i) the prescribed non-refundable application fee;
 - (ii) a detailed report reflecting the exploration results, the interpretation thereof and the exploration expenditure incurred; 5
 - (iii) a report reflecting the extent of compliance with the conditions of the environmental authorisation; and
 - (iv) a detailed exploration work commitment and exploration expenditure for the next term.
- (5) The Minister must grant a conversion of an exploration right to a petroleum right 10
if the holder—
 - (a) has complied with the terms and conditions of the exploration right;
 - (b) is not in contravention of any provision of the Mineral and Petroleum Resources Development Act;
 - (c) has relinquished a petroleum right area in accordance with the terms and 15
conditions of the exploration right;
 - (d) has access to financial resources and has the technical ability to conduct the proposed exploration operation optimally in accordance with the exploration minimum work commitment for the next term;
 - (e) has complied with the conditions of the environmental authorisation; 20
 - (f) has, where applicable, been granted an amended or a new environmental authorisation in terms of the National Environmental Management Act.
- (6) The holder of a petroleum right and the Petroleum Agency must agree on the terms and conditions for the petroleum right, subject to the retention of terms and conditions under which the exploration right was granted. 25
- (7) If State participation is not provided for in the terms and conditions of an exploration right, then the provisions of section 34 of this Act will apply when the petroleum right holder applies for approval to progress to the production phase in terms of section 58 of this Act.
- (8) If the terms and conditions for a production right were not agreed upon and 30
annexed to the exploration right, then such terms and conditions must be—
 - (a) determined in terms of the provisions of this Act;
 - (b) agreed upon between the holder and the Petroleum Agency; and
 - (c) approved by the Minister.
- (9) If the terms and conditions for a production right were annexed to an exploration 35
right, then such terms and conditions will constitute terms and conditions for a petroleum right.
- (10) A petroleum right is valid for the equivalent remaining period of the converted exploration right, subject to application for approval to progress to the next term or phase as contemplated in section 46 of this Act. 40
- (11) The Minister must refuse to grant a conversion of the exploration right to a petroleum right if the requirements contemplated in subitems (4) and (5) have not been satisfied.
- (12) If the Minister refuses to grant a conversion as contemplated in subitem (10), the 45
exploration right will automatically cease to exist.
- (13) The holder must lodge the petroleum right within 90 days from the date of notification of conversion at the Mineral and Petroleum Titles Registration Office for registration.

Conversion of exploration right to petroleum right (production phase)

- 9. (1) A holder of an exploration right that is in the third renewal period after this Act 50
takes effect, must apply for conversion to a petroleum right for the production phase

- (b) ngwala mabaka le tekano ya nako yeo e nyakegago malebana le sebaka se se latelago;
- (c) romelwa e akareditše—
- (i) tefo ya go dira kgopelo ye e beilwego yeo e sa bušetšwego morago;
 - (ii) pego ye e nabilego yeo e bontšhago dipelo tša tlhohlomišo, tlhathollo ya tšona mmogo le ditshenyegalelo tša tlhohlomišo tšeo di bilego gona;
 - (iii) pego yeo e bontšhago bogolo bja kobamelo ya mabaka a ditumelelo tša tikologo; le
 - (iv) dintlha ka botlalo tša boikgafo bja mešomo ya tlhohlomišo le ditshenyagalelo tša tlhohlomišo malebana le sebaka se se sa tlogo.
- (5) Tona o swanetše go dumelela phetolelo ya tokelo ya tlhohlomišo go ya go tokelo ya go diriša petroleamo ge e ba motho yo a bego a swere tokelo yeo—
- (a) o obametše mabaka le dipeelano tša tokelo ya tlhohlomišo;
 - (b) ga se a tshela peelano efe goba efe ya Molao wa Tlhabollo ya Methopo ya Diminerale le Petroleamo;
 - (c) o tlogetše tokelo ya go diriša petroleamo ka go tikologo ye e itšego go ya ka mabaka le dipeelano tša tokelo ya tlhohlomišo;
 - (d) o na le methopo ya ditšhelete ebile o na le bokgoni bja seteginiki go dira tshepedišo ya tlhohlomišo ye e šišintšwego ka mo go swanetšego go ya ka boikgafo bjo bo nnyane bja mošomo ka go sebaka se se latelago;
 - (e) o obametše mabaka a tumelano ya tšhomišo ya tikologo;
 - (f) moo go amegago, o filwe tumelano ya tšhomišo ya tikologo yeo e nago le diphetogo goba ye mpsha go ya ka Molao wa Bosetšhaba wa Taolo ya Tikologo.
- (6) Moswari wa tokelo ya go diriša petroleamo mmogo le Etšensi ya Petroleamo ba swanetše go dumelelana ka mabaka le dipeelano tša go fana ka tokelo ya go diriša petroleamo, ebile gape ba swanetše go tšwela pele go šomiša mabaka le dipeelano tšeo tokelo ya tlhohlomišo e filwego ka fase ga tšona.
- (7) Ge e ba ga gona mabaka le dipelano tša go tšea karolo ga Mmušo tšeo di ngwadilwego ka gare ga tokelo ya tlhohlomišo, gona dipeelano tša karolo ya 34 ya Molao wo di tla šoma ge moswari wa tokelo ya go diriša petroleamo a dira kgopelo ya go tšwela pele ka legato la tšweletšo go ya ka karolo ya 58 ya Molao wo.
- (8) Ge e ba mabaka le dipeelano tša tokelo ya tšweletšo ga se tša kwanelwa le go tsenywa ka gare ga tokelo ya tlhohlomišo, gona mabaka le dipeelano tšeo di swanetše go—
- (a) hlathwa go ya dipeelano tša Molao wo;
 - (b) kwanelwa magareng ga moswari wa tokelo ya go diriša Petroleamo le Etšensi ya Petroleamo; le
 - (c) dumelelwa ke Tona.
- (9) Ge e ba mabaka le dipeelano tša tokelo ya tšweletšo di be di tsentšwe ka gare ga tokelo ya tlhohlomišo, gona mabaka le dipeelano tše bjalo di tla bopa karolo ya mabaka le dipeelano tša tokelo ya go diriša petroleamo.
- (10) Tokelo ya go diriša petroleamo e šoma tekano ya nako ye e šetšego ya tokelo ya tlhohlomišo ye e fetoletšwego, ge go dirilwe kgopelo ya tumelelo ya go tšwela pele go ya sebakeng se sengwe sa legato bjalo ka ge go hlalošitšwe ka go karolo ya 46 ya Molao wo.
- (11) Tona o swanetše go gana go fana ka phetošo ya tokelo ya tlhohlomišo go ya go tokelo ya go diriša petroleamo ge e ba dinyakwa tšeo di hlalošitšwego ka go dintlha tša ka fase ga (4) le (5) ga se tša fihlelelwa.
- (12) Ge e ba Tona o gana go fana ka phetolelo bjalo ka ge go hlalošitšwe ka go ntlha ya ka fase ga (10), tokelo ya tlhohlomišo e tla emiša go šoma le semeetseng.
- (13) Moswari wa tokelo ya tlhohlomišo o swanetše go dira kgopelo ya tokelo ya go diriša petroleamo ka gare ga matšatši a 90 go tloga ka letšatšikgwedi la tsebišo ya go fetošwa ga yona kua Kantorong ya Dingwadišo tša Bongthoto bja Diminerale le Petroleamo gore e ngwadišwe.

Phetolelo ya tokelo ya tlhohlomišo go ya go tokelo ya go diriša petroleamo (legato la tšweletšo)

9. (1) Moswari wa tokelo ya tlhohlomišo yeo tekano ya sebaka sa yona e mpshafaditšwego la boraro, o swanetše gore ka morago ga ge Molao wo o thoma go šoma a dire kgopelo ya go fetogela go tokelo ya go diriša petroleamo malebana le legato la tšweletšo pele ga ge letšatšakgwedi la sebaka seo se mpshafaditšwe la boraro le feta,

before the expiry of the third renewal period, failing which the exploration right in question will cease to exist.

(2) An application for conversion to a petroleum right as contemplated in subitem (1) must be lodged in a prescribed manner if the holder has—

- (a) declared a commercial discovery; 5
- (b) elected to develop the commercial discovery;
- (c) paid the prescribed non-refundable application fee;
- (d) relinquished a percentage of the exploration right area in accordance with the terms and conditions of the exploration right; and
- (e) access to financial resources and has the technical ability to conduct 10 development and production operations optimally in accordance with the development and production programme.

(3) An application for conversion to a petroleum right contemplated in subitem (1) must be accompanied by—

- (a) the prescribed development and production programme in respect of a 15 petroleum field to be developed;
- (b) a report reflecting the extent of compliance with the conditions of the environmental authorisation during the last renewal period of the exploration right;
- (c) a detailed report reflecting the exploration results, the interpretation thereof 20 and the exploration expenditure incurred;
- (d) where applicable, an application for a new environmental authorisation or amendment in terms of the National Environmental Management Act;
- (e) a prescribed local content plan.

(4) The Minister must grant a conversion of an exploration right to a petroleum right 25 if the holder has—

- (a) demonstrated access to adequate financial and technical resources and competence to undertake efficient, optimal and timely development and production operations;
- (b) demonstrated that the development and production programme will ensure 30 efficient, optimal and timely production of the petroleum resources;
- (c) the proposed development and production programme is consistent with Good International Petroleum Industry Practice;
- (d) complied with the requirements referred to in subitems (1), (2) and (3);
- (e) complied with the conditions of the environmental authorisation; 35
- (f) where applicable, been granted an amended or a new environmental authorisation in terms of the National Environmental Management Act; and
- (g) complied with the terms and conditions of the exploration right and is not in breach of any provisions of the Mineral and Petroleum Resources Development Act. 40

(5) The Minister must refuse to grant a conversion of the exploration right to a petroleum right if the requirements contemplated in subitems (3) and (4) have not been satisfied.

(6) A petroleum right is valid for the period stipulated in section 14 of this Act subject to application for approval to progress to the next term as contemplated in section 58 of 45 this Act.

(7) The determination of terms and conditions for the petroleum right must be done in accordance with the provisions of item 8(6).

Conversion of production right to petroleum right

10. (1) A production right in force immediately before this Act takes effect, or after 50 this Act takes effect, continues in force for a period not exceeding five years, or until the date of its expiry if such expiry comes before the five years, subject to the terms and conditions under which it was granted.

moo e lego gore go palelwa ke go dira seo tokelo ya tlhohlomišo yeo go bolelwago ka yona e tla emišwa.

(2) Kgopelo ya go fetogela go tokelo ya go diriša petroleamo bjalo ka ge go hlalošitšwe ka go ntlha ya ka fase ga (1) e swanetše go dirwa ka mokgwa wo o laetšwego ge ba moswari wa tokelo yeo o—

- (a) tsebagaditše gore o utollotše monyetla wa kgwebo;
- (b) kgethile go hlama monyetla wa go utolla kgwebo;
- (c) lefile tefo yeo e sa bušetšwego morago ebile yeo e laetšwego ya go dira kgopelo;
- (d) tlogetše peresente ya tokelo ya tlhohlomišo ya tikologo go ya ka mabaka le dipeelano tša tokelo ya tlhohlomišo; le
- (e) na le methopo ya ditšhelete ebile o na le bokgoni bja seteginiki go dira mešomo ya tlhabollo le tšweletšo gabotse go ya ka lenaneo la tlhabollo le tšweletšo.

(3) Kgopelo ya go fetogela go tokelo ya go diriša petroleamo yeo e hlalošitšwego ka go ntlha ya ka fase ga (1) e swanetše go akaretša—

- (a) lenaneo la tlhabollo le tšweletšo leo le laetšwego leo le tlo šomišetšwego naga ya tikologo ya petroleamo yeo e tlo hlabollwago;
- (b) pego yeo e bontšhago bokgole bjoo mabaka a tumelelo ya go šomiša tikologo a obametšwego nakong ya ge go mpshafatšwa tekano ya sebaka sa tokelo ya tlhohlomišo la mafelelo;
- (c) pego yeo e nago le dintlha ka botlalo yeo e bontšhago dipelo tša tlhohlomišo, tlhathollo ya tšona le ditshenyagalelo tša tlhohlomišo tšeo di bilego gona;
- (d) moo go amegago, kgopelo ya tumelelo ya go šomiša tikologo ye mpsha goba phetošo ya tumelelo yeo go ya ka Molao wa Bosetšhaba wa Taolo ya Tikologo;
- (e) leano la diteng tša selegae leo le laetšwego.

(4) Tona o swanetše go fana ka phetolelo ya tokelo ya tlhohlomišo go ya go tokelo ya go diriša petroleamo ge e ba moswari wa tokelo o—

- (a) bontšhitše gore o na le methopo ya ditšhelete le methopo ya seteginiki ye e lekanego mmogo le bokgoni bja go ka dira mešomo ya tlhabollo le tšweletšo gabotse ebile ka nako;
- (b) bontšhitše gore lenaneo la tlhabollo le la tšweletšo le tla netefatša gore go ba le tšweletšo ya methopo ya petroleamo yeo e šomago gabotse ebile ka nako;
- (c) bontšhitše gore lenaneo la tlhabollo le la tšweletšo leo le šišintšwego le sepelelana le Ditiro tša Gabotse tša Intasteri ya Boditšhabatšhaba ya Petroleamo;
- (d) obametše dinyakwa tšeo go bolelwago ka tšona ka go dintlha tša ka fase ga (1), (2) le (3);
- (e) obametše mabaka ao a lego ka gare ga tumelelo ya go šomiša tikologo;
- (f) moo go amegago, a filwe tumelelo ya go šomiša tikologo yeo e fetotšwego goba ye mpsha go ya ka Molao wa Bosetšhaba wa Taolo ya Tikologo; le
- (g) obametše mabaka le dipeelano tša tokelo ya tlhohlomišo ebile ga se a tshela dipeelano dife goba dife tša Molao wa Tlhabollo ya Methopo ya Diminerale le Petroleamo.

(5) Tona o swanetše go gana go fana ka phetošo ya tokelo ya tlhohlomišo go ya go tokelo ya go diriša petroleamo ge e ba dinyakwa tšeo di hlalošitšwego ka go dintlha tša ka fase ga (3) le (4) ga se tša fihlelelwa.

(6) Tokelo ya go diriša petroleamo e šoma tekano ya nako yeo e laeditšwego ka go karolo ya 14 ya Molao wo ntle le ge e ba go dirilwe kgopelo ya tumelelo ya go tšwela pele ka sebaka se se latelago bjalo ka ge go hlalošitšwe ka go karolo ya 58 ya Molao wo.

(7) Go hlathwa ga mabaka le dipeelano tša tokelo ya go diriša petroleamo go swanetšwe go dirwa go ya ka dipeelano tša ntlha ya 8(6).

Go fetolelwa ga tokelo ya tšweletšo go ya go tokelo ya go šomiša petroleamo

10. (1) Tokelo ya tšweletšo yeo e sa šomago pele ga ge Molao wo o thoma go šoma, goba ka morago ga ge Molao wo o thomile go šoma, e tšwela pele go šoma tekano ya nako ye e sa fetego mengwaga ye mehlano, goba go fihlela letšatšikgwedi la go felelwa ke nako ga yona ge e le gore nako yeo e fihla pele ga mengwaga yeo e mehlano e fela, go ya ka mabaka le dipeelano tšeo e filwego ka fase ga tšona.

(2) A holder of a production right must lodge the right for conversion before the expiry period referred to in subitem (1), in the prescribed manner.

(3) The Minister must grant a conversion of a production right to a petroleum right if the holder—

- (a) has complied with the terms and conditions of the production right; and 5
- (b) is not in contravention of any provision of the Mineral and Petroleum Resources Development Act.

(4) The terms and conditions of a production right will constitute the terms and conditions of a petroleum right, subject to the necessary changes.

(5) A petroleum right is valid for the equivalent remaining period of the converted production right, subject to application for approval to progress to the next term as contemplated in section 58 of this Act. 10

(6) The holder must lodge the petroleum right within 90 days from the date of notification of conversion at the Mineral and Petroleum Titles Registration Office for registration, and simultaneously lodge the production right for deregistration. 15

Application of National Environmental Management Act to petroleum right

11. (1) Until such time that amendments are effected to the National Environmental Management Act, a specific environmental management Act, or the regulations issued under any such Act, to be in line with the provisions of this Act, the provisions of this item shall apply. 20

(2) For purposes of the application of the National Environmental Management Act, any specific environmental management Act or the regulations issued under any such Act, to a petroleum right as envisaged in this Act—

- (a) any reference in this Act to the exploration phase of the petroleum right must be construed as a reference to the exploration right, inclusive of all renewals thereof, as provided for in terms of the Mineral and Petroleum Resources Development Act, 2002, and inclusive of all terms of such exploration phase; and 25
- (b) any reference in this Act to the production phase of the petroleum right must be construed as a reference to the production right, and inclusive of all renewals thereof, as provided for in terms of the Mineral and Petroleum Resources Development Act, 2002, and inclusive of all terms of such production phase. 30

(3) For purposes of application of the National Environmental Management Act, any specific environmental management Act or the regulations issued under any such Act, applicable to a reconnaissance permit, exploration right or, production right or petroleum right granted in terms of the Mineral and Petroleum Resources Development Act, 2002, any reference to the Mineral and Petroleum Resources Development Act, 2002, in relation to a reconnaissance permit, exploration right, or production right or petroleum right must be construed as a reference to a reconnaissance permit or relevant phases of the petroleum right, as the case may be, in terms of this Act. 35 40

(2) Moswari wa tokelo ya tšweletšo o swanetše go dira kgopelo ya go e fetolela go tokelo ya go diriša petroleamo pele ga ge nako yeo go bolelwago ka yona ka go ntlha ya ka fase ga (1) e fela, ka go šomiša mokgwa wo o laetšwego.

(3) Tona o swanetše go fana ka tumelelo ya go fetoša tokelo ya tšweletšo go ya go tokelo ya go diriša petroleamo ge e ba moswari wa tokelo o— 5

(a) obametše mabaka le dipeelano tša tokelo ya tšweletšo; ebile

(b) ga se a tshela peelano efe goba efe ya Molao wa Tlhabollo ya Methopo ya Diminerale le Petroleamo.

(4) Mabaka le dipeelano tša tokelo ya tšweletšo di tla bopa karolo ya mabaka le dipeelano tša tokelo ya petroleamo, ka diphetogo tseo di nyakegago. 10

(5) Tokelo ya go diriša petroleamo e sa šoma tekano ya nako ye e lekanago ye e šetšego ya tokelo ya tšweletšo, ntle le ge e ba go dirilwe kgopelo ya tumelelo ya go tšwela pele ka sebaka se se latelago bjalo ka ge go hlalošitšwe ka go karolo ya 58 ya Molao wo.

(6) Moswari wa tokelo ya tšweletšo o swanetše go dira kgopelo ya tokelo ya go diriša petroleamo ka gare ga matšatši a 90 go tloga ka letšatšikgwedi la tsebišo ya phetošo kua Kantorong ya Dingwadišo tša Bongthoto bja Diminerale le Petroleamo gore e ngwadišwe, mola ka nako ye tee a dira kgopelo ya go tloša tokelo ya tšweletšo boingwadišong. 15

Go šomišwa ga Molao wa Bosetšhaba wa Taolo ya Tikologo go tokelo ya go diriša petroleamo 20

11. (1) Go fihla nakong yeo diphešo di dirwago go Molao wa Bosetšhaba wa Taolo ya Tikologo, Molao wo o itšego wa taolo ya tikologo, goba go e ba le melawana yeo e ntšhwago ka fase ga Molao ofe goba ofe wa melao ye bjalo, tseo di sepelelanago le dipeelano tša Molao wo, dipeelano tša ka fase ga ntlha ye di tla šomišwa. 25

(2) Ka merero ya go šomišwa ga Molao wa Bosetšhaba wa Taolo ya Tikologo, Molao ofe goba ofe wo o itšego wa taolo ya tikologo goba melawana yeo e ntšhitšwego ka fase ga Molao ofe goba ofe wa melao ye bjalo, tokelo ya go diriša petroleamo bjalo ka e hlalošitšwe ka go Molao wo—

(a) Sešupo sefe goba sefe ka go Molao wo seo se šupago legato la tlhohlomišo la tokelo ya go diriša petroleamo se swanetše go tšewa bjalo ka sešupo sa tokelo ya tlhohlomišo, moo e lego gore se akaretša le go mpshafatšwa ga yona, bjalo ka ge go hlalošitšwe ka go Molao wa Tlhabollo ya Methopo ya Diminerale le Petroleamo, wa 2002, ebile se akaretša mabaka ka moka a legato le bjalo la tlhohlomišo; le 30 35

(b) Sešupo sefe goba sefe ka go Molao wo seo se šupago legato la tšweletšo la tokelo ya go diriša petroleamo se swanetše go tšewa bjalo ka sešupo sa tokelo ya tšweletšo, moo e lego gore se akaretša le go mpshafatšwa ga yona, bjalo ka ge go hlalošitšwe ka go Molao wa Tlhabollo ya Methopo ya Diminerale le Petroleamo, wa 2002, ebile se akaretša mabaka ka moka a legato le bjalo la tšweletšo; le 40

(3) Ka merero ya go šomišwa ga Molao wa Bosetšhaba wa Taolo ya Tikologo, Molao ofe goba ofe wo o itšego wa taolo ya tikologo goba melawana efe goba efe yeo e ntšhitšwego ka fase ga Molao wa melao ye bjalo, wo o šomišwago go phemiti ya go dira tekolo, tokelo ya tlhohlomišo goba, tokelo ya tšweletšo goba tokelo ya go diriša petroleamo yeo e filwego go ya ka Molao wa Tlhabollo ya Methopo ya Diminerale le Petroleamo, wa 2002, sešupo sefe goba sefe sa Molao wa Tlhabollo ya Methopo ya Diminerale le Petroleamo, wa 2002, malebana le phemiti ya go dira tekolo, tokelo ya tlhohlomišo, goba tokelo ya tšweletšo goba tokelo ya go diriša petroleamo se swanetše go tšewa bjalo ka sešupo sa phemiti ya go dira tekolo goba magato ao a amegago a tokelo ya go diriša petroleamo, go ya le ka mokgwa wo go tlabago go le ka gona, go ya ka Molao wo. 45 50

SCHEDULE 2

AMENDMENT OF LAWS

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.

No. and Year	Short Title	Extent of amendment or repeal
Act No. 28 of 2002	Mineral and Petroleum Resources Development Act, 2002	Amendment of section 1
		1. Section 1 of the Mineral and Petroleum Resources Development Act, 2002 (hereinafter referred to as “the principal Act”), is hereby amended— (a) by the deletion of the definition of “block”; (b) by the substitution in the definition of “broad based economic empowerment” for paragraph (a) of the following paragraph: “(a) redressing the result of past or present discrimination based on race, gender or other disability of historically disadvantaged persons in the minerals [and petroleum] industry, related industries and in the value chain of such industries; and”; (c) by the substitution in paragraph (b) of the definition of “broad based economic empowerment” for subparagraph (i) of the following subparagraph: “(i) the ownership, participation in or the benefiting from existing or future mining, prospecting[, exploration or production] operations;”; (d) by the substitution for the definition of “contractual royalties” of the following definition: “‘contractual royalties’ means any royalties or payment agreed to between parties in a mining [or production] operation;”; (e) by the deletion of the definition of “designated agency”; (f) by the deletion of the definition of “development programme”; (g) by the substitution for the definition of “employee” of the following definition— “‘employee’ means any person who works for the holder of a reconnaissance permission, prospecting right, mining right, mining permit[.] or retention permit, [technical corporation permit, reconnaissance permit, exploration right and production right.] and who is entitled to receive any remuneration, and includes any employee working at or in a mine, including any person working for an independent contractor;”; (h) by the substitution for the definition of “exclusionary act” of the following definition: “‘exclusionary act’ means any act or practice which impedes or prevents any person from entering into or actively participating in the mineral [and petroleum] industry, or entering into or actively participating in any market connected with the mineral [and petroleum industries] industry;”; (i) by the deletion of the definition of “exploration area”; (j) by the deletion of the definition of “exploration operation”; (k) by the deletion of the definition of “exploration right”; (l) by the deletion of the definition of “exploration work programme”;

ŠETULE YA 2

PHETOŠO YA MELAO

TLHALOŠO KA KAKARETŠO::

[] Mantšu ao a kotofaditšwego ka gare ga mašakana a bontšha ditlogelo gotšwa melaong ye e šetšego e le gona.

Mantšu ao a thaletšwego ka mothaladi wo mokoto a bontšha dintlha tše di tsentšwego melaong ye e šetšego e le gona.

No. le Ngwaga	Thaetlele ye Kopana	Bogolo bja phetošo goba phedišo
Molao No. ya 28 wa 2002	Molao wa Tlhabollo ya Methopo ya Diminerale le Petroleamo, wa 2002	Phetošo ya karolo ya 1 1. Karolo ya 1 Molao wa Tlhabollo ya Diminerale le Petroleamo, wa 2002 (woo ka go sengwalwa se o bitšwego “Molao wa mathomo”), o fetošwa ke go— (a) phumolwa ga tlhalošo ya “poloko”; (b) tsenywa ga temana ye e latelago legatong la temana ya (a) ya tlhalošo ya “maatlafatšo ya tša ekonomi ye e beilwego motheong wo o phatlaletšego: “(a) go lokiša dipoelo tša kgethologanyo ye e fetilego goba yeo e sa lego gona yeo e theilwego godimo ga morafe, bong goba bogolofadi bjo bongwe le bo bongwe bja batho bao ba bego ba kgetholiwa peleng ka go intasteri ya diminerale [le petroleamo], diintasteri tše di amanago le yona mmogo le ka go diintasteri tša ditšweletšwa tša go fapafapana tša diintasteri tše bjalo; le”; (c) tsenywa ga temana ya ka fasana ga (b) ye e latelago legatong la tlhalošo ya “maatlafatšo ya tša ekonomi ye e beilwego motheong wo o phatlaletšego” yeo e lego ka go temana ya (i): “(i) bongthoto, go tšea karolo ka go goba go holega go tšwa go mešomo ye e šetšego e le gona goba ye e sa tlogo ya meepo, ditshepedišo tša go hlalloba, tlhohlomišo goba tšweletšo”; (d) tsenywa ga tlhalošo ye e latelago legatong la tlhalošo ya “ditefelo go ya ka konteraka”: “‘ditefelo go ya ka konteraka’ e ra ditefelo dife goba dife goba tefelo yeo go dumelelanwego ka yona magareng ga batšekarolo ba ka gare ga meepo, [goba ka go tšweletšo] le mešomo”; (e) phumolwa ga tlhalošo ya “mokgatlo wo o kgethilwego”; (f) phumolwa ga tlhalošo ya “lenaneo la tlhabollo”; (g) tsenywa ga tlhalo mešomo o ye latelago legatong la “mošomi”— “‘mošomi’ e ra motho yo mongwe le yo mongwe yo a šomelago moswari wa tokelo ya phemiti ya go dira tekolo, tokelo ya go hlalloba, tokelo ya go epa, phemiti ya moepo[,] goba phemiti ya tshwaro, [tumelelo ya tšhomišanommogo ya seteginiki, phemiti ya go dira tekolo, tokelo ya tlhohlomišo mmogo le tokelo ya tšweletšo], yo a swanetšego go amogela moputso, ebile se se akaretša mošomi ofe goba ofe yo a šomago ka go goba ka gare ga moepo, go akaretšwa motho ofe goba ofe yo a šomelago konteraka ye e ikemego”; (h) tsenywa ga tlhalošo ye e latelago legatong la tlhalošo ya “molao wo o sa akaretšego”: “‘molao wo o sa akaretšego’ era molao goba tiro efe goba efe yeo e gatelelago goba e thibelago motho ofe goba ofe go tsena ka go goba go tšea karolo ka go intasteri ya diminerale [le petroleamo], goba go tsena ka go goba go tšea karolo ka go mebaraka efe gba efe yeo e amanago le intasteri ya diminerale [le diintasteri tša petroleamo]”; (i) phumolwa ga tlhalošo ya “lefele la tlhohlomišo”; (j) phumolwa ga tlhalošo ya “mešomo ya tlhohlomišo”; (k) phumolwa ga tlhalošo ya “tokelo ya tlhohlomišo”; (l) phumolwa ga tlhalošo ya “lenaneo la mešomo ya tlhohlomišo”;

No. and Year	Short Title	Extent of amendment or repeal
		(m) by the substitution for the definition of “holder” of the following definition: “holder” in relation to a prospecting right, mining right, mining permit[,], or retention permit, [exploration right, production right, reconnaissance permit or technical co-operation permit,] means the person to whom such right or permit has been granted or such person’s successor in title;”; (n) by the deletion in the definition of “mineral” of paragraphs (b) and (c); (o) by the deletion of the definition of “petroleum”; (p) by the deletion of the definition of “petroleum reservoir”; (q) by the deletion of the definition of “production area”; (r) by the deletion of the definition of “production right”; (s) by the deletion of the definition of “reconnaissance operation”; (t) by the deletion of the definition of “reconnaissance permit”; (u) by the substitution for the definition of “residue deposit” of the following definition: “residue deposit” means any residue stockpile remaining at the termination, cancellation or expiry of a prospecting right, mining right, mining permit[, exploration right, production right] or an old order right;”; (v) by the substitution for the definition of “residue stockpile” of the following definition: “residue stockpile” means any debris, discard, tailings, slimes, screening, slurry, waste rock, foundry sand, beneficiation plant waste, ash or any other product derived from or incidental to a mining operation and which is stockpiled, stored or accumulated for potential re-use, or which is disposed of, by the holder of a mining right, mining permit[, production right] or an old order right;”; (w) by the substitution for the definition of “sustainable development” of the following definition: “sustainable development” means the integration of social, economic and environmental factors into planning, implementation and decision making so as to ensure that mineral [and petroleum] resources development serves present and future generations;”; (x) by the deletion of the definition of “technical cooperation permit”; and (y) by the substitution in the definition of “topsoil” for paragraph (d) of the following paragraph: “(d) is not of a depth of more than 0,5 metres or such other depth as the Minister may prescribe for a specific prospecting [or exploration area] or a mining area;”.
		Amendment of section 2 2. Section 2 of the principal Act is hereby amended by the substitution for paragraphs (a), (b), (c), (d), (e), (g), (h) and (i) of the following paragraphs, respectively: “(a) recognise the internationally accepted right of the State to exercise sovereignty over all the mineral [and petroleum] resources within the Republic; (b) give effect to the principle of the State’s custodianship of the nation’s mineral [and petroleum] resources; (c) promote equitable access to the nation’s mineral [and petroleum] resources to all the people of South Africa; (d) substantially and meaningfully expand opportunities for historically disadvantaged persons, including women and communities, to enter into and actively participate in the mineral, [and petroleum] industries and to benefit from the exploitation of the nation’s mineral [and petroleum] resources;

No. le Ngwaga	Thaetlele ye Kopana	Bogolo bja phetošo goba phedišo
		(m) tsenywa ga tlhalošo ye e latelago legatong la tlhalošo ya “moswari wa”: “moswari wa’ malebana le tokelo ya go hlaloba, tokelo ya go epa, tokelo ya moepo[,] goba phemiti ya tshwara, [tokelo ya tlhohlomišo, tokelo ya tšweletšo, tokelo ya tekolo le tokelo ya tšhomišanommogo ya seteginiki,] e ra motho yo tokelo ye bjalo e filwego yena goba motho yo a tlo mohlalhamago ka maemo;”; (n) phumolwa ga tlhalošo ya “diminerale” go ditemana tša (b) le (c); (o) phumolwa ga tlhalošo ya “petroleamo”; (p) phumolwa ga tlhalošo ya “bobolokelo bja peteroleum”; (q) phumolwa ga tlhalošo ya “lefelo la tšweletšo”; (r) phumolwa ga tlhalošo ya “tokelo ya tšweletšo”; (s) phumolwa ga tlhalošo ya “mešomo ya tekolo”; (t) phumolwa ga tlhalošo ya “phemiti ya go dira tekolo”; (u) tsenywa ga tlhalošo ye e latelago legatong la tlhalošo ya “mkgobo wa mašaledi a didirišwa”: “mkgobo wa mašaledi’ e ra mkgobo wa mašaledi a mangwe le a mangwe a didirišwa ao a sa šaletšego ge go fedišwa, go phumolwa goba go felelwa ke nako ga tokelo ya go hlaloba, tokelo ya go epa, tokelo ya moepo[, tokelo ya tlhohlomišo, tokelo ya tšweletšo] goba tokelo ya kgale ya taolo;”; (v) tsenywa ga tlhalošo ye e latelago legatong la tlhalošo ya “mkgobo wa mašaledi a didirišwa”: “mkgobo wa mašaledi a didirišwa’ e ra mkgobo wa mašaledi a selo se sengwe le se sengwe seo se pšhatlegilego, dilo tše di lahlwago, mkgobo wa mašaledi a dilo, diela tša ditšhila, seela sa manyora, matlapa ao a pšhatlegilego, santa ya letamo, mkgobo wa mašaledi a tshepedišo ya go šila le go aroganya, molora mmogo le sedirišwa sefe goba sefe se sengwe seo se tšwago go goba se hlotšwego ke mešomo ya moepo ebile seo se kgobokeditšwego bjalo ka mkgobo wa mašaledi, se bolokilwego goba se kgobokeditšwego gore se ka šomišwa gape, goba seo se lahlwago, ke moswari wa tokelo ya go epa, phemiti ya moepo[, tokelo ya tlhohlomišo] goba tokelo ya kgale ya taolo;”; (w) tsenywa ga tlhalošo ye e latelago legatong la tlhalošo ya “tlhabollo ya go ya go ile”: “tlhabollo ya go ya go ile’ e ra go kopantšhwa ga dintlha tša leago, ekonomi le tikologo ka go togo ya maano, phethagatšo le go tšewa ga dipheho go netefatša gore tlhabollo ya methopo ya diminerale [le petroleamo] e šomela meloko ya gabjale ye ye e sa tšago ya batho;”; (x) phumolwa ga tlhalošo ya “tumelelo ya tšhomišanommogo ya seteginiki”; le (y) tsenya ga tlhalošo ye e latelago ya temana ya (d) legatong la tlhalošo ya “mobu wa godimo”; “(d) ga se ya boteng bja go feta dimithara tše 0,5 goba boteng bjo bongwe boo bo ka hlathwago ke Tona malebana le tokelo ya go laola [goba lefelo la tlhohlomišo] goba lefelo la moepo;”.
		Phetošo ya karolo ya 2 2. Karolo ya 2 Molao wa mathomo e fetošwa ka go tsenywa ga ditemana tše di latelago, ka go latelana legatong la ditemana tša (a), (b), (c), (d), (e), (g), (h) le (i): “(a) lemogwa tokelo yeo e amogelwago ya boditšhabatšhaba ya gore Mmušo o ka šomiša maatla a wona godimo ga diminerale [le petroleamo] ka moka yeo e lego gona ka gare ga Repabliki; (b) fana ka motheo wa tlhokomelo ya Mmušo ya methopo ya diminerale [le petroleamo] ya naga; (c) tšwetša pele phihlelelo ye e lekanago ya methopo ya diminerale [le petroleamo] ya naga ke batho ka moka ba Afrika Borwa; (d) oketšwa kudu le ka tsela ye e nago le mohola ga menyetla go batho bao ba bego ba kgethollwa peleng, go akaretšwa basadi le ditšhaba, gore ba tsene le go tšea karolo ka go diintasteri tša diminerale, [le petroleamo] ebile le go holega malebana le go šomiša methopo ya diminerale [le petroleamo] ya naga;

No. and Year	Short Title	Extent of amendment or repeal
		(e) promote economic growth and mineral [and petroleum] resources development in the Republic, particularly development of downstream industries through provision of feedstock, and development of mining [and petroleum] inputs industries; (g) provide for security of tenure in respect of prospecting, exploration, mining [and production] operations; (h) give effect to section 24 of the Constitution by ensuring that the nation's mineral [and petroleum] resources are developed in an orderly and ecologically sustainable manner while promoting justifiable social and economic development; and (i) ensure that holders of mining [and production] rights contribute towards the socio-economic development of the areas in which they are operating.”.
		Amendment of section 3 3. The following section is hereby substituted for section 3 of the principal Act: “Custodianship of nation’s mineral [and petroleum] resources 3. (1) Mineral [and petroleum] resources are the common heritage of all the people of South Africa and the State is the custodian thereof for the benefit of all South Africans. (2) As the custodian of the nation’s mineral [and petroleum] resources, the State, acting through the Minister, may— (a) grant, issue, refuse, control, administer and manage any reconnaissance permission, prospecting right, permission to remove, mining right, mining permit, retention permit[, technical co-operation permit,] and reconnaissance permit [exploration right and production right]; and (b) in consultation with the Minister of Finance, prescribe and levy, any fee payable in terms of this Act. (3) The Minister must ensure the sustainable development of South Africa’s mineral [and petroleum] resources within a framework of national environmental policy, norms and standards while promoting economic and social development.”.
		Amendment of section 5 4. The following section is hereby substituted for section 5 of the principal Act: “Legal nature of prospecting right[, or mining right, exploration right or production right,] and rights of holders thereof 5. (1) A prospecting right[, or mining right [, exploration right or production right]] granted in terms of this Act and registered in terms of the Mining Titles Registration Act, 1967, (Act No. 16 of 1967), is a limited real right in respect of the mineral [or petroleum] and the land to which such right relates. (2) The holder of a prospecting right[, or mining right [, exploration right or production right]] is entitled to the rights referred to in this section and such other rights as may be granted to, acquired by or conferred upon such holder under this Act or any other law. (3) Subject to this Act, any holder of a prospecting right[, or mining right [, exploration right or production right]] may—

No. le Ngwaga	Thaetlele ye Kopana	Bogolo bja phetošo goba phedišo
		(e) tšwetša pele kgolo ya ekonomi le tlhabollo ya methopo ya diminerale [le petroleamo] ka go Repabliki, tlhabollo ya go kgathatema gwa diintasteri tša ka fase ka go fana ka didirišwa tša go fepa, le go hlabolla matseno a diintasteri tša diminerale [le petroleamo]; (f) fana ka tšhireletšo ya tekano ya nako ye e beilwego malebana le mešomo ya go lekola, tlhohlomišo le meepo [le tšweletšo]; (g) šomiša karolo ya 24 ya Molaotheo ka go netefatša gore methopo ya diminerale [le petroleamo] ya naga di a hlabollwa ka mokgwa wo o rulagantšwego ebile wa go šomiša ikholotši go ya go ile mola go tšwetšwapele tlhabollo ya leago le ya ekonomi ya toka; le (h) netefatša gore batho bao ba swerego ditokelo tša meepo [le tšweletšo] ba tsenya letsogo ka go tlhabollo ya ekonomi ya leago ya mafelo ao ba šomelago go wona.”.
		Phetošo ya karolo ya 3 3. Karolo ye e latelago e tsenywa legatong la karolo ya 3 ya Molao wa mathomo: “Tlhokomelo ya methopo ya diminerale [le petroleamo] ya naga 3. (1) Methopo ya diminerale [le petroleamo] ke bohwa bjo bo tlwaelegilego bja batho ka moka ba Afrika Borwa ebile Mmušo ke mohokomedi wa tšona ka morero wa go hola maAfrika Borwa ka moka. (2) Bjalo ka mohlokamedi wa methopo ya diminerale [le petroleamo] ya naga, Mmušo, ge o phethagatša se ka go šomiša Tona, o ka— (a) fana ka, wa ntšha, wa gana, wa laola, wa sepetša le go hlokomela phemiti efe goba efe ya tlhahobo, tokelo ya go hlahloba, tumelelo ya go tloša, tokelo ya go epa, phemiti ya moepo, tokelo ya bobolokelo[, tumelelo ya tšhomišanommogo ya seteginiki,] le phemiti ya go dira tekolo [tokelo ya tlhohlomišo le tokelo ya tšweletšo]; le (b) ka therišano le Tona ya Matlotlo, a ka laela gore go be le tefišo, tefo efe goba efe yeo e ka lefišwago go ya ka Molao wo. (3) Tona o swanetše go netefatša gore go ba le tlhabollo ya go ya go ile ya diminerale [le petroleamo] ya Afrika Borwa ka gare ga tlhako ya pholisi ya bosetšhaba ya tikologo, ditlwaedi le maemo mola ka nako ye tee a tšwetša pele tlhabollo ya ekonomi le leago.”.
		Phetošo ya karolo ya 5 4. Karolo ye e latelago e tsenywa legatong la karolo ya 5 ya Molao wa mathomo: “Mohuta wa molao woo tokelo ya go hlahloba[.] goba tokelo ya go epa,[tokelo ya tlhohlomišo goba tokelo ya tšweletšo,] mmogo le ditokelo tšeo di swanago le tšona tša batho bao ba swerego ditokelo 5. (1) Tokelo ya go hlahloba[.] goba tokelo ya go epa [,tokelo ya tlhohlomišo goba tokelo ya tšweletšo] yeo e filwego go ya ka Molao wa Dingwadišo tša Bongthoto bja Meepo, wa 1967, (Molao wa No. ya 16 wa 1967), ke tokelo yeo e nago le magomo malebana le diminerale [goba petroleamo] mmogo le naga yeo e šomišwago go yona. (2) Moswari wa tokelo ya go hlahloba[.] goba tokelo ya go epa [, tokelo ya tlhohlomišo goba tokelo ya tšweletšo] o na le maswanedi go ditokelo tšeo go boletlwago ka tšona ka go karolo ye mmogo le ditokelo tše dingwe tšeo di ka fiwago, tša hwetšwa goba tša fetišetšwa go motho yo bjalo go ya ka Molao wo goba molao ofe goba ofe wo mongwe. (3) Go ya ka Molao wo, motho ofe goba efe yo a swerego tokelo ya go hlahloba [.] goba tokelo ya go epa [, tokelo ya tlhohlomišo goba tokelo ya tšweletšo] a ka—

No. and Year	Short Title	Extent of amendment or repeal
		(a) enter the land to which such right relates together with his or her employees, and bring onto that land any plant, machinery or equipment and build, construct or lay down any surface, underground or under sea infrastructure which may be required for the purpose of prospecting[,], or mining [, exploration or production], as the case may be; (b) prospect[,], or mine, [explore or produce], as the case may be, for his or her own account on or under that land for the mineral [or petroleum] for which such right has been granted; (c) remove and dispose of any mineral found during the course of prospecting[,], or mining, [exploration or production], as the case may be; (d) subject to the National Water Act, 1998 (Act No. 36 of 1998), use water from any natural spring, lake, river or stream, situated on, or flowing through, such land or from any excavation previously made and used for prospecting[,], or mining [, exploration or production] purposes, or sink a well or borehole required for use relating to prospecting, mining [, exploration or production] on such land; and (e) carry out any other activity incidental to prospecting[,], or mining [, exploration or production] operations, which activity does not contravene the provisions of this Act.”.
		Amendment of section 5A 5. Section 5A of the principal Act is hereby amended— (a) by the substitution for the words preceding paragraph (a) of the following words: “No person may prospect for or remove, mine, conduct [technical co-operations, operations] reconnaissance operations [, explore] for [and produce] any mineral [or petroleum] or commence with any work incidental thereto on any area without—”; and (b) by the substitution for paragraph (b) of the following paragraph: “(b) a reconnaissance permission, prospecting right, permission to remove, mining right, mining permit, retention permit, [technical co-operation permit], reconnaissance permit, [exploration right or production right], as the case may be; and”.
		Amendment of section 38A 6. Section 38A of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: “(1) The Minister is the responsible authority for implementing environmental provisions in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as it relates to prospecting [,], or mining [, exploration, production or] activities incidental thereto on a prospecting [,], or mining[, exploration or production] area.”.
		Amendment of section 38B 7. Section 38B of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: “(2) Notwithstanding subsection (1), the Minister may direct the holder of a right, permit or any old order right, if he or she is of the opinion that the prospecting[,], and mining[, exploration and production] operations is likely to result in unacceptable pollution, ecological degradation or damage to the environment, to take any action to upgrade the environmental management plan or environmental management programme to address the deficiencies in the plan or programme.”.

No. le Ngwaga	Thaetlele ye Kopana	Bogolo hja phetošo goba phedišo
		(a) tsena ka go naga yeo tokelo yeo e amanago le yona mmogo le bašomi ba gagwe, ebile a ka tliša dihlare, mešhene goba didirišwa le go aga, go hloma goba go bea lebato lefe goba lefe, mananeokgoparara a ka fase ga mobu goba a ka fase ga lewatle ao a ka nyakegago ka morero wa go lekola[,] goba go epa [tlhohlomišo goba tšweletšo], go ya le ka mokgwa wo go tlabago go le ka gona; (b) lekola[,] goba go epa, [go hlohlomiša goba go tšweletša,] go ya le ka mokgwa wo go tlabago go le ka gona, ka morero wa gagwe godimo ga goba ka fase ga naga go hwetša diminerale [goba petroleamo] moo tokelo ya lefelo leo e filwego; (c) tloša le go lahla diminerale dife goba dife tšeo a di hweditšego ge a lekola[,] goba ge a epa, [go hlohlomiša goba go tšweletša,] go ya le ka mokgwa wo go tlabago go le ka gona; (d) go ya ka Molao wa Bosetšhaba wa Meetse, wa 1998 (Molao wa No. ya 36 wa 1998), a ka šomiša meetse go tšwa go efe goba efe ya diela tša tlhago, letamo, noka goba moela, tšeo di lego, di elelago go, naga ye bjalo goba gotšwa go mokoti ofe goba ofe woo o dirilwego peleng malebana le go lekola[,] goba ka morero wa go epa [tlhohlomišo goba tšweletšo], goba a ka epa mokoti wa meetse woo o nyakegago go šomiša malebana le go lekola, go epa [tlhohlomišo le tšweletšo] nageng ye bjalo; le (e) dira tiro efe goba efe ye nngwe yeo e amanago le ditshepedišo tša go lekola[,] goba go epa [go hlohlomiša goba go tšweletša,] moo e lego gore ditiro tše bjalo ga di tšhele dipeelano tša Molao wo.”.
		Phetošo ya karolo ya 5A 5. Karolo ya 5A ya Molao wa mathomo e fetošwa ke go— (a) tsenywa ga mantšu ao a latelago legatong la mantšu ao a tlogo pele ga temana ya (a): “Ga gona motho yo a ka lekolelago goba a tloša, a epa, a dira [tšhomišanommogo ya seteginiki, ditshepedišo] ditshepedišo tša tekolo [tlhohlomišo] [le go tšweletša] minerale [goba petroleamo] efe goba efe goba a thoma ka mošomo ofe goba ofe wo o amanago ka gare ga tikologo efe goba efe ntle le—”; le (b) tsenywa ga temana ye e latelago legatong la temana ya (b): “(b) tumelelo ya go hlohlomiša, tokelo ya go hlahloba, tumelelo ya go tloša, tokelo ya go epa, phemiti ya moepo, phemiti ya bobolokelo, [tumelelo ya tšhomišanommogo ya seteginiki,] phemiti ya go dira tekolo, [tokelo ya tlhohlomišo goba tokelo ya tšweletšo,] go ya le ka mokgwa wo go tlabago go le ka gona; le”.
		Phetošo ya karolo ya 38A 6. Karolo ya 38A ya Molao wa mathomo e fetošwa ke go tsenywa ga karolwana ye e latelago legatong la karolwana ya (1): “(1) Tona ke yena a nago maikarabelo a taolo ya go phethagatša dipeelano tša tikologo go ya ka Molao wa Bosetšhaba wa Taolo ya Tikologo, wa 1998 (Molao wa No. ya 107 wa 1998), ka ge o amana le go lekola [,] goba go epa [tlhohlomišo, tšweletšo goba] ditiro tšeo di amanago le tšona ka go tikologo ya go lelwa [,] goba go epa[, tlhohlomišo goba tšweletšo].”.
		Phetošo ya karolo ya 38B 7. Karolo ya 38B ya Molao wa mathomo e fetošwa ke go tsenywa ga karolwana ye e latelago legatong la karolwana ya (2): “(2) Ntle le go šetša karolwana ya (1), Tona a ka laela moswari wa tokelo, phemiti goba taelo efe goba efe ya kgale, ge e ba o na le kgopolo ya gore ditshepedišo tša go lekola[,] le go epa[, tlhohlomišo le tšweletšo] di ka ba le kgonagalo ya go tšweletša tšhilafatšo ye e sa amogelegego, go senyega ga ikholotši goba tshenyego ya tikologo, go tšea magato afe goba afe go kaonafatša leano la taolo ya tikologo goba lenaneo la taolo ya tikologo go šetšana le mafokodi a leano goba lenaneo.”.

No. and Year	Short Title	Extent of amendment or repeal
		Amendment of section 45 8. Section 45 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: “If any prospecting, mining[, or reconnaissance[, exploration or production] operations or activities incidental thereto cause or [results] result in ecological degradation, pollution or environmental damage, or is in contravention of the conditions of the environmental authorisation, or which may be harmful to health, safety or well-being of anyone and requires urgent remedial measures, the Minister, in consultation with the Minister of Environmental Affairs and Tourism, may direct the holder of the relevant right or permit in terms of this Act or the holder of an environmental authorisation in terms of National Environmental Management Act, 1998, to—”.
		Substitution of heading of Chapter 5 9. The following heading is hereby substituted for the heading to Chapter 5 of the principal Act: “MINERALS AND [PETROLEUM] MINING DEVELOPMENT BOARD”
		Substitution of section 57 10. The following section is hereby substituted for section 57 of the principal Act: “[Establishment of] Minerals and [Petroleum] Mining Development Board 57. The Minerals and Petroleum Board [is hereby] established in terms of this Act continues to exist under the name of the Minerals and Mining Development Board.
		Amendment of section 58 11. Section 58 of the principal Act is hereby amended by the substitution in subsection (1)(a) for subparagraphs (ii) and (iii) of the following subparagraphs, respectively: “(ii) the sustainable development of the nation’s mineral [and petroleum] resources; (iii) the transformation and downscaling of the minerals and [petroleum industries] mining industry;”.
		Repeal of sections 69 to 90 12. Sections 69 to 90 of the principal Act are hereby repealed.
		Amendment of section 91 13. Section 91 of the principal Act is hereby amended 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;”.
		Amendment of section 92 14. Section 92 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph: “(a) enter any reconnaissance, prospecting, mining [production or exploration] or retention area or any place where prospecting[, or mining [, exploration or production] are being conducted in order to inspect any activity, process or operation carried out in or upon the area or place in question.”.

No. le Ngwaga	Thaetlele ye Kopana	Bogolo bja phetošo goba phedišo
		Phetošo ya karolo ya 45 8. Karolo ya 45 ya Molao wa mathomo e fetošwa ke go tsenywa ga mantšu ao a latelago pele ga mantšu ao a tlogo pele ga temana ya (a) ka go karolwana ya (1): “Ge e ba ditshepedišo dife goba dife tša go lekola, go epa[,] goba tša go hlaloba[, go hlohlomiša goba go tšweletša] goba ditiro tšeo di amanago le tšona di dira goba [di hlola] gore go hlolege tshenyego ya ikholotši, tšhilafatšo goba tshenyego ya tikologo, goba di tshela mabaka a tumelelo ya go šomiša tikologo, goba tšeo di ka bago kotsi go maphelo, polokego goba go boiketlo bja motho ofe goba ofe ebile tšeo di hlokago maano a tšhoganyetšo a tokišo, Tona, ka therišano le Tona ya Merero ya Tikologo le Boeti, a ka laela moswari wa tokelo goba phemiti yeo e amegago go ya ka Molao wo goba moswari wa tumelelo ya go šomiša tikologo go ya ka Molao wa Bosetšhaba wa Taolo ya Tikologo, wa 1998, go—”.
		Go tsenywa ga hlogo legatong la Kgaolo ya 5 9. Hlogo ye e latelago e tsenywa legatong la hlogo ya Kgaolo ya 5 ya Molao wa mathomo: “BOTO YA TLHABOLLO YA DIMINERALE LE [PETROLEAMO] YA MEEPO”
		Go tsenywa karolo legatong la karolo ya 57 10. Karolo ye e latelago e tsenywa legatong la karolo ya 57 ya Molao wa mathomo: “[Go hlongwa ga] Boto ya Meepe ya Tlhabollo ya Diminerale le [Petroleamo] 57. Boto ya Diminerale le Petroleamo [yeo e] hlomilwego go ya ka Molao wo e tšwela pele go ba gona ka fase ga leina la Boto ya Tlhabollo ya Diminerale le Meepe.”
		Phetošo ya karolo ya 58 11. Karolo ya 58 ya Molao wa mathomo e fetošwa ka go tsenywa ga ditemana tše di latelago legatong la ditemana tša ka fasana ga (ii) le (iii) tša karolwana ya (1)(a): “(ii) tlhabollo ya go ya go ile ya methopo ya diminerale [le petroleamo] ya naga; (iii) phetošo le phokotšo ya [diintasteri tša petroleamo] le diminerale ka go intasteri ya meepo;”.
		Phedišo ya dikarolo tša 69 go fihla go 90 12. Dikarolo tša 69 go fihla go 90 tša Molao wa mathomo di a fedišwa.
		Phetošo ya karolo ya 91 13. Karolo ya 91 ya Molao wa mathomo e fetošwa ke go tsenywa ga temana ye e latelago legatong la temana ya (a) ka go karolwana ya (4): “(a) ka maikemišetšo a go hwetša bohlatse, a tsene lefelo lefe goba lefe la tekolo, tekolo, moepo [tšweletšo goba tlhohlomišo] goba la bobolokelo goba lefelo lefe goba lefe moo ditshepedišo tša tekolo goba ditshepedišo tša moepo di dirwago gona moo a nago le lebaka la go dumela gore peelano efe goba efe ya Molao wo e, e a goba e tlo tshelwa;”.
		Phetošo ya karolo ya 92 14. Karolo ya 92 ya Molao wa mathomo e fetošwa ke go tsenywa ga temana ye e latelago legatong la temana ya (a): “(a) tsena ka go lefelo lefe goba lefe la tekolo, tekolo, moepo [tšweletšo goba tlhohlomišo] goba lefelo la bobolokelo goba lefelo lefe goba lefe le lengwe moo tekolo[,] goba moepo [tlhohlomišo goba tšweletšo] di dirwago go lona ka maikemišetšo a go lekola tiragalo, tšhepedišo goba tšhepetšo efe goba efe yeo e dirwago ka go goba godimo ga lefelo goba tikologo yeo go bolelwago ka yona.”.

No. and Year	Short Title	Extent of amendment or repeal
		Amendment of section 93 15. Section 93 of the principal Act is hereby amended— (a) by the substitution in subsection (1) for paragraph (b) of the following paragraph: “(b) any term or condition of any right, permit or permission or any other law granted or issued or an environmental authorisation issued, has occurred or is occurring on the relevant reconnaissance[, exploration, production], prospecting, mining or retention area or place where prospecting operations or mining operations or processing operations are being conducted, such a person may—”; and (b) by the substitution in subsection (1)(b) for subparagraph (ii) of the following subparagraph: “(ii) order that the reconnaissance, prospecting [, exploration], mining [, production] or processing operations or part thereof be suspended or terminated, and give such other instructions in connection therewith as may be necessary.”.
		Substitution of section 101 16. The following section is hereby substituted for section 101 of the principal Act: “Appointment of contractor 101. If the holder of a right, permit or permission appoints any person or employs a contractor to perform any work within the boundaries of the reconnaissance, mining, prospecting [, exploration, production] or retention area, as the case may be, such holder remains responsible for compliance with this Act.”.
		Amendment of section 102 17. Section 102 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: “(1) A reconnaissance permission, prospecting right, mining right, mining permit, retention permit, [technical corporation permit,] reconnaissance permit, [exploration right, and] production right, prospecting work programme[, exploration work programme, production work programme], mining work programme, environmental management programme or an environmental authorisation issued in terms of the National Environmental Management Act, 1998, as the case may be, may not be amended or varied (including by extension of the area covered by it or by the additional of minerals or a shares or seams, mineralised bodies or strata, which are not at the time the subject thereof) without the written consent of the Minister.”.
		Amendment of section 104 18. Section 104 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection: “(4) The preferent right referred to in subsection (1), shall not be granted in respect of areas, where a prospecting right, mining right, mining permit, retention permit[, production right, exploration right, technical operation permit] or reconnaissance permit has already been granted.”.
		Substitution of long title 19. The following long title is hereby substituted for the long title of the principal Act: “To make provision for equitable access to and sustainable development of the nation’s mineral [and petroleum resources]; and to provide for matters connected therewith.”.

No. le Ngwaga	Thaetlele ye Kopana	Bogolo hja phetošo goba phedišo
		Phetošo ya karolo ya 93 15. Karolo ya 93 ya Molao wa mathomo e fetošwa ke go— (a) tsenywa ga temana ye e latelago legatong la temana ya (b) ka go karolwana ya (1): “(b) lebaka goba peelano efe goba efe ya tokelo, phemiti goba tumelelo efe goba efe goba molao ofe goba ofe wo mongwe wo o dumeletšwego goba o filwego goba tumelelo ya go šomiša tikologo ye e filwego, le diragetše goba le a direga lefelong la tekolo[tlhohlomišo, tšweletšo], tekolo, moepo goba bobolokelo leo le amegago goba lefelo moo ditshepedišo tša tekolo le ditshepedišo tša moepo di dirwago, tšeo di ka—”; le (b) tsenywa ga temanafasana ye e latelago legatong la temana ya ka fasana ga (ii) ka go karolwana ya (1)(b): “(ii) laela gore ditshepedišo tša tekolo, tekolo [tlhohlomišo], moepo [tšweletšo] goba ditshepetšo tša tšweletšo goba karolo ya tšona di fegwe goba di fedišwe, ebile a fane ka ditaelo tše di amanago le tšona tšeo di ka hlokegago.”.
		Go tsenywa ga karolo legatong la karolo ya 101 16. Karolo ye e latelago e tsenywa legatong la karolo ya 1 ya Molao wa mathomo: “Go thwalwa ga rakonteraka 101. Ge e ba moswari wa tokelo, phemiti goba tumelelo o thwala motho ofe goba ofe goba o thwala rakonteraka go phethagatša mošomo ofe goba ofe wo o welago ka gare ga tekolo, moepo, tekolo [tlhohlomišo, tšweletšo] goba lefelo la bobolokelo, go ya le ka mokgwa wo go tlabago go le ka gona, motho yo bjalo yo a swerego tokelo o sa na le maikarabelo a go obamela Molao wo.”.
		Phetošo ya karolo ya 102 17. Karolo ya 102 ya Molao wa mathomo e fetošwa ke go tsenywa ga karolwana ye e latelago legatong la karolwana ya (1): “(1) Tumelelo ya tekolo, tokelo ya go hlalloba, tokelo ya go epa, phemiti ya moepo, phemiti ya tshwara, [tumelelo ya tšhomišanommogo ya seteginiki], phemiti ya go dira tekolo, [tokelo ya tlhohlomišo, le] tokelo ya tšweletšo, lenaneo la tekolo ya mešomo[, lenaneo le mešomo ya tlhohlomišo, lenaneo la mešomo ya tšweletšo], lenaneo la mešomo ya meepo, lenaneo la taolo ya tikologo goba tumelelo ya go šomiša tikologo ye e filwego go ya ka Molao wa Bosetšhaba wa Taolo ya Tikologo, wa 1998, go ya le ka mokgwa wo go tlabago go le ka gona, e ka na ya se fetošwe goba go fapantšwa (go akaretšwa katološo ya lefelo leo le akareditšwego ka go yona goba ka tlaleletšo ya diminerale goba dišere goba mabato a nago diminerale ka fase, matlapa ao a bopilwego ke diminerale ao ka nako ya ge e dirwa a bego a se karolo ya yona) ntle le kgopelo ya tumelelo ka lengwalo ke Tona.”.
		Phetošo ya karolo ya 104 18. Karolo ya 104 ya Molao wa mathomo e fetošwa ke go tsenywa ga karolwana ye e latelago legatong la karolwana ya (4): “(4) Tokelo ya go reka yeo go bolelwago ka yona ka go karolwana ya (1), ga se ya swanelwa go fiwa malebana le mafelo, ao a filwego tokelo ya tekolo, tokelo ya go epa, phemiti ya moepo, tokelo ya go tšwela pele[, tokelo ya tšweletšo, tokelo ya tlhohlomišo, tokelo ya tšhomišanommogo ya seteginiki] goba phemiti ya go dira tekolo.”.
		Go tsenywa ga thaetlele legatong la thaetlele ye telele 19. Thaetlele ye telele ye e latelago e tsenywa legatong la thaetlele ye telele ya Molao wa mathomo: “Go dira dipeelano tša phihlelelo ya tekatekano go mmogo le tlhabollo ya go ya go ile ya diminerale [le methopo ya petroleamo] ya naga; le go fana ka dipeelano mererong ye e ka manago le yona.”.

No. and Year	Short Title	Extent of amendment or repeal
		Substitution of Preamble 20. The following Preamble is hereby substituted for the Preamble of the principal Act: “PREAMBLE RECOGNISING that minerals [and petroleum] are non-renewable natural resources; ACKNOWLEDGING that South Africa’s mineral [and petroleum] resources belong to the nation and that the State is the custodian thereof; AFFIRMING the State’s obligation to protect the environment for the benefit of present and future generations, to ensure ecologically sustainable development of mineral [and petroleum] resources and to promote economic and social development; RECOGNISING the need to promote local and rural development and the social upliftment of communities affected by mining; REAFFIRMING the State’s commitment to reform to bring about equitable access to South Africa’s mineral [and petroleum] resources; BEING COMMITTED to eradicating all forms of discriminatory practices in the mineral [and petroleum] industries; CONSIDERING the State’s obligation under the Constitution to take legislative and other measures to redress the results of past racial discrimination; REAFFIRMING the State’s commitment to guaranteeing security of tenure in respect of prospecting and mining operations; and EMPHASISING the need to create an internationally competitive and efficient administrative and regulatory regime.”.
		Amendment of section 111 21. Section 111 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: “(1) This Act is called the Mineral [and Petroleum] Resources Development Act, 2002, and comes into operation on a date fixed by the President by proclamation in the <i>Gazette</i>.”.
		Amendment of citation of laws referring to Act 28 of 2002 22. Any reference to the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), contained in any law in force immediately prior to the commencement of the Upstream Petroleum Resources Development Act, 2021, must be construed as a reference to the Mineral Resources Development Act, 2002 (Act No. 28 of 2002).

No. le Ngwaga	Thaetlele ye Kopana	Bogolo bja phetošo goba phedišo
		Go tsenywa ketapele legatong la Ketapele 20. Ketapele ye e latelago e tsenywa legatong la Ketapele ya Molao wa mathomo: “KETAPELE GO LEMOGWA gore methopo ya diminerale [le petroleamo] ke methopo ya tlhago yeo e ka se mpshafatšwego; GO AMOGELWA gore diminerale [le petroleamo] tša Afrika Borwa ke tša setšhaba le gore Mmušo mohlakomedi wa tšona; GO THİŠELETŠWA gore Mmušo o na le maikarabelo a go šireletša tikologo gore meloko ya gabjale le ye e sa tlogo ya batho e holege, go netefatša gore go ba le tlhabollo ya go ya go ile ya ikholotši ya methopo ya diminerale [le petroleamo] mmogo le go tšwetšapele tlhabollo ya ekonomi le ya leago; GO LEMOGWA tlhokego ya go tšwetšapele tlhabollo ya selegae le metsemagae mmogo le go kaonafatša ditšhaba tša leago tšeo di amago ke meepo; GO THİŠELETŠWA GAPE boikgafo bja Mmušo go mpshafatša le go tliša phihlelelo ya tekatekano ya methopo ya diminerale [le petroleamo] ka Afrika Borwa. GO NA LE BOIKGAFO bja go fediša mehuta ka moka ya ditiro tša bosenyi ka go diintasteri tša diminerale [le petroleamo]; GO LEBELELWA tlamo ya Mmušo ka fase ga Molaotheo ya go tšea magato a semolao le a mangwe go lokiša dipelo tša kgethologanyo ya merafe yeo e bego e direga peleng; GO THİŠELETŠWA GAPE boikgafo bja Mmušo bja go netefatša tšhireletšo ya tekano ya nako ye e beilwego malebana le tekolo le ditshepedišo tša meepo; le GO GATELELWA tlhokego ya go hlanguwa ga mmušo wo o kgonago go phadišana le wo o sepetšwago ka tsela ye e šomago go boditšhabatšhaba,”.
		Phetošo ya karolo ya 111 21. Karolo ya 111 ya Molao wa mathomo e fetošwa ke go tsenywa ga karolwana ye e latelago legatong la karolwana ya (1): “(1) Molao wo o bitšwa Molao wa Tlhabollo ya Methopo ya Diminerale [le Petroleamo], wa 2002, ebile o thoma go šoma ka letšatšikgwedi leo le beilwego ke Mopresidente ka pego ka go Kuranta ya Mmušo.”.
		Phetošo ya go tsopolwa ga melao yeo e bolelago ka Molao wa No. ya 28 wa 2002 22. Tšhupo efe goba efe yeo e šupago gore go bolelwa ka Molao wa Tlhabollo ya Methopo ya Diminerale le Petroleamo, wa 2002 (Molao wa No. ya 28 wa 2002), yeo e lego ka gare ga molao ofe goba ofe wo o bego o šomišwa pele ga ge Molao wa Tlhabollo ya Methopo ya Ditšweletšwa tša Petroleamo, wa 2021 o ka thoma go šoma, e swanetše go tšewa bjalo ka tšhupo ya gore go bolelwa ka wona Molao wa Tlhabollo ya Methopo wa Diminerale, wa 2002 (Molao wa No. ya 28 wa 2002).