

**REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA**

Vol. 521

Cape Town,
Kaapstad, 24 November 2008

No. 31635

THE PRESIDENCY

No. 1260 24 November 2008

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

No. 28 of 2008: Mineral and Petroleum Resources Royalty Act, 2008.

MO-PRESIDENTE

No. 1260 24 November 2008

Mo go tsebiswa gore Mo-Presidente o dumetse molao o latelago, wona o tla gatiswa e le tsebiso ya kakaretso:—

Nmr. 28 ya 2008: Molao wa Royalithi ya Methopo ya Diminerale le Petroliamo, wa 2008.

(English text signed by the President.)
(Assented to 17 November 2008.)

ACT

To impose a royalty on the transfer of mineral resources and to provide for matters connected therewith.

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

ARRANGEMENT OF SECTIONS

Section

1.	Definitions	5
2.	Imposition of royalty	
3.	Determination of royalty	
4.	Royalty formulae	
5.	Earnings before interest and taxes	
6.	Gross sales	10
7.	Small business exemption	
8.	Exemption for sampling	
9.	Rollover relief for disposals involving going concerns	
10.	Transfer involving body of unincorporated persons	
11.	Arm's length transactions	15
12.	General anti-avoidance rule	
13.	Conclusion of fiscal stability agreements	
14.	Terms and conditions of fiscal stability agreements	
15.	Foreign currency	
16.	Transitional credits	20
17.	Act binding on State and application of other laws	
18.	Short title and commencement	
	Schedule 1	
	Schedule 2	

Definitions 25

- 1.** (1) In this Act, unless the context indicates otherwise—
- “**Administration Act**” means the Mineral and Petroleum Resources Royalty (Administration) Act, 2008;
 - “**earnings before interest and taxes**” means earnings before interest and taxes mentioned in section 5; 30
 - “**extractor**” means a person mentioned in section 2;
 - “**gross sales**” means gross sales mentioned in section 6;
 - “**Income Tax Act**” means the Income Tax Act, 1962 (Act No. 58 of 1962);
 - “**Mineral and Petroleum Resources Development Act**” means the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002); 35
 - “**mineral resource**” means a mineral or petroleum as defined in section 1 of the Mineral and Petroleum Resources Development Act, regardless of whether that

(English text signed by the President.)
(Assented to 17 November 2008.)

MOLAO

Go tsenya royalithi go phethišetšo ya methopo ya diminerale le go hlokomela merero ye e amanago le yona.

O FETIŠWA ke palamente ya Repabliki ya Afrika Borwa, ka mo go latelago:—

PEAKANYO YA DIKAROLO

Karolo

1.	Ditlhalošo	5
2.	Go tsenya royalithi	
3.	Go hwetša tekano ya royalithi	
4.	Difomula tša royalithi	
5.	Letseno la pele ga tswala le metšhelo	
6.	Dithekišo ka moka	10
7.	Go se lefiše dikgwebopotlana	
8.	Go se lefiše ga go dira disampole	
9.	Kimollo ya phethišetšo ya go rekiša ga go amana le dingongorego tše di tšwelago pele	
10.	Phethišetšo ya go amana le lekgotla la batho bao ba sego khamphani	15
11.	Dikgwebišanotekatekano tša boikemo	
12.	Molawanakakaretšo kgahlanong le go efoga	
13.	Go saena ditumelano tša maemo a makaone a ditšhelete	
14.	Dipeelano le melawana ya ditumelano tša maemo a makaone a ditšhelete	
15.	Tšhelete e somiswago dinageng tša ka ntle (<i>forex</i>)	20
16.	Ditšhelete tša letseno tša nakwana	
17.	Molao wo o tlamago Mmušo le phethagatšo ya melao ye mengwe	
18.	Leina le lekopana la molao le go thoma go šoma ga wona	
	Šetulo ya 1	
	Šetulo ya 2	25

Ditlhalošo

- (1) Ka mo Molaong wo, ka ntle le ge diteng di bolela ka tsela ye nngwe—
“Molao wa Tšhepedišo” o ra Molao wa Royalithi ya Methopo ya Diminerale le Petroleamo (Tšhepedišo), wa 2008;
“letseno pele ga tswala le metšhelo” e ra letseno la pele ga tswala le metšhelo tše go boletšwego ka tšona karolong ya 5;
“morafi” e ra motho yo a ukangwego karolong ya 2;
“dithekišo ka moka” e ra dithekišo ka moka tše go boletšwego ka tšona karolong ya 6;
“Molao wa Motšhelo wa Letseno” e ra Molao wa Motšhelo wa Letseno, wa 1962 (Molao wa Nomoro 58 wa 1962);

mineral or petroleum undergoes processing (as defined in section 1 of that Act) or manufacturing;

“**person**” includes an insolvent estate, the estate of a deceased person and a trust;

“**refined mineral resource**” means a mineral resource—

(a) listed solely in Schedule 1; or 5

(b) listed in Schedule 1 and Schedule 2 that has been refined to or beyond the condition specified in Schedule 1 for that mineral resource;

“**Republic**” means the Republic of South Africa and includes the sea as defined in section 1 of the Mineral and Petroleum Resources Development Act;

“**royalty**” means the royalty imposed by this Act; 10

“**transfer**” means—

(a) the disposal of a mineral resource;

(b) the export of a mineral resource; or

(c) the consumption, theft, destruction or loss of a mineral resource, other than by way of flaring or other liberation into the atmosphere during exploration or 15 production,

if that mineral resource has not previously been disposed of, exported, consumed, stolen, destroyed or lost;

“**unrefined mineral resource**” means a mineral resource—

(a) listed solely in Schedule 2; or 20

(b) listed in Schedule 1 and Schedule 2 that has not been refined to or beyond the condition specified in Schedule 1 for that mineral resource;

(2) Unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the Administration Act bears that meaning for purposes of this Act.

Imposition of royalty 25

2. A person that wins or recovers a mineral resource from within the Republic must pay a royalty for the benefit of the National Revenue Fund in respect of the transfer of that mineral resource.

Determination of royalty

3. (1) The royalty mentioned in section 2 in respect of the transfer of a refined mineral resource is determined by multiplying the gross sales of the extractor in respect of that mineral resource during the year of assessment by the percentage determined in accordance with the formula in section 4(1). 30

(2) The royalty mentioned in section 2 in respect of the transfer of an unrefined mineral resource is determined by multiplying the gross sales of the extractor in respect of that mineral resource during the year of assessment by the percentage determined in accordance with the formula in section 4(2). 35

Royalty formulae

4. (1) The percentage mentioned in section 3(1) is—

$0.5 + \left[\frac{\text{earnings before interest and taxes}}{\text{gross sales in respect of refined mineral resources} \times 12.5} \right] \times 100.$ 40

(2) The percentage mentioned in section 3(2) is—

$0.5 + \left[\frac{\text{earnings before interest and taxes}}{\text{gross sales in respect of unrefined mineral resources} \times 9} \right] \times 100.$

(3) (a) The percentage determined in terms of subsection (1) must not exceed 5 per cent. 45

MOLAO WA ROYALITHI YA METHOPO
YA DIMINERALE LE PETROLEAMO, WA 2008

Act No. 28, 2008

“Molao wa Tlhabollo ya Methopo ya Diminerale le Petroleamo” o ra Molao wa Tlhabollo ya Methopo ya Diminerale le Petroleamo, wa 2002 (Molao wa Nomoro 28 wa 2002);

“mothopo wa minerale” e ra minerale goba petroliemo ka ge e hlalošwa karolong ya 1 ya Molao wa Tlhabollo ya Methopo ya Diminerale le Petroleamo, go sa lebelelwe ge eba minerale woo goba petroleamo yeo e a šongwa (ka ge go hlalošwa karolong ya 1 ya Molao woo) goba e a tšweletšwa; 5

“motho” e akaretša bohwa hjo bo phuhlamego, bohwa hja motho yo a hlokošetšego le thraste;

“mothopo wa minerale wo o hlwekišitšwego” e ra mothopo wa minerale— 10

(a) wo o filwego go Šetulo ya 1; goba

(b) wo o filwego go Šetulo ya 1 le go Šetulo ya 2 wo o hlwekišitšwego go fihla goba go feta maemo ao go boletšwego ka wona go Šetulo ya 1 a mothopo woo wa minerale;

“Republiki” e ra Repabliki ya Afrika Borwa go akaretšwa lewatle ka ge go hlalošitšwe karolong ya 1 ya Molao wa Tlhabollo ya Methopo ya Diminerale le Petroleamo; 15

“royalithi” e ra royalithi ye e tsenywago ke Molao wo;

“phetišetšo” e ra—

(a) go rekiša mothopo wa minerale; 20

(b) go romela mothopo wa minerale dinageng tša ka ntle; goba

(c) go šomiša, go utswiwa, go senya goba go lahlelegelwa ke mothopo wa minerale, eupša e sego ka tsela ya go o tšhuma goba go o romela lefaufaug ka nako ya ge o utullwa goba nakong ya tšweletšo.

ge mothopo woo wa minerale o se wa rekišwa mo nakong ye e fetilego, wa romelwa dinageng tša ka ntle, wa šomišwa, wa utswiwa, wa senywa goba wa lahlega; 25

“mothopo wa minerale wo o sego wa hlwekišwa” e ra mothopo wa minerale—

(a) wo o filwego fela go Šetulo ya 2; goba

(b) wo o filwego go Šetulo ya 1 le go Šetulo ya 2 wo o sego wa hlwekišwa go fihla goba go feta maemo ao go boletšwego ka wona go Šetulo ya 1 a mothopo woo wa minerale; 30

(2) Ka ntle le ge diteng di bolela ka tsela ye nngwe, lentšu goba tlhagišo yeo e filwego tlhalošo ka go Molao wa Tšhepedišo e tšweletša tlhalošo yeo ka lebaka la Molao wo.

Go tsenya royalithi 35

2. Motho yo a thopago goba a utullago mothopo wa minerale go tšwa ka Repabliking o swanetše go lefa tšhelete ya royalithi gore Sekhwama sa Letseno la Ditšhelete sa Bosetšhaba se hologe mabapi le phetišetšo ya mothopo woo wa minerale.

Go hwetša tekano ya royalithi

3. (1) Royalithi ye go boletšwego ka yona karolong ya 2 ya mabapi le phetišetšo ya mothopo wa minerale wo o hlwekišitšwego e laolwa ke go atiša dithekišo ka moka tša morafi tša mabapi le mothopo woo wa minerale ngwageng wa tekolo ka persente ye e hwetšwago ka go latela fomula ye e lego karolong ya 4(1). 40

(2) Royalithi ye go boletšwego ka yona karolong ya 2 ya mabapi le phetišetšo ya mothopo wa minerale wo o sego wa hlwekišwa e laolwa ka go atiša dithekišo ka moka tša morafi tša mabapi le mothopo woo wa minerale ngwageng wa tekolo ka persente ye e hwetšwago ka go latela fomula ye e lego karolong ya 4(2). 45

Difomula tša royalithi

4. (1) Persente ye go boletšwego ka yona karolong ya 3(1) ke—

$0.5 + \{ \text{letseno la pele ga tswala le metšhelo} / (\text{dithekišo ka moka tša mabapi le methopo ya diminerale tše di hlwekišitšwego} \times 12.5) \} \times 100.$ 50

(2) Persente ye go boletšwego ka yona karolong ya 3(2) ke—

$0.5 + \{ \text{letseno la pele ga tswala le metšhelo} / (\text{dithekišo ka moka tša mabapi le methopo ya diminerale tše di sego tša hlwekišwa} \times 9) \} \times 100.$

(3) (a) Persente ye e hwetšwago go latela karolwana ya (1) ga se ya swanela go feta dipersente tše 5. 55

(b) The percentage determined in terms of subsection (2) must not exceed 7 per cent.

Earnings before interest and taxes

5. (1) For purposes of the formula in section 4(1), “earnings before interest and taxes” in respect of a year of assessment means the aggregate of—

(a) the gross sales of the extractor during that year in respect of refined mineral resources; and 5

(b) so much of the amount allowed to be deducted from income in terms of the Income Tax Act (whether in that year or a previous year of assessment) in respect of the use of assets, or expenditure incurred, directly in respect of mineral resources transferred on or after 1 May 2009 to win, recover and develop those mineral resources to the condition specified in Schedule 1, as is included in the income of the extractor during that year of assessment in terms of section 8(4) of that Act (disregarding the exception in respect of section 15(a) of that Act), but not including an amount that is received or accrued from the disposal of assets the cost of which has in whole or in part been included in capital expenditure taken into account as mentioned in the definition of “capital expenditure incurred” in section 36(11) of that Act, 10 15

less any amount which in terms of that Act is allowed to be deducted from the income of the extractor during that year of assessment in respect of assets used or expenditure incurred directly to win, recover and develop those refined mineral resources to the condition specified in Schedule 1 for those mineral resources. 20

(2) For purposes of the formula in section 4(2), “earnings before interest and taxes” in respect of a year of assessment means the aggregate of—

(a) the gross sales of the extractor during that year in respect of unrefined mineral resources; and 25

(b) so much of the amount allowed to be deducted from income in terms of the Income Tax Act (whether in that year or a previous year of assessment) in respect of the use of assets, or expenditure incurred, directly in respect of mineral resources transferred on or after 1 May 2009 to win, recover and develop those unrefined mineral resources, as is included in the income of the extractor during that year of assessment in terms of section 8(4) of that Act (disregarding the exception in respect of section 15(a) of that Act), but not including an amount that is received or accrued from the disposal of assets the cost of which has in whole or in part been included in capital expenditure taken into account as mentioned in the definition of “capital expenditure incurred” in section 36(11) of that Act, 30 35

less any amount which in terms of that Act is allowed to be deducted from the income of the extractor during that year of assessment in respect of assets used or expenditure incurred directly to win, recover and develop those unrefined mineral resources to the condition specified in Schedule 2 for those mineral resources. 40

(3) For purposes of subsections (1) and (2), “earnings before interest and taxes” is determined without regard to—

(a) any deduction in respect of a financial instrument as defined in section 1 of the Income Tax Act (other than an instrument that is an option contract, forward contract or other instrument the value of which is derived directly or indirectly with reference to mineral resources); 45

(b) any deduction allowed in terms of section 11(a) of the Income Tax Act in respect of the royalty;

(c) (i) in the case of mineral resources refined to the condition specified in Schedule 1 for those mineral resources, any deduction for expenditure 50

(b) Persente ye e hwetšwago go latela karolwana ya (2) ga se ya swanela go feta dipersente tše 7.

Let seno la pele ga tswala le metšhelo

5. (1) Mabakeng a fomula ye e lego karolong ya 4(1), "letseno la pele ga tswala le metšhelo" la ngwaga wa tekolo le ra palogare ya— 5

- (a) dithekišo ka moka tša morafi tša ngwaga woo tša mabapi le methopo ya diminerale tše di hlwekišitšwego; gomme
- (b) tekano ye e itšego ya tšhelete ye e dumeletšwego go gogwa go letseno go latela Molao wa Motšhelo wa Letseno (e ka ba mo ngwageng woo wa tekolo goba ngwageng wo o fetilego wa tekolo) ya mabapi le tšhomišo ya dithoto, goba ya ditshenyegelo tše di hweditšwego thwii mabapi le methopo ya diminerale tše di fetišeditšwego ka la goba ka morago ga la 1 Mei 2009 go thopa, go utulla le go hlabolla methopo yeo ya di minerale go ba maemong ao a filwego Šetulong ya 1, ka ge e akareditšwe ka go letseno la morafi mo ngwageng woo wa tekolo go latela karolo ya 8(4) ya Molao woo (go sa lebelelwe tokollo ya mabapi le karolo ya 15(a) ya Molao woo), eupša e sa akaretše tekano ya tšhelete ye e tsentšwego ye e amogelwago goba e hweditšwego go tšwa go thekišo ya dithoto yeo theko ya yona e akareditšwego ka moka ga yona goba ka seripa ka go palomoka ya tshenyegelo yeo e hlokometšwego ka ge go boletšwe ka go tlhalošo ya "palomoka ya tshenyegelo ye e hweditšwego" karolong ya 36(11) ya Molao woo, 15 20

gomme go ntšhwa tšhelete efe goba efe yeo go ya ka Molao woo e dumeletšwego go gogwa go letseno la morafi ka ngwaga woo wa tekolo ya mabapi le dithoto tše di šomišitšwego goba tshenyegelo ye e hweditšwego thwii ka go thopa, go utulla le go hlabolla methopo yeo ya minerale tše di hlwekišitšwego go ba maemong ao a filwego Šetulong ya 1 a methopo yeo ya diminerale. 25

(2) Mabakeng a fomula ye e lego karolong ya 4(2), "letseno la pele ga tswala le metšhelo" la mabapi le ngwaga wa tekolo le ra palogare ya—

- (a) dithekišo ka moka tša morafi tša ngwaga woo tša mabapi le methopo ya diminerale tše di sego tša hlwekišwa; gomme 30
- (b) tekano ye e itšego ya tšhelete ye e dumeletšwego go gogwa go letseno go latela Molao wa Motšhelo wa Letseno (e ka ba mo ngwageng woo wa tekolo goba ngwageng wo o fetilego wa tekolo) ya mabapi le tšhomišo ya dithoto, goba ya ditshenyegelo tše di hweditšwego thwii mabapi le methopo ya diminerale tše di fetišeditšwego ka goba ka morago ga la 1 Mei 2009 go thopa, go utulla le go hlabolla methopo yeo ya diminerale tše di sego tša hlwekišwa, ka ge e akareditšwe ka go letseno la morafi mo ngwageng woo wa tekolo go latela karolo ya 8(4) ya Molao woo (go sa lebelelwe tokollo ya mabapi le karolo ya 15(a) ya Molao woo), eupša e sa akaretše tekano ya tšhelete ye e tsentšwego ye e amogelwago goba e hweditšwego go tšwa go thekišo ya dithoto yeo theko ya yona e akareditšwego ka moka ga yona goba ka seripa ka go palomoka ya tshenyegelo yeo e hlokometšwego ka ge go boletšwe ka go tlhalošo ya "palomoka ya tshenyegelo ye e hweditšwego" karolong ya 36(11) ya Molao woo, 35 40 45

gomme go ntšhwa tšhelete efe goba efe yeo go ya ka Molao woo e dumeletšwego go gogwa go letseno la morafi ka ngwaga woo wa tekolo ya mabapi le dithoto tše di šomišitšwego goba tshenyegelo ye e hweditšwego thwii ka go thopa, go utulla le go hlabolla methopo yeo ya diminerale tše di sego tša hlwekišwa go ba maemong ao a filwego Šetulong ya 2 a methopo yeo ya minerale. 50

(3) Mabakeng a dikarolwana tša (1) le (2), "letseno la pele ga tswala le metšhelo" le hwetšwa go sa lebelelwe—

- (a) go gogwa ga tšhelete efe goba efe ya mabapi le tšhelete ye e tsenego ka ge go hlalošitšwe ka karolong ya 1 ya Molao wa Motšhelo wa Letseno (ka ntle le tšhelete ye e tsenego ye e lego ya kwano ya tshepišano, ya kwano ya thekišo ya ka moso goba ya tšhelete ye nngwe yeo boleng bja yona bo hweditšwego thwi goba ka tsela ye nngwe go methopo ya diminerale); 55
- (b) go gogwa ga tšhelete efe goba efe mo go dumeletšwego go latela karolo ya 11(a) ya Molao wa Motšhelo wa Letseno ya mabapi le royalithi;
- (c) (i) sebakeng sa ge methopo ya diminerale tše di hlwekišitšwego go fihla maemong ao go boletšwego ka wona go Šetulo ya 1 a methopo yeo ya 60

- incurred in respect of transport, insurance and handling of those refined mineral resources after those mineral resources were refined to that condition or any amount received or accrued to effect the disposal of that mineral resource; or
- (ii) in the case of mineral resources brought to the condition specified in Schedule 2 for those mineral resources, any deduction for expenditure incurred in respect of transport, insurance and handling of those unrefined mineral resources after those mineral resources were brought to that condition or any amount received or accrued to effect the disposal of that mineral resource;
- (d) any balance of assessed loss mentioned in section 20(1)(a) of the Income Tax Act, unless the balance of assessed loss arises in respect of capital expenditure taken into account for purposes of paragraph 5(1) of the Tenth Schedule of the Income Tax Act;
- (e) any deduction allowed in terms of section 241 of the Income Tax Act;
- (f) any determination in respect of an impermissible tax avoidance arrangement contemplated in Part IIA of the Income Tax Act; or
- (g) any deductions contemplated in paragraph 5(2) of the Tenth Schedule to the Income Tax Act.
- (4) (a) For purposes of determining “earnings before interest and taxes” in the case of a composite of refined mineral resources and unrefined mineral resources, the refined and unrefined proportions of the composite mineral resource must be determined in accordance with a method of reasonable apportionment that is consistently applied.
- (b) For purposes of determining “earnings before interest and taxes”, if the value of the refined proportion of a composite mineral resource as determined in terms of subsection (1) does not exceed 10 per cent of the total value of that composite mineral resource, that composite mineral resource may be treated solely as an unrefined mineral resource, and if the value of the unrefined proportion of a composite mineral resource as so determined does not exceed 10 per cent of the total value of that composite mineral resource, that composite mineral resource may be treated solely as a refined mineral resource.
- (5) For purposes of this section, if “earnings before interest and taxes” is a negative amount that amount is deemed to be nil.

Gross sales

6. (1) Gross sales in respect of a refined mineral resource transferred—
- (a) as mentioned in paragraph (a) of the definition of “transfer” in section 1 in the condition specified for that mineral resource in Schedule 1 is the amount received or accrued during the year of assessment in respect of the transfer of that mineral resource;
- (b) as mentioned in paragraph (a) of the definition of “transfer” in section 1 in a condition other than that specified for that mineral resource in Schedule 1 is the amount that would have been received or accrued during the year of assessment in respect of the transfer of that mineral resource had that mineral resource been transferred in the condition specified in Schedule 1 for that mineral resource in terms of a transaction entered into at arm’s length; and
- (c) as mentioned in paragraph (b) or (c) of the definition of “transfer” in section 1 is the amount that would have been received or accrued during the year of assessment in respect of the transfer of that mineral resource had that mineral resource been transferred in the condition specified in Schedule 1 for that mineral resource in terms of a transaction entered into at arm’s length.
- (2) Gross sales in respect of an unrefined mineral resource transferred—

diminerale, go gogwa ga tšhelete efe goba efe ya tshenyegelo ye e hweditšwego ya mabapi le dinamelwa, inšorentshe le go swara methopo yeo ya diminerale tše di hlwekišitšwego ka morago ga ge methopo yeo ya diminerale e hlwekišitšwe go fihla maamong ao; goba

- (ii) sebakeng sa ge methopo ya diminerale tše di hlwekišitšwego go fihla maamong ao go boletšwego ka wona go Šetulo ya 2 a methopo yeo ya diminerale, go gogwa ga tšhelete efe goba efe ya tshenyegelo ye e hweditšwego ya mabapi le dinamelwa, inšorentshe le go swara methopo yeo ya diminerale tše di sego tša hlwekišwa ka morago ga ge methopo yeo ya diminerale e hlwekišitšwe go fihla maamong ao; 5
- (d) Mašaledi afe goba afe a tahlegelo ye e sekasekilwego ye go boletšwego ka yona karolong ya 20(1)(a) ya Molao wa Motšhelo wa Letseno, ka ntle le ge mašaledi a tahlegelo ye e sekasekilwego a tlišwa ke tshenyegelo ye go boletšwego ka yona temaneng ya 5(2) ya Šetulo ya Bolesome ya Molao wa Motšhelo wa Letseno; 10
- (e) go gogwa ga tšhelete efe goba efe mo go dumeletšwego go latela karolo ya 24I ya Molao wa Motšhelo wa Letseno; 15
- (f) Phihlelelo efe goba efe ya mabapi le peakanyo ya go efoga motšhelo ye e sego ya dumelelwa ye go ukangwego ka yona go Karolo ya IIA ya Molao wa Motšhelo wa Letseno; goba 20
- (g) go gogwa ga tšhelete efe goba efe mo go ukangwego temaneng ya 5(2) ya Šetulo ya Bolesome ya Molao wa Motšhelo wa Letseno.

(4) (a) Mabakeng a go hwetša "letseno la pele ga tswala le metšhelo" sebakeng sa ge go šongwa methopo ya diminerale tša go hlakana mmogo tše di hlwekišitšwego le methopo ya diminerale tše di sego tša hlwekišwa, dikarolo tša diminerale tše di hlwekišitšwego le tše di sego tša hlwekišwa tša mothopo wa minerale wo o sego wa hlwekišwa di swanetše go hwetšwa go latela mokgwa wa kabaganyo ye e kwagalago wo o šomišwago ka go swana dinakong tšohle. 25

(b) Mabakeng a go hwetša "letseno la pele ga tswala le metšhelo", ge e le gore boleng bja karolo ya diminerale tše di hlwekišitšwego tša mothopo wa minerale wo o hlakanego ka ge bo hwetšwa go latela karolwana ya (1) bo sa fete dipersente tše 10 tša palomoka ya boleng bja mothopo woo wa minerale wo o hlakanego., mothopo woo wa minerale wa go hlakana o tla tšewa bjalo ka mothopo wa minerale wo o sego wa hlwekišwa, gomme ge e le gore boleng bja karolo ya diminerale tše di sego tša hlwekišwa tša mothopo wa minerale wa go hlakana mmogo ka ge bo hwetšwa bo sa fete dipersente tše 10 tša palomoka ya boleng bja mothopo woo wa minerale wa go hlakana, mothopo woo wa minerale wa go hlakana o tla tšewa bjalo ka mothopo wa minerale wo o hlwekišitšwego. 30 35

(5) Mabakeng a karolo ye, ge "letseno la pele ga tswala le metšhelo" le bitša tšhelete ya ka fase, gona tšhelete yeo e bonwa bjalo ka lefela. 40

Dithekišo ka moka

6. (1) Dithekišo ka moka tša mabapi le mothopo wa minerale wo o fetišitšwego wa go hlwekišitšwa—

- (a) ka ge go boletšwe temaneng ya (a) ya tlhalošo ya "phetišetšo" karolong ya 1 ka maemo ao a filwego a mothopo woo wa minerale Šetulong ya 1, ke tšhelete ye e amogetšwego goba ye e hweditšwego ngwageng wa tekolo ya mabapi le phetišetšo ya mothopo woo wa minerale; 45
- (b) ka ge go boletšwe temaneng ya (a) ya tlhalošo ya "phetišetšo" karolong ya 1 ka maemo a mangwe e sego ao a filwego a mothopo woo wa minerale Šetulong ya 1, ke tšhelete ye e ka bego e ile ya amogelwa goba ya hwetšwa ngwageng wa tekolo ya mabapi le phetišetšo ya mothopo woo wa minerale ge nkabe mothopo woo wa minerale o fetišeditšwe ka maemo ao a filwego Šetulong ya 1 a mothopo woo wa minerale go latela kgwebišanotekatekano ya boikemo ye e tsenetšwego; gomme 50
- (c) ka ge go boletšwe temaneng ya (b) goba ya (c) ya tlhalošo ya "phetišetšo" karolong ya 1, tšhelete ye e ka bego e ile ya amogelwa goba ya hwetšwa ngwageng wa tekolo ya mabapi le phetišetšo ya mothopo woo wa minerale ge nkabe mothopo woo wa minerale o fetišeditšwe ka maemo ao a filwego Šetulong ya 1 a mothopo woo wa minerale go latela kgwebišanotekatekano ya boikemo ye e tsenetšwego. 55 60

(2) Dithekišo ka moka tša mabapi le mothopo wa minerale wo o sego wa hlwekišwa wa go fetišwa—

Act No. 28, 2008

MINERAL AND PETROLEUM
RESOURCES ROYALTY ACT, 2008

- (a) as mentioned in paragraph (a) of the definition of “transfer” in section 1 in the condition specified in Schedule 2 for that mineral resource is the amount received or accrued during the year of assessment in respect of the transfer of that mineral resource;
- (b) as mentioned in paragraph (a) of the definition of “transfer” in section 1 in a condition other than that specified for that mineral resource in Schedule 2 is the amount that would have been received or accrued during the year of assessment in respect of the transfer of that mineral resource had that mineral resource been transferred in the condition specified in Schedule 2 for that mineral resource in terms of a transaction entered into at arm’s length; and
- (c) as mentioned in paragraph (b) or (c) of the definition of “transfer” in section 1 is the amount that would have been received or accrued during the year of assessment in respect of the transfer of that mineral resource had that mineral resource been transferred in the condition specified in Schedule 2 for that mineral resource in terms of a transaction entered into at arm’s length.
- (3) (a) For purposes of subsection (1), gross sales is determined without regard to any amount received or accrued in respect of transport, insurance and handling of a refined mineral resource after that mineral resource was refined to the condition specified in Schedule 1 for that mineral resource or any amount received or accrued to effect the disposal of that mineral resource.
- (b) For purposes of subsection (2), gross sales is determined without regard to any amount received or accrued for the transport, insurance and handling of an unrefined mineral resource after that mineral resource was brought to the condition specified in Schedule 2 for that mineral resource or any amount received or accrued to effect the disposal of that mineral resource.
- (4) (a) If no amount can be quantified in respect of a refined mineral resource transferred as mentioned in subsection (1)(a), gross sales in respect of that transfer is the amount that would have been received or accrued during the year of assessment in respect of that transfer had that mineral resource been transferred in the condition specified in Schedule 1 for that mineral resource in terms of a transaction entered into at arm’s length.
- (b) If no amount can be quantified in respect of an unrefined mineral resource transferred as mentioned in subsection (2)(a), gross sales in respect of that transfer is the amount that would have been received or accrued during the year of assessment in respect of that transfer had that mineral resource been transferred in the condition specified in Schedule 2 for that mineral resource in terms of a transaction entered into at arm’s length.

Small business exemption

7. (1) An extractor is exempt from the royalty in respect of a year of assessment if—
- (a) gross sales of that extractor in respect of all mineral resources transferred does not exceed R10 million during that year;
- (b) the royalty in respect of all mineral resources transferred that would be imposed on the extractor for that year does not exceed R100 000;
- (c) the extractor is a resident as defined in section 1 of the Income Tax Act throughout that year; and
- (d) the extractor is registered for that year pursuant to section 2 of the Administration Act.
- (2) An extractor is not exempt from the royalty as mentioned in subsection (1) if—
- (a) the extractor at any time during that year holds the right to participate (directly or indirectly) in more than 50 per cent of the share capital, share premium, current or accumulated profits or reserves of, or is entitled to exercise more than 50 per cent of the voting rights in, any other extractor;
- (b) any other extractor at any time during that year holds the right to participate (directly or indirectly) in more than 50 per cent of the current or accumulated profits of the extractor;

MOLAO WA ROYALITHI YA METHOPO
YA DIMINERALE LE PETROLIAMO, WA 2008

Act No. 28, 2008

- (a) ka ge go boletšwe temaneng ya (a) ya tlhalošo ya "phetišetšo" karolong ya 1 ka maemo ao a filwego Šetulong ya 2 a mothopo woo wa minerale, ke tšhelete ye e amogetšwego goba ye e hweditšwego ngwageng wa tekolo ya mabapi le phetišetšo ya mothopo woo wa minerale;
- (b) ka ge go boletšwe temaneng ya (a) ya tlhalošo ya "phetišetšo" karolong ya 1 ka maemo a mangwe e sego ao a filwego a mothopo woo wa minerale Šetulong ya 2, ke tšhelete ye e ka bego e ile ya amogelwa goba ya hwetšwa ngwageng wa tekolo ya mabapi le phetišetšo ya mothopo woo wa minerale ge nkabe mothopo woo wa minerale o fetišeditšwe ka maemo ao a filwego Šetulong ya 2 a mothopo woo wa minerale go latela kgwebišanotekatekano ya boikemo ye e tsenetšwego;
- (c) ka ge go boletšwe temaneng ya (b) goba ya (c) ya tlhalošo ya "phetišetšo" karolong ya 1, tšhelete ye e ka bego e ile ya amogelwa goba ya hwetšwa ngwageng wa tekolo ya mabapi le phetišetšo ya mothopo woo wa minerale ge nkabe mothopo woo wa minerale o fetišeditšwe ka maemo ao a filwego Šetulong ya 2 a mothopo woo wa minerale go latela kgwebišanotekatekano ya boikemo ye e tsenetšwego.
- (3) (a) Mabakeng a karolwana ya (1), dithekišo ka moka di hwetšwa go sa lebelwe tšhelete efe goba efe ye e amogetšwego goba ye e hweditšwego ya mabapi le dinamelwa. inšorentshe le go swara mothopo wa minerale wo o hlwekišitšwego ka morago ga ge mothopo woo wa minerale o hlwekišitšwe go fihla maemong ao a filwego Šetulong ya 1 a mothopo woo wa minerale.
- (b) Mabakeng a karolwana ya (2), dithekišo ka moka di hwetšwa go sa lebelwe tšhelete efe goba efe ye e amogetšwego goba ye e hweditšwego ya mabapi le dinamelwa. inšorentshe le go swara mothopo wa minerale wo o sego wa hlwekišwa ka morago ga ge mothopo woo wa minerale o hlwekišitšwe go fihla maemong ao a filwego Šetulong ya 2 a mothopo woo wa minerale.
- (4) (a) Ge e le gore ga go tšhelete ye e ka elwago mabapi le mothopo wa minerale wo o fetišeditšwego ka ge go boletšwe temaneng ya (a) ya tlhalošo ya "phetišetšo" karolong ya 1, dithekišo ka moka tša mabapi le phetišetšo yeo ke tšhelete ye e ka bego e ile ya amogelwa goba ya hwetšwa ngwageng wa tekolo ya mabapi le phetišetšo yeo ge nkabe mothopo woo wa minerale o fetišeditšwe ka maemo ao a filwego Šetulong ya 1 a mothopo woo wa minerale go latela kgwebišanotekatekano ya boikemo ye e tsenetšwego.
- (b) Ge e le gore ga go tšhelete ye e ka elwago mabapi le mothopo wa minerale wo o sego wa hlwekišwa wo o fetišeditšwego ka ge go boletšwe temaneng ya (a) ya tlhalošo ya "phetišetšo" karolong ya 1, dithekišo ka moka tša mabapi le phetišetšo yeo ke tšhelete ye e ka bego e ile ya amogelwa goba ya hwetšwa ngwageng wa tekolo ya mabapi le phetišetšo yeo ge nkabe mothopo woo wa minerale o fetišeditšwe ka maemo ao a filwego Šetulong ya 2 a mothopo woo wa minerale go latela kgwebišanotekatekano ya boikemo ye e tsenetšwego.

Go se lefišwe ga dikgwebopotlana

7. (1) Morafi ga a lefišwe royalithi ya mabapi le ngwaga wa tekolo ge—
- (a) dithekišo ka moka tša morafi yoo tša mabapi le methopo ya diminerale ka moka di sa fete diranta tše R10 milione mo ngwageng woo;
- (b) royalithi ya mabapi le methopo ya diminerale ka moka ye e fetišeditšwego yeo e tlogo lefišwa morafi ya ngwaga woo e sa fete R100 000;
- (c) morafi e le modudi wa naga yeo ka ge go hlalošitšwe karolong ya 1 ya Molao wa Motšhelo wa Letseno ngwageng woo ka moka; gomme
- (d) morafi a ingwadišitše ngwageng woo go latela karolo ya 2 ya Molao wa Tšhepedišo.
- (2) Morafi o tla lefišwa royalithi ka ge go boletšwe karolwaneng ya (1) ge—
- (a) morafi mo nakong efe goba efe mo ngwageng woo a na le tokelo ya go kgatha tema (thwii goba ka tsela ye nngwe) ka go dipersente tša go feta tše 50 tša thoto ya kabelano ya minerale, tša ditefelo tša kabelano, tša dipoelo tša bjale goba tše di hweditšwego goba tše di bolokilwego tša, goba a na le maatla a dipersente tša go feta tše 50 tša tokelo ya go bouta, go feta morafi yo mongwe ka moo tirišanong yeo;
- (b) morafi ofe goba ofe yo mongwe ka nako efe goba efe ngwageng woo o na le tokelo ya go kgatha tema (thwii goba ka tsela ye nngwe) ka go dipersente tša go feta tše 50 tša dipoelo tša bjale goba tše di hweditšwego tša morafi;

Act No. 28, 2008

MINERAL AND PETROLEUM
RESOURCES ROYALTY ACT, 2008

- (c) any other person at any time during that year holds the right to participate (directly or indirectly) in more than 50 per cent of the profits of the extractor and more than 50 per cent of the current or accumulated profits of any other extractor; or
- (d) the extractor is a registered person mentioned in section 4 of the Administration Act. 5

Exemption for sampling

8. An extractor is exempt from the royalty imposed in respect of mineral resources won or recovered by the extractor for purposes of testing, identification, analysis and sampling mentioned in section 20 of the Mineral and Petroleum Resources Development Act pursuant to a prospecting right or an exploration right as defined in section 1 of that Act if the gross sales in respect of those mineral resources does not exceed R100 000 during a year of assessment. 10

Rollover relief for disposals involving going concerns

9. (1) For purposes of this Act a disposal of a mineral resource by an extractor that forms part of the disposal of a going concern, or of a part of a going concern which is capable of separate operation, by that extractor to any other extractor is deemed not to be a disposal. 15

(2) For purposes of this Act an extractor that acquires a mineral resource in terms of a disposal mentioned in subsection (1) is deemed to be the extractor that won or recovered the mineral resource. 20

Transfer involving body of unincorporated persons

10. (1) Notwithstanding any other provision in this Act, an unincorporated body that is registered as a person under the Administration Act—

- (a) is deemed to be an extractor while that registration remains in effect; and 25
- (b) is subject to the royalty as if that body were an extractor separate from its members, in respect of mineral resources won, recovered or transferred by that unincorporated body after taking into account any earnings before interest and taxes associated with those minerals as well as the application of any other provision of this Act bearing on the royalty determination in respect of those mineral resources. 30

(2) Notwithstanding any other provision in this Act, to the extent that any member of an unincorporated body mentioned in subsection (1) is acting in a capacity other than as a member of that body, that member is subject to the royalty as if that member were an extractor separate from that body in respect of mineral resources won, recovered or transferred by that unincorporated body after taking into account any earnings before interest and taxes associated with those minerals as well as the application of any other provision of this Act bearing on the royalty determination in respect of those mineral resources. 35

(3) On the date of the election made in terms of section 4(1) of the Administration Act, the members of an unincorporated body mentioned in that section are deemed to have transferred the mineral resources to be disposed of by that body, which had been won or recovered by those members. 40

(4) On the date on which an unincorporated body terminates the election in terms of section 4(6) of the Administration Act, the unincorporated body is deemed to have transferred the mineral resources won or recovered by the unincorporated body to the members of that unincorporated body. 45

Arm's length transactions

11. (1) To the extent that the earnings before interest and taxes determined in terms of section 5 differ from the earnings that an extractor would have taken into account if 50

MOLAO WA ROYALITHI YA METHOPO
YA DIMINERALE LE PETROLIAMO, WA 2008

Act No. 28, 2008

- (c) motho ofe goba ofe yo mongwe ka nako efe goba efe ngwageng woo o na le tokelo ya go kgatha tema (thwii goba ka tsela ye nngwe) ka go dipersente tša go feta tše 50 tša dipoelo tša morali le dipersente tša go feta tše 50 tša dipoelo tša bjale goba tše di hweditšwego tša morafi yo mongwe; goba
- (d) morafi e le motho yo a ingwadišitšego karolong ya 4 ya Molao wa Tshepedišo. 5

Go se lefiše ga go dira disampole

8. Morali ga a lefiše royalithi ye e tsenywago ya mabapi le methopo ya diminerale tše di thopilwego goba tše di utullotšwego ke morafi mabakeng a ge a dira diteko, a nyaka go di tseba, a dira tshekatsheko le go dira disampole tše go boletšwego ka tšona karolong ya 20 ya Molao wa Tlhabollo ya Methopo ya Diminerale le Petrolcamo go latela tokelo ya go rafa goba ya go dira kutullo ya diminerale ka ge go hlalošitšwe karolong ya 1 ya Molao woo ge e le gore dithekišo ka moka tša mabapi le methopo yeo ya diminerale ga di fete R100 000 ngwageng wa tekolo. 10

Kimollo ya phethišetšo ya go rekiša ga go amana le dingongorego tše di tšwelago pele

9. (1) Mabakeng a Molao wo, go rekiša mothopo wa minerale ka morali mo go bopago karolo ya thekišo ya ngongorego ye e tšwelago pele, goba karolo ya ngongorego ye e tšwelago pele yeo e ka kgonago go dira mešomo ya go arogana, ke morali yoo go morafi yo mongwe ga go bonwe bjalo ka thekišo.

(2) Mabakeng a Molao wo, morafi yo a hwetšago mothopo wa minerale go latela go rekiša mo go boletšwego karolwaneng ya (1) o tla bonwa bjalo ka morafi yo a thopilwego goba yo a utullotšego mothopo wa minerale. 20

Phetišetšo ya go amana le lekgotla la batho bao ba sego lekgotla

10. (1) Go sa šetšwe ditlhabišo dife goba dife ka mo Molaong wo, lekgotla leo le sego kopana leo le ngwadišitšwego bjalo ka motho ka fase ga Molao wa Tshepedišo— 25

(a) le bonwa bjalo ka morafi mola ka go le lengwe boingwadišo bjoo bo tšwela pele go šoma; gomme

(b) le tla lefa royalithi tše nkego lekgotla leo le bile morafi go arogana le maloko a lona, mabapi le methopo ya diminerale ye e thopilwego, ye e utullotšwego goba ye e fetišeditšwego ke lekgotla leo le sego khamphani ka morago ga go hlokomela letseno lefe goba lefe pele ga tswala le metšhelo ya go amana le diminerale tšeo gammogo le tirišo ya tlhagišo efe goba efe ya Molao wo ye e amago go lefiša royalithi mabapi le methopo yeo ya diminerale. 30

(2) Go sa šetšwe ditlhabišo dife goba dife ka mo Molaong wo, ge leloko lefe goba lefe la lekgotla leo le sego khamphani leo go boletšwego ka lona karolwaneng ya 10(1) le šoma ka maatla a mangwe cupša e sego bjalo ka leloko la lekgotla leo, leloko leo le tla lefišwa royalithi tše nkego leloko leo e bile morafi go arogana le lekgotla leo mabapi le mothopo wa minerale wo o thopilwego, o utullotšwego goba o fetišeditšwego ke lekgotla leo le sego khamphani ka morago ga go hlokomela letseno lefe goba lefe la pele ga tswala le metšhelo ya go amana le diminerale tšeo gammogo le tirišo ya tlhagišo efe goba efe ya Molao wo ye e amago go lefiša royalithi mabapi le methopo yeo ya diminerale. 40

(3) Ka letšatšikgwedi la dikgetho tše di dirwago go latela karolo ya 4(1) ya Molao wa Tshepedišo, maloko a lekgotla leo le sego khamphani leo go boletšwego ka lona karolong yeo a bonwa bjale ka ge a fetišeditše methopo ya diminerale gore e rekišwe ke maloko ao a lekgotla, di thopilwego goba di utullotšwego pele ga letšatšikgwedi leo cupša di se tša hlwa di fetišetšwa, go lekgotla leo le sego khamphani. 45

(4) Ka letšatšikgwedi leo lekgotla leo le sego khamphani le fedišago dikgetho go latela karolo ya 4(6) ya Molao wa Tshepedišo, lekgotla leo le sego khamphani le bonwa bjale ka ge le fetišeditše methopo ya diminerale tša lekgotla leo go maloko a lekgotla leo le sego khamphani. 50

Dikgwebišanotekatekano tša boikemo

11. (1) Ge e le gore letseno la pele ga tswala le metšhelo le le hwetšwago go latela karolo ya 5 le fapana le letseno leo morafi a ka bego a le hweditše ge letseno leo le 55

those earnings had been derived from transactions entered into at arm's length, the Commissioner may adjust the earnings to reflect the earnings that would have been taken into account.

(2) To the extent that the gross sales determined in terms of section 6(1)(a) or section 6(2)(a) differ from the gross sales that an extractor would have taken into account if the gross sales had been derived from transactions entered into at arm's length, the Commissioner may adjust the gross sales to reflect the gross sales that would have been taken into account. 5

General anti-avoidance rule

12. (1) Notwithstanding anything to the contrary in this Act, if the Commissioner is satisfied that a disposal, transfer, operation, scheme or understanding (whether entered into or carried out before or after the commencement of this Act)— 10

- (a) has been entered into or carried out, which has the effect of avoiding or postponing liability for the royalty, or of reducing the amount thereof;
- (b) having regard to the circumstances under which the disposal, transfer, operation, scheme or understanding was entered into or carried out— 15
 - (i) was entered into or carried out—
 - (aa) in the case of a disposal, transfer, operation, scheme or understanding in the context of business, in a manner which would not normally be employed for *bona fide* business purposes, other than the obtaining of a royalty benefit; and 20
 - (bb) in the case of any other disposal, transfer, operation, scheme or understanding not falling within the provisions of item (aa), by means or in a manner which would not normally be employed in the entering into or carrying out of a disposal, transfer, operation, scheme or understanding of the nature of the disposal, transfer, operation, scheme or understanding in question; or 25
 - (ii) has created rights or obligations which would not normally be created between persons dealing at arm's length under a disposal, transfer, operation, scheme or understanding of the nature of the disposal, transfer, operation, scheme or understanding in question; and 30
- (c) was entered into or carried out solely or mainly for the purposes of obtaining a royalty benefit, 30

the Commissioner must determine the liability for the royalty, and the amount thereof, as if the disposal, transfer, operation, scheme, or understanding had not been entered into or carried out, or in such manner as the Commissioner in the circumstances deems appropriate for the prevention or diminution of avoidance, postponement or reduction. 35

(2) A decision of the Commissioner under subsection (1) is subject to objection and appeal mentioned in section 18(1)(d) of the Administration Act, and whenever in proceedings relating thereto it is proved that the disposal, transfer, operation, scheme or understanding in question would result in the avoidance or postponement of liability for the royalty, or in the reduction of the amount thereof, it is presumed, until the contrary is proved, in the case of any such disposal, transfer, operation, scheme or understanding, that it was entered into or carried out solely or mainly for the purposes of the avoidance or the postponement of such liability, or the reduction of the amount of such liability. 40 45

(3) For purposes of this section, "royalty benefit" includes any avoidance, postponement or reduction of the liability for payment of the royalty mentioned in section 2.

Conclusion of fiscal stability agreements

13. (1) The Minister of Finance may conclude a binding agreement with an extractor— 50

- (a) in respect of the extractor's mineral resource right; or
- (b) in anticipation of the extractor acquiring a mineral resource right,

tšweleditšwe ke dikgwebišano tše di tsenetšwego ka tekatekano ya boikemo. Mokomišenare a ka beakanya letseno leo gore le bontšhe letseno leo le ka bego le hweditšwe.

(2) Ge e le gore dithekišo ka moka tše di hweditšwego go latela karolo ya 6(1)(a) goba karolo ya 6(2)(a) di fapana le dithekišo ka moka tše morafi a ka bego a di hweditše ge dithekišo ka moka di tšweleditšwe ke dikgwebišano tše di tsenetšwego ka tekatekano ya boikemo, Mokomišenare a ka beakanya dithekišo tše ka moka gore di bontšhe dithekišo tše di ka bego di hweditšwe. 5

Molawanakakaretšo kgahlanong le go efoga

12. (1) Go sa šetšwe selo sefe goba sefe se se nago le thulano ka mo Molaong wo, ge Mokomišenare a kgotsofetše gore go rekiša, go fetišetša, go šomiša, sekimi goba kwešišo (e ka be e tsenetšwe goba e dirilwe pele goba ka morago ga go thoma go šoma ga Molao wo)— 10

(a) go tsenetšwe goba go dirilwe, gomme go na le seabe go efogeng goba go fegeng maikarabelo a go lefa royalithi, goba go fokotšeng ga tšhelete yeo e swanetšego go lešša ye e sa tšwago go ukangwa; 15

(b) go amana le mabaka ao ka fase ga wona go rekiša, go fetišetša, go šomiša, sekimi, goba kwešišo e tsenetšwego goba e dirilwego—

(i) go tsenetšwego goba go dirilwego—

(aa) lebakeng la go rekiša, go fetišetša, go šomiša, sekimi goba kwešišo ya mabapi le kgwebo, ka tsela yeo ka tlwaelo e ka se šomišwego mabakeng a makgonthe a kgwebo, e sego a go hwetša kholego ya royalithi; gomme 20

(bb) lebakeng la go rekiša, go fetišetša, go šomiša, sekimi goba kwešišo yeo e sa welego ka gare ga ditlhagišo tša ntlha ya (aa), ka tsela goba ka mokgwa wo ka tlwaelo o ka se šomišwego go tsenela goba go rekiša, go fetišetša, go šomiša, sekimi goba kwešišo ya bogolo bja thekišo, bja phetšetšo, bja tšhomišo, bja sekimi goba bja kwešišo ye go boletwago ka yona; goba 25

(ii) go hlamilwe ditokelo goba ditlamego tše ka tlwaelo di ka se hlamiwego magareng ga batho bao ba tsenetšego kgwebišanotekatekano ya boikemo ka fase ga go rekiša, go fetišetša, go šomiša, sekimi goba kwešišo ya bogolo bja thekišo, bja phetšetšo, bja tšhomišo, bja sekimi goba bja kwešišo ye go boletwago ka yona; gomme 30

(c) go tsenetšwe goba go dirilwe fela goba kudu mabakeng a go hwetša kholego ya go hwetša royalithi, Mokomišenare o swanetše go laola maikarabelo a go lefa royalithi, le tšhelete yeo e leššago gona fao, tše nkego go rekiša, go fetišetša, go šomiša, sekimi goba kwešišo ga se ya tsenelwa goba ya dirwa, goba ka tsela yeo e lego gore Mokomišenare ka moo seemong seo o bona go le maleba go thibela goba go nyenyefatša go efoga, go fega goba go fokotša. 40

(2) Sephetho sa Mokomišenare ka fase ga karolwana ya (1) se ka direlwa ngongorego goba boipelaetšo ye go boletšwego ka yona karolong ya 18(1)(d) ya Molao wa Tšhepedišo, gomme ge ka tšhepedišong ya go amana le ngongorego ye go hwetšwa bohlatse bja gore go rekiša, go fetišetša, go šomiša, sekimi goba kwešišo tše go boletwago ka tšona di tla feletša ka go efoga goba go fega maikarabelo a go lefa royalithi, goba ka phokotšo ya tšhelete ye e swanetšego go lešša gona fao, go tšewa gore, go fihlela ge go ka hwetšwa bohlatse bja gore ga go bjalo, lebakeng la go rekiša moo, go fetišetša, go šomiša, sekimi goba kwešišo, go tsenetšwe goba go diretšwe fela goba kudu mabakeng a go efoga goba go fega maikarabelo ao a go lefa goba a go fokotša tšhelete ya maikarabelo ao. 50

(3) Mabakeng a karolo ye, “**kholego ya royalithi**” e akaretša go efoga gofe goba gofe, go fega goba go fokotša maikarabelo a go lefa royalithi ye go boletšwego ka yona karolong ya 2.

Go saena ditumelelano tša maemo a makaone a ditšhelete

13. (1) Tona ya Ditšhelete a ka saena tumelelano ye e tlamago le morafi— 55

(a) ya mabapi le tokelo ya morafi ya go rafa methopo ya diminerale; goba

(b) ka go emela gore morafi a hwetše tokelo ya go rafa methopo ya diminerale,

that guarantees that the terms and conditions contemplated in section 14 apply in respect of the right for as long as the extractor holds the right (and for all participating interests subsequently held by the extractor in respect of the right).

(2) A binding agreement relating to the anticipated acquisition of a mineral resource right contemplated in subsection (1)(b) has no force and effect unless the mineral resource right is granted within one year after the date on which the Minister of Finance concludes the binding agreement. 5

(3) If an extractor disposes of a prospecting right or an exploration right granted under the Mineral and Petroleum Resources Development Act to another person, and the right is subject to a binding agreement mentioned in subsection (1) on the date of the disposal, the extractor may assign all the rights held by the extractor under the agreement to the other person. 10

(4) If an extractor disposes of a mining right or a production right granted under the Mineral and Petroleum Resources Development Act to another person, and the right is subject to a binding agreement mentioned in subsection (1) on the date of the disposal, the extractor may assign all the rights held by the extractor under the agreement to the other person, if both the extractor and the other person form part of the same group of companies (as defined in section 1 of the Income Tax Act) on the date of the disposal. 15

(5) An extractor that concludes a binding agreement mentioned in subsection (1) may unilaterally terminate the agreement at any time with effect from the day after the last day of the year of assessment during which the extractor terminated the agreement. 20

(6) For purposes of this section—

(a) a prospecting right, a renewal of the prospecting right and an initial mining right converted from a prospecting right or renewal thereof held by an extractor; and 25

(b) an exploration right, a renewal of the exploration right and an initial production right converted from an exploration right or renewal thereof held by an extractor,

are, to the extent that those rights relate to the same geographical area, all deemed to be one and the same mineral resource right in the hands of the extractor. 30

(7) The powers conferred and the duties imposed upon the Minister of Finance by the provisions of this section may be exercised or performed by the Minister personally or delegated by the Minister to the Director-General of the National Treasury and the Director-General may in turn delegate the powers and duties so delegated to him or her to any officer or person under his or her control, direction or supervision. 35

(8) For purposes of this section “mineral resource right” means a prospecting right, exploration right, mining right or production right granted pursuant to the Mineral and Petroleum Resources Development Act, and includes any lease or sublease mentioned in section 11 of that Act in respect of such right.

Terms and conditions of fiscal stability agreements 40

14. (1) An amendment of section 4 has no force and effect in respect of an extractor that is party to an agreement contemplated in section 13(1) if the amendment has the effect that the extractor becomes subject to a royalty which is greater than the royalty to which the extractor would otherwise have been subject.

(2) If the State fails to comply with the terms of an agreement contemplated in section 13(1) and the failure has a material adverse economic impact on the determination of the royalty payable by the extractor that is party to that agreement, the extractor is entitled to compensation in respect of the increase in the royalty caused by the failure (and interest at the prescribed rate calculated on the compensation from the date of the failure) or to an alternative remedy that eliminates the full impact of the failure. 50

Foreign currency

15. Any amount received by or accrued to, or expenditure or loss incurred by, an extractor in any currency other than the currency of the Republic must be translated to

MOLAO WA ROYALITHI YA METHOPO
YA DIMINERALE LE PETROLIAMO, WA 2008

Act No. 28, 2008

yeo e tššetšago gore dipeelano le melawana yeo e ukangwego karolong ya 14 e diragatšwa mabapi le tokelo ge fela morafi a na le tokelo (le dikgahlego ka moka tša go kgatha tema tše di latelago tše morafi a nago le tšona mabapi le tokelo yeo).

(2) Tumelelano ye e tlamago ya go amana le go hwetša tokelo ya go rafa methopo ya diminerale mo go emetšwego mo go ukangwego karolwaneng ya (1)(b) ga e šome ebile ga e na le seabe ka ntle le ge tokelo ya go rafa mothopo wa minerale e ka liwa mo ngwageng o tee ka morago ga letšatšikgwedi leo Tona ya Ditšhelete a phethilego tumelelano ye e tlamago.

(3) Ge morafi a rekišetša motho yo mongwe tokelo ya go lekola diminerale nageng goba ya go utulla diminerale ye e filwego ka fase ga Molao wa Tlhabollo ya Methopo ya Diminerale le Phetholiemo, gomme tokelo yeo e laolwa ke tumelelano ye e tlamago ye go boletšwego ka yona karolwaneng ya (1) ka letšatšikgwedi la go rekiša tokelo, morafi a ka fa motho yoo ditokelo ka moka tša morafi ka fase ga tumelelano yeo.

(4) Ge morafi a rekišetša motho yo mongwe tokelo ya go rafa moepong goba ya go tšweletša diminerale ye e filwego ka fase ga Molao wa Tlhabollo ya Methopo ya Diminerale le Petroleamo, gomme tokelo yeo e laolwa ke tumelelano ye e tlamago ye go boletšwego ka yona karolwaneng ya (1) ka letšatšikgwedi la go rekiša tokelo, morafi a ka fa motho yoo ditokelo ka moka tša morafi ka fase ga tumelelano yeo, ge bobedi morafi le motho yoo ba bopa karolo ya sehlopha se tee sa dikhamphani (ka ge go hlalošitšwe karolong ya 1 ya Molao wa Motšhelo wa Letseno) ka letšatši la go rekiša.

(5) Morafi yo a saenago tumelelano ye e tlamago ye go boletšwego ka yona karolwaneng ya (1) a ka fediša tumelelano yeo a nnoši nako ye nngwe le ye nngwe go thoma ka letšatši la ka morago ga letšatši la mafelelo la ngwaga wa tekolo wo morafi a fedišitšego tumelelano.

(6) Mabakeng a karolo ye—

(a) tokelo ya go lekola diminerale nageng, go mpshafatša tokelo ya go lekola diminerale nageng le tokelo ya mathomong ya go rafa meepong ye e fetošeditšwego go tloga go tokelo ya go lekola diminerale nageng goba go e mpshafatša gona fao ya morafi; le

(b) tokelo ya go utulla diminerale, go mpshafatša tokelo ya go utulla diminerale le tokelo ya mathomong ya tšweletšo ye e fetošeditšwego go tloga go tokelo ya go utulla diminerale goba go e mpshafatša gona fao ya morafi.

ka moka di, ge e le gore ditokelo tšeo di amana le lefelo le tee la naga, bonwa bjalo ka tokelo e tee ya mothopo wa minerale ka diatleng tša morafi.

(7) Maatla ao a filwego le mešomo ye e rwešitšwego Tona ya Ditšhelete ke ditlhagišo tša karolo ye e ka diragatšwa goba ya phethagatšwa ke Tona ka boyena goba Tona ya e fa Molaodikakaretšo wa Kgoro ya Ditšhelete gomme Molaodikakaretšo le yena a ka fa maatla ao le mešomo yeo e filwego yena go mohlankedi ofe goba ofe goba motho yo a lego ka fase ga taolo ya gagwe, taelo goba tlhokomelo ya gagwe.

(8) Mabakeng a karolo ye **“tokelo ya mothopo wa minerale”** e ra tokelo ya go lekola diminerale nageng, tokelo ya go utulla diminerale, ya go rafa moepong goba ya tšweletšo ye e filwego go latela Molao wa Tlhabollo ya Methopo ya Diminerale le Petroleamo, gomme e akaretša go hiriša goba go hirišetša ba bangwe ba ka fasana mo go boletšwego ka gona karolong ya 11 ya Molao woo mabapi le tokelo yeo.

Dipeelano le melawana ya ditumelelano tša maemo a makaone a ditšhelete

14. (1) Go fetša karolo ya 4 ga go na le maatla goba seabe mabapi le morafi yo e lego karolo ya tumelelano ye e ukangwego karolong ya 13(1) ge e le gore phetošo yeo e na le seabe mo e lego gore morafi o ba le maikarabelo a go lefa royalithi ye e fetago royalithi yeo morafi a ka bego a ile a swanelwa ke go e lefa.

(2) Ge Mmušo o palelwa ke go obamela dipeelano tša tumelelano ye e ukangwego karolong ya 13(1) gomme go palelwa moo go na le seabe sa go se kgahliše go ekonomo mabapi le go bea tšhelete ya royalithi ye e swanetšego go lefša ke morafi yo e lego karolo ya tumelelano yeo, morafi o na le maswanedi a go hwetša tefelo ya mabapi le koketšo ya royalithi ye e bakilwego ke go palelwa fao (le tswala ka kelo ye e beilwego ye e hlakanywago ge go lefša go tloga ka letšatšikgwedi la go palelwa fao) goba kimollo ye nngwe ye e tlošago seabe sa go palelwa fao ka botlalo.

Tšhelete ya dinaga tša ka ntle

15. Tšhelete efe goba efe ye e amogetšwego ke goba ye e hweditšwego, goba tshenyegelo goba tahlegelo ye e hweditšwego ke morafi ka tšhelete ya naga efe goba efe

Act No. 28, 2008

MINERAL AND PETROLEUM
RESOURCES ROYALTY ACT, 2008

the currency of the Republic by applying the spot rate, as defined in section 1 of the Income Tax Act, on the date on which that amount was so received or accrued or expenditure or loss was so incurred.

Transitional credits

16. (1) There must be deducted from the royalty payable in respect of a mineral resource the amount of any lease, royalty or similar payment to the State in respect of that mineral resource in terms of any conditions imposed pursuant to the laws applicable in respect of an old order right or OP26 right mentioned in Schedule II of the Mineral and Petroleum Resources Development Act, as consideration for the removal or disposal of a mineral or petroleum. 5 10

(2) No deduction is allowed in terms of subsection (1) in respect of any lease mentioned in item 9(7) of Schedule II to the Mineral and Petroleum Resources Development Act.

(3) The amount to be deducted in terms of subsection (1) must not exceed the royalty mentioned in that subsection. 15

Act binding on State and application of other laws

17. This Act binds the State, and no provision in any other law is construed as applying or referring to this royalty unless the royalty is specifically mentioned in that provision.

Short title and commencement

20

18. (1) This Act is called the Mineral and Petroleum Resources Royalty Act, 2008.

(2) This Act comes into operation on 1 May 2009 and applies in respect of a mineral resource transferred on or after that date.

MOLAO WA ROYALITHI YA METHOPO
YA DIMINERALE LE PETROLIAMO, WA 2008

Act No. 28, 2008

ye e sego ya Repabliki e swanetše go fetošetšwa go tšhelete ya Repabliki ka go diriša kelo ya nako yeo, ka ge go hlalošitšwe karolong ya 1 ya Molao wa Motšhelo wa Letseno, ka letšatšikgwedi leo tšhelete yeo e amogetšwego goba e hweditšwego ka lona goba leo tshenyegelo goba tahlegelo e hweditšwego ka lona.

Ditšhelete tša letseno tša nakwana

5

16. (1) Go swanetše go gogwa tšhelete efe goba efe ya go hiriša, ya royalithi goba ya tefelo ye e swanago natšo go royalithi yeo e lefšago ya mabapi le mothopo wa minerale ye e lefšago Mmušo ya mabapi le mothopo wa minerale go latela maemo afe goba afe ao a dirišwago go latela melao ye e šomago ya mabapi le tokelo ya taolo ya kgale goba ya tokelo ya OP26 tše go boletšwego ka tšona Šetulong ya II ya Molao wa Tlhabollo ya Methopo ya Diminerale le Petroliamo, bjalo ka yeo e lefelwago go tloša goba go rekiša minerale goba phethroliamo. 10

(2) Ga go go gogwa ga tšhelete mo go dumeletšwego go latela karolwana ya (1) ga mabapi le go hiriša gofe goba gofe mo go boletšwego ka gona temaneng ya 9(7) ya Šetulo ya II ya Molao wa Tlhabollo ya Methopo ya Diminerale le Petroleamo goba ya tefelo efe goba efe goba ya royalithi ya kontraka ye go boletšwego ka yona temaneng ya 11(1) ya Šetulo yeo. 15

(3) Tšhelete ye e swanetšego go gogwa go latela karolwana ya (1) ga se ya swanelwa go feta royalithi ye go boletšwego ka yona ka moo karolwaneng yeo.

Molao wo o tlamago Mmušo le phethagatšo ya melao ye mengwe

20

17. Molao wo o tlama Mmušo, gomme ga go tlhagišo ye nngwe ka go molao wo mongwe ye e bonwago bjalo ka yeo e šomago goba e šupago royalithi ye ka ntle le ge royalithi ye go boletšwe ka yona ka moo tlhagišong yeo.

Leina le le kopana la molao le go thoma go šoma ga wona

18. (1) Molao wo o bitšwa Molao wa Royalithi ya Methopo ya Diminerale le Petroliamo, wa 2008. 25

(2) Molao wo o tla thoma go šoma ka la 1 Mei 2009 gomme o šoma mabapi le mothopo wa minerale wo o fetišeditšwego ka letšatšikgwedi leo goba ka morago ga lona.

Act No. 28, 2008

MINERAL AND PETROLEUM
RESOURCES ROYALTY ACT, 2008

SCHEDULE 1

REFINED CONDITION OF MINERAL RESOURCES

Mineral resource name	Refined condition
Cobalt	Cobalt is refined once processed into cobalt metal or cobalt sulphate. 99.5 % refined
Copper	Copper is refined once processed into copper metal slabs, blister copper or cathode copper of at least 99.0 % purity.
Germanium	99.99% refined product
Gold	Refined and smelted to a 99.5 % purity
Lead	Lead is refined once processed into bars and billets containing at least 99.0 % pure lead.
Lithium	99.5% LiCO ₃ in concentrate (lithium carbonate)
Mercury	99.9% purity
Nickel (Base metal)	Nickel is refined once processed into a metal, or other form (e.g. ferro nickel, nickel metal or nickel sulphate). 99.5% purity
Platinum Group Metals (iridium, palladium, platinum, rhodium, ruthenium and osmium)	Refined and smelted to a 99.9 % purity
Molybdenum	99.99% refined product
Silicon	98.5% Si
Silver	Silver is refined once processed to silver metal or silver nitrate. 99.5% refined
Talc	98.5% and minus 325 µm mesh
Zinc	Zinc is refined once processed into zinc metal, plates or slabs containing at least 98.5 % pure zinc.

Mineral resource name	Refined condition
<u>Oil and Gas</u>	
Oil	At inlet of refinery
Gas	At inlet of refinery

MOLAO WA ROYALITHI YA METHOPO
YA DIMINERALE LE PETROLIAMO, WA 2008

Act No. 28, 2008

ŠETULO YA 1

SEEMO SE SE HLWEKIŠITŠWEGO SA METHOPO YA
DIMINERALE

Leina la mothopo wa minerale	Seemo se se hlekišitšwego šitšwego
Khopalete	Khopalete e hlekišwa ge e šetše e šomilwe go ba metale wa khopalete goba khopalesalefeiti. E hlekišitšwe ka 99.5 %
Koporo	Koporo e hlekišwa ge e šetše e šomilwe go ba dilai tša metale wa khopalete, koporo ya dipue goba koporo ya khathoute ya tlhweko ya bonyane 99.0 %.
Tšemaniamo	Setšweletšwa se se hlekišitšwego ka 99.99%
Gauta	E hlekišitšwe le go semeletharwa go fihla go tlhweko ya 99.5 %
Lliti	Lliti e hlekišwa ge e šetše e šomilwe go ba ditena le dipilete tše di nago le bonyane 99.0 % ya lliti ye e hlekišwego.
Lithiamo	99.5% ya LiCO ₃ ye e lego motswakotii (<i>lithiamokhaponeiti</i>)
Mekhuri	Tlhweko ya 99.9%
Nikhele (Metale wa go fetogafetoga)	Nikhele e hlekišwa ge e šetše e šomilwe go ba metale, goba sebopego se sengwe (go fa mohlala, feronikhele, metale wa nikhele goba nikhelesalefeiti). Tlhweko ya 99.5%
Dimetale tša Sehlopha sa Pholathinamo (iridiamo, paladiamo, pholathinamo, rodiamo, rutheniamo le osmiumo)	Di hlekišitšwe le go semeletharwa go fihla go tlhweko ya 99.9 %
Moliptenamo	Setšweletšwa se se hlekišitšwego ka 99.99%
Silikhone	98.5% ya Si
Silibera	Silibera e hlekišwa ge e šetše e šomilwe go ba metale wa silibera goba siliberaethreiti. E hlekišitšwe ka 99.5%
Taleke	98.5% le go ntšha 325 μ m mesh
Sinki	Sinki e hlekišwa ge e šetše e šomilwe go ba metale wa sinki, dipoleiti goba dilai tše di nago le bonyane 98.5 % ya sinki ya go hleka.
Leina la mothopo wa minerale	
Oli le Gase	
Oli	Botsenong bja bohlwekišetšo
Gase	Botsenong bja bohlwekišetšo

Act No. 28, 2008

MINERAL AND PETROLEUM
RESOURCES ROYALTY ACT, 2008

SCHEDULE 2

UNREFINED CONDITION OF MINERAL RESOURCES

Mineral resource name	Unrefined condition
Aggregates	Bulk
Antimony	65% Sb content in the concentrate
Barite	Concentrates with 97% BaSO ₄
Beryllium	70% beryl concentrate
Chrome ore in lump, chips and fines	(i) 37% to 46% Cr ₂ O ₃ in concentrate; (ii) 4% to 10% SiO ₂ and a (iii) Cr/Fe ratio of 1.25 to 1.45 (chip and lump) or (iv) 0.8% to 6% SiO ₂ and (v) Cr/Fe ratio of 1.3 to 1.6 (fine < 1mm)
Clay used for bricks Kaolinite clay used by paper and ceramic sectors	Bulk
Coal	<u>Grade A:</u> <i>in situ</i> calorific value equal or greater than 27.5 GMJ/kg <u>Grade B:</u> <i>in situ</i> calorific value equal or greater than 26.5 GMJ/kg and less than 27.5 GMJ/kg <u>Grade C:</u> <i>in situ</i> calorific value equal or greater than 19.0GMJ/kg and less than 26.5 GMJ/kg <u>Grade D:</u> <i>in situ</i> calorific value less than 19.0 GMJ/kg
Cobalt	7% Co in a polymineralic matte
Copper	20% to 30% Cu
Diamond	Rough Diamonds
Dimension stone: Granite, Sandstone, Slate, Shale, Gneiss, Marble	Bulk
Fluorspar	80% concentrate
Graphite	86% carbon content
Iron ore	61% to 64% Fe content
Lead	Concentrate with a minimum of 50% Pb
Limestone	Concentrate with a minimum of 54% CaCO ₃
Manganese	Manganese ore: Mn 37% to Mn 48% and Si + Al less than 11%
Mica	48% concentrate
Mineral Sand (Titanium)	
Ilmenite	75% ilmenite concentrate
Rutile	53% Rutile concentrate
Zircon	85% Zircon concentrate
Nickel	1.4% Ni content

MOLAO WA ROYALITHI YA METHOPO
YA DIMINERALE LE PETROLIAMO, WA 2008

Act No. 28, 2008

ŠETULO YA 2

SEEMO SE SE SEGO SA HLWEKIŠWA SA METHOPO YA
DIMINERALE

Leina la mothopo wa minerale	Seemo se se sego sa hlwekišwa	
Diakerekeiti	Ntši	5
Anthimoni	65% ya Sb ye e lego gona ka gare ga motswakotii	
Barite	Motswakotii wo o nago le 97% ya BaSO ₄	
Beriliamo	70% ya motswakotii wa berili	
Borale bja koromo ka makwate, dimphaphašana le dithorwana	(i) 37% go fihla go 46% ya Cr ₂ O ₃ ye e lego ka motswakotii; (ii) 4% go fihla go 10% SiO ₂ le (iii) Cr/Fe ya rašio ya 1.25 go fihla go 1.45 (dimphaphašana le makwate) goba (iv) 0.8% go fihla go 6% ya SiO ₂ le (v) Cr/Fe ya rešio ya 1.3 go fihla go 1.6 (dithorwana > tša milimithara wo 1)	10 15
Leraga la go šomišwa go bopa Jitena Leraga la khaoline le le šomišwago ke ba mafapha a go dira dipampiri le seramiki	Ntši	20
Malahla	Kreiti ya A: ka boleng bja mathomong bja maatla a sebešwa a go lekana goba a go feta 27.5 GMJ/khilikramo Kreiti ya B: ka boleng bja mathomong bja maatla a sebešwa a go lekana goba a go feta 26.5 GMJ/khilikramo gomme a ka fase ga 27.5 GMJ/khilikramo Kreiti ya C: ka boleng bja mathomong bja maatla a sebešwa a go lekana goba a go feta 19.0GMJ/khilokramo gomme a ka fase ga 26.5 GMJ/khilokramo Kreiti ya D: ka boleng bja mathomong bja maatla a sebešwa a ka fase ga 19.0 GMJ/khilokramo	25 30
Khopaete	7% ya Khopaete ye e lego ka dimineraleng tše ntši tša go se phadime	
Koporo	20% go fihla go 30% ya Koporo	35
Taamane	Ditaamane tša Makgwagwa	
Leswika la mahlakore: Kranaete, Leswika la santa, Seleite, Seile, Kneisi, Mabole	Ntši	40
Fluorspar	80% ya motswakotii	
Krafaete	86% ye e nago le khapone	
Borale bja tšhipi	61% ye e nago le Tšhipi (le 9% ya Silikha)	
Lliti	Motswakotii wo o nago le tekano ya fasefase ya 50% ya Lliti	
Leswika la kalaka	Motswakotii wo o nago le tekano ya fasefase ya 54% ya Leswika la kalaka (CaCO ₃)	45
Mankanese	Borale bja Mankanese: Mankanese wa 37% go fihla go Mankanese wa 48% le Si + Al tša ka fase ga 11%	
Mikha	48% ya motswakotii	
Santa ya Minerale (Thaethaniamo)		50
Ilemenaeete	75% ya motswakotii wa ilemenaete	
Ruthile	53% ya motswakotii wa Ruthile	
Zirikhone	85% ya motswakotii wa Zirikhone	
Nikhele	1.4% ya motswakotii wa Nikhele	55
Noibiamo	45% ya motswakotii wa Noibiamo (Ni2O5)	
Dimetale tša Selopha sa Pholathinamo (iridiamo, paladiamo, pholathinamo, rodiamo, rutheniamo le osmiumo)	motswakotii (dikarolo tše 150 ka milione)	60

Act No. 28, 2008

MINERAL AND PETROLEUM
RESOURCES ROYALTY ACT, 2008

Mineral resource name	Unrefined condition
Niobium	45% Ni ₂ O ₅ in concentrate
Platinum Group Metals (iridium, palladium, platinum, rhodium, ruthenium and osmium)	concentrate (150 ppm)
Sand	Bulk
Silver	800g/t Ag in polyminerale base metal
Tantalum	In concentrate 30% Ta ₂ O ₅ , Max 0.5% U ₃ O ₈ and ThO ₂ combined
Tin	80% cassiterite concentration
Tungsten (CaWO ₄) and Wolfram	Minimum 65% WO ₃ in concentrate
Uranium	80% uranium in concentrate. Oxide (yellow cake) and Uranium Hexafluoride.
Vanadium	Concentrate > 1% V ₂ O ₅ equivalent and less than 2% calcium and silica bearing gangue minerals (SiO ₂ + CaO)
Zinc (Base metal)	27% Zn in concentrate
Other Minerals not listed elsewhere	Concentrate or where the specific mineral is not rendered into a concentrate, bulk. e.g. Phosphate Rock, Vermiculite, Semi-precious gemstones (like rose quartz, tiger's eye; corundum; etc), Precious gemstones (like sugilite), Feldspar, Garnet, Peat, Perlite, Rare Earth Elements, Silica, Soda Ash, Wollastonite, Zeolite, etc.

MOLAO WA ROYALITHI YA METHOPO
YA DIMINERALE LE PETROLIAMO, WA 2008

Act No. 28, 2008

Leina la mothopo wa minerale	Seemo se se sego sa hlwekišwa	
Santa	Ntši	
Silibera	800g/t Ag ka metale wa go fetogafetoga wa diminerale tše ntši	
Thanthalamo	Ka motswakotii wa 30% ya Thanthalamo (Ta_2O_5). Max 0.5% U_3O_8 le ThO_2 ge di kopane	5
Thini	80% ya motswakotii wa khasiterite	
Thanstene ($CaWO_4$) le Wolramo	Tekano ya fasefase ya 65% ya WO_3 ka motswakotii	
Yuraniamo	80% ya motswakotii wa yuraniamo. Oksaete (khekhe ye serolane) le Yuraniamoheksafloraete.	
Banadiamo	Motswakotii > 1% V_2O_5 ye e lekanago le gomme ya ka fase ga 2% ya khalesiamo le silikha tše di nago le diminerale tša go kgomarela maswikana a šele ($SiO_2 + CaO$)	10
Sinki (Metale wa go fetogafetoga)	27% ya motswakotii wa Sinki	
Diminerale tše dingwe tše di sego tša ngwalwa go gongwe	Motswakotii goba moo minerale wo o itšego o sego wa dirwa motswakotii, ka bontši. Go fa mohlala, Leswika la Fosefeti, Bemikhulite, maswika a bohlokwa gannyane (a go swana le <i>rose quartz</i> , <i>tiger's eye</i> : khorantamo: bjalobjalo), Maswika a bohlokwa (a go swana le <i>sugillite</i>), <i>Feldspar</i> , <i>Garnet</i> , <i>Peat</i> , <i>Perlite</i> . Dilo tša Lefase tše di sa Hwetšwego Gabonolo, Silikha, <i>Soda Ash</i> , <i>Wollastonite</i> , <i>Zeolite</i> , bjalobjalo.	15 20