



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID AFRIKA

Vol. 642

19 December 2018  
Desember

No. 42118

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ISSN 1682-5843



9 771682 584003

42118



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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF MINERAL RESOURCES**

NO. 1398

19 DECEMBER 2018

**AMENDMENT OF THE MINING CHARTER, 2018**

The Mining Charter, 2018 is hereby amended as follows:

**INCLUSIVE PROCUREMENT, SUPPLIER AND ENTERPRISE DEVELOPMENT**

1. Item 2.2, paragraph 2.2.4.2. sub-paragraph 2.2.4.2.2 on page 20 is substituted for the following paragraph:

2.2.4.2.2 Percentages referred to in 2.2.4.1.1 and 2.2.4.2.1 must be implemented as follows:

**REPORTING**

2. Item 6 is hereby amended by the insertion of the following paragraph:  
First annual reporting on the Mining Charter, 2018 shall be done on or before 31 March 2020.

**TRANSITIONAL PERIOD**

3. Item 8 is hereby amended by the insertion of the following paragraphs:  
8.7 Pending applications for licenses and permits lodged in terms of the Diamonds Act or The Precious Metals Act, with the Regulator prior to the date of publication of the Mining Charter, 2018, must be processed in terms of the Mining Charter, 2010 or requirements prescribed in Clause 3 of the Codes of Good Practice for the Minerals Industry published under Gazette No. 32167 of 29 April 2009, whichever is applicable.  
8.8 Holders of licenses or permit issued in terms of the Diamond Act and the Precious Metals Act which are due for renewal within a period of six (6) months from the date of publication of the Mining Charter, 2018 must within a period of twelve (12) months from the date of renewal of the licence or permit comply with the Mining Charter, 2018.

8.9 Existing mining right holders, existing licence and permit holder must implement the Mining Charter, 2018 from the 01 March 2019. Before 1 March 2019, existing right holders and existing licence and permit holders must maintain compliance with the requirements of the Mining Charter, 2010.

## NON-COMPLIANCE

4. Item 9 is hereby substituted for the following item:

9.1 A mining right holder who has not complied with the ownership and mine community development elements and falls between levels 6 and 8 of the Mining Charter scorecard shall be in breach of the MPRDA and subject to provisions of section 93, read in conjunction with section 47, 98 and 99 of the Act.

9.2 A licence or permit holder who has not complied with ownership and enterprise development elements shall be in breach of the Diamonds Act or Precious Metals Act and subject to relevant provisions of the Diamonds Act or Precious Metals Act.

## ANNEXURE A

5. Annexure A of the Mining Charter, 2018 is hereby substituted for the following:

This annexure provides an alignment between the DTI BBEEE and DMR scorecard.

| DTI LEVELS | DMR SCORECARD                   | Ring Fenced Elements + percentage weighting |
|------------|---------------------------------|---|
| Level 1    | Ring fenced Elements + 100%     | Compliant                                   |
| Level 2    | Ring fenced Elements + 80 -100% |   |
| Level 3    | Ring fenced Elements + 70-80%   |   |
| Level 4    | Ring fenced Elements + 60-70%   |   |
| Level 5    | Ring fenced Elements + 50-60%   |   |

|               |   |                         |
|---------------|---|-------------------------|
| Level 6       | Ring fenced Elements + 40-50%                         | <50 %<br>Non- Compliant |
| Level 7       | Ring fenced Elements + 30 -40%                        |                         |
| Level 8       | Ring fenced Elements + 20 -30%                        |                         |
| Non-Compliant | Ring fenced Elements + <20%                           |                         |
| Non-Compliant | Ring fenced Elements not met + weighted element score |                         |

# **WARNING!!!**

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Publications: Tel: (012) 748 6053, 748 6061, 748 6065