

ENVIRONMENTAL

Directions on fair processes for mining sector during covid-19 lockdown issued

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1. As anticipated, the Department of Mineral Resources and Energy ("the DMR") has issued directions designed to ensure fair processes ("the Directions") on licensing, consultation, appeals and compliance processes and reporting requirements for the mining sector during the COVID-19 lockdown period. A copy of the Directions are attached hereto for ease of reference.
2. The Directions were published in Government Gazette 43227 on 11 April 2020 and came into effect on this date. The purpose of these Directions is to ensure fair processes, relating to licensing, consultation, appeals and compliance processes and reporting requirements during the lockdown period.
3. The Directions specifically apply to:

3.1 Directions relating to permissions, rights and permits as contemplated in the Mineral and Petroleum Resources Development Act ("MPRDA")

3.1.1 Certain timeframes are extended, or deemed to be extended, by the number of days of the duration of the lockdown period extended during the lockdown, being timeframes:

3.1.1.1 prescribed in terms of the MPRDA in relation to applications for and processing of permissions, rights and permits that fall within the lockdown period;

3.1.1.2 applicable to renewal of permissions, rights and permits falling within the lockdown or 60 days from 27 March 2020; and

3.1.1.3 relating to Appeals prescribed under Regulation 74 of the Regulations promulgated under the MPRDA (as amended).

3.1.2 An extension of a time period granted by a functionary referred to in paragraph 4.1(a) of the Directions, the period of which falls between 27 March 2020 and the termination of the lockdown period of the national state of disaster is extended, or deemed to be extended, by the number of days of the duration of the lockdown period.

3.2 Directions relating to directives, notices, orders and instructions

3.2.1 Timeframes stipulated in directives, notices, orders or instructions issued in terms of the MPRDA and which period falls within the duration of the lockdown period of the national state of disaster, are hereby extended, or deemed to be extended, by the number of days of the duration of the lockdown period.

3.2.2 This does not apply to directives, notices, orders and instructions issued as urgent measures to "prevent imminent damage or harm to persons, animals, the environment or property" which measures must be complied with in accordance with stipulated time frames.

3.3 Directions relating to submission of reports

3.3.1 first annual report on the Broad-Based Socio-Economic Empowerment Charter for the Mining and Minerals Industry must now be submitted on 1 June 2020.

3.3.2 Save for the report referred to above, the timeframes for submission of reports to be submitted in terms of the MPRDA and which period falls within the duration of the lockdown period of the national state of disaster, are hereby extended, or deemed to be extended, by the number of days of the duration of the lockdown period.

4. We have already noticed that the Directions may lead to ambiguity and/or require further interpretation. In this regard and so as to avoid the missing of any critical deadlines, we encourage you to contact the Werksmans Mining team in respect of any specific queries you may have in the implementation of the Directions.



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