



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Regulation Gazette

No. 8871

Regulasiekoerant

Vol. 514

Pretoria, 4 April 2008

No. 30942

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GOVERNMENT NOTICES

DEPARTMENT OF MINERALS AND ENERGY

No. R. 386

4 April 2008

DIAMONDS ACT, 1986 (ACT 56 OF 1986)

AMENDMENT OF REGULATIONS

The Minister of Minerals and Energy has in terms of section 95 of the Diamonds Act, 1986 (Act 56 of 1986), after consultation with the South African Diamond and Precious Metals Regulator made the regulations set out in the schedule.

SCHEDULE

Definition

1. In this Schedule, "the Regulations" means the regulations promulgated by Government Notice No. R. 680 of 1 April 1987, as amended by Government Notices Nos. R. 462 of 16 April 1999, R. 1361 of 1 November 2002, R. 519 of 11 April 2003, R. 569 of 9 July 2007 and R. 925 of 27 July 2007;

Insertion of regulation 2Z

2. Regulation 2 is hereby amended by the addition of regulation 2Z after regulation 2Y of the Regulations:

“Registration of Producer in the South African Diamond and Precious Metals Regulator’s National Register”

22. 1. In order to keep proper records of production and sale of diamond-

(a) Every producer must complete and submit Form J (viii) contained in Annexure A with the Regulator on or before 01 May 2008; and

(b) The Regulator shall issue a unique registration number which must be reflected always in the register or information to be submitted by the registered producer to the Regulator.

Amendment of regulation 13 of the Regulations

3. Regulation 13 of the Regulations is hereby amended –

(a) by the substitution of sub-regulation (2) for the following:

- (2)(a) Form J (i) is a diamond register for diamond producer;
- (b) Form J (ii) is a diamond register for diamond dealer’s licence;
- (c) Form J (iii) is a diamond register for diamond beneficiation licence;
- (d) Form J (iv) is a diamond register for diamond trading house licence;
- (e) Form J (v) is a diamond register for diamond research licence;
- (f) Form J (vi) is a diamond register for a temporary buyer’s permit;
- (g) Form J (vii) is a diamond register for diamond producer; and
- (h) Form J (viii) is a diamond register for a permit to sell, export and import unpolished diamond.

(b) by the insertion of sub-regulation (2A) after sub-regulation (2) for the following:

(2A) Registers contemplated in sub-regulation (2) shall be obtainable from the office of the Regulator at a prescribed fee of R120 per register book.

(c) by the substitution of sub-regulation (3) for the following:

(3) Form J (i), J (ii), J(iii), J(iv), J(v), J(vi) and J(vii) contemplated in sub-regulation (2) must be completed and submitted to the Regulator within seven days after the end of every month.

ANNEXURE A**Form J (viii)****Mining right/permit:** _____

SOUTH AFRICAN DIAMOND AND PRECIOUS METALS REGULATOR
SA Diamond Centre, Cnr Main and Phillip Streets, Johannesburg
P .O. Box 16001, Doornfontein, 2028

**REGISTRATION WITH THE SA DIAMOND AND PRECIOUS METALS
REGULATOR****INSTRUCTIONS:**

1. For any enquiries, contact the office of the Regulator during office hours.
2. Complete the form in letters and in black pen.
3. Where options are given, please mark the appropriate block.
4. Complete the form in English and do not use abbreviations.
5. Although the application forms are made available in electronic format, only a signed original hard copy shall be acceptable.
6. Ensure that all the required attachments accompany application.
7. The application must be submitted to the business premises of the Regulator (given above).

PART A: PARTICULARS OF THE MINING RIGHT/PERMIT HOLDER**In case of natural person, please provide the following:**

Surname: _____

Forename(s): _____

Identity

number: _____

(a certified copy of the producer's identity document must be attached)

In the case of a person other than a natural person, please indicate:

Provincial government	CC.	Partnership/Joint venture	Other (specify)
Municipality	Co.		

Name of Provincial Government, municipality, company, close corporation,
partnership or joint
venture: _____

Registration number of Co. or

CC.: _____

Trading as (if

applicable): _____

PART B: CONTACT AND CORRESPONDENCE ADDRESS

Surname of contact

person: _____

Forename (s) of

contact: _____

Postal

address: _____

Suburb: _____

District: _____

City _____

Province: _____

Country: _____

Postal code: _____

Telephone no: _____

Fax no.: _____

Cell phone no.: _____

E-mail address: _____

Relevant physical address:

Building

name: _____

Building number: _____

Street

number: _____

Street name

1: _____

Street name 2: (corner

of) _____

Suburb: _____

Town/City: _____

District: _____

Province: _____

Country: _____

PART C: TYPE OF RIGHT OR PERMIT

PART E: DECLARATION

I, the holder _____
in my personal capacity or duly authorized thereto by the legal entity in a representative capacity, declare that the information contained in the application is true and correct. I understand that if any of the information is found to be incomplete, false or incorrect, the Regulator may impose a fine as a penalty or suspend or remove me from the register

THE FORM MUST BE ACCOMPANIED BY THE FOLLOWING

- A. A certified copy of a right or permit**
- B. Original or certified copy of resolution if acting in a representative capacity (refer to Part E: Declaration)**

LICENCE NO: _____ DIAMONDS ACT, 1986 (SECTION 57) REGISTER OF UNPOLISHED DIAMONDS PURCHASED OR RECEIVED Form J (v)

Name of Diamond Researcher _____ Month _____ 20 _____
 Address _____ Tel No. _____

DIAMONDS PURCHASED OR RECEIVED				DIAMONDS DISPOSED OF					
Reg. No / License No.	Date and No. of Form D	From whom (name and address)	Mass (in carats)	Value R	Date	State how diamonds were disposed of (returned etc)	To Whom	Mass (in carats)	Value R
		STOCK ON HAND AT THE BEGINNING OF THE MONTH							
TOTAL									
				STOCK ON HAND AT THE END OF THE MONTH					

I _____ Do hereby declare that the above information is a true and correct return of all unpolished diamonds purchased or received.
 SIGNATURE OF LICENSEE (OR AUTHORISED REPRESENTATIVE) _____ DATE _____

No. R. 387**4 April 2008****PRECIOUS METALS REGULATIONS****AMENDMENT OF REGULATIONS**

The Minister of Minerals and Energy has after consultation with the South African Diamonds and Precious Metals Regulator, under section 23 of the Precious Metals Act, 2005 (Act No. 37 of 2005), made the regulations in the Schedule.

SCHEDULE 1**Definitions**

In this Schedule, "the Regulations" mean the Regulations promulgated by Government Notice No. R. 570 of 9 July 2007.

Amendment of Regulation 6 of the Regulations

1. Regulation 6 of the Regulations is hereby amended by the substitution of sub-regulation (2)(d) for the following sub-regulation -

"(2)(d) keep a true and correct register of all unwrought and semi-fabricated precious metals deposited for safekeeping, received, dispatched or otherwise disposed of by the holder of the refining licence."

Amendment of Regulation 10 of the Regulations

2. Regulation 10 of the Regulations is hereby amended by the substitution of sub-regulation 2(c) for the following sub-regulation-

“(2)(c) keep a true and correct register of all unwrought and semi-fabricated precious metals deposited for safekeeping, received, dispatched or otherwise disposed of by the holder of the precious metals licence .”

Amendment of Regulation 14 of the Regulations

(a) by the substitution of sub-regulation (2)(a) for the following sub-regulation:

“(2)(a) keep proper books of accounts in accordance with generally accepted accounting practice, as well as records of the total quantities of metals purchased and sold,

(b) by the insertion of paragraph (aA) in sub-regulation (2) after paragraph (a):

(aA) complete and submit form PMR 4 and a copy of the financial statements to the Regulator annually by not later than 90 days after the end of the financial year of the business of the holder of a jeweller’ permit.”

Amendment of Regulation 16 of the Regulations

4. Regulation 16 of the Regulations is hereby amended by the substitution for sub-regulation (1) of the following sub-regulation-

“(1) The Regulator may, subject to subregulation (2), within 30 days of the lodgement of an application, issue a certificate contemplated in section 4(1)(d) of the Act.”

Amendment of Regulation 17 of the Regulations

5. Regulation 17 of the Regulations is hereby amended –

(a) by the substitution in paragraph (c) for the following paragraph:

“(c) keep a true and correct register of all unwrought and semi- fabricated precious metals deposited, received, dispatched, or otherwise disposed of by the holder of the certificate.”

(b) by the addition of the following paragraph:

“(d) the certificate is valid for a period not exceeding 3 months from the date of issue by the Regulator.”

Amendment of Regulation 20 of the Regulations

6. Regulation 20 of the Regulations is hereby amended by the substitution of subparagraph (c) for the following subparagraph -

“(c) keep a true and correct register of all unwrought precious metals and semi-fabricated precious metals deposited for safekeeping, received, dispatched or otherwise disposed of the holder of a special permit”.

Amendment of Regulation 23 of the Regulations

7. Regulation 23 of the Regulations is hereby amended by substitution in sub-regulation (3) for paragraph (a) of the following paragraph:

“(a) the applicant has provided information to the satisfaction of the Minister that provision has been made to meet local demand for the beneficiation of unwrought and semi-fabricated precious metal as local demand may indicate, and that there are reasonable grounds to believe that such local demand will continue to be met during the period for which the consent to export is valid”.

Amendment of Regulation 24 of the Regulations

8. Regulation 24 of the Regulations is hereby amended by substitution for sub-regulation (2) of the following sub-regulation:

“(2) The applicant must retain a copy of the Bill of Entry for Export issued in terms of the Customs and Excise Act, 1964 (Act 91 of 1964), together with all supporting documents in respect of each consignment of the precious metal exported in terms of the approval granted by the Minister for a period of three years after the date of export”.

Insertion of regulation 27A

9. The following regulations are hereby inserted in the Regulations after regulation 27:

“Registration of Producer in the South African Diamond and Precious Metals Regulator’s National Register

27A(1) In order to keep proper records of production and sale of precious metals,-

(2) Every producer must complete and submit form PM REG1 contained in Annexure A for registration with the Regulator on or before 1 May 2008; and

(3) The Regulator shall issue a unique registration number which must be reflected always in the registers or information to be submitted by the registered producer to the Regulator.”

Insertion of Regulation 27B

10. The following regulations are hereby inserted in the Regulations after regulation 27A:

“Manufacturers of minted bars

27B.(1) Any holder of a refining licence or precious metal beneficiation licence who intends to manufacture minted bars may apply to the Regulator for registration as an approved manufacturer of minted bars and for a quota of minted bars to be manufactured in the Republic;

(2) An application contemplated in sub-regulation (1) must be lodged by submitting a completed Form MB1 to the Regulator;

(3) The following documents must be lodged together with Form MB1 contemplated in sub-regulation (1):

- (a) business plan;
 - (b) documentary proof of accreditation from national or international organisation relating to manufacture of precious metals bars;
 - (c) track record of the manufacture of high quality precious metal bars;
 - (d) target market; and
 - (e) quality assurance system relating to precious metals bars.
- (4) The quantity of minted bars that maybe manufactured in the Republic may not exceed 500 000 troy ounces in a calendar year and this quantity may from time to time be adjusted by the Minister in consultation with the National Treasury by notice in the Gazette;
- (5) The maximum number of approved manufactures shall be determined by the Regulator in consultation with National Treasury, based on exchange control, security and market considerations;
- (6) The R egulator may within 30 days after lodgement of Form MB1 and subject to sub-regulation (3) register a holder of a refining licence or precious metal beneficiation licence as an approved manufacturer of minted bars;
- (7) If the Regulator refuses an application referred to in sub-regulation (1), the Regulator shall notify the applicant and provide the reason for his or her decision;
- (8) The Minister may after consultation with the Regulator publish from time to time in the Gazette, the names of approved manufacturers of minted bar”.

Acquisition, Possession, Use and Disposal Of Minted Bar

27C (1) An approved manufacturer of minted bar contemplated in regulation 27B (6) may sell a minted bar manufactured by him or her to any person, provided that it is accompanied by a certificate containing:

- (i) the name of the approved manufacturer;
- (ii) certification of the mass and purity; and
- (iii) the serial number of the minted bar.

(2) No person other than the holder of a refining licence, a precious metal beneficiation licence or a jeweller's permit may change the form of a minted bar.

Amendment of Regulation 33 of the Regulations

11. Regulation 33 of the Regulations is hereby amended-

(a) by the substitution of sub-regulation (1) for the following sub-regulation:

33. (1) Form PMR 1 is a precious metals register for producer;

(a) Form PMR 2 is a precious metals register for refining licence;

(b) Form PMR 3 is a precious metals register for beneficiation licence;

(c) Form PMR 4 is declaration form of information of precious metals transactions for jeweller's permit;

(d) Form PMR 5 is a precious metals register for special permit;

(e) Form PMR 6 is a precious metals register for certificate ;

(f) Form PMR 7 is a declaration form of import transactions of precious metals for import permit;

(g) Form PMR 8 is a declaration form of monthly export transactions of precious metals for export approval; and

(h) The Regulator may amend when deem fit, the form of the registers and other information from time to time.

(b) by the substitution of sub-regulation (3) for the following sub-regulation:

(3)(a) Form PMR 1, PMR 2, PMR 3, PMR 5, PMR 6 or PMR 7 contemplated in sub-regulation (1) must be submitted quarterly to the Regulator;

(b) Form PMR 4 contemplated in sub-regulation (1) must be submitted annually to the Regulator not later than 90 days after the end of the financial year of business of the holder of a permit;

(c) Form PMR 8 contemplated in sub-regulation (1) must be submitted to the Regulator every six calendar months.

(c) by the addition of sub-regulation (4) :

(4) Sub-regulations (1) and (3), apply *mutatis mutandis* to a holder of a recovery works licence, special permit holder, certificate holder or jeweller's permit holder whose licence, permit or certificate, as the case may be, continues in force in terms of section 24(3) of the Precious Metals Act, 2005 (Act 37 of 2005).

Amendment of Annexure A of the Regulations

12. Annexure A of the Regulations is hereby amended by the insertion after item (d) of the following item:

(dA) Registers contemplated in regulation 27B shall be obtainable from the office of the Regulator at a prescribed fee of R120 per register book.

Amendment of Annexure B of the Regulations

13. Annexure B of the Regulations is hereby amended by the insertion below Table 1 (a) of the Table number "1 (b)" below the first Table.

Amendment of Annexure C of the Regulations

14. Annexure C of the Regulations is hereby amended by the deletion of Form PR and the insertion after Form PEA of the following Forms:

“Form PM REG1

SOUTH AFRICAN DIAMOND AND PRECIOUS METALS REGULATOR
SA Diamond Centre, Cnr Main and Phillip Streets
Johannesburg. P. O. Box 16001, Doornfontein, 2028

REGISTRATION IN THE SA DIAMOND AND PRECIOUS METALS REGULATOR'S NATIONAL REGISTER

Instructions:

1. For any enquiries, contact the office of the Regulator during office hours.
2. Complete the form in block letters and in black pen.
3. Where options are given, mark the appropriate block.
4. Complete the form in English and do not use abbreviations.
5. Although the application forms are made available in electronic format, only a signed original hard copy shall be acceptable.
6. Ensure that all the required documentations accompany the application.
7. The application must be submitted to the business premises of the Regulator (given above).

PART A : PARTICULARS OF APPLICANT

1.(a) In case of a natural person, please provide the following:

- (i) Surname: _____
- (ii) First name (s) _____
- (iii) Identity number: _____

**(certified copy of the identity document must be attached)*

(b) In case of a person other than a natural person, please indicate:

CC. _____ Partnership/Joint venture _____
Co. _____ Other (specify) _____

- (i) Name of company, close corporation, partnership or joint venture:

- (ii) Registration number of Co. or CC:

- (iii) Name and identity number of Managing Director, Member:

- (v) Type of precious metal/s mined or worked with?

**(in case of a company or close corporation, certified copy of a certificate of incorporation must be attached)*

(c) Please provide:

- (i) Mining right or mining permit number, or the number of the mining authorisation which continues in force in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as the case may be.
- (ii) A certified copy of the mining right, permit or other authorisation, as the case may be, contemplated in c(i).

PART B: CORRESPONDENCE ADDRESS FOR THIS REGISTRATION

2. (a) Business address:

- (i) Building Name: _____
- (ii) Building Number: _____
- (iii) Street Number: _____
- (iv) Street Name: _____
- (v) Suburb/District: _____
- (vi) Town/City: _____
- (vii) Postal code: _____
- (viii) Province: _____
- (ix) Country: _____
- (x) Telephone number: _____
- (xi) Fax no.: _____
- (xii) Cell phone no: _____
- (xiii) E-mail address: _____

(b) Relevant postal address:

- (i) Postal Address: _____
- (ii) Town/City: _____
- (iii) Postal code: _____

(c) Primary Contact Person:

- (i) Full Name: _____
- (ii) Title: _____
- (iii) Work Contact Number: _____
- (iv) email address: _____
- (v) Mobile number: _____

PART C: DECLARATION

I, the applicant for registration _____ hereby declare that the contents of this application are true and correct.
Capacity: _____

Signed at _____ on the _____ day of _____.

SIGNATURE OF APPLICANT/ REPRESENTATIVE (IF APPLICABLE)

Form MB1

SOUTH AFRICAN DIAMOND AND PRECIOUS METALS REGULATOR
SA Diamond Centre, Cnr Main and Phillip Streets
Johannesburg. P. O. Box 16001, Doornfontein, 2028

REGISTRATION AS AN APPROVED MANUFACTURER OF MINTED BARS**Instructions:**

1. For any enquiries, contact the office of the Regulator during office hours.
2. Complete the form in block letters and in black pen.
3. Where options are given mark the appropriate block.
4. Complete the form in English and do not use abbreviations.
5. Although the application forms are made available in electronic format, only a signed original hard copy shall be acceptable.
6. Ensure that all the required documentations accompany the application
7. The application must be submitted to the business premises of the Regulator (given above).

PART A: PARTICULARS OF APPLICANT FOR REGISTRATION**1.(a) In case of a natural person, please provide the following:**

- (i) Surname: _____
- (ii) First name (s) _____
- (iii) Identity number: _____

**(certified copy of the identity document must be attached)*

(b) In case of a person other than a natural person, please indicate:

CC. _____ Partnership/Joint venture _____

Co. _____ Other (specify) _____

(i) Name of company, close corporation, partnership or joint venture:

(ii) Registration number of Co. or CC:

(iii) Name and identity number of Managing Director, Member:

**(in case of a company or close corporation, certified copy of a certificate of incorporation must be attached)*

2. Specify the type of licence (refining licence or precious metal beneficiation licence) held (attach certified copy)

3. Licence number and the validity period (start and end date)

4. State the quantity of minted bars and mass designations you intend to manufacture in a year; *Note that the Regulator in consultation with National Treasury shall, as it*

may deem fit, limit the total amount per manufacturer to ensure that the aggregate total mass manufactured in the country does not exceed 500 000 ounces per annum.

5. State the source of the precious metal blank/strip of at least 99,99% purity that will be stamped/punched out to the required dimensions and minted into minted bars (*State full name of supplier, licence number and contact details and contact person*)

6. Provide details of registered trade mark (that will be stamped on the minted bar, if approval is granted) and documentation to prove registration of registered trade mark.

7. Provide a copy of the form of the certificate (or equivalent, which is subject to approval) that will accompany the sale of each minted bar.

8. Provide details of the South African Bureau Standards (SABS) accredited hallmarking or quality management system (attach a certified copy of the certificate of accreditation as proof of the above; e.g, ISO 9001 or SANS 29:2004, if applicable) used in the manufacture of minted bars.

9. Provide a detailed business plan inclusive of broad-based socio-economic empowerment and other details to support the application including but not limited to::
 - (1) accreditation from national or international organisations relating to manufacture of precious metal bars;
 - (2) track record of the manufacture of high quality precious metal bars;
 - (3) target market; or
 - (4) quality assurance system relating to precious metal bars.

PART B: CORRESPONDENCE ADDRESS FOR THIS REGISTRATION

10. (a) Business address:

- (i) Building Name: _____
- (ii) Building Number: _____
- (iii) Street Number: _____
- (iv) Street Name: _____

- (v) Suburb/District: _____
- (vi) Town/City: _____
- (vii) Postal code: _____
- (viii) Province: _____
- (ix) Country: _____

(x) Telephone number: _____
(xi) Fax no.: _____
(xii) Cell phone no: _____
(xiii) E-mail address: _____

(b) Relevant postal address:

(i) Postal Address: _____
(ii) Town/City: _____
(iii) Postal code: _____

(c) Primary Contact Person:

(i) _____ Full Name: _____
(ii) Title: _____
(iii) Work Contact Number: _____
(iv) Email address: _____
(v) Mobile number: _____

PART C: DECLARATION

11. I, the undersigned declare that –

- (1) the contents of this application are true and correct; and
- (2) minted bars to be manufactured, if approval is granted, will be in accordance with the Precious Metals Act, 2005 (Act 37 of 2005) and Regulations made under the Act.

SIGNATURE: _____

DATE: _____

CAPACITY: _____

