

REPUBLIC OF SOUTH AFRICA

PRECIOUS METALS AND DIAMONDS  
GENERAL AMENDMENT BILL

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*(As introduced in the National Assembly as a section 75-Bill; explanatory summary  
of Bill published in Government Gazette No.     of     ) (The English text is the  
official text of the Bill)*  
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(MINISTER OF MINERALS AND ENERGY)

[B - 2004]

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## GENERAL EXPLANATORY NOTE:

- [            ]        Words in bold type in square brackets indicate omissions from existing enactments.
- \_\_\_\_\_        Words underlined with a solid line indicate insertions in existing enactments.
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## B I L L

**To amend the Mining Rights Act 20 of 1967 and the Diamonds Act 56 of 1986 so as to provide for the rationalization of the regulation of matters pertaining to the downstream development of precious metals and diamonds; to promote equitable access to, and local beneficiation of the nation's precious metals and diamonds and to provide for matters connected therewith.**

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

### **Amendments to the Mining Rights Act 20 of 1967:**

#### **Amendment of section 1 of Act 20 of 1967**

1. Section 1 of the Mining Rights Act, 1967, is hereby amended—

(a) by the insertion of the following definitions:

“Beneficiation Licence’ means a licence

- (i) to buy or receive unwrought precious metal in any form from any person authorised to sell, deal in, dispose of by way of barter, or otherwise as provided for in this Act;
- (ii) to make up, smelt or change the form or add value in any other manner to unwrought precious metals in his lawful possession excluding refining or changing the form for purposes of recovery or jewellery manufacturing as provided for in sections 144 and 145 of this Act; and thereafter dispose of such beneficiated product as allowed by law.

‘Director-General’ means the Director-General the Department of Minerals and Energy or a person designated by him;

‘Minister’ means the Minister of Minerals and Energy;

‘minted bars’ means precious metal bars accepted in the industry and trade as fully and finally processed or manufactured products or articles having the required identifying marks and registration numbers;”

- (b) by the substitution for the definition of 'precious metals' of the following definition:

“Precious metals' means-

- (a) the metals gold, **[silver,]** platinum and iridium and any other metals of the platinum group, and the ores of any such metals; and
- (b) any other metal**[s]** which the **[State President]** Minister has **[,with the approval, by resolution, of the House of Assembly,]** declared by proclamation in the Gazette to be a precious metal**[s]** for the purposes of this Act, and the ore**[s]** of any such metal**[s]**,” and
- (c) by the substitution for the definition of “unwrought precious metal” of the following definition:

'Unwrought precious metal' means any unmanufactured precious metal in the form of bars, excluding minted bars, ingots, buttons, wire, plate, granules or in solution or in any other form whatsoever, or any article or substance containing such precious metal or any article consisting of or containing precious metal which although manufactured is not as such an article of commerce or a work of art or an article of archaeological interest”.

### **Amendment of section 143 of Act 20 of 1967**

2. Section 143 of the Mining Rights Act, 1967 is hereby amended—

- (a) by the substitution for the expression “ Mining Commissioner” in paragraph (d) of subsection 1 of the expression “Director General”;
- (b) by the substitution for paragraph (d) of subsection (1) of the following paragraph:
- “(d) he has obtained a **[certificate]** licence from the **[mining commissioner]** Director-General authorizing him to buy, sell, deal in, receive or dispose of by way of barter, pledge or otherwise, or to be in possession or to dispose of such unwrought precious metal; or”; and
- (c) by the substitution for the expression “Commissioner of the South African Police” in paragraph (e) of subsection (1) of the expression “Director-General”;
- (d) by the insertion after paragraph (d) of subsection (3) of the following paragraph:

“(dA) he has obtained a precious metal beneficiation licence in terms of section 145 A from the Director General”.

- (e) By the insertion of the following subsection after subsection (3):

“(3A) Nothing in this Act will preclude any category of persons mentioned in subsection 1 (a)-(d) from entering into a credit loan agreement with a holder of a precious metal beneficiation licence and or a holder of a jewellery permit in terms of which unwrought precious metal may be delivered before payment.”

### **Amendment of section 144 of Act 20 of 1967**

3. Section 144 of the Mining Rights Act, 1967 is hereby amended—

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

“(1) The [receiver of revenue in any magisterial district] Director-General may, [with the written approval of] after consultation with the [Commissioner of the South African Police] Governor of the South African Reserve Bank or any person designated by him, and subject to the provisions of this section, issue to any person, in the form prescribed by regulation, a recovery works licence [for such district] entitling the holder to do all or any of the following, as may be specified in the licence, namely-

(a) to buy or receive unwrought precious metal in any form from the South African Mint or any manufacturing jeweller, dentist or engraver or any other person or class of persons approved by the [Treasury] Director-General;

(b) to refine or change the form of unwrought precious metal in his lawful possession and thereafter to dispose of such precious metal-

(i) to the South African Mint or any banker; or

(ii) to any person or class of persons exempted under section 143 (1) (a) to (e) and (3) (a), (b) and (dA) and approved by the [Treasury] Director-General;

(c) to extract precious metal from any material, substance or solution in his lawful possession and to dispose of such precious metal in accordance with the terms of his licence or the provisions of this Chapter;

- [(d) to extract silver from any solution in his lawful possession];**
- (e) to extract precious metal from tailings, slimes, waste rock or other mine residues in respect of which **[(if the residues are located on proclaimed land)]** he **[holds a permit under section 161]** is entitled to mine, and to dispose of such precious metal in accordance with the provisions of this Chapter;
- (f) to buy or receive from any person exempted under section 143 (1) (a), (b) or (c) any material, substance or solution in the lawful possession of that person containing precious metal, and to extract such precious metal and dispose thereof in accordance with the provisions of this Chapter.”;
- (b) by the substitution for subsection (2) of the following subsection:
- “(2) Any person who is refused a recovery works licence may, notwithstanding the provisions of subsection (1), within fourteen days after having been notified by the **[receiver of revenue concerned]** Director-general of the refusal, appeal to the Minister who may dismiss the appeal or direct the **[receiver of revenue]** Director-General to issue to such person, subject to the succeeding provisions of this section, such licence **[for the district concerned]**”;
- (c) by the substitution for subsection (3) of the following subsection:
- “(3) There shall be paid to the **[receiver of revenue]** Director-General in respect of every recovery works licence a prescribed fee. **[of fifty rand if the licence is issued for a year, or sixteen rand if it is issued for a quarter of a year]**”;
- (d) by the substitution for subsection (4) of the following subsection:
- “(4) Any such licence **[ if issued for a year, expire on the thirty-first day of December of the year in respect of which it is issued. and any such licence issued for quarter of a year shall expire on the first ensuing thirty-first day of March, thirtieth day of June, thirtieth day of September or thirty-first day of December, depending on the quarter during which it is issued.]** shall terminate in accordance with the terms and conditions under which it was issued”;
- (e) by the substitution for subsection (5) of the following subsection:

“(5) No holder of such a licence shall carry on any activity authorized by the licence elsewhere than on the premises or at the place described on the licence or in any endorsement thereof in terms of subsection (6), and no such holder shall be in possession of unwrought precious metal **[(not being silver)]** at any place elsewhere than on the premises or at the place so described unless he holds in respect of such precious metal a transport permit referred to in section 147.”

- (f) by the substitution for subsection (6) of the following subsection:

“(6) If at any time it becomes necessary for any holder of such licence to transfer or extend the activities referred to in subsection (5) to any premises or place not described on his licence **[within the magisterial district, the receiver of revenue concerned] the Director-General [shall] may** endorse on the licence the situation of such new or additional premises or place, **[and shall forthwith in writing notify the Commissioner of the South African Police of the endorsement].”**

- (g) by the substitution for paragraph (a) of subsection (7) of the following paragraph:

“(7) (a) Any such licence may upon payment of the prescribed fee **[prescribed by subsection (3) and with the written approval of the Commissioner of the South African Police or any person designated by him,]** be renewed by the **[receiver of revenue] Director-General [for a calendar year or a quarter of a year]**, provided an application for such renewal is made at least thirty days before the expiration of the licence.”

- (h) by the substitution for the expression “receiver of revenue” in paragraph (b) of subsection (7) of the expression “Director-General”; and

- (i) by the substitution for subsection (8) of the following subsection:

“(8) Whenever-

(a) Any application under subsection (7) for the renewal of a recovery works licence is refused by the **[receiver of revenue] Director-General** and no appeal against such refusal is lodged with the Minister or any appeal so lodged is dismissed; or

(b) Any such licence has expired and no application for its renewal has been made by the holder thereof; or

(c) Any such licence has been cancelled under the provisions of this Act; or

(d) The activities authorized by such licence are discontinued permanently,

the person who held the licence shall forthwith submit to the **[Commissioner of the South African Police]** Director-General a solemn declaration of the mass of the unwrought precious metal in his possession at the date such licence expired or was refused or cancelled or such activities were discontinued, and dispose of such precious metal in accordance with the provisions of this Chapter within fourteen days after the date of such declaration or within such longer period as the **[said Commissioner]** Director-General may allow.”

#### **Amendment of section 145 of Act 20 of 1967**

4. Section 145 of the Mining Rights Act, 1967 is hereby amended—

(a) By the substitution for subsection (2) of the following subsection:

“(2) Subject to the succeeding provisions of this section, the Director-General may, upon application in the prescribed manner by a certified or registered jeweller, issue a jeweller’s permit

(b) By the deletion of subsection (3);

(c) By the substitution for subsection (5) of the following subsection:

“(5) A jeweller’s permit shall not entitle the holder thereof to purchase or otherwise obtain unwrought precious metal except from a banker or the South African Mint or any person or category of persons exempted under section 143 (1) or any person approved by the [Treasury] Director-General [or another holder of a jeweller’s permit].”

(d) By the deletion of the expression “in Afrikaans or English” in subsection (6);

(e) By the substitution for subsection (7) of the following subsection:

“(7) Every holder of a jeweller's permit shall produce and exhibit such register whenever requested to do so by **[any member of a police force duly established by law]** the Director-General or any member of the South African Police Service.”

- (f) By the deletion of subsection (8).
- (g) By the substitution for subsection (9) of the following subsection:

“(9) A jeweller’s permit may upon payment of the prescribed fee [**fee prescribed in subsection (3), and with the written approval of the Commissioner of the South African Police Director-General or any person designated by him**], be renewed by the [**receiver of revenue**] Director-General [**for a calendar year**], provided that an application for such renewal is made in the prescribed manner at least thirty days before the expiration of such permit]”; and

- (h) By the substitution for the expression “receiver of revenue” in subsection (10) of the expression “Director-General”;

#### **Insertion of section 145 A**

Section 145 A is hereby inserted after section 145 of the Mining Rights Act, 1967

- (1) “ The Director General may after consultation with the Governor of the South African Reserve Bank, subject to the provision of this section, issue to any person in the prescribed form, a precious metals beneficiation licence entitling the holder to do the following, as may be specified in the licence, namely-
  - (a). to buy or receive unwrought precious metal in any form from any person authorised to sell, deal in, dispose of by way of barter, or otherwise as provided for in this Act;
  - (b) to make up, smelt or change the form or add value in any other manner to unwrought precious metals in his lawful possession excluding refining or changing the form for purposes of recovery or jewellery manufacturing as provided for in sections 144 and 145 of this Act; and  
thereafter dispose of such beneficiated product as allowed by law.
- (2) Any person who is refused a precious metals beneficiation licence may, within 14 days after having been notified by the Director General, of the refusal, appeal to the Minister who may dismiss the appeal or direct the Director General to issue such licence to such person.
- (3) There shall be paid to the Director General in respect of every precious metal beneficiation licence a prescribed fee.”



### **Amendment of section 146 of Act 20 of 1967**

5. Section 146 of the Mining Rights Act, 1967 is amended by the substitution for the expression "Commissioner of the South African Police" of the expression "Director-General".

### **Amendment of section 147 of Act 20 of 1967**

6. Section 147 of the Mining Rights Act, 1967 is hereby amended--

(a) By the substitution for subsection (1) of the following subsection:

"(1) No person except the holder of a jeweller's permit and a holder of a precious metal beneficiation licence shall transport or in any manner convey any unwrought precious metal [(not being silver)] outside the boundaries of any mine, works or other property or place in which such metal is located, except under the authority of a permit issued by the [Commissioner of the South African Police or any person designated by him] Director-General. Provided that such permit or licence shall not be required for the transport or conveyance of any unwrought precious metal in respect of which a certificate under section 143 (1) (d) or a permit under section 143 (1) (e) has been issued."; and

(b) By the substitution for subsection (2) of the following subsection:

"(2) A permit for the transport [of] or conveyance of unwrought precious metal shall be in the form prescribed by regulation and may be issued subject to such special conditions as the [Commissioner of the South African Police or any person designated by him] Director-General may deem fit."

### **Amendment of section 148 of Act 20 of 1967**

7. Section 148 of the Mining Rights Act, 1967 is hereby amended:

(a) By the substitution for the expression "mining commissioner" where it appears in subsection (1) of the expression "Director-General";

(b) By the substitution for the expression "mining commissioner" in paragraph (a) of subsection (2) of the expression "Director-General";

(c) By the substitution for the expression "South African Police or any person designated by him" in paragraph (b) of subsection (2) of the expression "Director-General"; and

- (d) By the deletion of substitution of subsection (3).

**Amendment of section 149 of Act 20 of 1967**

8. Section 149 of the Mining Rights Act, 1967 is hereby amended--
- (a) By the deletion of the expression "Afrikaans or English" in subsection (1);
- (b) By the deletion of subsection (2); and
- (c) By the substitution for subsection (3) of the following subsection:
- "(3) **[Every] Any** person required by this section to keep a register shall **[on or before the fifteenth day of each month] on a quarterly basis** transmit or deliver to the **[Commissioner of the South African Police] Director-General** a true copy in duplicate of such register **[for the last preceding [month] quarter, together with a solemn declaration of the correctness thereof, and shall produce and exhibit such register whenever requested to do so by any member of a police force duly established by law holding a rank of or above the rank of sergeant]**".

**Amendment of section 152 of Act 20 of 1967**

9. Section 152 of the Mining Rights Act, 1967 is amended by the substitution for the expression "Mining Commissioner" of the expression "Director-General".

**Amendment of section 153 of Act 20 of 1967**

10. Section 153 of Act 20 of 1967 is hereby amended:
- (a) By the deletion of the expression "not exceeding fifty thousand rand" in subsection (1); and
- (b) By the deletion of the phrase "not exceeding two thousand rand" in subsection (2).

## **Amendments to the Diamonds Act 56 of 1986:**

### **Amendment of section 1 of the Diamonds Act 56 of 1986**

11. Section 1 of the Diamonds Act, 1986 is hereby amended-
- (a) by the insertion of the following definition after the definition of “dealer”:  
  
“Diamond Beneficiation Licence’ means a licence for the polishing, cutting and setting in tools of unpolished diamonds”; and
  - (b) by the insertion of the following definition after the definition of ‘inspector’:  
  
“Kimberly Process’ means the process defined in the Regulations promulgated under section 95 of the Act and published under Government Notice No. R.1361 of 1 November 2002”.

### **Amendment of section 4 of Act 56 of 1986**

12. Section 4 of the Diamonds Act, 1986 is hereby amended—
- (a) by the deletion of the expression ‘exploited and’ in paragraph (a); and
  - (b) by the substitution for paragraph (b) of the following paragraph:  
  
to ensure the sound and orderly development of diamond resources in the Republic.

### **Amendment of section 5 of Act 56 of 1986**

13. Section 5 of the Diamonds Act, 1986 is hereby amended—
- (a) by the substitution for the expression “Mineral and Energy Affairs” of the expression “ Minerals and Energy”;
  - (b) By the insertion after paragraph (c) in subsection (1) of the following paragraph:  
  
“(dA) one officer of the South African Revenue Service nominated by the Minister of Finance;”

- (c) By the deletion of paragraphs (e), (g), (h), (i), (j) and (k) of subsection (1); and
- (d) By the deletion of subsection (3).

#### **Amendment of section 6 of Act 56 of 1986**

- 14** Section 6 of the Diamonds Act, 1986 is hereby amended by the substitution for paragraph (c) of the following paragraph “he has been convicted of an offence in the Republic, other than an offence committed prior to 27 April 1994 associated with political objectives, and was sentenced to imprisonment without the option of a fine, or, in the case of fraud, to a fine or imprisonment or both.”

#### **Amendment of section 8 of Act 56 of 1986**

- 15.** Section 8 of the Diamonds Act, 1986 is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:

“(d) In the case of a member or, where applicable, an alternate member referred to in section 5(1)(a), (b), (c) **[or (d)]** or (dA) if he ceases to hold the qualifications by virtue of which he was appointed as a member or an alternate member of the Board.”

#### **Amendment of section 9 of Act 56 of 1986**

- 16.** Section 9 of the Diamonds Act, 1986 is hereby amended by the substitution for the expression “seven members” in subsection (3) of the expression “fifty percent plus one member”.

#### **Amendment of section 10 of Act 56 of 1986**

- 17.** Section 10 of the Diamonds Act, 1986 is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The executive committee shall consist of the chairman, “chairmen of the committees established by the Board”, the executive officer and at least two other members of the Board.”

#### **Amendment of section 13 of Act 56 of 1986**

- 18.** Section 13 of the Diamonds Act, 1986 is hereby amended by the insertion after paragraph (d) of the following paragraph:

“(dA) In order to eliminate the presence of conflict diamonds in the diamond industry, the Board must administer a prescribed Kimberly Process Certification Scheme.”

### **Amendment of section 18 of Act 56 of 1986**

19. Section 18 of the Diamonds Act, 1986 is hereby amended by the substitution for paragraph (1) of the following paragraph:

“(a) he is a producer who has won or recovered that diamond from a mine as defined in section 1 of the **[Minerals Act, 1991]**, Mineral and Petroleum Resources Development Act, 2002 in accordance with any [**licence**], permit, [**lease**] right or other [**authority**] authorisation granted to him or her under the **[Minerals Act, 1991]** Mineral and Petroleum Resources Development Act, 2002, or which remains in force under **[section 47]** Schedule 2 of the said Act;”

### **Amendment of section 19 of Act 56 of 1986**

20. Section 19 of the Diamonds Act, 1986 is hereby amended by the insertion after subsection (2) of the following subsection:

“2(A)Nothing in this Act will preclude any category of persons mentioned in subsection (1) from entering into a credit loan agreement with a holder of a diamond beneficiation licence in terms of which unpolished diamonds may be delivered before payment.”

### **Amendment of section 22 of Act 56 of 1986**

21. Section 22 of the Diamonds Act, 1986 is hereby amended by the insertion of the expression “beneficiation licensee,” after the expression “tool maker” in paragraph (a).

### **Amendment of section 25 of Act 56 of 1986**

22. Section 25 of the Diamonds Act, 1986 is hereby amended—

- (a) By the substitution for subsection (1) of the following subsection:

“(1) Any person who by chance finds or picks up any unpolished diamond at any place where he or his employer is not permitted to prospect, dig or mine for diamonds in terms of the **[Minerals Act, 1991]** Mineral and Petroleum Resources Development Act, 2002, shall forthwith take that unpolished diamond to the nearest police station and deliver it to the member of the South African Police on duty.”;

- (b) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) is satisfied that a person is the owner of an unpolished diamond referred to in subsection (1) or is entitled to be in

possession thereof, he shall deliver that unpolished diamond to such person; or”;

- (c) by the insertion of the word ‘unpolished’ before the word ‘diamond’ where it occurs in subsection (3); and
- (d) by the insertion of the word ‘unpolished’ before the word ‘diamond’ wherever it appear in subsection (4).

#### **Amendment of section 25A of Act 56 of 1986**

##### **23. Section 25A of the Diamonds Act, 1986 is hereby amended –**

- (a) by the deletion of subsection (2);
- (b) by the substitution for subsection (3) of the following subsection:

“(3) Any person who refuses to be searched as aforesaid or who obstructs any authorized person conducting a search under this section, shall be guilty of an offence, **[and liable on conviction to a fine [not exceeding R1 000] or to imprisonment for a period not exceeding three months, or to both [such] a fine and such imprisonment]**”.

#### **Amendment of section 26 of Act 56 of 1986**

##### **24. Section 26 of the Diamonds Act, 1986 is hereby amended-**

- (a) by the substitution for the expressions “cutting” in paragraph (b) and “tool-making” in paragraph (c) of the expression “beneficiation”; and
- (b) by the addition of the following paragraph:

“[e] A diamond beneficiation licence entitling the holder to add value to unpolished diamonds.”

#### **Amendment of section 45 of Act 56 of 1986**

##### **25. Section 45 of the Diamonds Act, 1986 is hereby amended by the substitution thereof of the following section:**

- “(1) The Board shall designate and regulate any premises as a Diamond Exchange Centre.
- (2) Before the Board decides on the designation of a Diamond Exchange Centre it may conduct any investigation in connection therewith.

- (3) The utilisation of the premises referred to will be subject to such terms and conditions as the Board may determine.
- (4) The licensee of a Diamond Exchange Centre must keep or cause to be kept a prescribed register, wherein the prescribed particulars in respect of all trading transactions are entered.”

#### **Amendment of section 48 of Act 56 of 1986**

26. Section 48 of the Diamonds Act, 1986 is hereby amended by the insertion of the following subsection—

“(3) Dealing in unpolished diamonds for export purposes may only be conducted at the premises of a registered Diamond Exchange Centre”.

#### **Deletion of section 51 of Act 56 of 1986**

27. Section 51 of Act 56 of the Diamond Act, 1986 is hereby deleted.

#### **Amendment of section 59 of Act 56 of 1986**

28. Section 59 of the Diamonds Act, 1986 is hereby amended by—

- (a) the substitution for subsection (1) of the following subsection:

“Supply of unpolished diamonds to holders of diamond beneficiation licences:

- (1) In order to ensure that **[cutters, or tool-makers]** diamond beneficiation licences obtain a regular supply of unpolished diamonds, **[the Board may enter into an agreement with]** any producer, dealer or any association or organization of producers or dealers **[in pursuance of which any such producer, dealer association or organization]** must allocate or offer unpolished diamonds to diamond beneficiation licensees in the prescribed manner **[each of those cutters, or tool-makers].**” and

- (b) The deletion of subsections (2) and (3).

#### **Amendment of section 60 of Act 56 of 1986**

29. Section 60 of the Diamonds Act, 1986 is hereby amended by-

- (a) the substitution of the expression “exporter” for the expression “person”, and
- (b) the insertion of the expression “unpolished” after the expression “that”.

#### **Amendment of section 61 of Act 56 of 1986**

**30.** Section 61 of the Diamonds Act, 1986 is hereby amended—

- (a) by the substitution of subsection (1) of the following subsection:

“(1) Any **[exporter]** person who desires to **[register]** export any unpolished diamond **[for export]** shall register that unpolished diamond at a prescribed export centre and furnish the registering officer with a return on the prescribed form in respect of that unpolished diamond.”  
and

- (b) by the substitution for subsection (2) of the following subsection:

“(2) In the return furnished in terms of subsection (1) the **[exporter]** person exporting such unpolished diamond shall specify the value of the unpolished diamond as was offered by such person at the Diamond Exchange Centre and declare that the value so specified is to the best of his knowledge and belief the fair market value of that unpolished diamond.”

#### **Amendment of section 62 of Act 56 of 1986**

**31.** Section 62 (1) of the Diamonds Act, 1986 is hereby amended-

- (a) by deleting the expression “ Subject to the provisions of section 63 and 64”, and
- (b) by the substitution of the number “15” for the number “5” in subsection (2).

#### **Amendment of section 63 of Act 56 of 1986**

**31.** Section 63 of the Diamonds Act, 1986 is hereby amended-

- (a) by the deletion of subparagraph (a), and
- (b)** by the substitution of subsection (c) of the following subsection:

“(c) if the Minister with the concurrence of the Minister of Finance, determines that it **[is]** may be so exempted.”



**Deletion of section 64 of Act 56 of 1986**

33. Section 64 of the Diamonds Act, 1986 is hereby deleted.

**Amendment of section 65 of Act 56 of 1986**

34. Section 65 of the Diamonds Act, 1986 is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) The person who has assessed the value of an unpolished diamond referred to in subsection (1) (b), shall furnish the registering officer with a certificate in which he specifies the value of that unpolished diamond and the name of a person who is prepared to purchase that unpolished diamond at the value so specified.”; and

(b) by the substitution for subsection(3) of the following subsection:

“(3) A certificate furnished in terms of subsection (2) shall be deemed to be an offer to the exporter by the person specified therein to purchase the unpolished diamond in question at the value specified therein.”

**Deletion of section 66 of Act 56 of 1986**

35. Section 66 of the Diamonds Act, 1986 is hereby deleted.

**Amendment of 67 of the Diamonds Act, 1986**

36. Section 67 of the Diamonds Act, 1986 is hereby deleted.

**Amendment of section 68 of Act 56 of 1986**

37. Section 68 of the Diamonds Act, 1986 is hereby amended-

(a) by the deletion of the expression “or any fine” after the expression “levied” in subsection 1 and

(b) by the deletion of the expression “or fine” where it appears in subsection (2).

**Amendment of section 69 of Act 56 of 1986**

38. Section 69 of the Diamonds Act, 1986 is hereby amended by the insertion of the expression ‘unpolished’ before the word ‘diamond’ wherever it appears in paragraphs (a), (b), (d) and (e) of subsection (1).

**Short title and commencement**

- 38.** This Act is called the Precious Metals and Diamonds General Amendment Act, 2004 and comes into operation on a date to be fixed by the President by proclamation in the Gazette.

Comments/recommendations on this Bill can be sent as follows:

The Director General  
Attention: M M Ledingwane

Department of and Energy  
Private Bag X59  
Pretoria  
0001

Or

Department of and Energy  
391Mineralia Building  
Cnr Andries & Vissagie Streets  
Pretoria  
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Tel: 012 317 9401  
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The closing date for all comments is 17<sup>th</sup> June 2004.