

(18 August 2006 – to date)

## **MINE HEALTH AND SAFETY ACT 29 OF 1996**

*(Gazette No. 17242, Notice No. 967 dated 14 June 1996. Commencement date: 15 January 1997 for all sections with the exception of sections 86(2) and (3), which came into operation on 15 January 1998, [Proc.No.4, Gazette No. 17725])*

### **REGULATIONS RELATING TO THE PAYMENT OF LEVIES BY MINES ON THE BASIS OF HEALTH AND SAFETY RISK**

*Government Notice 846 in Government Gazette 29144 dated 18 August 2006. Commencement date: 18 August 2006.*

I BJ, SONJICA Minister of Minerals and Energy under section 98(1)(zF), (zJ) read with section 43(eA) of the Mine Health and Safety Act, 1996 (Act no. 29 of 1996), after consultation with the Council, hereby make the regulations in the Schedule.

#### **SCHEDULE**

1. Definitions
2. Establishment of a safety research account
3. Control of the Safety and Research Account
4. Determination of safety and health risk
5. Overall research programme
6. Granting approval for the research programme
7. Management of the Research Account
8. Repeal of regulations, and savings

#### **1. Definitions**

In this<sup>[sic]</sup> regulations any word or expression to which a meaning has been assigned in the Act shall have the same meaning, unless the context indicates otherwise-

**"overall research programme"** means the programme referred to in sections 43(eA) and 44(4).

**"the Act"** means the Mine Health and Safety Act, 1996 (Act 29 of 1996)

#### **2. Establishment of a safety research account**

There is hereby established a safety and health research account to which must be credited-

- (a) levies paid in terms of regulation 5; and
- (b) income accrued from the investment of money in that account.

### **3. Control of the Safety and Research Account**

The safety and health research account is controlled by the *Chief Inspector of Mines* and must be used for the funding of-

- (a) research and surveys regarding, and for the promotion of, health and safety at *mines*; and
- (b) the administration costs of the overall research programme for relevant health and safety research.

### **4. Determination of safety and health risk**

- (1) The *Chief Inspector of Mines* must annually, or at such intervals as the *Chief Inspector of Mines* may determine,-
  - (a) fix, for all mines determined by the *Chief Inspector of Mines*, a safety and health risk in accordance with criteria determined by the *Council* following consideration of the advice of the Safety in Mines Research Advisory Committee contemplated in section 44(3)(a);
  - (b) for every *mine* referred to in paragraph (a), impose a levy based on its health and safety risk; and
  - (c) in writing notify the *employer* of every *mine* referred to in paragraph (b), of the amount of the levy imposed and the date, place and manner of payment of the levy.
- (2) The *Chief Inspector of Mines* may by notice in writing to any *employer* call for any information required to determine the health and safety risk of a *mine*.
- (3) Every *employer* who has been notified as contemplated in regulation 3(c) of a levy payable in respect of a *mine*, must pay the levy in accordance with the notice and not later than the date specified in the notice.

### **5. Overall research programme**

- (1) The Safety in Mines Research Advisory Committee when preparing the overall research programme as contemplated in section 44(4), must-
  - (a) if deemed necessary, provide the tripartite stakeholders with reasonable assistance to compile their respective statements of proposed research needs;

- (b) take into account such parameters and key dimensions as the *Council* must in writing determine;
  - (c) give due consideration to any research needs proposed to it by the *Chief Inspector of Mines*;
  - (d) give due consideration to any research needs proposed to it by *employers, employees* or the state as being critical to the improvement of health or safety; and
  - (e) make recommendations to the *Council* on all the critical research needs identified by any of the tripartite stakeholders or the *Chief Inspector of Mines* and the research or survey projects formulated to address such needs.
- (2) After considering the overall research programme as contemplated in section 43(eA), the *Council* must-
- (a) deliver a copy of the programme to the Minister of Finance for consideration, and
  - (b) submit a copy of the overall research programme to the *Minster* for approval as contemplated in regulation 5.

## **6. Granting approval for the research programme**

- (1) The *Minister*, after consultation with the Minster [*sic*] of Finance, must consider and approve the overall research programme within 30 days after receiving a copy of the overall research programme.
- (2) Prior to granting approval contemplated in regulation 5(1) the *Minister*-
- (a) must consider and decide on any proposals by the *Council* not reached by consensus, having regard to the report contemplated in item 17(3) of Schedule 6 to the Act;
  - (b) may amend the overall research programme to take account of any comments of the Minister of Finance.
- (3) The *Minister* must as soon as practicable, notify the *Council* of the *Minister's* decisions contemplated in regulation 6(1).

## **7. Management of the Research Account**

The *Chief Inspector of Mines*-

- (1) must ensure that the required funds to pay the costs contemplated in regulation 3 are released from time to time from the funds in the safety and health research account;

- (2) may conclude agreements with other persons for the realisation of the overall research programme approved in terms of regulation 6(1); and
- (3) may invest some or all of the money in the safety and health research account with an investment company approved by the *Minister*.

**8. Repeal of regulations, and savings**

- (1) The regulations made under Chapter 35 of the Minerals Act, 1991 (Act 50 of 1991) in force in terms of item 4 of Schedule 4 of the Act are hereby repealed.
- (2) Any action taken under any provision of Chapter 35 of the regulations in force in terms of item 4 of Schedule 4 of the Act is deemed to have been taken in terms of these regulations.