

## *Authors' Note to Revision Service 9*

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This service updates the law up to 31 December 2012. Chapter 25 has been updated to reflect recent case law such as *Agri South Africa v Minister of Minerals and Energy* 2012 (1) SA 171 (GNP), *Minister of Minerals and Energy v Agri South Africa* 2012 (5) SA 1 (SCA), *Xstrata South Africa (Pty) Ltd v SFF Association* 2012 (5) SA 60 (SCA) and *Sishen Iron Ore Company (Pty) Ltd v Minister of Mineral Resources* (unreported, GNP case no 28980/10, 3 February 2012). The outcomes of the respective appeals by Agri South Africa to the Constitutional Court (on 8 November 2012) and the Minister of Mineral Resources in the Sishen decision (on 19 February 2013) are awaited and will be dealt with in the next revision service.

The respective window periods for the application of the transitional arrangements contained in Schedule II of the Mineral and Petroleum Resources Development Act 28 of 2002 were all completed on 30 April 2009. 'Old order rights' to minerals or 'OP26' to petroleum were terminated in terms of the respective provisions of the MPRD Act. Except for those applications that were timeously submitted but have not yet been granted and registered, or compensation claims instituted in terms of item 12 of the transitional arrangements, the so-called 'old order' arrangements as discussed in chapters 3 to 12 and their transition to the new regime belong to the past and have been amended accordingly.

Large-scale amendments to the MPRD Act are in the pipeline for 2013. A draft Mineral and Petroleum Resources Development Amendment Bill has been published by the Minister of the Department of Mineral Resources for comment (GN 1066 GG 36037 of 27 December 2012). Apart from section 94(4), the Mineral and Petroleum Development Amendment Act 49 of 2008 has still not come into force. Once these amendments are in operation they will be incorporated in future revision services.

Prof PJ Badenhorst

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