

A decorative graphic in the top right corner featuring a white, angular shape that overlaps a green triangle and a dark background with pink, spherical, virus-like particles.

Directions issued by the Minister of Mineral Resources and Energy

14 April 2020

The Minister of Mineral Resources and Energy, Mr Gwede Mantashe, has issued Directions in terms of the Disaster Management Act in order to provide additional guidance to the mining industry during the national state of disaster, which was declared in relation to the COVID-19 pandemic. The latest Directions were issued on 11 April 2020 and will be in effect until the end of the nationwide lockdown.

The purpose of the Directions is to ensure fair processes relating to licensing, consultation, appeals, compliance processes and reporting requirements during the lockdown period.

Permissions, rights, permits and appeals

Certain timeframes, which are stipulated by the Mineral and Petroleum Resources Development Act (**MPRDA**) have been extended, or deemed to be extended, by the duration of the lockdown period. This will apply to timeframes in relation to:

- (a) applications for, and processing of, permissions, rights and permits which fall within the duration of the lockdown period;
- (b) applications for the renewal of permissions, rights and permits which fall within the duration of the lockdown or within 60 days after 27 March 2020; and
- (c) internal appeals in terms of the MPRDA.

Where an extension has been provided by the Department of Mineral Resources (DMR) in an application or appeal, and the extended time falls in the lockdown period, then the extension shall be further extended by the number of days of the duration of the lockdown.

Directions, notices, orders and instructions

Timeframes stipulated in directives, notices, orders or instructions issued in terms of the MPRDA, and which fall within the lockdown, shall likewise also be extended by the duration of the lockdown period, except when issued as urgent measures to prevent imminent damage or harm to persons, animals, the environment or property. In such cases, strict compliance is required and no extension of the stipulated timeframe will be permitted.

Submissions of reports

The dates for submissions of reports have been extended as follows:

- (d) First annual report on the Broad Based Socio- Economic Empowerment Charter for the Mining and Minerals Industry has been extended from 31 March 2020 to 1 June 2020.
- (e) Timeframes for all other reports that have to be submitted in terms of the MPRDA (and which fall within the lockdown) have been extended by the number of days of the duration of the lockdown period.

Contacts



Wessel Badenhorst
Office Managing Partner
Johannesburg
T +27 11 052 6123
wessel.badenhorst@hoganlovells.com



Samantha Horsfield
Associate
Johannesburg
T +27 11 052 6124
samantha.horsfield@hoganlovells.com

www.hoganlovells.com

"Hogan Lovells" or the "firm" is an international legal practice that includes Hogan Lovells International LLP, Hogan Lovells US LLP and their affiliated businesses. The word "partner" is used to describe a partner or member of Hogan Lovells International LLP, Hogan Lovells US LLP or any of their affiliated entities or any employee or consultant with equivalent standing. Certain individuals, who are designated as partners, but who are not members of Hogan Lovells International LLP, do not hold qualifications equivalent to members. For more information about Hogan Lovells, the partners and their qualifications, see www.hoganlovells.com.

Where case studies are included, results achieved do not guarantee similar outcomes for other clients. Attorney advertising. Images of people may feature current or former lawyers and employees at Hogan Lovells or models not connected with the firm.

© Hogan Lovells 2020. All rights reserved.