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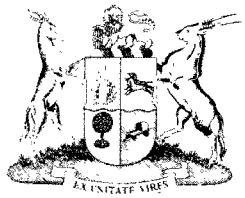

GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

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STATE PRESIDENT'S OFFICE

No. 1238. 5 June 1985

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 60 of 1985: Coal Resources Act, 1985.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1238. 5 Junie 1985

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 60 van 1985: Wet op Steenkoolhulpbronne, 1985.

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GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

ACT

To provide for the regulation of the price, production, acquisition, storage, distribution, supply, sale, delivery and export of coal; and for other matters connected therewith.

(English text signed by the State President.)
(Assented to 24 May 1985.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Definitions.

1. In this Act and in any notice issued thereunder, unless the context indicates otherwise—

"coal" means any carbonaceous mineral or product derived therefrom, whether in an unprocessed or processed form, but excluding any product manufactured from such coal or product by means of a chemical process;

"Minister" means the Minister of Mineral and Energy Affairs;

"sell" includes agree to sell, or mark with a selling price, or offer or attempt to sell, or keep, expose, display or advertise for sale, or deliver in pursuance of a sale, or deliver or dispose of for any consideration, or sell by auction.

Appointment of Advisory Committee.

2. (1) The Minister shall, as soon as practicable after the date of commencement of this Act, appoint an Advisory Committee consisting of persons who, in the opinion of the Minister, are representative of persons or bodies with a direct interest in the coal industry and in coal consumption in the Republic of South Africa.

(2) The Minister shall exercise any power conferred upon him in terms of this Act only after the Advisory Committee referred to in subsection (1) has been consulted in connection with the principle involved.

Minister may fix maximum prices of coal.

3. (1) The Minister may from time to time by notice in the *Gazette* or, in the case of any particular person, by notice in writing—

(a) fix the maximum price at which coal may be sold by any person to any other person;

(b) fix the maximum price at which any person may purchase coal from any other person.

(2) Any price so fixed may be a specified price fixed irrespective of the cost of coal, or a price to be determined on such basis as the Minister may in each case specify.

(3) When the maximum price in respect of any coal has been fixed under this section, the maximum price in respect of any

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ALGEMENE VERDUIDELIKENDE NOTA:

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Om voorsiening te maak vir die regulering van die prys, produksie, verkryging, opberging, verspreiding, verskaffing, verkoop, lewering en uitvoer van steenkool; en vir ander aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 24 Mei 1985.)

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

Woordomskrywings.

1. In hierdie Wet en in enige kennisgewing daarkragtens uitgereik, tensy uit die samehang anders blyk, beteken—

"Minister" die Minister van Mineraal- en Energiesake;

"steenkool" enige koolstofhoudende mineraal of daarvan afkomstige produk, hetsy in 'n onverwerkte of verwerkte vorm, maar nie ook 'n produk wat deur middel van 'n chemiese proses uit sodanige mineraal of produk vervaardig is nie;

"verkoop" ook ooreenkom om te verkoop, of merk met 'n verkoopprys, of aanbied of poog om te verkoop, of vir verkoop hou, vertoon, uitstal of adverteer, of ingevolge 'n koopkontrak lewer, of teen vergoeding lewer of van die hand sit, of verkoop per veiling.

Aanstelling van Advieskomitee.

2. (1) Die Minister stel, so gou doenlik na die datum van inwerkingtreding van hierdie Wet, 'n Advieskomitee aan bestaande uit persone wat na die oordeel van die Minister verteenwoordigend is van persone of liggame met 'n regstreekse belang in die steenkoolbedryf en in steenkoolverbruik in die Republiek van Suid-Afrika.

(2) Die Minister oefen enige bevoegdheid kragtens hierdie Wet aan hom verleen uit slegs nadat die Advieskomitee bedoel in subartikel (1) in verband met die betrokke beginsel geraadpleeg is.

Minister kan maksimum pryse van steenkool vasstel.

3. (1) Die Minister kan van tyd tot tyd by kennisgewing in die *Staatskoerant* of, in die geval van 'n bepaalde persoon, by skriftelike kennisgewing—

(a) die maksimum prys vasstel waarteen steenkool deur 'n persoon aan 'n ander persoon verkoop mag word;

(b) die maksimum prys vasstel waarteen 'n persoon steenkool van 'n ander persoon mag koop.

(2) 'n Aldus vasgestelde prys kan 'n bepaalde prys wees wat vasgestel is ongeag die koste van steenkool of 'n prys wees wat bepaal moet word op die basis wat die Minister in elke geval bepaal.

(3) Wanneer die maksimum prys ten opsigte van enige steenkool kragtens hierdie artikel vasgestel is, is die maksimum prys

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quantity of that coal for which the maximum price has not been specifically fixed shall, unless the Minister determines otherwise—

(a) if the quantity exceeds a quantity for which the maximum price has been fixed, be proportionate to the maximum price fixed for the largest quantity that is less than the first-mentioned quantity;

(b) if the quantity is less than the smallest quantity for which the maximum price has been fixed, be proportionate to the maximum price fixed for such smallest quantity.

(4) Unless the Minister determines otherwise, a fraction of a cent in any price calculated in terms of subsection (3) may be charged as one cent.

Deposits or charges in respect of containers of coal sold.

4. The Minister may from time to time by notice in the *Gazette* or, in the case of any particular person, by notice in writing—

(a) prescribe the maximum amount of any deposit which may be required in respect of the return of the container of any coal sold;

(b) prohibit any person selling coal in a container from requiring any deposit in respect of the return of that container or from making any charge for that container;

(c) prescribe the amount of any refund to be made on return of the container in which coal has been sold irrespective of the amount of any deposit made, prescribe the conditions subject to which such refund shall become payable and prescribe the time within which such refund may be claimed;

(d) prescribe the amount which any person selling coal in a container shall pay to the purchaser for a similar container.

Powers of Minister in relation to certain acts in respect of coal.

5. Subject to the provisions of the National Supplies Procurement Act, 1970 (Act No. 89 of 1970), the Minister may from time to time by notice in the *Gazette* or, in the case of any particular person, by notice in writing—

(a) regulate in such manner as he may deem fit, including the imposition upon any person of any duty in connection therewith, or prohibit, the production, manufacture, acquisition, storage, distribution, supply, sale, delivery or disposal of coal;

(b) in order to effect saving or economy of coal, regulate in such manner as he may deem fit, or prohibit, the use of coal for any purpose specified in the notice or for the performance of any act so specified or in a manner so specified.

Powers of Minister in relation to export of coal.

6. (1) The Minister may from time to time by notice in the *Gazette* or, in the case of any particular person, by notice in writing prescribe such conditions in respect of the export of coal from the Republic as he may deem fit.

(2) Without derogating from the generality of the powers conferred upon the Minister by subsection (1), he may under that subsection prescribe conditions relating to the requirements for and the mining techniques or extraction methods to be applied in respect of coal which is to be exported, the quantity of coal which may be exported, and the area from which, the period within which, the manner in which and the route along which coal may be exported.

(3) The provisions of this section shall not derogate from the provisions of any other law which is in force at the commencement of this Act in so far as that law authorizes or regulates the export of coal.

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ten opsigte van 'n hoeveelheid van daardie steenkool waarvoor die maksimum prys nie uitdruklik vasgestel is nie, tensy die Minister anders bepaal—

(a) indien die hoeveelheid groter is as 'n hoeveelheid waarvoor die maksimum prys vasgestel is, eweredig aan die maksimum prys vasgestel vir die grootste hoeveelheid wat kleiner as eersgenoemde hoeveelheid is;

(b) indien die hoeveelheid kleiner is as die kleinste hoeveelheid waarvoor die maksimum prys vasgestel is, eweredig aan die maksimum prys vasgestel vir daardie kleinste hoeveelheid.

(4) Tensy die Minister anders bepaal, kan 'n breuk van 'n sent by 'n ingevolge subartikel (3) berekende prys as 'n sent gereken word.

Deposito's of bedrae gevra ten opsigte van houers van steenkool wat verkoop word.

4. Die Minister kan van tyd tot tyd by kennisgewing in die *Staatskoerant* of, in die geval van 'n bepaalde persoon, by skriftelike kennisgewing—

(a) die maksimum bedrag voorskryf van enige deposito wat geëis kan word ten opsigte van die terugbesorging van die houer van steenkool wat verkoop word;

(b) 'n persoon wat steenkool in 'n houer verkoop, verbied om 'n deposito ten opsigte van die terugbesorging van daardie houer te eis of om 'n bedrag vir daardie houer te vra;

(c) die bedrag voorskryf wat by die terugbesorging van die houer waarin steenkool verkoop is, terugbetaal moet word ongeag die bedrag van enige deposito wat gestort is, die voorwaardes voorskryf waarop die terugbetaling betaalbaar word en die tydperk voorskryf waarbinne die terugbetaling geëis kan word;

(d) die bedrag voorskryf wat 'n persoon wat steenkool in 'n houer verkoop, aan die koper vir 'n soortgelyke houer moet betaal.

Bevoegdhede van Minister met betrekking tot sekere handelinge ten opsigte van steenkool.

5. Behoudens die bepalings van die Wet op die Verkryging van Landsvoorrade, 1970 (Wet No. 89 van 1970), kan die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* of, in die geval van 'n bepaalde persoon, by skriftelike kennisgewing—

(a) die produksie, vervaardiging, verkryging, opberging, verspreiding, verskaffing, verkoop of lewering van of die beskikking oor steenkool reël op die wyse wat hy goedvind, met inbegrip van die oplegging van pligte in verband daarmee aan enigiemand, of verbied;

(b) ten einde besparing of besuiniging van steenkool te bewerkstellig, die gebruik van steenkool vir 'n doel vermeld in die kennisgewing of vir die verrigting van 'n handeling aldus vermeld of op 'n wyse aldus vermeld, reël op die wyse wat hy goedvind, of verbied.

Bevoegdhede van Minister met betrekking tot uitvoer van steenkool.

6. (1) Die Minister kan van tyd tot tyd by kennisgewing in die *Staatskoerant* of, in die geval van 'n bepaalde persoon, by skriftelike kennisgewing, ten opsigte van die uitvoer van steenkool uit die Republiek die voorwaardes voorskryf wat hy goedvind.

(2) Sonder om afbreuk te doen aan die algemeenheid van die bevoegdhede deur subartikel (1) aan die Minister verleen, kan hy kragtens daardie subartikel voorwaardes voorskryf betreffende die vereistes vir en die mynboutegnieke of ekstraksiemetodes wat toegepas moet word ten opsigte van steenkool wat uitgevoer staan te word, die hoeveelheid steenkool wat uitgevoer kan word, en die gebied waaruit, die tydperk waarbinne, die wyse waarop en die roete waarlangs steenkool uitgevoer kan word.

(3) Die bepalings van hierdie artikel doen nie afbreuk aan die bepalings van enige ander wet wat by die inwerkingtreding van hierdie Wet van krag is vir sover daardie wet die uitvoer van steenkool magtig of reël nie.

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Furnishing of information to Minister.

7. (1) The Minister may order any person who produces, manufactures, supplies, sells, handles or deals in or has produced, manufactured, supplied, sold, handled or dealt in coal to furnish the Minister from time to time with—

(a) any information available to that person in respect of coal which he or his employee or agent has or had in his possession or custody, or over which he has or had any control, or which he is capable of producing or manufacturing;

(b) any balance sheet or business account in the possession or custody or under the control of that person relating to that coal.

(2) The Minister may order any person who is or was the employee or agent of any person contemplated in subsection (1) to furnish the Minister with any information relating to any coal which he sold, handled or dealt in in the course of his employment by the last-mentioned person or in the performance of any mandate from that person.

(3) No person may refuse to comply with any order under this section on the ground that in so complying he may incriminate himself.

Powers of Minister in respect of investigations.

8. (1) The Minister may for the purpose of enquiring whether the provisions of this Act have or any notice issued thereunder has been complied with or for the purpose of gathering such information as the Minister may desire—

(a) order any person who produces, manufactures, supplies, sells, handles or deals in or has produced, manufactured, supplied, sold, handled or dealt in coal, or any employee or agent of such a person—

(i) to produce any coal, book, register, record, list, ticket or document in the possession or custody or under the control of that person, employee or agent;

(ii) to furnish at such place and in such manner as the Minister may determine, with such information in relation to that coal, book, register, record, list, ticket or document as the Minister may determine;

(b) examine or make extracts from or copies of any such book, register, record, list, ticket or document;

(c) seize and take possession of any such coal, book, register, record, list, ticket or document.

(2) The Minister shall furnish the owner of anything seized and taken possession of under subsection (1) with a receipt.

(3) No person may refuse to comply with any order under this section on the ground that in so complying he may incriminate himself.

Minister may order certain persons to make certain payments.

9. (1) If a person has received in respect of any coal which he has sold a price in excess of the maximum price permissible under this Act, the Minister may, irrespective of any action that may have been taken or that may be taken against that person, order him in writing to repay to the purchaser of that coal or, if the identity or whereabouts of the purchaser cannot readily be ascertained, to pay to the Director-General: Finance for the benefit of the State Revenue Fund, a sum not exceeding twice the amount by which the first-mentioned price exceeds the permissible price.

(2) If it appears that in determining the price which he charged any person for any coal the seller has complied with the provisions of this Act but that the price charged by any previous seller of the coal concerned was in excess of the maximum price permissible under this Act, the Minister may order that previous seller in writing to pay to the ultimate purchaser of that coal or,

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Verstrekking van inligting aan Minister.

7. (1) Die Minister kan 'n persoon wat steenkool produseer, vervaardig, verskaf, verkoop of hanteer of daarin handel dryf, of geproduseer, vervaardig, verskaf, verkoop of gehanteer het of daarin handel gedryf het, beveel om die Minister van tyd tot tyd te voorsien van—

(a) inligting waaroor daardie persoon beskik ten opsigte van steenkool wat hy of sy werknemer of agent in sy besit of bewaring het of gehad het, of waaroor hy beheer het of gehad het, of wat hy in staat is om te produseer of te vervaardig;

(b) 'n balansstaat of besigheidsrekening in die besit of bewaring of onder die beheer van daardie persoon wat op daardie steenkool betrekking het.

(2) Die Minister kan 'n persoon wat die werknemer of agent van 'n in subartikel (1) beoogde persoon is of was, beveel om die Minister te voorsien van inligting betreffende steenkool wat hy in die loop van sy werk by laasbedoelde persoon of by die uitvoering van 'n opdrag van daardie persoon verkoop of gehanteer het of waarin hy onder daardie omstandighede handel gedryf het.

(3) Niemand mag weier om 'n bevel kragtens hierdie artikel na te kom op grond daarvan dat die nakoming daarvan hom kan inkrimineer nie.

Bevoegdhede van Minister met betrekking tot ondersoeke.

8. (1) Die Minister kan ten einde ondersoek in te stel of die bepalings van hierdie Wet of 'n daarkragtens uitgevaardigde kennisgewing nagekom is of ten einde die inligting in te win wat die Minister verlang—

(a) 'n persoon wat steenkool produseer, vervaardig, verskaf, verkoop of hanteer of daarin handel dryf, of geproduseer, vervaardig, verskaf, verkoop of gehanteer het of daarin handel gedryf het, of 'n werknemer of agent van so 'n persoon beveel—

(i) om enige steenkool, boek, register, aantekening, lys, etiket of dokument in die besit of bewaring of onder die beheer van daardie persoon, werknemer of agent te toon;

(ii) om die inligting met betrekking tot daardie steenkool, boek, register, aantekening, lys, etiket of dokument wat die Minister bepaal, te verstrek op die plek en wyse wat die Minister bepaal;

(b) enige sodanige boek, register, aantekening, lys, etiket of dokument ondersoek of uittreksels daaruit of afskrifte daarvan maak;

(c) op enige sodanige steenkool, boek, register, aantekening, lys, etiket of dokument beslag lê en daarvan besit neem.

(2) Die Minister moet 'n kwitansie gee aan die eienaar van enigiets waarop of waarvan kragtens subartikel (1) beslag gelê en besit geneem is.

(3) Niemand mag weier om 'n bevel kragtens hierdie artikel na te kom op grond daarvan dat die nakoming daarvan hom kan inkrimineer nie.

Minister kan sekere persone beveel om sekere bedrae te betaal.

9. (1) Indien 'n persoon ten opsigte van steenkool wat hy verkoop het 'n hoër prys as die maksimum prys ingevolge hierdie Wet toelaatbaar ontvang het, kan die Minister, ongeag enige stappe wat teen daardie persoon gedoen is of kan word, hom skriftelik beveel om 'n som geld van hoogstens twee maal die bedrag waarmee eersgenoemde prys die toelaatbare prys oorskry, aan die koper van daardie steenkool terug te betaal of, indien die identiteit of verblyfplek van die koper nie geredelik vasgestel kan word nie, aan die Direkteur-generaal: Finansies ten bate van die Staatsinkomstefonds te betaal.

(2) Indien dit blyk dat by die bepaling van die prys wat hy 'n persoon vir steenkool gevra het, die verkoper die bepalings van hierdie Wet nagekom het maar dat die prys gevra deur 'n vorige verkoper van die betrokke steenkool hoër was as die maksimum prys ingevolge hierdie Wet toelaatbaar, kan die Minister daardie vorige verkoper skriftelik beveel om aan die uiteindelike

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if his identity or whereabouts cannot readily be ascertained, to pay to the Director-General: Finance for the benefit of the State Revenue Fund, a sum not exceeding twice the amount by which the price paid by such purchaser exceeded the maximum price which he would have been required to pay for that coal if the provisions of this Act had been complied with by each of the persons who dealt in the coal up to the time of its acquisition by the said purchaser.

(3) When the Minister has made an order under this section he shall forward a certified copy thereof to the clerk of a magistrate's court, and thereupon the order shall have the effect of a civil judgment of that magistrate's court.

Exemptions.

10. The Minister may from time to time by notice in the *Gazette* or, in the case of any particular person or persons, by notice in writing—

(a) subject to such conditions as he may impose, grant any person or category of persons exemption from any provision of this Act, or any notice or order issued thereunder, to such extent as he may determine; and

(b) without assigning any reason and without giving any hearing to the person or persons concerned, withdraw or modify to such extent and subject to such conditions as the Minister may think fit, any such exemption.

Evidence.

11. (1) Any certificate purporting to have been issued by the Minister and setting forth the maximum price at which on a particular date or during a particular period it would have been permissible in terms of a notice under this Act for a particular person to sell specified coal shall on its mere production by any person in any criminal proceedings under this Act be *prima facie* proof of that price.

(2) Any statement or entry contained in any book or document kept by any person or his employee or agent shall be admissible against such a person in any criminal proceedings under this Act as an admission of the facts set forth in the statement or entry, unless it is proved that the statement or entry was not made by the person or his employee or agent.

(3) If it is alleged in the charge sheet in any criminal proceedings under this Act—

(a) that any person is a person of a specified class or category of persons;

(b) that any coal alleged to have been sold or purchased is coal of a particular class or kind;

(c) that any coal is coal to which any provision of a notice under this Act applies,

that allegation shall be sufficient proof of the facts alleged until the contrary is proved.

Vicarious liability.

12. (1) When any manager, employee or agent of any person (in this section called the principal) does or omits to do any act which would constitute an offence under this Act for the principal to do or omit to do, the principal shall be deemed himself to have done or omitted to do that act, and may be convicted and sentenced in respect thereof unless he proves—

(a) that he did not permit or connive at the act or omission concerned;

(b) that he took all reasonable steps to prevent an act or omission of the kind in question; and

(c) that an act or omission, whether legal or illegal, of the kind in question did not fall within the scope of the authority or employment of the manager, employee or agent concerned.

(2) The fact that the principal has forbidden an act or omission of the kind in question, shall not of itself be regarded as suf-

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koper van daardie steenkool of, indien sy identiteit of verblyfplek nie geredelik vasgestel kan word nie, aan die Direkteur-generaal: Finansies ten bate van die Staatsinkomstefonds 'n som geld te betaal van hoogstens twee maal die bedrag waarmee die prys wat deur bedoelde koper betaal is die maksimum prys oorskry het wat hy vir daardie steenkool sou moes betaal het indien die bepalings van hierdie Wet nagekom was deur elkeen van die persone wat tot die tyd van die verkryging van die steenkool deur genoemde koper daarin handel gedryf het.

(3) Wanneer die Minister 'n bevel kragtens hierdie artikel uitgereik het, stuur hy 'n gewaarmerkte afskrif daarvan aan die klerk van 'n landdroshof, en daarna het die bevel die uitwerking van 'n siviele vonnis van daardie landdroshof.

Vrystellings.

10. Die Minister kan van tyd tot tyd by kennisgewing in die *Staatskoerant* of, in die geval van enige bepaalde persoon of persone, by skriftelike kennisgewing—

(a) behoudens die voorwaardes wat hy oplê, aan 'n persoon of kategorie persone vrystelling van enige bepaling van hierdie Wet, of 'n kennisgewing of bevel daarkragtens uitgevaardig, verleen in die mate wat hy bepaal; en

(b) sonder aangifte van enige rede en sonder om die betrokke persoon of persone aan te hoor so 'n vrystelling intrek of, in die mate en onderworpe aan die voorwaardes wat die Minister goedvind, wysig.

Getuienis.

11. (1) 'n Sertifikaat wat deur die Minister uitgereik heet te wees en waarin die maksimum prys aangegee word waarteen 'n bepaalde persoon ingevolge 'n kennisgewing kragtens hierdie Wet bepaalde steenkool op 'n bepaalde datum of gedurende 'n bepaalde tydperk sou kon verkoop het, is by blote voorlegging deur enige persoon in 'n strafsaak ingevolge hierdie Wet *prima facie* bewys van daardie prys.

(2) 'n Verklaring of inskrywing vervat in 'n boek of dokument wat deur 'n persoon of sy werknemer of agent gehou word, is in 'n strafsaak ingevolge hierdie Wet teen so 'n persoon toelaatbaar as 'n erkenning van die feite wat in die verklaring of inskrywing aangegee word, tensy daar bewys word dat die verklaring of inskrywing nie deur die betrokke persoon of sy werknemer of agent gedoen is nie.

(3) Indien daar in die klagstaat in 'n strafsaak ingevolge hierdie Wet beweer word—

(a) dat 'n persoon 'n persoon is wat tot 'n vermelde klas of kategorie van persone behoort;

(b) dat steenkool wat na bewering verkoop of gekoop is, steenkool is wat tot 'n bepaalde klas of soort behoort;

(c) dat steenkool steenkool is waarop 'n bepaling van 'n kennisgewing kragtens hierdie Wet van toepassing is,

is daardie bewering voldoende bewys van die beweerde feite totdat die teendeel bewys word.

Middellike aanspreeklikheid.

12. (1) Wanneer 'n bestuurder, werknemer of agent van 'n persoon (in hierdie artikel die prinsipaal genoem) 'n handeling verrig of versuim om te verrig wat vir die prinsipaal 'n misdryf ingevolge hierdie Wet sou uitmaak om te verrig of te versuim om te verrig, word daar geag dat die prinsipaal self daardie handeling verrig het of versuim het om dit te verrig, en kan die prinsipaal ten opsigte daarvan skuldig bevind en gevonnis word tensy hy bewys—

(a) dat hy die betrokke handeling of versuim nie veroorloof of oogluikend toegelaat het nie;

(b) dat hy alle redelike stappe gedoen het om 'n handeling of versuim van die betrokke aard te voorkom; en

(c) dat 'n handeling of versuim, hetsy wettig of onwettig, van die betrokke aard nie binne die bestek van die bevoegdheid of diensverrigting van die betrokke bestuurder, werknemer of agent geval het nie.

(2) Die feit dat die prinsipaal 'n handeling of versuim van die betrokke aard verbied het, strek op sigself nie tot voldoende be-

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ficient proof that he has taken all reasonable steps as required by subsection (1) *(b)*.

Delegation of powers of Minister.

13. The Minister may delegate to the Director-General: Mineral and Energy Affairs or any other officer in the service of the State any of the powers conferred upon him by this Act: Provided that the Minister shall not be divested of any power so delegated and may set aside or amend any decision taken by the said Director-General or any such other officer in the exercise of any power so delegated.

Offences.

14. (1) Any person who—

(a) sells coal to any other person at a price in excess of the maximum price at which he may in terms of a notice issued under this Act sell that coal to that other person;

(b) purchases or offers to purchase coal from any other person at a price in excess of the maximum price at which he may in terms of a notice issued under this Act purchase that coal from that other person;

(c) contravenes or fails to comply with any provision of a notice issued under section 4 or 5;

(d) exports any coal from the Republic in contravention of any condition prescribed in a notice issued under section 6;

(e) fails to comply within a reasonable time with an order issued under section 7 or, in pursuance of such an order, furnishes any information or document which is incorrect;

(f) fails to comply with an order issued under section 8 within such time as the Minister issuing the order may determine or, in pursuance of such an order, furnishes any information which is incorrect;

(g) hinders, obstructs or delays any person in the performance of his duties or in the exercise of his powers under this Act;

(h) falsely represents himself to be a Director-General, or officer referred to in section 13,

shall be guilty of an offence and liable to a fine not exceeding R5 000 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

Jurisdiction of magistrate's court.

15. Notwithstanding anything to the contrary in any other law contained, a magistrate's court shall have jurisdiction to impose any penalty prescribed by this Act.

Application of notices under this Act.

16. The Minister may limit the application of any notice issued by him under this Act to any area or areas or person or persons or classes or categories of persons or classes, kinds or qualities of coal or classes or kinds of containers specified in the notice.

Amendment of section 1 of Price Control Act, 1964.

17. (1) Section 1 of the Price Control Act, 1964 (Act No. 25 of 1964), is hereby amended by the substitution for the definition of "goods" of the following definition:

" 'goods' includes used goods, but excludes coal as defined in section 1 of the Coal Resources Act, 1985;".

(2) Any regulation, notice, prohibition, order, direction, approval or document made, given, imposed or issued and any other thing done in terms of the Price Control Act, 1964 (Act No. 25 of 1964), relating to coal, shall except in so far as it is inconsistent with this Act, or may be otherwise required by this Act, be deemed to have been made, given, imposed, issued or done under the corresponding provisions of this Act.

Short title.

18. This Act shall be called the Coal Resources Act, 1985.

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wys dat hy alle redelike stappe gedoen het soos vereis deur subartikel (1) *(b)* nie.

Delegasie van Minister se bevoegdhede.

13. Die Minister kan enige bevoegdheid wat deur hierdie Wet aan hom opgedra of verleen word aan die Direkteur-generaal: Mineraal- en Energiesake of enige ander beampte in diens van die Staat delegeer: Met dien verstande dat die Minister nie ontdoen is van 'n bevoegdheid wat aldus gedelegeer is nie, en 'n beslissing deur die gemelde Direkteur-generaal of so 'n ander beampte geneem by die uitoefening van 'n bevoegdheid wat aldus gedelegeer is, kan intrek of wysig.

Misdrywe.

14. (1) 'n Persoon wat—

(a) steenkool aan 'n ander persoon verkoop teen 'n hoër prys as die maksimum prys waarteen hy ingevolge 'n kennisgewing kragtens hierdie Wet uitgereik daardie steenkool aan daardie ander persoon mag verkoop;

(b) steenkool van 'n ander persoon koop of aanbied om steenkool van 'n ander persoon te koop teen 'n hoër prys as die maksimum prys waarteen hy ingevolge 'n kennisgewing kragtens hierdie Wet uitgereik daardie steenkool van daardie ander persoon mag koop;

(c) enige bepaling van 'n kragtens artikel 4 of 5 uitgereikte kennisgewing oortree of versuim om dit na te kom;

(d) in stryd met 'n voorwaarde voorgeskryf in 'n kennisgewing kragtens artikel 6 uitgereik, steenkool uit die Republiek uitvoer;

(e) versuim om binne 'n redelike tydperk 'n kragtens artikel 7 uitgereikte bevel na te kom of, by die nakoming van so 'n bevel, inligting of 'n dokument verstrek wat onjuis is;

(f) versuim om 'n kragtens artikel 8 uitgereikte bevel na te kom binne die tydperk bepaal deur die Minister wat die bevel uitreik of, by die nakoming van so 'n bevel, inligting verstrek wat onjuis is;

(g) enige persoon by die verrigting van sy pligte of uitoefening van sy bevoegdhede kragtens hierdie Wet hinder, dwarsboom of vertraag;

(h) hom valslik as 'n kragtens artikel 13 bedoelde Direkteur-generaal of beampte voordoen,

is aan 'n misdryf skuldig en strafbaar met 'n boete van hoogstens R5 000 of gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met daardie boete sowel as daardie gevangenisstraf.

Regsbevoegdheid van landdroshof.

15. Ondanks andersluidende wetsbepalings is 'n landdroshof bevoeg om enige straf wat by hierdie Wet voorgeskryf word, op te lê.

Toepassing van kennisgewings kragtens hierdie Wet.

16. Die Minister kan die toepassing van enige kennisgewing deur hom kragtens hierdie Wet uitgereik, tot enige in die kennisgewing vermelde gebied of gebiede of persoon of persone of klasse of kategorieë van persone of klasse, soorte of kwaliteite van steenkool of klasse of soorte houers beperk.

Wysiging van artikel 1 van Wet op Prysbeheer, 1964.

17. (1) Artikel 1 van die Wet op Prysbeheer, 1964 (Wet No. 25 van 1964), word hierby gewysig deur die omskrywing van "goedere" deur die volgende omskrywing te vervang:

" 'goedere' ook gebruikte goedere, maar nie ook steenkool soos omskryf in die Wet op Steenkoolhulpbronne, 1985, nie;".

(2) 'n Regulasie, kennisgewing, verbod, bevel, opdrag, goedkeuring of stuk wat ingevolge die Wet op Prysbeheer, 1964, (Wet No. 25 van 1964), met betrekking tot steenkool uitgevaardig, gegee, opgelê, uitgereik of verleen is en enigiets kragtens daardie Wet gedoen, word geag, behalwe vir sover onbestaanbaar met hierdie Wet, ingevolge die ooreenstemmende bepalings van hierdie Wet uitgevaardig, gegee, opgelê, uitgereik, verleen of gedoen te wees.

Kort titel.

18. Hierdie Wet heet die Wet op Steenkoolhulpbronne, 1985.