REGULATIONS SURVIVING IN TERMS OF

Minerals (Prospecting and Mining) Act 33 of 1992
section 139(2)(f)

General Regulations
Government Notice 177 of 1938
(OG 766)
came into force on date of publication: 1 November 1938

The General Regulations were originally made in terms of section 12 of the Dealing in Unwrought Precious Metals Proclamation, No. 177 of 1938, which was repealed by the Minerals (Prospecting and Mining) Act 33 of 1992. Pursuant to section 139(2)(f) of the Minerals (Prospecting and Mining) Act 33 of 1992, the General Regulations are deemed to have been made under that Act. Please note that in terms of these regulations, 1 British Pound (£1) is equivalent to 2 Namibian Dollars (N$2). Additionally, there are 20 shillings in a pound and there are also 240 pence in a pound of British currency. The abbreviation “s” refers to shillings and the abbreviation “d” refers to pence.

as amended by

Government Notice 87 of 1969 (GG 3002)
came into force on date of publication: 2 June 1969

ARRANGEMENT OF REGULATIONS

[The individual regulations have no headings.]

FORMS “A” LICENCE TO DEAL IN UNWROUGHT PRECIOUS METAL
FORMS “B” RECOVERY WORKS LICENCE
FORMS “C” JEWELLER’S PERMIT
FORMS “D” PERMIT TO SELL ALLUVIAL GOLD
FORMS “E” PERMIT TO TRANSPORT UNWROUGHT MATERIAL CONTAINING GOLD

FORMS “F” REGISTER OF UNWROUGHT PRECIOUS METAL DEPOSITED WITH OR RECEIVED

FORMS “G” REGISTER OF UNWROUGHT PRECIOUS METAL DESPATCHED OR DISPOSED OF

FORMS “H” REGISTER OF A JEWELLER’S PERMIT HOLDER

1. (1) The classes of licences mentioned in Section twelve of Proclamation No. 5 of 1938, (hereinafter called the principal Proclamation), shall be -

   (a) A Recovery works licence.

   (b) A Jeweller’s permit.

(2) A recovery works licence shall entitle the holder thereof to deal in all forms of unwrought precious metal, excepting that he shall not purchase it in the form of smelted or retorted gold, amalgam, zinc gold slimes, shavings, lead strips or bars containing gold.

(3) No person shall make up, smelt or change the form of material containing gold, whether such material is wrought or unwrought, unless he is the holder of a jeweller’s permit; furthermore no such licenced jeweller shall at any one time make up, smelt, or change the form of material containing more than two ounces of gold (troy weight) whether such material is wrought or unwrought, without the authority in writing of the police officer in charge of the district concerned.

The provisions of this regulation shall not apply to the class of person referred to in paragraphs (a), (b), (c) and (d) of subsection (1) of Section four of the principal Proclamation.

(4) The Secretary for Mines of the Republic of South Africa or any person authorized by him may issue to any European a jeweller’s permit. No jeweller’s permit or renewal thereof shall be issued unless the Commissioner of Police certifies that the applicant is a fit and proper person to hold such permit. The fee for such permit shall be five shillings per quarter or one pound per annum.

[subregulation (4) amended by GN 87/1969]

(5) A jeweller’s permit shall not entitle the holder to purchase unwrought material containing gold, except from a banker; or alluvial gold except from a person who holds the permit of the mining commissioner to sell alluvial gold. Such permit shall furthermore be handed to such jeweller at the time of the purchase and shall be retained by him.

[subregulation (5) amended by GN 87/1969]

(6) The holder of every such jeweller’s permit shall keep a register in the form “H” prescribed in the schedule.
(7) The holder of every such jeweller’s permit shall on or before the 15th day of each month transmit or deliver to the chief officer of police of his district a true copy of such register in duplicate covering the last preceding month, together with a sworn declaration of the correctness thereof, and shall also on demand produce and exhibit such register to any European member of the S.W.A. police of or above the rank of sergeant. Any person who contravenes the requirements of this paragraph shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment without the option of a fine for a period not exceeding six months.

(8) A recovery works licence shall be in form “B”; A jeweller’s permit shall be in form “C”; and an alluvial gold permit shall be in form “D” as annexed to the regulations.

2. Whenever the authorized issuing officer shall for any reason refuse to renew a licence or permit, it shall be the duty of the person who holds the licence or permit to make a sworn declaration of the quantity of the unwrought material containing gold in his possession at the date of the refusal and to dispose of the same within a period of eight days thereafter.

3. A banker shall only buy unwrought material containing gold in the form of a bar identifiable in the manner provided in regulation eight, unless the owner has a permit from the mining commissioner in the form “D” annexed to these regulations, and he shall satisfy himself that the seller is entitled to sell the particular unwrought material containing gold. Where a transaction takes place between a banker and the holder of a permit to sell unwrought material containing gold such permit shall be handed over to the banker and retained by him.

[regulation 8 amended by GN 87/1969]

4. In a stamp mill or treatment building all amalgamating plates, extractor boxes and launders in which amalgam can collect shall be covered with screens, or other devices approved by the mining commissioner. Such screens or devices shall be kept under double lock, and such plates or boxes and launders shall not be uncovered for any purpose whatsoever except in the presence of at least two Europeans, each of whom shall be in possession of one of the keys.

[regulation 4 amended by GN 87/1969]

5. Unwrought precious metal in the form of bullion, retorted gold, amalgam, zinc gold slimes, or shavings, lead strips, or bars, untreated black sands, matte, or any other rich by-products shall only be handled in reduction works in the presence and under the direct supervision of at least two white men.

6. (1) Unwrought precious metal in a stamp mill in the form of amalgam, untreated black sands, or rich scrapings shall immediately after being removed from plates, mortar boxes, traps, or other devices or places in which it is caught be deposited in a suitable receptacle which shall be kept locked and from which such unwrought precious metal shall not be removable without unlocking.

(2) Amalgam, untreated black sands, scrapings, retorted gold bullion and zinc slimes after removal from the filter press shall if and when stored be forthwith deposited in a safe, strongroom or other receptacle which shall be kept under double lock, and such safe, strong-room or other receptacle shall not be opened for any purpose whatsoever except in the presence of at least two Europeans, each of whom shall be in possession of one of the keys.
(3) All traps, riffles or portions of launders where amalgam is known to accumulate shall be covered. Such cover shall be solid or of stout screening of which the apertures do not exceed one-half inch in diameter and shall be kept locked.

(4) The person actually in charge of mining operations shall be responsible for ensuring compliance with regulations four, five and six and in default shall be liable on conviction to a fine not exceeding fifty pounds or to imprisonment without the option of a fine for a period not exceeding six months.

7. (1) Nothing in regulations four to six inclusive shall apply to

(a) any person certified under the hand of the mining commissioner to be an alluvial digger;

[paragraph (a) amended by GN 87/1969]

(b) any reef miner who produces on his own behalf not more on an average than 50 ounces of gold per month, and has been personally working the same.

(2) The Minister of Mines of the Republic of South Africa upon application in writing made to the mining commissioner may specially exempt any person from any or all of the provisions of the regulations one to thirteen inclusive upon such terms and conditions as he thinks fit.

[subregulation (2) amended by GN 87/1969]

8. No person shall transport any unwrought material containing gold outside the boundaries of the mine, works, or other property or place in which it is located without a permit from the senior officer of police having authority in the district; such permit shall be according to form “E” annexed to these regulations and shall be issued subject to any further conditions made from time to time by the Minister of Mines of the Republic of South Africa and attached to that form, and shall not be issued except for the transport of slags, matte, pots, battery chips, or other such by-products or for smelted gold in bar, ingot, button or other form identifiable by a specific mark cast on each bar, ingot, button or other form, such mark being registered in the office of the mining commissioner.

[regulation 8 amended by GN 87/1969]

9. (1) The mining commissioner, and every European member of the South West Africa Police force of or above the rank of sergeant shall have the power to do all the following things, namely -

(a) To enter, inspect or examine at all reasonable times by day and by night any jeweller’s premises and any reduction or smelting works, whether situated on a mine or elsewhere and any other place or works where he has reason to believe unwrought material containing gold is unlawfully kept.

(b) To make such inquiry and examination as may be considered necessary to ascertain whether the provisions of these regulations or any amendment thereof are being or have been duly complied with.
(c) To inspect such registers as are required to be kept by section three of the principal Proclamation or under regulation one.

(d) To take samples of any unwrought material containing gold that may be stored or lying at any place or works and to make such other investigations as he may consider necessary.

[Subregulation (1) amended by GN 87/1969]

(2) Any coloured person employed upon reduction works may be searched at any time by any person authorised in writing by the manager of such works.

10. Any person who contravenes any provision of these regulations shall if no penalty be expressly provided by any such regulation for the contravention thereof or failure to comply therewith be liable on conviction to the penalties provided in subsection (2) of Section three of the principal Proclamation.

FORMS

“A”

SOUTH WEST AFRICA

Office and date stamp.

Receipt No. ..........................................................

LICENCE TO DEAL IN UNWROUGHT PRECIOUS METAL

(Proclamation No. 5 of 1938.)

In terms of Section 2 of the above Proclamation, licence is hereby granted to

(Full name of Licencee): ...........................................................................................................

(Business Address): ..............................................................................................................

...........................................................................................................................................

(Postal Address): ..............................................................................................................

...........................................................................................................................................

(Subject to the Licencee’s right to use the premises for the purposes mentioned)

to deal in unwrought Precious Metal, for the period of ......................................................

months ending .......................................................... 19........................

£ s d

Amount of Licence Money Paid

..........................................................

Licence granted this ...................... day of ...................... 19....................

..........................................................

Issuing Officer.

This Licence is not transferable.

FORMS

“B”
SOUTH WEST AFRICA

Office and date stamp.

Receipt No. ..........................................

RECOVERY WORKS LICENCE

(Proclamation No. 5 of 1938.)

A Recovery Works Licence, as required by Regulation No. 1 is hereby granted to .................................
.................................................................................................................................
(Full name and address of Licencee)
for the period of ........................................ month ending ............................... 19.....................

£

s

d

Amount of Licence Money Paid

.................................................................................................................................

Licence granted this ....................... day of ....................... 19 .....................

.................................................................................................................................

Issuing Officer.

This Licence entitles the holder to deal in unwrought precious metal as set forth in paragraph (2) of the abovementioned Regulation, within the Magisterial District of ................................................................., and is not transferable.

FORMS

“C”

SOUTH WEST AFRICA

Office and date stamp.

Receipt No. ..........................................

JEWELLER’S PERMIT

(Proclamation No. 5 of 1938.)

A Jeweller’s Permit as required by Regulation No. 1 is hereby granted to
(Full name of Licencee): ............................................................................................
(Business Address): .............................................................................................
(Postal Address): .............................................................................................
for the period of ........................................ month ending ............................... 19.....................

Fee paid

£

s

d

Permit granted this ....................... day of ....................... 19 .....................

.................................................................................................................................

Issuing Officer.

This Permit entitles the holder to purchase unwrought precious metal, subject to paragraphs (3), (4), (5), (6) and (7) of the above mentioned Regulation within the Territory of South West Africa and is not
transferrable.

FORMS

“D”

[Form D amended by GN 87/1969]

Office and date stamp.

Permit No. ..................................................

PERMIT TO SELL ALLUVIAL GOLD

(Proclamation No. 5 of 1938.)

Permission is hereby granted to

(Full name): ...........................................................................................................

(Full Address): ...........................................................................................................

who is the holder of Prospecting Licence No. .............................................. to sell .................... ounces of alluvial gold recovered by him from Prospecting claim

Mining Area

registered in his name and situate in the Magisterial District of ..................................................

.......................................................... Mining Commissioner.

This permit is not transferrable and must be surrendered to the purchaser.

FORMS

“E”

Office and date stamp.

Permit No. ..................................................

PERMIT TO TRANSPORT UNWROUGHT MATERIAL CONTAINING GOLD

(Proclamation No. 5 of 1938.)

Permission is hereby granted to

(Full name): ...........................................................................................................

(Full Address): ...........................................................................................................

to transport ...........................................ounces of ..................................................

description of unwrought material containing gold from .................................................. to ..................................................

This permit is available for .................................................................only from above date.

.......................................................... (Rank)
Republic of Namibia 8 Annotated Statutes

REGULATIONS
Minerals (Prospecting and Mining) Act 33 of 1992
General Regulations

- Officer of Police in charge of .............................................. District.

This permit is not transferable.

FORMS

“F”

REGISTER OF UNWROUGHT PRECIOUS METAL DEPOSITED WITH OR RECEIVED
BY ......................................................

(Kept in terms of Section 3 (1) of Proclamation No. 5 of 1938.)

<table>
<thead>
<tr>
<th>Date deposited or received.</th>
<th>Name of seller or depositor</th>
<th>Nature and weight of material.</th>
<th>Weight of precious metal.</th>
<th>Price paid (if any)</th>
<th>No. of Permit to sell (if any) and date of issue.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

FORMS

“G”

REGISTER OF UNWROUGHT PRECIOUS METAL DESPATCHED OR DISPOSED OF
BY ......................................................

(Kept in terms of Section 3 (1) of Proclamation No. 5 of 1938.)

<table>
<thead>
<tr>
<th>Date despatched or disposed of</th>
<th>Name of Person or company to whom precious metal belongs</th>
<th>Name of Consignee</th>
<th>To whom disposed of</th>
<th>Nature and weight of material</th>
<th>Weight of precious metal</th>
<th>Price received (if any)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

FORMS

“H”

REGISTER OF A JEWELLER’S PERMIT HOLDER

(In terms of Regulation one (6).)
<table>
<thead>
<tr>
<th>Amount of material whether wrought or unwrought containing gold at date of permit. *)</th>
<th>Amount of material wrought or unwrought containing gold received, date of receipt, from whom received, and price paid. *)</th>
<th>Amount (troy weight) of material (unwrought) containing gold made up and date of making up.</th>
<th>Amount of material wrought or unwrought containing gold smelted and date of smelting *</th>
</tr>
</thead>
</table>

*Description, weight (troy), number of carats (if wrought), fineness (parts per thousand) if unwrought.