

Mining & Minerals and Oil & Gas

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SOUTH AFRICA

The MRDA Bill and the separation
of mining and petroleum



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The MRDA Bill and the separation of mining and petroleum

On 20 May 2025 the Minister of Mineral and Petroleum Resources (Minister) published the Draft Mineral Resources Development Bill, 2025 (MRDA Bill) for public comment, signalling a major reform of South Africa's mineral regulatory framework. The public had until 13 August 2025 to submit comments on the draft MRDA Bill, which can be accessed [here](#).

In addition to proposing some far-reaching (and controversial) amendments to the mining and minerals regime, which have been heavily criticised by the mining industry, the MRDA Bill anticipates and aligns with other legislative developments separating the petroleum/gas industry from the mining industry in South Africa.

In its current form, the Mineral and Petroleum Resources Development Act 28 of 2002 (MPRDA) governs both mineral and petroleum exploration, production and mining. In tandem with the Upstream Petroleum Development Act 23 of 2024, enacted last year but yet to come into effect, the MRDA Bill seeks to restructure the MPRDA by removing all references to petroleum and thereby separate the regulation of petroleum from mining activities. The MRDA Bill proposes broad changes confirming such separation, including, in summary:

- **Elimination of petroleum provisions:** The MRDA Bill proposes the complete repeal of Chapter 6 of the MPRDA (*"Petroleum Exploration and Production"*), and the removal of key petroleum terms, such as *"exploration right"* and *"production right"*, so that the sector no longer falls under the ambit of this revised mineral legislation.

- **Narrowed definition of "mineral":** The MRDA Bill's proposed definition for *"mineral"* explicitly excludes *"petroleum"*, ensuring a distinct legislative approach for each sector.
- **Administrative alignment:** References to the *"Department of Mineral Resources and Energy"* and relevant ministerial responsibilities are altered to reflect the narrower, mining-only focus. For instance, reference to the *"Department"* now means the department *"responsible for mining"*, and whereas Regional Managers or PASA as the *"designated agency"* are currently responsible for various administrative processes, such as the acceptance of certain applications, the MPRDA envisions that the Minister will directly handle application acceptance and processing.

We recommend that clients involved in both mining and petroleum activities undertake a thorough review of their portfolios to confirm which operations fall under the MRDA Bill's mining-centred regime and which activities will rather fall within the standalone petroleum legislation going forward.

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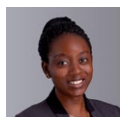
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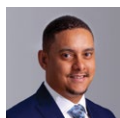
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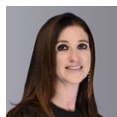
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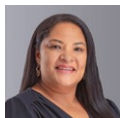


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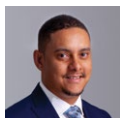
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Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

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