

Mining & Minerals

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SOUTH AFRICA

Developments in the Mining Industry in South Africa: The Draft Mineral Resources Development Bill, 2025 published for comment



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Yesterday, the Minister of Mineral and Petroleum Resources (Minister), Gwede Mantashe, published the draft Mineral Resources Development Bill, 2025 (Draft Bill) and invited interested and affected parties to comment on it.

In terms of this invitation, the public now have until 13 August 2025 to provide written inputs on the Draft Bill.

The purpose of the Draft Bill (in its present form) is to amend the Mineral and Petroleum Resources Development Act 28 of 2002 (MPRDA) to, *inter alia*; provide for matters relating to small-scale and artisanal mining, provide for the regulation of associated minerals, enhance provisions relating to the beneficiation of minerals or mineral products, and provide for enhanced sanctions.

The Draft Bill is part of a broader strategy to modernise South Africa's mining sector, including the Critical Minerals and Metals Strategy, which was launched by the Minister on 20 May 2025. This strategy explicitly includes artisanal and small-scale mining as a pillar of inclusive economic development.

Among a wide range of proposed amendments in the Draft Bill, the following are highlighted:

- A definition for artisanal mining is to be included in the MPRDA and is defined as traditional and customary mining operations using traditional or customary ways and means, which includes the activities of individuals using mostly rudimentary mining methods, and manual or rudimentary tools, to access mineral ore, usually available on the surface or at shallow depths.
- The Draft Bill includes a targeted Black economic empowerment mechanism in section 7A, which empowers the Minister, after consultation with the Council for Geoscience, to designate certain areas for small-scale and artisanal mining to Black people, and to invite applications for small-scale and artisanal mining as contemplated in section 9A.
- Section 9A is incorporated into the MPRDA in terms of which the Minister must, in the form and manner prescribed, by notice in the Gazette, invite applications:
 - in respect of land or minerals relinquished or abandoned or which were previously subject to any right, permit or permission in terms of this act, which has been cancelled or relinquished or which has been abandoned, or which has lapsed for reconnaissance permissions, prospecting rights, mining rights, small-scale mining permits and artisanal mining permits in respect of any area of land, and may prescribe in such notice the period within which any application may be lodged with the Minister and the procedures which must apply in respect of such lodgement; and



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- in consultation with the Council for Geoscience and the relevant national department in a designated area as contemplated in section 7A, for small-scale and artisanal mining.
- Section 27A is then, as a natural consequence of the above incorporated definitions and provisions, incorporated into the MPRDA to set out the nature and duration of such artisanal mining permits.
- In regard to enforcement of infringements of the MPRDA, section 91A is incorporated into the MPRDA to empower the Minister, in concurrence with the Minister of Police, by written notice to a member of the South African Police Service, assign to that member all the powers contemplated in sections 92 and 93 of the MPRDA.

The CDH Mining and Minerals Sector will be publishing a series of alerts and updates regarding the Draft Bill (and unpacking the provisions thereof) over the coming weeks and months to help you stay up to date with the developments in the mining sector.

Burton Meyer and Vivien Chaplin

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2025

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BBBEE STATUS: LEVEL ONE CONTRIBUTOR

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.

PLEASE NOTE

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