THE PRESIDENCY

No. 428 17 April 2009

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

ACT

To amend the Mine Health and Safety Act, 1996, so as to review and strengthen enforcement provisions; to simplify the administrative system for the issuing of fines; to reinforce offences and penalties; to subjugate, add and remove ambiguities in certain definitions and expressos; and to effect certain amendments necessary to ensure consistency with other laws, particularly the Mineral and Petroleum Resources Development Act, 2002, and to provide for matters connected therewith.

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

Amendment of section 2 of Act 29 of 1996, as amended by section 1 of Act 72 of 1997

1. Section 2 of the Mine Health and Safety Act, 1996 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The employer of a mine that is not being worked, but in respect of which a closure certificate in terms of the [Minerals Act] Minerals and Petroleum Resources and Development Act has not been issued, must take reasonable steps to continuously prevent injuries, ill-health, loss of life or damage of any kind from occurring at or because of the mine."

Amendment of section 2A of Act 29 of 1996, as amended by section 2 of Act 72 of 1997

2. Section 2A of the principal Act is hereby amended by the addition of the following subsection—

"(6) The employer must inform the Chief Inspector of Mines, in writing—
(a) the name of the Chief Inspector of Mines; and
(b) the name of persons who are managers under the supervision of the Chief Inspector of Mines."
Amendment of section 10 of Act 29 of 1996

3. Section 10 of the principal Act is hereby amended by the addition of the following subsections:

(4) The employer must keep a record of all formal training provided in respect of each employee in terms of subsection (3).

(5) All miners must submit a workplace skills plan and the annual training reports to the Mining Qualifications Authority.

Amendment of section 11 of Act 29 of 1996

4. Section 11 of the principal Act is hereby amended—

(a) by the insertion in subsection (5) after paragraph (a) of the following paragraph:

"(aA) commence an investigation referred to in paragraph (a) within 10 days from the date of such accident, serious illness or health-threatening occurrence;"

(b) by the substitution in subsection (5)(d) for subparagraph (i) of the following subparagraph:

"(i) [whenever possible] identifies the causes and the underlying causes of the accident, serious illness or health-threatening occurrence;"

(c) by the substitution in subsection (5) for paragraph (e) of the following paragraph:

"(e) deliver a copy of the report referred to in paragraph (d) [to the Health and Safety committee] within 30 days from the date of the accident, serious illness or health-threatening occurrence being investigated to the Principal Inspector of Mines and the health and safety committee. If there is no health and safety committee the employer must deliver a copy of the report to the health and safety representative responsible for the working place;"

(d) by the insertion after subsection (5) of the following subsections:

"(5A) An investigation in terms of subsection (5) must be completed within 30 days after the accident, serious illness or health-threatening occurrence being investigated or such longer period as the Principal Inspector of Mines may permit.

(5B) The employer must notify the Principal Inspector of Mines of any accident or occurrence at a mine that results in—

(a) the serious injury;

(b) illness;

(c) death;

of any person, in order to allow the Principal Inspector of Mines to instruct an Inspector to conduct an investigation simultaneously with the employer as required in section 11(5)(a); and

(e) by the addition of the following subsection:

"(8) In the event of an incident in which a person died, or was injured to such an extent that he or she is likely to die, or suffered the loss of a limb or part of a limb, no person may without the consent of the Principal Inspector of Mines disturb the site at which the incident occurred or remove any article or substance involved in the incident. Provided that an article or substance may only be removed if it is necessary to—

(a) prevent any further incident;

(b) remove the injured or dead; or

(c) rescue any person from danger;"

Amendment of section 13 of Act 29 of 1996

5. Section 13 of the principal Act is hereby amended—

(a) by the deletion in subsection (3)(a) of subparagraph (ii);
(b) by the deletion of subsection (4); and

(c) by the insertion after subsection (4) of the following subsections:

"(4A) The employer must inform the Principal Inspector of Mines, in writing, within seven days of the appointment of the occupational medical practitioner.

(4B) The information submitted in terms of subsection (4A) must include—

(a) the name of an occupational medical practitioner;
(b) his or her practice number; and
(c) whether the occupational medical practitioner is engaged full time or part time."

Amendment of section 17 of Act 29 of 1996, as amended by section 10 of Act 72 of 1997

6. Section 17 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The examination referred to in subsection (1) must be held before, or [as soon as possible] within 30 days after, termination of employment."

Amendment of section 20 of Act 29 of 1996, as amended by section 11 of Act 72 of 1997

7. Section 20 of the principal Act is hereby amended by the addition of the following subsection:

"(7) An employee lodging an appeal under subsection (1) may not be dismissed on any grounds relating to unfitness to perform work, pending the outcome of the appeal."

Amendment of section 23 of Act 29 of 1996, as amended by section 12 of Act 72 of 1997

8. Section 23 of the principal Act is hereby amended by the addition of the following subsection:

"(4) The Minister, by notice in the Gazette, must determine minimum requirements for the procedures contemplated in subsection (2)."

Amendment of section 41 of Act 29 of 1996, as amended by section 17 of Act 72 of 1997

9. Section 41 of the principal Act is hereby amended by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

"[The following permanent committees of the Council are hereby established]
A committee, ad hoc committee or subcommittee may when necessary be established, which committee may include—"

Amendment of section 42 of Act 29 of 1996, as amended by section 15 of Act 72 of 1997

10. Section 42 of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

"(2) The Minister must appoint the members of the Council [and the permanent committees of the Council] in accordance with the regulations;"

(b) by the substitution for subsection (2A) of the following subsection:

"(2A) The Council may appoint members to committees, ad hoc [and], subcommittees [1] and other committees, for any period of time and on any conditions;" and

(c) by the insertion after subsection (2A) of the following subsection:

"(2B) The structure and functions of any committee contemplated in subsection (2A) must be provided for in the constitution contemplated in section 97(3)."
Amendment of section 43 of Act 29 of 1996, as amended by section 19 of Act 72 of 1997

11. Section 43 of the principal Act is hereby amended by the substitution for subparagraph (e)(a) of the following paragraph:

“(e)(a) annually [consider an overall programme for] advise the Minister on relevant [health and safety] research [for approval as prescribed and deliver a copy to the Minister of Finance for consideration] relating to health and safety at mines; and”.

Repeal of section 44 of Act 29 of 1996

12. Section 44 of the principal Act is hereby repealed.

Amendment of section 47 of Act 29 of 1996

13. Section 47 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1)(a) A juristic person to be known as the Mine Health and Safety Inspectorate is hereby established.

(b) The Public Finance Management Act, 1999 (Act No. 1 of 1999), applies to the Inspectorate.”

Amendment of section 49 of Act 29 of 1996

14. Section 49 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for paragraph (i) of the following paragraph:

“(i) complete a report on health and safety at mines and the activities of the Mine Health and Safety Inspectorate for each year and submit the report to the Minister within three months of the end of the year concerned; [and]”;

(b) by the substitution in subsection (1) for paragraph (k) of the following paragraph:

“(k) perform any duties relating to health or safety at mines that the Minister directs or prescribed;”;

(c) by the addition to subsection (1) of the following paragraphs:

(m) conduct or commission relevant research and evaluate and publish the results of the research; and

(n) provide logistical, administrative and technical support to the Council;”;

(d) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

“Despite the provisions of the [Minerals Act] Minerals and Petroleum Resources Development Act or any other law, the Chief Inspector of Mines—”;

(e) by the substitution in subsection (3) for paragraph (b) of the following paragraph:

“(b) must consult with the appropriate officer appointed in terms of [section 4 of the Minerals Act] the Minerals and Petroleum Resources Development Act concerning the exercise of those powers;”;

(f) by the substitution for subsection 4 of the following subsection:

“(4) To further the objectives of this Act the Chief Inspector of Mines may—

(a) enter into agreements with other persons;[and]

(b) authorise a competent independent person to perform any or all the functions of an inspector;[and]

(c) perform any act, whether in the Republic or elsewhere, that is calculated, directly or indirectly, to enhance the value of the
services which the Mine Health and Safety Inspectorate renders, or perform any prescribed act;

(d) require all mines or groups of mines to prepare and implement a health and safety management system for mines;

(e) require all mines or groups of mines to prepare and implement a hazard management system for significant hazards mentioned under section 11;

(f) in consultation with the Minister and the Minister of Finance acquire or dispose of immovable property;

(g) hire, purchase or otherwise acquire any movable property and proprietary right, and lease or dispose of property;

(h) collaborate with any other body or institution or establish and control facilities for the collection and dissemination of scientific and technical information relating to health and safety at mines;

(i) collaborate with any educational, governmental or scientific body or institution in connection with the provision of instruction for, or the training of, persons required by the Mine Health and Safety Inspectorate;

(j) provide financial or other assistance in connection with the training of persons in so far as is necessary to ensure that a sufficient number of trained persons are available to enable the Mine Health and Safety Inspectorate to perform its functions efficiently;

(k) institute the Mine Health and Safety Inspectorate against any loss, damage, risk or liability;

(l) invest any of the money of the Mine Health and Safety Inspectorate and

(m) institute or defend any legal action;" and

(g) by the addition of the following subsection:

"(6) The Chief Inspector of Mines must issue guidelines by notice in the Gazette.";

Insertion of sections 49A and 49B in Act 29 of 1996

15. The following sections are hereby inserted in the principal Act after section 49:

"Financial and judicial management of Mine Health and Safety Inspectorate"

49A. (1) The funds of the Mine Health and Safety Inspectorate consist of—

(a) money appropriated by Parliament;

(b) any donations made to the Mine Health and Safety Inspectorate;

(c) revenue made on investments; and

(d) money raised and received in terms of this Act.

(2) The Mine Health and Safety Inspectorate must utilise its funds to defray expenses incurred by it in the performance of its functions.

(3) The Chief Inspector of Mines must, after consultation with the Council, use the monies collected in terms of section 55B for the promotion of health and safety in the mining industry.

(4) The Chief Inspector of Mines as the accounting authority of the Inspectorate must—

(a) open a bank account in the name of the Mine Health and Safety inspectorate with an institution registered as a bank in terms of the Banks Act, 1990 (Act No. 94 of 1990); and

(b) deposit therein all money received in terms of subsection (1)."
(5) The Mine Health and Safety Inspectorate may invest any of its funds not immediately required—
(a) subject to any investment policy that may be prescribed; and
(b) in such a manner as may be approved by the Minister.
(6) The Mine Health and Safety Inspectorate’s financial year is from 1 April in any year to 31 March in the following year.
(7) The report of the Chief Inspector of Mines referred to in section 49(1)(j) must reflect the financial affairs of the Mine Health and Safety Inspectorate.
(8) Despite any other law, the Mine Health and Safety Inspectorate may not be placed under judicial management or in liquidation except if authorised by an Act of Parliament adopted especially for that purpose.

Co-operative governance

49B. (1) The Chief Inspector of Mines must coordinate the exercise of the functions of the Mine Health and Safety Inspectorate with other organs of state in respect of regulating and promoting occupational health and safety, in accordance with the principles of co-operative governance contemplated in Chapter 3 of the Constitution.
(2) The Chief Inspector of Mines may conclude co-operative agreements with relevant organs of state to give effect to the co-operative contemplated in subsection (1)."

Amendment of section 50 of Act 29 of 1996

16. Section 50 of the principal Act is hereby amended by the insertion after subsection (7) of the following subsection:

"(7A) The Inspector may impose a prohibition on the further functioning of the site where—
(a) a person’s death;
(b) serious injury or illness to a person; or
(c) a health-threatening occurrence has occurred by blocking, barring or barricading the site in such a manner as the Inspector may deem necessary."

Amendment of section 54 of Act 29 of 1996, as amended by section 23 of Act 72 of 1997 and section 24 of Act 72 of 1997

17. Section 54 of the principal Act is hereby amended by the deletion of subsections (7), (8), (9) and (10).

Amendment of section 55A of Act 29 of 1996, as inserted by section 25 of Act 72 of 1997

18. Section 55A of the principal Act is hereby amended—
(a) by the substitution for subsection (1) of the following subsection:

"(1) An inspector who has reason to believe that an employer has contravened or failed to comply with any provision contemplated in section 91(1B), may make a recommendation in writing to the Principal Inspector of Mines that a fine be imposed on [the employer who has failed to comply with any provision contemplated in section 91(1B),]
(b) by the deletion of subsection (2);
(c) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

"The inspector concerned must [provide] serve a copy of the recommendation [or record] contemplated in subsection (1) or (2) to—"
and

Creamer Media Pty Ltd +27 11 622 3744 polity@creamermedia.co.za www.polity.org.za
(d) by the addition of the following subsections:

4. (4) The employer may make written representations to the Principal Inspector of Mines within 30 days of the recommendation,

5. (5) A representation made in terms of this section may not be used against the employer in any criminal or civil proceedings in respect of the same set of facts.

Substitution of section 55B of Act 29 of 1996, as inserted by section 25 of Act 72 of 1997

19. The following section is hereby substituted for section 55B of the principal Act:

"Principal Inspector of Mines may impose fines"

55B. (1) The Principal Inspector of Mines, after considering the recommendation and any representations made in accordance with section 55A, may—

(a) disregard the recommendation;

(b) impose a fine not exceeding the maximum amount mentioned in Table 2 of Schedule 8; or

(c) refer the matter to the prosecuting authority for a decision as to whether the employer should be charged with an offence.

(2) The Principal Inspector of Mines must notify the employer, committee, representative and trade union contemplated in section 55A(3), as the case may be, of any decision made in terms of subsection (1)

(3) An employer must pay any fine imposed in terms of this section within 30 days of the imposition of the fine.

(4) If the employer fails to pay the fine within the specified period, the Chief Inspector of Mines may apply to the Labour Court for the fine to be made an order of that court.

Repeal of sections 55C to 55H of Act 29 of 1996

20. Sections 55C, 55D, 55E, 55F, 55G and 55H of the principal Act are hereby repealed.

Amendment of section 57 of Act 29 of 1996, as amended by section 27 of Act 72 of 1997

21. Section 57 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Any person who is the subject of a decision of an inspector or at whose instance a decision of an inspector was taken, except a decision contemplated in section 55A adversely affected by a decision of an inspector, except a decision contemplated in section 55B, may apply against that decision to the Chief Inspector of Mines.

Repeal of section 57A of Act 29 of 1996

22. Section 57A of the principal Act is hereby repealed.

Amendment of section 63 of Act 29 of 1996, as amended by section 31 of Act 72 of 1997

23. Section 63 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) (a) For the purpose of enhancing the effectiveness of an investigation in terms of section 60 the Chief Inspector of Mines is consultation with the National Prosecuting Authority, after receiving representations from the appropriate Attorney-General, Chief Inspector of Mines may issue a certificate that the
prosecution may be instituted in respect of any contravention of, or failure to comply with, a provision of this Act related to the event being investigated.

24. Section 71 is hereby amended by the substitution for subsection (7) of the following subsection:

"(7) The person presiding at an inquiry may direct that any evidence given by a person during an inquiry may not be used [for the purposes of sections 55A to 55D, or any appeal relating to those sections, or in any criminal or disciplinary proceedings against that person except in criminal proceedings on a charge of perjury against that person]."

25. Section 76 of the principal Act is hereby amended by the addition of the following subsection:

"(3) The Minister may enter any mine at any time only for the purposes of health hazards."

26. The following section is hereby inserted in the principal Act after section 86:

Criminal liability

86A. (1) An employer, chief executive officer, manager, agent or employee commits an offence if he or she contravenes or fails to comply with the provisions of this Act thereby causing—

(a) a person's death; or

(b) serious injury or illness to a person.

(2) If a chief executive officer, manager, agent or employee of the employer commits an offence by performing or omitting to perform an act and such performance or omission would have constituted an offence had it been done by the employer, the employer is equally committing an offence if the act or omission fell within the scope of the authority or employment of the chief executive officer, manager, agent or employee concerned and the employer—

(a) committed or permitted the performance or omission by the chief executive officer, manager, agent or employee concerned; or

(b) did not take all reasonable steps to prevent the performance or omission.

(3) For the purposes of subsection (7) the—

(a) fact that the person issued instructions prohibiting the performance or omission is not in itself sufficient proof that all reasonable steps were taken to prevent the performance or omission;

(b) defence of ignorance or mistake by any person accused cannot be admitted; or

(c) defence that the death of a person, injury, illness or endangerment was caused by the performance or omission of an act falling within the scope of the authority or employment of any individual within the employ of the employer may not be admitted."
Amendment of section 91 of Act 29 of 1996, as amended by section 37 of Act 72 of 1997

27. Section 91 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) Any person, [other than] including an employer, commits an offence who contravenes, or fails to comply with, any—

(a) provision of this Act;

(b) regulation;

(c) condition, suspension, notice, order, instruction, prohibition, authorised, permitting, consent, exemption, certificate or document [determined] determined, given, issued, [promulgated] promulgated or granted by or under this Act by the Minister, Chief Inspector of Mines, inspector, any person authorised under section 49(e) or any person to whom any power has been delegated or the performance of any duty has been assigned under section 96, commits an offence and is liable to a fine or imprisonment as may be prescribed;"

(b) by the deletion of subsection (1A);

(c) by the substitution in subsection (1B) for the words, preceding paragraph (a) of the following words:

"Any employer is liable to a fine in terms of section [SSD] 58H if the employer contravenes, or fails to comply with, any—"

(d) by the substitution in subsection (1B) for paragraph (c) of the following paragraph:

"(c) provision of this Act, [other than a provision referred to in subsection (1A), or any provision of Chapter 3 or section 83];"

(e) by the substitution in subsection (1C) for the words preceding paragraph (a) of the following words:

"Despite subsection (1B), any employer who, contravenes, or fails to comply with any standard in a code of practice prepared in terms of section 9(2) is not liable to a fine in terms of section [SSD] 58H if—"

(f) by the deletion of subsection (2).

Amendment of section 92 of Act 29 of 1996, as amended by section 38 of Act 72 of 1997

28. Section 92 of the principal Act is hereby amended—

(a) by the substitution for subsection (5) for the following subsection:

"(5) Any person convicted of an offence in terms of any section mentioned in Column 1 of the Table below Table 3 of Schedule B may be sentenced to a fine or imprisonment for a period not exceeding the period mentioned in Column 2 of that Table opposite the number of that section."

(b) by the deletion of the table after subsection (5);

(c) by the addition of the following subsections:

"(6) Any owner convicted of an offence in terms of section 86 or 86A may be sentenced to—

(a) withdrawal or suspension of the permit; or

(b) a fine of three million rand or a period of imprisonment not exceeding five years or to both such fine or imprisonment.

(7) In the event of a conviction, the court may, in addition to imposing a sentence in respect of the offence and making any order, order the person convicted to—

(a) repair any damage caused, to the satisfaction of the Chief Inspector of Mines, and
(b) comply with a provision of this Act within a specified period of 1

Amendment of section 98 of Act 26 of 1996, as amended by section 41 of Act 72 of 1997

29. Section 98 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) of the following paragraph:

"(1) Any officer may make the regulations of which may be necessary or
desirable in order to achieve the objects of this Act; and"

(b) by the substitution in subsection (3) of the following paragraph:

"(3) in the system of times contemplated in sections 55A to 55B;
including regulations regarding forms and documents, periods of
time, procedures, records to be kept and the payment of fines, and"

(c) by the addition to subsection (1) of the following paragraph:

"(1A) Minimum standards for the establishment, functioning, training,
equipments and staffing of emergency services at mines and reporting by
employees in respect of rescue services;"

Amendment of section 102 of Act 29 of 1996, as amended by section 41 of Act 72 of 1997

30. Section 102 of the principal Act is hereby amended—

(a) by the insertion after the definition of "Commission" of the following
definition:

"Commission" means the Constitution of the Republic of South Africa,
1996;"

(b) by the insertion after the definition of "mineral" of the following definition:

"Mineral and Petroleum Resources Development Act, 2002 (Act No. 28
of 2002);"

(c) by the deletion of the definition of "Minerals Act;"

(d) by the deletion of the definition of "occupational health practitioner";

(e) by the substitution for the definition of "occupational health practitioners"
the following definition:

"occupational medical practitioner" means a medical practitioner
who holds a qualification in occupational medicine, or an equivalent
qualification, recognised by the Interim National Medical and Dental
Council of South Africa; Health Professions Council of South Africa;"

(f) by the substitution in paragraph (a) of the definition of "owner" for
subparagraph (c) of the following subparagraph:

"(b) the holder of a prospecting permit or mining authorisation issued
under the Minerals Act Mine and Petroleum Resources Development
Act;"

(g) by the insertion after the definition of "prospecting" of the following
definition:

"Public Finance Management Act" means the Public Finance
Management Act, 1999 (Act No. 1 of 1999);" and

(h) by the substitution for the definition of "topsoil" of the following definition:

"topsoil" means topsoil as defined in section 1 of the Minerals Act
Mine and Petroleum Resources Development Act;"

Substitution of section 104 of Act 29 of 1996

31. The following section is hereby substituted for section 104 of the principal Act:

(Civil Liability of State

94. The State Liability Act, 1977 (Act No. 20 of 1973), applies with the
changes required by the context in respect of the Mine Health and Safety

32. Schedule 4 to the principal Act is hereby amended by the addition of the following item:

2. The Mine Health and Safety Inspectorate continues to exist as a juristic person and the Chief Inspector of Mines is its accounting officer.

Insertion of Schedule 8 in Act 29 of 1996

33. The following Schedule is hereby inserted in the principal Act after Schedule 7:

**SCHEDULE 8**

**Table 1**

<table>
<thead>
<tr>
<th>Section under which convicted</th>
<th>Maximum fine and term of imprisonment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2(a)</td>
<td>R1 000 000 or 5 yrs imprisonment</td>
</tr>
<tr>
<td>2(b)</td>
<td>R1 000 000 or 5 yrs imprisonment</td>
</tr>
<tr>
<td>3</td>
<td>R1 000 000 or 5 yrs imprisonment</td>
</tr>
<tr>
<td>4</td>
<td>R1 000 000 or 5 yrs imprisonment</td>
</tr>
<tr>
<td>5</td>
<td>R1 000 000 or 5 yrs imprisonment</td>
</tr>
<tr>
<td>6</td>
<td>R1 000 000 or 5 yrs imprisonment</td>
</tr>
<tr>
<td>7(a)</td>
<td>R1 000 000 or 5 yrs imprisonment</td>
</tr>
<tr>
<td>7(b)</td>
<td>R1 000 000 or 5 yrs imprisonment</td>
</tr>
<tr>
<td>10</td>
<td>R1 000 000 or 5 yrs imprisonment</td>
</tr>
<tr>
<td>11</td>
<td>R1 000 000 or 5 yrs imprisonment</td>
</tr>
<tr>
<td>15</td>
<td>R500 000 or 3 yrs imprisonment</td>
</tr>
<tr>
<td>16</td>
<td>R500 000 or 5 yrs imprisonment</td>
</tr>
<tr>
<td>21(1), (2) or (4)</td>
<td>R500 000 or 5 yrs imprisonment</td>
</tr>
<tr>
<td>22</td>
<td>R200 000 or 2 yrs imprisonment</td>
</tr>
<tr>
<td>24</td>
<td>R500 000 or 2 yrs imprisonment</td>
</tr>
<tr>
<td>52</td>
<td>R200 000 or 2 yrs imprisonment</td>
</tr>
<tr>
<td>53</td>
<td>R200 000 or 2 yrs imprisonment</td>
</tr>
<tr>
<td>62</td>
<td>R200 000 or 2 yrs imprisonment</td>
</tr>
<tr>
<td>66(3)</td>
<td>R200 000 or 2 yrs imprisonment</td>
</tr>
<tr>
<td>70</td>
<td>R200 000 or 2 yrs imprisonment</td>
</tr>
<tr>
<td>71</td>
<td>R200 000 or 2 yrs imprisonment</td>
</tr>
<tr>
<td>81</td>
<td>R200 000 or 2 yrs imprisonment</td>
</tr>
<tr>
<td>Column 1</td>
<td>Column 2</td>
</tr>
<tr>
<td>---------</td>
<td>----------</td>
</tr>
<tr>
<td>Section under which convicted</td>
<td>Maximum fine and term of imprisonment</td>
</tr>
<tr>
<td>85</td>
<td>R200 000 or two years imprisonment</td>
</tr>
<tr>
<td>87, 88, 89, 90</td>
<td>R25 000 or six months imprisonment</td>
</tr>
<tr>
<td>88</td>
<td>R300 000 or three years imprisonment</td>
</tr>
</tbody>
</table>

**TABLE 2**

**MAXIMUM FINES THAT CAN BE IMPOSED FOR CONTRAVENIONS CONTEMPLATED IN SECTION 55B**

The maximum fine that can be imposed in terms of section 55B may not exceed an amount of R2 000 000.

Amendment of certain expressions in Act 29 of 1936

34. (1) The principal Act is hereby amended by the substitution for the expression "permanent committee", wherever it occurs, of an expression "committee" or "committees".

(2) The principal Act is hereby amended by the substitution for the expression "Minerals Act" wherever it occurs, of the expression "Mineral and Petroleum Resources Development Act".

Short title and commencement

25. This Act is called the Mine Health and Safety Amendment Act, 2008, and takes effect on a date to be determined by the President by proclamation in the Gazette.