



# LEGAL LIABILITY MINE HEALTH AND SAFETY ACT (MHSA) ACT 29 OF 1996

2 CPD POINTS

SAICEcon21/02922/24

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SP\_028/2025



**Presented By: Attorney Cecil Naude**

## Course objective

Franklin and Kaplan The Mining and Mineral Laws of South African (Butterworths, 1982) at 577 to 588 deals with the question of factual compliance with a manager's obligations as follows: -

“What a manager must do to comply with or enforce the carrying out of the regulations depends upon the circumstances of each particular case; and for this reason the courts have declined to lay down any general rules.”

## Who should attend?

Employer; Employee; Contractor and Manufacturer in general. Director; Chief Executive Officer; Engineer; Architect; Client; Agent; Construction Manager, Construction Supervisor; Construction Health and Safety Officer; SHE Representative; Incident Investigator. Any person employed on or render service to the mining sector.

## Course outline?

### Day 1

Aim of legislature; Definitions; Self- Regulation Principle; Common Law; Statutory Law; Vicarious Liability; Reasonable Practicable; Negligence; Intention; Criminal Liability.

Responsibilities of: Employers; Employees; Manufacturers; Contractors and Other Persons.

Health and Safety Representatives and Committees; Inspector' powers; Section 54, 55A and 55 Notices.

### Day 2

Investigations; Inquiries; Negligent Act or Omission; Appointments; Transitional Provisions; Penalties and Schedule 8 Table 1 and 2 Fines. South African Case Law and Practical Workshop

## Requirements

None.

## Register?

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In-house courses can be arranged on request but are subject to a minimum number of delegates.