

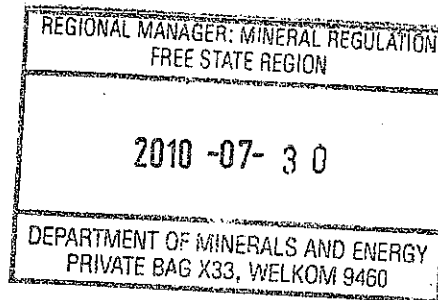
Anita Snyman  
053 8394244

SAIPE



TRN No. M517184 (Kimberley Branch)

The Regional Manager: Mineral Regulation  
Department: Mineral Resources  
Free State Region  
314 Stateway Street  
The Strip Building  
First and Second Floors  
Welkom  
9459



(hereinafter referred to as "the Beneficiary")

23 July 2010

FINANCIAL GUARANTEE FOR THE REHABILITATION OF LAND DISTURBED BY PROSPECTING (EXECUTION OF ENVIRONMENTAL MANAGEMENT PROGRAMME)

1. Concerning the responsibility in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), which is incumbent on De Beers Consolidated Mines Limited (Registration Number: 1888/000007/06) (hereinafter referred to as "the Mine Owner") to execute the environmental management programme approved in terms of the provisions of the said Act for the rehabilitation of land disturbed by prospecting in respect of Subdivision 1 (Kings Paddock), Subdivision 16 and the Remaining Extent of the Farm Jagersfontein 14, situated in the magisterial district of Fauresmith, Free State Region.

Now therefore, we, The Standard Bank of South Africa Limited of 25 Sauer Street, 1st Floor, Johannesburg, (Registration Number 1962/000738/06) (hereinafter referred to as "the Guarantor") confirm that the amount of R108,000.00 (one hundred and eight thousand Rand) (hereinafter referred to as "the Guaranteed Amount") is available to the Beneficiary for the purpose of executing the said environmental management programme.

2. The Guarantor, who hereby waives the advantages of the exceptions non numeratae pecuniae non causa debiti excussionis et divisionis, the meaning and the consequences of which is known to the Guarantor, undertakes to pay the Guaranteed Amount upon receipt of a written claim from you at the Bank's Corporate and Investment Banking: Operations, Trade Services Division, 25 Sauer Street, 1<sup>st</sup> Floor, Johannesburg, to do so and the claim may be submitted by you, if (in your opinion and discretion) the Mine Owner fails or remains in default to execute the said environmental management programme, or if he ceases prospecting operations, or if his estate is sequestrated, or if he should hand over his estate in terms of the Insolvency acts which are applicable in the Republic of South Africa, or if the Guarantor gives written notice to you in terms of clause 5 of this guarantee. The said claim may be instituted by you at any stage commencing from the date of signature of this Guarantee.

3. The said Guaranteed Amount may be held by the Beneficiary on the condition that the Beneficiary, after having complied with all the provisions of the said environmental management programme, will give account to the Guarantor of how the amount was appropriated and repay any unappropriated amount to the Guarantor.

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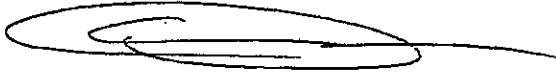
4. This Guarantee is neither negotiable nor transferable, is restricted to the payment of money only, and -  
a) must be returned to the Guarantor when giving account to the Guarantor in terms of clause 3 above,  
b) shall lapse on the granting of a closure certificate in terms of the Act, 2002 (Act28 of 2002), and  
c) shall not be construed as placing any other responsibility on the Guarantor other than the paying of the Guaranteed Amount.

5. The Guarantor reserves the right to withdraw from this Guarantee after having given the Beneficiary at least three months' written notice in advance of its intention to do so.

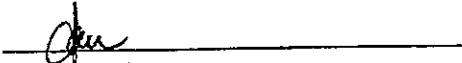
6. Payment under this Guarantee will only be made against surrender of this original Guarantee by the Beneficiary at the Guarantor's Corporate and Investment Banking: Operations, Trade Services Division, 1<sup>st</sup> Floor, 25 Sauer Street, Johannesburg.

Signed at Johannesburg on 23 July 2010

For: The Standard Bank of South Africa Limited.





Samuel Davids  
Manager CIB Operations



Karin Fourie  
Manager Specialised Trade Finance CIB  
Operations

As witnesses:

1. 
2. 



**water affairs**  
Department:  
Water Affairs  
**REPUBLIC OF SOUTH AFRICA**

PRIVATE BAG 528, BLOEMFONTEIN, 9300  
Bloem Plaza Building, c/o Maitland & East Burger Streets, Bloemfontein  
Telephone: 051 405 9263 Fax: 051 447 1901 E-mail: melatob@dwa.gov.za

Enquiries: Boitumelo Melato

Our Reference: 16/2/7/C513/D1/A3

Department of Mineral Resources  
Private Bag X 33  
Welkom  
9460

**Attention: Mr. C. Tshisevhe**

**CONSULTATION WITH REGARD TO AN ENVIRONMENTAL  
MANAGEMENT PLAN FOR A PROSPECTING RIGHT IN TERMS OF  
SECTION 40 OF THE MINERAL AND PETROLEUM RESOURCES  
DEVELOPMENT ACT 2002, (ACT 28 OF 2002) IN RESPECT OF SUBDIVISION  
1 (KINGS PADDOCK), SUBDIVISION 16 AND THE REMAINING EXTENT OF  
THE FARM JAGERSFONTEIN 14, ALL SITUATED IN THE MAGISTERIAL  
DISTRICT OF JAGERSFONTEIN**

**Applicant: De Beers Consolidated Mines Limited**

Reference is hereby made to the consultation letter dated June 28, 2010 with a reference no: FS 30/5/1/1/3/2/1(391) EM and a copy of an Environmental Management Plan (EMP) as presented to this department by Department of Mineral and Resources.

This office has no objections to the approval of the said EMP provided the following conditions are met and strictly adhered to prior to the prospecting activity:

REGIONAL MANAGER: MINERAL REGULATION  
FREE STATE REGION  
  
20 JUL 2010  
  
DEPARTMENT OF MINERALS AND FUELS  
PRIVATE BAG X 33, WELKOM 9460

REGIONAL MANAGER:  
MINERAL REGULATION  
FREE STATE REGION

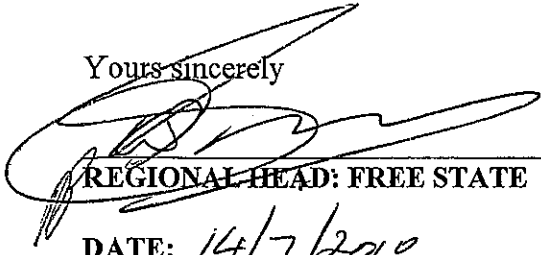
- All applicable sections of the National Water Act as well as what was stipulated by the applicant in the above-mentioned EMP, including section F, must be met and strictly adhered to.
- The applicant must provide this office, prior to commencement of any activity on the property, with consent letters from the property owners if the property is leased.
- In page 14 C 2.8 it is indicated that water will be abstracted from a borehole. The applicant must obtain authorization from this Department and if it is a lawful existing water use, proof of such authorization must be provided to this Department.
- Should water be sourced from the Municipality as stated in page 14 C 2.8, an agreement between the applicant and the Municipality must be submitted to this office
- All sections of the Waste Management Act (Act 59 of 2008) pertaining to the disposal of waste must be adhered to.
- All fuel and other lubricants must be stored in sealed containers at least 100 meters from the nearest watercourse and all reasonable precautions must be taken to prevent any possible pollution.
- All the commitments stipulated in the various parts of this report must be adhered to and any deviations must be communicated to this department.
- The regulations on the Use of Water for Mining and Related Activities aimed at the Protection of the Water Resources as published in the Government Notice No. 704 on 04 June 1999 (Government Gazette No. 20119) must be complied with.

This reply does not grant any exemption from the requirements of any applicable Act, Ordinance, Regulation or By-law.

REGIONAL MANAGER:  
MUTUALI REGULATION  
FREE STATE REGION

You are invited to contact Ms. B. Melato of this office should you have any enquiries.

Yours sincerely



**REGIONAL HEAD: FREE STATE**

DATE: 14/7/2010

REGIONAL MANAGER:  
REGIONAL HEAD: FREE STATE  
FREE STATE REGION



# agriculture, forestry & fisheries

Department:  
Agriculture, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

Directorate: Land Use and Soil Management,  
P.O. Box 34521,  
Faunasig 9325,  
Tel: 051 409 2601

## Fax cover

ROOM NO:

TO:	Mr C. Tshisevhe	
ORGANISATION:	Dept. of Mineral Resources	
FAX:	057 357 6003	

FROM:	MP Mame	
TEL:	051 409 2618	DATE: 27/07/2010
FAX:	051 409 2625	

NO. PAGES: 02 Including Cover sheet

SUBJECT: EMP  
Please find attached.

MESSAGE:

Chris Fyfe  
pls 07/10

Regards

REGIONAL MANAGER:  
MINERAL REGULATION  
FREE STATE REGION

REGIONAL MANAGER: MINERAL REGULATION FREE STATE REGION
2010 -07- 27
DEPARTMENT OF MINERALS AND ENERGY PRIVATE BAG X 33, WELKOM 9450



**agriculture,  
forestry & fisheries**

Department:  
Agriculture, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

**Directorate:** Land Use and Soil Management, Posbus/PO Box 34521, FAUNASIG, 9325  
Omni Building, 1st Floor, 73 Aliwal Street, Bloemfontein 9301, Tel: 051 – 409 2624 Fax: 051 – 409 2625  
**Enquiries:** Mr. MP Mazwi. Ref.: 5/3/6-D197

**Regional Manager: Mineral Regulation**  
**Department of Mineral Resources**  
**Private Bag X 33**  
**WELKOM**  
**9460**

27 July 2010

*Attention: Mr C Tshisevhe*

**CONSULTATION WITH REGARD TO AN ENVIRONMENTAL  
MANAGEMENT PLAN IN RESPECT OF SUBDIVISION 1 (KINGS PADDOCK),  
SUBDIVISION 16 AND THE REMAINING EXTENT OF THE FARM  
JAGERSFONTEIN 14, ALL SITUATED IN THE MAGESTERIAL DISTRICT OF  
JAGERSFONTEIN.**

*Applicant: De Beers Consolidated Mines Limited.*

With ref. to your letter *FS 30/5/1/1/3/2/1 (391) EM* dated *28 June 2010*, the following:

- ❖ Since all areas to be disturbed, will be returned to its original state – a declared weed and invader plant control programme must be effectively implemented.
- ❖ The rest of the EMP document is in order and this Directorate have no additional inputs towards the document.

Yours truly,

**ACTING HEAD OF AUDIT OFFICE**  
**RESOURCE AUDITING: FREE STATE**

REGIONAL MANAGER:  
MINERAL REGULATION  
FREE STATE REGION