

**CAP.270.**

**Laws**

**5 of 1965**

**88(I) of 1995**

**132(I) of 2001**

**63(I) of 2003**

**MINES AND QUARRIES  
(REGULATION) LAW**

"Governor" means the Council of Ministers

## CHAPTER 270.

### MINES AND QUARRIES.

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LAW TO CONSOLIDATE AND AMEND THE LAW RELATING TO  
MINES AND QUARRIES.

[10th April, 1953.]

14 of 53.  
43 of 55.  
6 of 56.

1. This Law may be cited as the Mines and Quarries (Regulation) Law. Short title.

PART I.

PRELIMINARY.

2. In this Law, unless the context otherwise requires— Interpreta-  
tion.

“ Court ” means the District Court of the district in which the land is situate;

“ Crown land ” includes any land either vested in the Crown, or owned, held and enjoyed by the Crown as Crown property ;

“ Director ” means the Director of Lands and Surveys and includes any officer of his Department nominated by the Director for any of the purposes of this Law;

“ land ” includes any building or other structure or erection on any land, or any trees or other thing whatsoever planted or growing upon any land and any produce thereof before severance, or any water, or any right, interest, privilege, liberty or easement in, to or over any land or anything standing or flowing thereon or thereunder;

“ mineral oil ” includes pitch, asphalt and natural gas;

“ minerals ” includes all materials of economic value forming part of, or derived naturally from, the crust of

the earth including mineral oil, but not minerals whilst in solution or peat, trees, timber and similar kinds of forest produce or any quarry materials;

" mining " means any operation of obtaining or extracting any minerals by any mode or method, or any purpose directly or indirectly connected therewith or incidental thereto;

" owner ", as applied to land, means the person entitled to be registered as the owner whether he is so registered or not;

" pollute " and " pollution " include any contamination with any chemical or any other substance in such a quantity as to be injurious to any human, animal or vegetable life;

" private land " means any land which is owned, held and enjoyed as private property and includes any land which is held or enjoyed as the communal property of a town, village or quarter;

" prospect " and " prospecting " include all operations connected with the search for minerals or quarry materials and reasonably necessary to enable the prospector to ascertain the mining or quarrying potentialities of the land;

" quarry " means any area excavated for the purpose of obtaining any quarry material;

" quarrying " means any operation of obtaining or extracting any quarry materials by any mode or method;

" quarry materials " means sand, stone, slate, granite or other rocks, chalk, clay, flint, gravel, gypsum, limestone, marble, marl and quartz.

Meaning of  
" mine " and  
" quarry " .  
3 of 6/56.

3. (1) In this Law the expression " mine " means an excavation or system of excavations made for the purpose of, or in connection with, the getting, wholly or substantially by means involving the employment of persons below ground, of minerals (whether in their natural state or in solution or suspension) or products of minerals.

(2) In this Law the expression " quarry " means an excavation or system of excavations made for the purpose of, or in connection with, the getting of quarry materials (whether in their natural state or in solution or suspension) or products of quarry materials, being neither a mine nor merely a well or bore-hole or a well and bore-hole combined.

(3) For the purposes of this Law—

(a) there shall be deemed to form part of a mine so much of the surface (including buildings, structures and works thereon) surrounding or adjacent to the shafts or outlets of the mine as is occupied together with the mine for the purpose of, or in connection with, the working of the mine, the treatment, preparation for sale, consumption or use, storage or removal from the mine of the minerals or products thereof gotten from the mine or the removal from the mine of the refuse thereof; and

(b) there shall be deemed to form part of a quarry so much of the surface (including buildings, structures and works thereon) surrounding or adjacent to the quarry as is occupied together with the quarry for the purpose of, or in connection with, the working of the quarry, the treatment, preparation for sale, consumption or use, storage or removal from the quarry of the quarry materials or products thereof gotten from the quarry or the removal from the quarry of the refuse thereof;

Provided that there shall not, for the said purposes, be deemed to form part of a mine or quarry premises in which a manufacturing process is carried on otherwise than for the purpose of the working of the mine or quarry or the preparation for sale of minerals or quarry materials, as the case may be, gotten therefrom.

(4) For the purposes of this Law premises for the time being used for depositing refuse from a single mine or quarry, being premises exclusively occupied by the owner of that mine or quarry, shall be deemed to form part of that mine or quarry, and premises for the time being used for depositing refuse from two or more mines or quarries, being premises occupied by the owner of one of those mines or quarries (either exclusively or jointly with the owner of the other or any of the others) shall be deemed to form part of such one of those mines or quarries as the Inspector of Mines may direct.

(5) For the purposes of this Law a railway, conveyor or aerial ropeway provided for the removal from a mine or quarry of minerals or quarry materials, as the case may be, gotten therefrom or refuse therefrom shall be deemed to form part of the mine or quarry.

## PART II.

## GENERAL PROVISIONS.

Ownership  
of minerals  
and quarry  
materials.

4. (1) Subject to the provisions of subsection (2), the ownership in, and control of, all minerals and quarry materials in the Colony shall vest in the Crown.

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(2) The ownership of minerals and quarry materials in, upon or under any land which lies within the areas specified on the survey map signed by the Director and deposited in the District Lands Office in accordance with the proviso to subsection (1) of section 4 of the Immovable Property (Tenure, Registration and Valuation) Law, shall vest in the owner of the land.

Prohibition  
of prospect-  
ing, mining  
or quarrying.

5. Except as in this Law provided, no person shall carry out any prospecting, mining or quarrying on any land in the Colony.

Law does  
not apply to  
mineral oils,  
etc.  
4 of 6/56.

6. Nothing in this Law contained shall be construed so as to confer any right to prospect for, or to mine, any mineral oil.

Holder of  
prospecting  
permit, etc.,  
not resident  
in the  
Colony.

7. (1) When the holder of a permit, licence or lease, granted under the provisions of this Law, is a person not personally resident in the Colony or a company not having its head office in the Colony, such holder shall appoint and shall at all times have an attorney resident in the Colony with full powers to represent the holder in all matters relating to his permit or lease except the surrender thereof and shall, as soon as possible after making such appointment or any change in such appointment, send to the Inspector of Mines a copy of the power of attorney and of any document by which such power of attorney is altered.

(2) Should the holder of a permit, licence or lease, granted under the provisions of this Law, fail either to appoint an attorney or to confer adequate powers upon the attorney as provided in subsection (1) the Governor may, by a notice published in the Gazette, prohibit the continuance of prospecting, quarrying or mining in the area comprised within the permit, licence or lease.

(3) If no copy of a valid power of attorney conferring adequate powers on the attorney is received by the Inspector of Mines within three months of the publication of the notice

mentioned in subsection (2) the Governor may, by a further notice published in the Gazette, revoke the permit, licence or lease.

**8. Every holder of a prospecting permit, a mining lease or a quarry licence shall at all times keep correct plans of all prospecting, mining or quarrying done, and correct records of all mineral values found, and ore reserves calculated, on the area of his permit, lease or licence, and shall supply to the Inspector of Mines on request, copies of such plans and records.**

*Plans of prospecting, mining and quarrying operations.*

63(l) of 2003

Capital

**9. (1) The Council of Ministers may require an applicant for a prospecting permit, mining lease or quarry licence to submit any relevant techno economical and/or environmental studies and to show to his satisfaction that he commands sufficient working capital to ensure the proper prospecting, development or working, as the case may be, of the area applied for and may require the applicant to furnish a banker's guarantee for such amount as may be determined.**

**(2) The Governor may require any reports on the area of a mining lease or quarry licence made by prospectors, lessees or engineers to be submitted for his information.**

**(3) If any person makes default in complying with any requirement imposed under subsection (2) he shall be liable to a fine not exceeding five pounds for every day during which the default continues.**

63(l) of 2003

Townplanning permit

**9A.-(1) An application for the grant of a mining lease or a quarry licence shall not be accepted unless the applicant has and submits with the application the relevant townplanning permit.**

(2) Against the provisions of section (1) and the Townplanning Law, an application for the development of a mine or a quarry in a free area of a mining or a quarrying zone shall not be accepted unless the applicant has and submits with the application a certificate of competency for the aforesaid development in the application area. The certificate of competency may be granted after an application is submitted and examined according to the provisions of this Law, concerning the applications for the grant of mining leases and quarry licences:

The mining lease or the quarry licence in a free area of a mining or a quarrying zone may be granted only to the holder of the relevant certificate of competency:  
The certificate of competency is not transferable.

(3) For the purposes of this article "free area of a mining or a quarrying zone" means the area of a mining or a quarrying zone which is not covered by any permit or grant, granted according to the provisions of this Law.  
An area is not considered free when is covered by a mining lease or a quarry licence or a townplanning permit which is under renewal, even if it has been expired.

10. (1) No prospecting permit, mining lease, quarry permit or quarry licence granted under this Law shall authorize prospecting, mining or quarrying on or in, or the erection of beacons on, or the occupation of, any of the following lands:—

Lands excluded from prospecting, mining and quarrying.

- (a) land set apart or used for, appropriated or dedicated to, any public purpose, except with the consent of the Governor and subject to such conditions as the Governor may impose;
- (b) private land except with the consent of the owner;
- (c) land used as a Government station, market, burial ground or cemetery or land appropriated for any railway or situate within one hundred yards of any railway except with the prior consent in writing of the Governor and subject to such conditions as the Governor may impose;
- (d) land which is the site of, or is within fifty yards of, any Government or public building, reservoir, dam or public road without the prior consent in writing of the Governor and subject to such conditions as the Governor may impose;
- (e) land which is the site of, or is within fifty yards of, any building without the consent of the occupier of the building:

Provided that if the consent required under paragraph (b) is unreasonably withheld, or it is impossible or impracticable to be obtained, the provisions of subsection (2) of section 14 or subsections (3), (4) and (8) of section 26, as the case may be, shall apply:

Provided further that, if the Governor shall be satisfied that the consent required under paragraph (e) is unreasonably withheld, the Governor may authorise the holder of the permit, lease or licence to prospect, mine or quarry on or in any such land subject to such conditions as the Governor may impose.

(2) Any person prospecting, mining or quarrying on or under any lands specified in subsection (1) without the requisite consent or authority shall be guilty of an offence.

**Royalties.**

11. All minerals or quarry materials obtained in the course of any prospecting, mining or quarrying shall be liable to such royalties as may be prescribed:

Provided that no royalty shall be payable on any mineral or quarry material sample certified by the Inspector of Mines as being exported solely for the purpose of analysis or experiments or as a scientific specimen and not being a greater quantity than in his opinion is necessary for such purpose.

**PART III.**

**PROSPECTING.**

**Prospecting when lawful.**

12. Prospecting shall be lawful under a prospecting permit granted by the Governor under the provisions of this Part:

Provided that the Governor may, by notice in the Gazette, prohibit prospecting for any specified mineral or quarry material and in such case a prospecting permit, whether granted before or after such notice, shall not authorise the holder thereof to prospect for such mineral or quarry material, unless the contrary is expressly provided in the permit.



13. (1) The Governor may grant to any person applying therefor in the prescribed manner and on payment of the prescribed fees a prospecting permit. Prospecting permits.

(2) A prospecting permit shall be in the prescribed form and shall be subject to such terms and conditions as the Governor may determine.

(3) A prospecting permit shall not be transferable and any right or interest conferred thereby shall not be assignable except with the previous consent of the Governor.

(4) A prospecting permit shall remain in force for one year from the date thereof, unless previously cancelled under the provisions of this Law, but it may be renewed by the Governor in the prescribed manner.

(5) Any person prospecting without a prospecting permit or any holder of a prospecting permit who fails to comply with or contravenes any of the terms or conditions of his prospecting permit shall be guilty of an offence.

14. (1) The holder of a prospecting permit shall have the right to enter upon and prospect on any Crown land and, subject to subsection (2), on any private land comprised in the permit. Rights of the holder.

And for this purpose he may, whilst engaged in bona fide prospecting, drill, dig trenches, sink shafts and generally make the necessary excavations but shall not take any steps which may have the object or direct result of minerals being won.

(2) The holder of a prospecting permit shall have no right to prospect on private land unless he obtains the previous consent of its owner or occupier and, in case such consent is unreasonably withheld or it is impossible or impracticable to be obtained, unless he obtains the special permission of the Governor:

Provided that the holder shall, if so required by an owner or occupier, give security by depositing with the Inspector of Mines such sum as the Inspector of Mines may direct for the payment of compensation for the disturbance of surface rights and for any damage to the land or anything built, planted, grown or standing thereon.

(3) The Governor shall not grant such special permission unless the applicant therefor submits full particulars of the land, its owner or occupier, and of the nature of the minerals

he proposes to prospect and furnishes an undertaking that he shall be liable to pay compensation to the owner or occupier of such land for any damage or loss which may be caused to such owner or occupier by the prospecting thereon.

(4) The Governor may impose such terms and conditions in any special permission granted under this section as he may think fit.

Duties of  
the holder.

15. (1) The holder of a prospecting permit shall—

- (a) carry on all prospecting on the lands comprised in his permit in a safe and workmanlike manner in accordance with any Regulations made under this Law;
- (b) keep such registers and books and make such returns as may be prescribed;
- (c) permit at all reasonable times the Inspector of Mines or any other person authorised in that behalf by the Governor to inspect any prospecting and to inspect and take copies of any register and book of account in the possession or under the control of the holder and kept in connection with the prospecting;
- (d) not divert water from any public river, stream, spring, well or water course without the previous consent in writing of the Inspector of Mines or any water privately owned without the previous consent in writing of the owner thereof;
- (e) at all times have a responsible agent supervising the prospecting if not personally residing on the lands comprised in his permit or sufficiently near to as to give continuous supervision to the prospecting on such lands.

(2) The holder of a prospecting permit who fails to comply with or contravenes any of the provisions of subsection (1) shall be guilty of an offence.

Ownership  
and disposal  
of minerals  
or quarry  
materials  
raised.

16. (1) Minerals or quarry materials raised or obtained in the course of prospecting under a prospecting permit shall be the property of the Government and shall not be removed from the land or disposed of by the holder of such permit or by any other person except with the consent in writing of the Inspector of Mines, but nothing herein contained shall be construed to prohibit any such holder from removing from time to time samples of such minerals

or quarry materials sufficient in quantity to enable them to be tested, analysed or experiments to be made for the purpose of ascertaining the contents and the commercial value thereof.

Any person who removes or disposes of any minerals or quarry materials raised or obtained in the course of prospecting in contravention of the provisions of this subsection shall be guilty of an offence.

(2) The Inspector of Mines may authorize the removal of minerals or quarry materials from the land from which they have been raised or obtained to any place approved by him for safe custody, subject to such conditions as he may impose.

(3) If the holder of a prospecting permit desires to retain or dispose of any minerals or quarry materials raised or obtained in the course of prospecting, he shall make application to the Inspector of Mines in the prescribed manner and, if the Inspector of Mines is satisfied that such holder has been conducting such operations only as are reasonably necessary to enable him to test the mining or quarrying potentialities of the land, he may authorize the applicant to retain and dispose of the minerals or quarry materials in respect of which application is made on payment of the prescribed royalty.

(4) Nothing in this section provided shall apply to any minerals or quarry materials raised or obtained from any land mentioned in subsection (2) of section 3.

17. (1) Every holder of a prospecting permit shall, on demand being made by the owner or occupier of any private land, make to him such payments as shall be a fair and reasonable compensation for any disturbance of the surface rights or any damage to such land or anything built, planted, grown or standing thereon as a result of any prospecting.

Payment of compensation by the holder of a permit.

(2) If such holder fails to pay compensation when demanded as aforesaid or if the owner or occupier is dissatisfied with the compensation offered, such owner or occupier, as the case may be, may apply to the Director who shall assess and determine the amount of the compensation payable and shall notify the parties of the amount so awarded.

(3) If either of the parties is dissatisfied with the award of the Director, such party may, within fifteen days of

such notification, appeal to the Governor whose decision thereon shall be final and conclusive.

(4) The amount so awarded by the Director or the Governor, as the case may be, shall be paid by the holder of the prospecting permit to the Director for the account of the person entitled thereto within fifteen days of the date on which the amount of the award is notified to such holder.

(5) If the amount so awarded is not paid within the time specified in subsection (4), such amount may be paid out of any moneys deposited by the holder of the prospecting permit under the proviso to subsection (2) of section 14, and, if no moneys or insufficient moneys have been deposited may be sued for in Court by the person entitled thereto and the Governor may suspend such prospecting permit until the amount awarded has been paid.

(6) In any proceedings in Court under subsection (5), a certificate under the hand of the Director specifying the amount of compensation awarded shall, without further proof, be received as conclusive evidence of the amount of compensation payable.

Cancellation  
of prospect-  
ing permit.

18. The Governor may cancel any prospecting permit if, in his opinion, its holder fails to comply with or observe any of the provisions of this Law or any Regulations made thereunder or any term or condition of such permit.

No second  
prospecting  
permit for  
the same  
area.

19. No prospecting permit shall be granted to any person in respect of an area for which a prospecting permit is already in subsistence, but nothing in this section contained shall be deemed to apply to any prospecting permit for oil granted under the provisions of any Law in force for the time being:

Provided that the Governor may, if satisfied that by so doing the rights or interests of the holder of a prospecting permit in respect of the area shall not be prejudicially affected, grant a prospecting permit in respect of the same area to any person other than such holder but for a mineral or quarry material other than that for which the subsisting permit was granted.

Priority.

20. (1) If application is received for the same area or for overlapping areas from two or more persons on the same day that application which is first received and which complies with the provisions of this Law or any Regulations

made thereunder shall be deemed to have priority over the others.

(2) The decision of the Governor on any question of priority shall be final.

21. (1) It shall be lawful for the Governor, by notice in the Gazette, to declare any area to be closed to prospecting either generally or for any specified mineral or quarry material for such period as may be specified in such notice or without period assigned.

Governor  
may close  
areas to  
prospecting.

(2) Any person who shall prospect within an area which is closed to prospecting shall be guilty of an offence.

(3) The Governor may grant authority on such terms as he may think fit to any person to prospect on any land which has been declared to be closed to prospecting.

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Survey,  
geological  
prospecting,  
etc.

21A. (1) Notwithstanding anything contained in this Law or any other Law, it shall be lawful for the Director—

- (a) to enter upon and survey any land, carry out geological, geochemical and geophysical prospecting, including prospecting by drilling, trenching, pitting and any other form of prospecting for the purpose of acquiring geological information and for the discovery of ore bodies ;
- (b) to provide a passage for materials and for all persons connected with the aforesaid purposes ;
- (c) to do all such other things as may be incidental to, or necessary for, the purpose aforesaid :

Provided that the Director shall not enter—

- (i) into any dwelling house without the express consent of its occupier ;
- (ii) upon any land without the consent of its occupier, unless at least twenty four hours prior notice in writing is given to the occupier ;
- (iii) into any building without the consent of its occupier, unless the approval of the District Officer is obtained

and unless at least twenty four hours prior notice in writing is given to the occupier ;

and in any event compensation shall be paid in accordance with sub-section (2).

(2) Every person who shall sustain any loss or damage by reason of the exercise of any of the powers conferred by sub-section (1) shall be entitled to receive such compensation for the same as may be agreed upon between the claimant and the District Officer or in case of disagreement as may be assessed by a District Court of competent jurisdiction.

(3) For the purposes of this section—

' Director ' means the Director of the Department of the Geological Survey of the Ministry of Commerce and Industry and includes any person acting under his authority ;

' District Officer ' means the District Officer of the District within which any survey or prospecting under this section is carried out."

PART IV.

MINING.

22. (1) Mining shall be lawful under a mining lease granted by the Governor under the provisions of this Part: When mining lawful.

Provided that the Governor may, pending the grant of a mining lease, grant permission to the applicant for such lease to carry out mining operations on the area applied for on such terms and conditions and subject to such restrictions as the Governor may think fit:

Provided further that any such permission may, at any time, be cancelled by the Governor.

(2) Any person mining without any mining lease or pending the grant thereof without any permission from the Governor as in this section provided shall be guilty of an offence.

23. (1) The Governor may, subject to the provisions of this Part, grant a mining lease to any person applying therefor in the prescribed manner if satisfied that the mineral-bearing qualities and quantities of the land in the area applied for are such as to justify the grant of a mining lease and that the applicant possesses or commands sufficient working capital and technical knowledge or assistance to Grant of a mining lease.

ensure the proper development and exploitation of the area applied for:

Provided that when there is more than one applicant for a mining lease the person who had carried on adequate prospecting operations on the area under a prospecting permit, shall be preferred:

Provided further that if such person shall be unable to obtain a mining lease on the ground that he does not command sufficient working capital and technical knowledge or assistance to ensure the proper development and exploitation of the area the person who obtains a mining lease in respect of the area shall compensate such person in such an amount as shall be determined by the Governor.

(2) A mining lease shall be in the prescribed form, shall specify the area and the minerals in respect of which it is granted and shall be subject to the payment of such rentals, fees, royalties and other payments and to such covenants and conditions as the Governor may therein provide.

(3) The Governor, in granting a mining lease, may require the reasonable restoration of any area used for mining operations by the replacement of the surface soil, the filling in of worked areas, the removal of any tailing or other dumps or heaps caused by mining operations and such other methods as may reasonably be required.

(4) Notwithstanding anything in this Law or in any permit, licence or lease given or granted under the provisions of any of the Laws repealed by this Law contained, the Governor may by Order require the holder or grantee of any such permit, licence or lease to take such action as may reasonably be necessary to make the area safe to the satisfaction of the Inspector of Mines.

(5) A lessee who fails to comply with or contravenes any covenant, term or condition of his mining lease shall be guilty of an offence.

Duration, renewal and surrender of mining lease.

24. (1) A mining lease may be granted for such term not being more than fifty years as the Governor may determine.

(2) If, at the expiration of the term originally granted, the lessee shall be carrying on work in a normal and business-like manner, and the mining lease is not at that time liable to be forfeited under any of the provisions of this Law, and its lessee has given to the Governor six months' notice in

writing in that behalf, then the lessee shall be entitled on payment of the prescribed fee and subject to the provisions of this section to obtain a renewal of the lease for such term as may be approved, not exceeding fifty years, upon the conditions which are then applicable to new leases and subject to all covenants and conditions which may be imposed under the provisions of this Law but shall not have the right to any subsequent further renewal of the lease:

Provided that, in granting a new mining lease for the same area, such lessee shall be preferred on equal terms before other applicants.

(3) The Governor may direct a lessee who has applied for the renewal of a lease under the provisions of subsection (2) to surrender any part of the area covered by such lease which has been worked out or is no longer reasonably required for mining and such direction being given such lease shall not be renewed until such surrender has been effected and if such surrender be not made within a reasonable time of the service of such direction the lessee shall lose the right to renew under the provisions of subsection (2).

(4) When on the renewal of any mining lease, it is considered desirable to correct any defects existing in the plan of the area of the said lease a corrected plan shall, on the direction of the Governor, be made, and when endorsed on or attached to the lease shall be deemed to be the plan of such area.

(5) A lessee who has given six months' notice in writing to the Governor may surrender his mining lease in whole or, with the consent of the Governor, in part, on forwarding the original lease and on payment of all sums due in respect thereof and of all fees and charges prescribed for the surrender of a lease and on carrying out all obligations in respect of such lease.

(6) It shall be the duty of the applicant to obtain the consent of any parties who may have an interest in such mining lease before making an application to surrender in whole or in part.

(7) A surrender of a mining lease shall be in the prescribed form.

25. There shall be implied in every mining lease, in the absence of any express condition to the contrary, the

Implied conditions on part of lessee.



following covenants and conditions on the part of the lessee:—

- (a) that the lessee shall duly pay the rent and any royalty that may become due to the Governor at such time and place and in such manner as may, from time to time, be prescribed and to such persons as may, from time to time, be authorized to receive the same;
- (b) that the lessee shall duly maintain all beacons in good condition and repair and shall keep a clear line of sight between any two beacons marking a boundary line;
- (c) that, subject to the provisions of this Law, the lessee shall commence mining operations in the area of the mining lease within a period of six months from the date of the lease, and shall, thereafter, during the continuance of the lease, unless prevented by circumstances beyond his control or authorized in writing by the Governor, continuously, vigorously and effectively, carry on mining operations in such area;
- (d) that the lessee shall fulfil the working obligations prescribed by the Regulations;
- (e) that the lessee shall carry on all his mining in a safe and workmanlike manner and shall not cause danger or damage to the occupiers, if any, of the lands within the area of the lease and shall observe and perform all Regulations and Orders made, and directions given, in accordance with the provisions of this Law;
- (f) that the lessee shall not use any portion of the area included in his lease for any purpose other than mining or purposes ancillary thereto;
- (g) that any person duly authorized by the Governor in this respect shall, at all reasonable times, have free access to the area of the lease and to all the workings therein;
- (h) that the lessee shall keep, or cause to be kept, plans and true and sufficient books of account of the mining carried on within the area of the lease, and of the disposal of the minerals won, and shall, if so required, produce or cause to be

produced such plans and books for the inspection of an inspector or of any person duly authorized by him in that behalf;

- (i) that the lessee shall take all due and proper precautions and shall comply with all requirements of mines officers as to the safety of all persons employed by him in mining operations.

26. (1) A mining lease shall confer on the lessee thereof the right to carry out mining operations of any description below the surface of the ground within the area for which such lease has been granted, but shall not confer the right to carry out any mining on the surface of the ground except on such Crown land as is included within the said area.

Rights under  
a mining  
lease.

(2) The lessee of a mining lease may carry out surface mining operations on any private land within the area for which the mining lease has been granted, if he obtains the consent of the owner of such private land to purchase such land on which surface mining operations are to be carried out.

(3) Where the consent required under subsection (2) cannot be obtained for the reason that the owner of the land is a person under disability or is absent from the Colony, or in the opinion of the Director it is either impossible or impracticable to obtain such consent or the cost of obtaining such consent would be out of reasonable proportion to the value of the land to be purchased, the lessee of the mining lease shall be entitled to purchase the land on depositing with the Director double the value thereof as assessed by the Director, who shall pay it into Court.

(4) If the owner of the private land on which surface mining operations are to be carried out does not give his consent, as in subsection (2) provided, or if the lessee of a mining lease and the said owner cannot agree as to the purchase price of such land, then the lessee of the mining lease shall be obliged to purchase the land by paying, as in subsection (6) provided, double the value of such land as assessed by the Director on the application of the lessee of the mining lease or the owner of such land.

The Director shall, so soon as he shall make the assessment, notify the parties thereto of the amount assessed by notice in writing delivered to them personally or sent

by registered letter to, or left at, their last known address in the Colony:

Provided that if the owner of such land is absent from the Colony and his last address in the Colony is not known, notice to him of the amount assessed shall be dispensed with.

10(a) (ii) of  
1st Sch.  
43/55. (5) If either of the parties is dissatisfied with the amount assessed by the Director, such party may, within fifteen days of such notification, apply to the Compensation Assessment Tribunal (hereinafter referred to as "the Tribunal") for determination of such amount and the Tribunal shall determine such amount under the provisions of the Compensation Assessment Tribunal Law.

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10 (b) of 1st  
Sch. 43/55.

(6) The amount assessed under this section, either by the Director of Lands and Surveys or the Tribunal, as the case may be, shall be paid, within fifteen days from the date of such assessment, by the lessee of the mining lease into the Court, and paid to such person as the Court may direct on application made in that behalf:

Provided that the Court shall order the whole or any portion of the sum paid into Court as aforesaid to be paid to any mortgagee of the land in satisfaction in whole or in part of the sum secured by the mortgage, or to any lessee of the land as compensation in respect of the determination of his tenancy, or to any judgment creditor, who has registered his judgment in the manner provided by law, in satisfaction in whole or in part of the sum due under the judgment.

5(a) of 6/56.

(7) Payment into the Court of—

(a) the amount assessed by the Director under this section, where the period within which application may be made to the Compensation Assessment Tribunal under the provisions of subsection (5) has expired and where the Director is satisfied that no such application has been made; or

(b) the amount determined by the Compensation Assessment Tribunal where there has been an application to the said Tribunal under the provisions of subsection (5);

shall be sufficient authority to the Director to cause registration of the said land to be made in the name of the lessee

of the mining lease notwithstanding that such land may be subject to any lease, mortgage, charge or encumbrance.

Any such lease, mortgage, charge or encumbrance shall upon registration of the said land in the name of the lessee of the mining lease cease and determine.

(8) Notwithstanding anything in this section contained, it shall be lawful for the lessee of a mining lease to carry out mining on any private land within the area for which the mining lease has been granted pending the assessment by the Director of the value of such land if he obtains the consent in writing of the Director so to do, and deposits with the Director such sum of money as in the opinion of the Director would be sufficient to cover double the value which may be assessed.

(9) For the purposes of this section the value of the land shall be taken to be the amount which the land if sold in the open market by a willing seller might be expected to realize without regard to any increase in value on account of mining operations being carried on in the vicinity:

Provided that the Director, in estimating the value of the land, shall give consideration to all returns and assessments of capital or rental value for taxation made or acquiesced in by the owner or occupier.

(10) The provisions of subsections (2) to (9), both inclusive, shall apply to any area which is reasonably required by the lessee of a mining lease for purposes of access to the area for which such mining lease has been granted as they apply to the area for which such mining lease has been granted.

27. The lessee of a mining lease shall not transfer or assign his mining lease or any of the rights or privileges conferred thereby without the consent in writing of the Governor first obtained and signified by endorsement thereon.

Transfer or  
assignment  
of mining  
lease.

28. (1) No mining lease shall be construed as authorizing the lessee thereof—

Diversion or  
pollution of  
waters  
prohibited.

(a) to divert the waters of any public river, stream, spring, well or water course, without the consent in writing of the Inspector of Mines first obtained; or

(b) to divert any water privately owned, without the

consent in writing of the owner thereof first obtained; or

- (c) to pollute or permit to become polluted any water or in any way to render such water unfit for the purpose for which it is being used.

(2) Any lessee of a mining lease who contravenes any of the provisions of subsection (1) may, without prejudice to any other remedy therefor, be required by Order of the Governor to take such action as may be directed to prevent a continuance or recurrence of such contravention and within such time as may be specified in such Order.

(3) Any lessee of a mining lease failing to comply with any such Order shall be liable to have his lease suspended by the Governor until he complies with such order.

Purification  
of water.

29. Every person who uses water in connection with mining operations, whether for the generation of power or for the removal of mineral substances or for concentrating, milling or otherwise shall make such provisions as will ensure that all water so used shall not contain injurious substance in quantities likely to prove detrimental to human, animal or vegetable life when it leaves the mining area in which it has been so used.

Power to  
Inspector of  
Mines to  
enter upon  
land and  
inspect, etc.

30. The Inspector of Mines or any other person authorized by the Governor in that behalf may—

- (a) enter upon any land on which mining is being carried out or which is the subject of any mining lease, and inspect such mining or works in connection therewith;
- (b) inspect and take copies of any registers, books, documents and plans connected with such mining;
- (c) take samples, make surveys and perform any operation that he may deem necessary for the purpose of making a report to the Governor.

Power to  
Governor to  
close mine.

31. (1) If at any time it is shown to the satisfaction of the Governor that a mine is in such condition as to render mining dangerous to the safety or health of persons employed in or about such mine, the Governor may order either that such mine shall be closed, and a notice to that effect be published in the Gazette, or such works be executed as will enable mining to be carried out with due regard to

the safety or health of persons employed in or about such mine.

(2) Any person who fails to comply with any Order made under this section shall be guilty of an offence.

32. If there shall be a continued breach on the part of the lessee of a mining lease of any of the covenants, terms or conditions therein implied or contained and if such lessee shall not make good such breach within such period not being less than thirty days as the Governor may decide from the date of receiving notice in writing from the Governor so to do, or if such lessee shall wholly discontinue mining during a continuous period of six months unless prevented by circumstances beyond his control or authorized in writing by the Governor, then the mining lease may be determined by the Governor without prejudice to any claim against the lessee thereof which shall already have accrued. The decision of the Governor determining the mining lease shall be sufficiently notified to the lessee thereof by its publication in the Gazette.

Power to Governor to determine mining lease.

Provided that the Governor may, in lieu of determining the mining lease, order the holder thereof to pay, in addition to the ordinary rent, an additional rent of such amount not exceeding three times the amount of the ordinary rent payable under such mining lease as the Governor may determine from the date on which the breach commenced until the same is made good.

33. (1) The lessee of a mining lease upon which mining or development operations are being carried on shall—

Mine plans, etc., to be lodged on abandonment or closing down of mine.

(a) not less than thirty-one days before such mine is abandoned or closed down, give notice to the Inspector of Mines of the intention to abandon or close down such mine; and

(b) within thirty-one days of the date of such abandonment or closing down, lodge with the Inspector of Mines a plan or plans, which must show details of all work done on the mine, together with such further particulars as the Inspector of Mines may require.

(2) The lessee of any mining lease who—

(a) fails to furnish such notice or to lodge such plans;

(b) wilfully refuses to produce such plans or to allow

them to be examined or copied by the Inspector of Mines or any other officer duly authorized thereto by the Governor;

(c) conceals any part of the workings of the mine;

(d) knowingly produces or transmits an imperfect or inaccurate plan,

shall be guilty of an offence.

Right of lessee to remove fixtures.

34. (1) The lessee of a mining lease who shall have paid all rents, royalties and other payments to be made by him under this Law or under the terms of his lease may, within six months after the expiration or other determination of his lease, or within such further time, if any, as the Governor may allow, remove all or any of his plant, buildings or other property.

(2) In the case of any lessee who, on the expiration or determination of his mining lease is in default in the payment of any rent, royalties or other payments, and in the case of a lessee who has not removed his property within six months as aforesaid or within such further time, if any, as the Governor may allow, all the plant, buildings and property of the lessee on the land the subject of the lease shall become the property of the Government and may be dealt with and disposed of in such manner as the Governor may direct.

Acceptance of rent not to act as a waiver of forfeiture.

35. The acceptance by or on behalf of the Governor of any rent shall not be held to operate as a waiver by the Governor of any forfeiture accruing by reason of the breach of any of the provisions of this Law, of the Regulations or of any covenant or condition, express or implied, in any lease granted under this Law.

## PART V.

### QUARRYING.

Control of quarries in Governor.

36. The control of all quarries in the Colony shall vest in the Governor.

Quarrying lawful under permit or licence.

37. (1) Subject to the provisions of section 10 it shall be lawful for any person to carry out quarrying operations on any land under a quarry permit in the prescribed form from the Commissioner of the District in which the quarry is situate (hereinafter referred to as "the Commissioner") or a quarry licence in the prescribed form from the Governor.

(2) Any person who quarries without a quarry permit or a quarry licence and the holder of any such permit or licence who fails to comply with or contravenes any term or condition contained in any such permit or licence shall be guilty of an offence.

38. (1) A quarry permit may be granted subject to such terms and conditions as the Commissioner may therein determine and for a period not exceeding one year but it may be renewed for a further period or periods not exceeding one year at any one time. Any such permit may, at any time, be revoked by the Commissioner or the Inspector of Mines for good cause shown.

Period, renewal and revocation of quarry permits.

(2) An annual fee as may be prescribed shall be payable in advance in respect of every quarry permit.

39. (1) Quarry licences may be granted subject to such covenants, terms and conditions and in respect of such areas and subject to the payment of such rentals and fees as may, from time to time, be determined by the Governor.

Covenants, etc., for quarry licences.

(2) Quarry licences may be granted for such period not exceeding twenty-five years and may be renewed for a further period or periods not exceeding twenty-five years at any one time:

Provided that in cases where considerable capital expenditure or processing plant at or near the site is necessitated the Governor may in his discretion grant a quarrying licence for a period not exceeding fifty years renewable for a further period not exceeding fifty years in accordance with any mining or quarrying Regulations then in force.

(3) The provisos to subsection (1) of section 22 and the provisions contained in subsections (5), (6) and (7) of section 24 and in sections 25, 26, 27, 28, 29 and 31 shall be applicable *mutatis mutandis* to quarry licences.

6 of 6/56.

40. (1) The Inspector of Mines or any other person authorized by him in that behalf may—

Power to inspect or close quarries.

(a) enter any quarry or any land the subject of any quarry licence and inspect such quarry, quarrying operations or works in connection therewith;

7(a) of 6/56.

(b) demand the production of any quarry permit by the holder thereof who shall comply with such demand.



(2) Whenever upon any inspection as provided in subsection (1) the person carrying out such inspection considers that the quarry or any part thereof is in such condition as to render quarrying operations dangerous to the safety or health of persons employed in or about such quarry, the following provisions shall be applicable, that is to say—

7(b) of 6/56.

(a) if the person carrying out the inspection is the Inspector of Mines, he may either order that such quarry or any part thereof shall be closed, or such works be executed as will enable quarrying operations to be carried out with due regard to the safety or health of persons employed in or about such quarry;

(b) if the person carrying out such inspection is any person other than the Inspector of Mines, such person may direct that any work in such quarry should cease forthwith and shall immediately report the matter to the Inspector of Mines who, thereupon, may issue such order for such quarry or any part thereof as he may issue under paragraph (a) of this subsection:

Provided that any person, aggrieved by an order closing a quarry working under a quarry licence, may appeal to the Governor, whose decision shall be final and conclusive.

7(c) of 6/56.

(3) Where the Inspector of Mines orders the execution of any works under paragraph (a) of subsection (2), he may direct that such works shall be executed, in the case of a quarry licence, at the expense of the holder thereof, and, in the case of any other quarry, either at the expense of the holders of quarry permits working in such quarry or out of moneys allotted to the Inspector of Mines from public funds for this purpose.

132(l) of 2001

Power of Council of Ministers to determine quarry licence.

41. If there shall be a breach by the holder of a quarry licence of any covenant, term or condition contained therein and if such holder fails to make good such breach within such period as the Council of Minister may direct, from the date of receiving notice in writing from the Council of Minister so to do, or if, having received and complied with a notice from the Council of Minister to make good a breach of a specific covenant, term or condition contained in a quarry licence, the holder thereof commits a further breach of the said covenant, term or condition, then the quarry licence may be determined by the Council of Minister without prejudice to any claim against the holder thereof which shall already have accrued.

## PART VI.

## MISCELLANEOUS.

42. (1) The Governor may, from time to time, appoint an Inspector of Mines and such other officers as he may consider necessary for carrying out the purposes of this Law.

Appoint-  
ments and  
duties of  
mines  
officers.

(2) The duties of the said officers shall be those assigned to them by this Law and any Regulations made thereunder.

43. (1) Any person who--

(a) interferes with any prospecting, mining or quarrying authorized by or under this Law;

(b) obstructs any person in the exercise of any right conferred by or under this Law;

(c) interferes with any machinery, plant, works or property established on, in, under or over any land in exercise of a right conferred by or under this Law;

(d) pollutes or permits to become polluted any water or in any way to be rendered unfit for the purpose for which it is being used,

Offences and  
penalties.

shall be guilty of an offence and shall be liable to a term of imprisonment not exceeding one year or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

(2) Any person guilty of an offence against this Law for which no penalty is expressly provided shall be liable to a term of imprisonment not exceeding one year or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

44. Whenever it is proved to the satisfaction of any Court having jurisdiction that an offence against this Law has been committed by any miner, workman or other person employed by the holder of any permit, lease, licence or temporary permission granted under this Law, such holder shall be held to be liable for such offence and to the penalty provided for, unless he proves to the satisfaction of such Court that the offence was committed without his knowledge or consent or that he had taken all reasonable means to prevent the commission of an offence:

Liability of  
employer for  
offences  
committed  
by servants.

Provided that nothing in this section contained shall be

deemed to exempt such miner, workman or other person from the penalties provided for the offence committed by him.

Bounding of  
prospecting  
permits, etc.

45. All prospecting and quarry permits and mining leases and quarry licences shall be bounded by vertical planes from the surface boundary lines drawn downwards to an unlimited depth from the surface.

Materials  
required for  
public works.

46. The grant of any permit, lease or licence under this Law shall not limit the power of the Governor to take from the land the subject of the permit, lease or licence any materials required for the construction of railways, roads, buildings or other public works, but so that such taking shall not interfere with or hinder any quarrying or mining operations carried on under such permit, lease or licence.

Power to  
Governor in  
Council to  
make  
Regulations.

47. (1) The Governor in Council may make Regulations for fully and effectively carrying out, and giving effect to, all or any of the purposes, provisions and powers in this Law contained.

(2) In particular, and without prejudice to the generality of the foregoing power, such Regulations may provide for all or any of the following subjects—

- (a) all matters which by this Law are required or permitted to be prescribed;
- (b) the manner in which application for prospecting permits, mining leases and quarry licences shall be made, and the form to be used;
- (c) the information to be supplied by the applicant;
- (d) the fees, dues and rentals to be paid for prospecting permits, mining leases, quarry permits and quarry licences;
- (e) the size and shape of the areas over which prospecting permits, mining leases and quarry licences may be granted;
- (f) the manner in which areas and boundaries shall be surveyed and marked, and the fees payable therefor;
- (g) the working conditions to be applied to mining leases and quarry licences;
- (h) the construction and use of roads, tramways and railways;

- (i) the construction and erection of houses, pits, shafts, machinery and other works to be used for mining or quarrying purposes;
- (j) the grazing of animals and the cutting down and use of timber for the purpose of carrying out prospecting, mining or quarrying;
- (k) the registration in the office of the Inspector of Mines of prospecting permits, mining leases and quarry licences, and the instruments under which any right or interest thereunder is transferred or surrendered, and the fees payable therefor;
- (l) the returns to be rendered and the accounts, registers, books and plans to be kept by the holder of prospecting permits, mining leases and quarry licences;
- (m) the disposal of any poisonous or noxious products resulting from prospecting, mining or quarrying operations;
- (n) the amount of royalty payable to the Government for mining and quarrying and the form and manner in which such royalty shall be collected and paid:

Provided that where royalty is paid in respect of minerals or quarry materials raised or obtained from private land situate within the areas specified on the survey map prepared for the purpose of the proviso to subsection (1) of section 5 of the Immovable Property (Tenure, Registration and Valuation) Law, the Governor in Council shall, on application, grant such compensation to the owner of such private land, whether the surface rights over such private land have been disposed of or not, as provided in section 26, as the Governor in Council may determine;

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- (o) the securing of the safety and health of persons employed in or about mines or quarries, and for the carrying out of mining or quarrying in a safe, proper and effectual manner;
- (p) the reporting to the Inspector of Mines by the holder of a prospecting permit or a quarry licence or the lessee of a mining lease or by the manager or person in charge of any mine or quarry of any loss of life or serious personal

injury to life or serious personal injury to any person employed in or about a mine or quarry by reason of any accident or mishap at such mine or quarry;

(g) the holding of an inquiry where evidence may be taken upon oath into any accident occurring in any mine or in connection with mining or prospecting operations conducted under a mining lease, mining right, temporary title or exclusive prospecting licence involving loss of life or serious injury to any person, the summoning and expenses of witnesses;

88(l) of 1995

(r) the seizure of any mineral or quarry materials extracted, processed, sold, purchased or possessed in contravention of the provisions of this Law or Regulations made thereunder, and any tractors, bulldozers, loaders and any other machinery used during the commission of any offence in contravention of the Law or Regulations made thereunder,

(s) the fees to be paid in respect of any matter or thing done under this Law;

88(l) of 1995

(t) the imposition of a penalty of imprisonment not exceeding one year or a fine not exceeding one thousand five hundred pounds or both such imprisonment and fine for any offence against the Regulations made under this Law,

(u) the procedure on appeal to the Governor in Council under this Law.

Saving.

48. Anything done or any permit, licence or lease given or granted under the provisions of any Law repealed by this Law\* shall, subject to the provisions of this Law which are not inconsistent with the terms of any such permit, licence or lease, not be affected, and, subject to such provisions of this Law as are not inconsistent with the terms and conditions of any such permit, licence or lease, the holder or grantee of any such permit, licence or lease shall hold any such permit, licence or lease and exercise any rights conferred thereby as if this Law had not been passed.

\* The Laws repealed by this Law are—

	Extent of repeal.
1. The Mines Regulations dated 2 Shaban 1285 (set out in the Second Schedule to the Courts of Justice Law, 1949, Cap. 11, and Laws 2 of 1952 and 29 of 1952).	1. The whole.
2. The Mines Regulations Amendment Law (1949 Cap. 122).	2. Sections 2 to 11, both inclusive.
3. The Mines Regulations (Amendment) Law, 1925 (1949 Cap. 123).	3. The whole.