

CHAPTER 48.

MINING.

AN ORDINANCE TO AUTHORISE AND REGULATE PROSPECTING AND MINING.

1 of 1918.
1 of 1919.
6 of 1925.

[11th July, 1918.]

1. This Ordinance may be cited as the Mining Ordinance. Short title.
2. In this Ordinance and any Regulations made thereunder the word "mineral" means and includes precious stones, precious metals, metals and all minerals of any kind whatsoever including coal, bituminous shale and mineral oil. Definition of mineral.
3. This Ordinance shall apply only to unalienated Crown Lands and to lands the subject of an existing Crown grant or Crown lease the effect of which is to confine the user of such land by the grantee or lessee to pastoral purposes only and to reserve to the Crown all mines of silver, gold and other precious metals and all mines of coal or all diamonds and all mines of gold, silver, and other metals and all mines of coal, as the case may be. Lands to which applicable.
4. No person shall prospect for or mine or take away any mineral found upon or under any land to which this Ordinance applies, unless he be first granted by the Governor a prospecting licence or a mining lease, as the case may be, entitling him to do so: No person to prospect or mine without authority.

Provided that no licence shall be required by the holder of a Crown grant or Crown lease to quarry or take stone, flint, chalk, gravel, sand, peat and such other substances as the Governor may permit to be quarried or taken, whether under or upon the land the subject of such grant or lease. Any stone, flint, chalk, gravel, sand, peat or other substance so quarried or taken shall be used exclusively upon such land and no part thereof shall, except by permission of

[*Note.* This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.)]

the Governor in writing, be sold, given away, dealt with or disposed of in any other manner whatsoever. Any person acting in contravention of this section shall commit an offence under this Ordinance.

Governor may grant licences and leases to prospect and mine.

5. (1) The Governor may grant licences to prospect for and leases to mine, take, win, and carry away any mineral upon or under any land to which this Ordinance applies, on such terms and for such periods of time as the Secretary of State for the Colonies may approve, and subject to any regulations in force.

Licences and leases not to be transferred.

(2) No licence or lease granted under this Ordinance shall be disposed of or transferred without the written sanction of the Governor being first obtained.

Payment by holder of licence or lease of compensation for damage.

(3) Every prospecting licence and every mining lease granted under this Ordinance shall provide that the holder thereof in the exercise of the right conferred shall do as little damage as possible, and shall be subject to the payment by the licensee or lessee, as the case may be, of reasonable compensation to the grantee or lessee of the land in respect of which the licence or lease is granted, for any actual damage done by him, in the exercise of such right, to any buildings, roads, or pastoral rights on or over the land.

Claim for compensation to be brought within four months.

6. (1) Any claim for compensation for actual damage done by the holder of a prospecting licence or mining lease or by his agent or servants to any buildings, roads or pastoral rights, shall be made by the grantee or lessee of the land and lodged with the Colonial Secretary within four months from the date of the alleged damage sustained.

Claim to be assessed by Board of Arbitrators.

(2) Every such claim shall within six months from the date of its being lodged with the Colonial Secretary be inquired into and the damage if any assessed by a Board of three arbitrators composed of the magistrate of the district in which the alleged damage occurred, or such other officer as the Governor may appoint, and two persons resident in the Colony, one of whom shall be nominated by the grantee or lessee of the land lodging the claim and the other by the person to whom the licence or lease is granted.

Appeal to judge against finding of arbitrators.

(3) An appeal from the finding of the majority of the Board of Arbitrators shall lie to the Judge whose decision shall be final.

7. A licence to prospect and a lease to mine shall be in the form approved by the Governor, and shall entitle the holder thereof as well as his authorised agents and servants, together with his or their animals, carts, vehicles and all things and appliances necessary for the working of the undertaking, to enter freely and to pass at all times on to and over the land named therein, and, subject to the conditions specified therein, to prospect for or to mine, take, win and carry away any mineral found upon or under the land to which the licence or lease shall apply.

Form of licence and lease and rights conferred by same.

8. Every application for a prospecting licence or for a mining lease shall be made in writing to the Colonial Secretary and shall state the position and approximate area and boundaries of the land in respect of which the application is made, and such further particulars as may be required by the Governor.

Applications for licences and leases.

9. Any person who interferes with or obstructs the holder of a prospecting licence, or of a mining lease, or his agents or servants in the exercise of the rights and privileges conferred on him in pursuance of this Ordinance or of any regulation made thereunder shall commit an offence under this Ordinance.

Protection of holder of licence or lease against interference.

10. In every prospecting licence there shall be implied and deemed to be inserted therein a condition that the person to whom the same is granted shall carry on the work of prospecting actively and with due diligence to the satisfaction of the Governor, in default of which, the licence may, with the sanction of the Secretary of State, be cancelled by the Governor, when it shall become null and void and all works and property of the licensee on the land shall be forfeited to the Government or otherwise dealt with as the Governor may order.

Work to be actively carried on.
1 of 1919.

11. Any mineral raised, taken, won or carried away in contravention of the provisions of this Ordinance, or any regulation made thereunder, shall be forfeited to the Government, and any person so acting in contravention of this section shall commit an offence under this Ordinance.

Forfeiture of minerals taken in contravention of Ordinance or regulations.

Regulations.

12. (1) The Governor in Council may make and from time to time vary regulations for carrying out the provisions and intent of this Ordinance, and for protecting owners and occupiers of land against undue interference with their rights by operations of mining enterprises.

(2) The regulations may provide for the payment of such royalties and fees as the Governor in Council may see fit to impose.

Penalties.

13. Any person found guilty of an offence under this Ordinance, or failing to comply with any regulation made thereunder shall on summary conviction be liable for every offence to a fine not exceeding fifty pounds (£50) or to imprisonment for a term not exceeding six months, and in addition, at the discretion of the Governor and with the sanction of the Secretary of State, if the holder of a prospecting licence or a mining lease, to the cancellation of the same.

1 of 1919.