

CHAPTER 55.

RADIO-ACTIVE MINERALS.

14 of 1948. AN ORDINANCE TO REGULATE AND CONTROL PROSPECTING AND MINING FOR RADIO-ACTIVE MINERALS AND THE EXPORT THEREOF AND FOR PURPOSES CONNECTED THEREWITH.

[21st October, 1948.]

Short title. 1. This Ordinance may be cited as the Radio-active Minerals Ordinance.

Definitions. 2. In this Ordinance, unless the context otherwise requires—

“Colony” means the Colony of the Falkland Islands and its territorial waters and includes the Dependencies of the Falkland Islands and their territorial waters ;

“Licence” means a licence issued under the provisions of section 3 of this Ordinance ;

“Mine,” with its grammatical variations and cognate expressions, includes all operations for the intentional winning or obtaining of any radio-active mineral ;

“Permit,” means a permit issued under the provisions of section 6 of this Ordinance ;

“Prospect,” with its grammatical variations and cognate expressions, means to search for any radio-active mineral and includes such working as is reasonably necessary to enable the prospector to test the radio-active mineral-bearing qualities of the area concerned.

“Radio-active mineral” means any substance specified in the Schedule to this Ordinance.

Prospecting and mining restricted.
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3. Notwithstanding anything in the Mining Ordinance, or any other enactment, no person shall within the Colony prospect for or mine, or attempt to prospect or mine, any radio-active mineral except under and in accordance with a licence granted by the Governor.

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

4. Every holder of a licence shall within the first week of every month furnish the Colonial Secretary with a true report in writing of the prospecting and mining operations conducted by him in the immediately preceding month with respect to radio-active minerals.

Holder of licence to report his operations.

5. The holder of any prospecting licence or mining lease under the Mining Ordinance or the lessee of such mining lease shall immediately notify the Colonial Secretary of the discovery of any radio-active minerals and shall not remove them from the mining land without the consent of the Governor.

Notification of discovery of radio-active minerals

6. Notwithstanding anything in the Customs Ordinance or any other enactment, no person shall export, or attempt to export, from the Colony any radio-active mineral except under and in accordance with a permit granted by the Governor in that behalf.

Export restricted. Chapter 16.

7. The grant of a licence or a permit shall be in the absolute discretion of the Governor who shall be under no obligation to assign any reason for refusing the grant thereof.

Grant of licence or permit discretionary.

8. Every licence and permit shall be in such form and for such period and be subject to the payment of such a fee as the Governor may determine, and shall contain such terms and conditions as he may think fit to impose.

Form of licence and permit.

9. (1) Where it appears to the Governor that any radio-active minerals are present in or on any land, he may by order provide for compulsorily vesting in him the exclusive right, so long as the order remains in force, to work those minerals and any other minerals which it appears to him to be necessary to work with these minerals, and may also provide, by that order or a subsequent order, for compulsorily vesting in him any other ancillary rights which appear to him to be necessary for the purpose of working the minerals aforesaid including (without prejudice to the generality of the foregoing provisions)—

Compulsory vesting in Governor of right to work minerals.

- (a) rights to withdraw support ;
- (b) rights necessary for the purpose of access to or conveyance of the minerals aforesaid or the ventilation or drainage of the workings ;

- (c) rights to use and occupy the surface of any land for the purpose of erecting any necessary buildings and installing any necessary plant in connection with the working of the minerals aforesaid ;
- (d) rights to use and occupy for the purposes of working the minerals aforesaid any land forming part of or used in connection with an existing mine or quarry, and to use or acquire any plant used in connection with any such mine or quarry ; and
- (e) rights to obtain a supply of water for purposes connected with the working of the minerals aforesaid, or to dispose of water or other liquid matter obtained in consequence of working such minerals.

(2) Any order made under this section shall provide for the payment of compensation, in such cases and subject to such conditions as may be specified in the order or determined thereunder, in respect of loss suffered as the result of the acquisition or exercise of rights under the order, but no account shall be taken, in calculating the compensation payable as aforesaid, of the value of any minerals present in or on land affected by the order, being minerals specified in the order as those from which, in the opinion of the Governor, any radio-active minerals can be obtained.

(3) Any order made under this section shall be published in the Gazette and shall be served—

- (i) where the land affected is the subject of a mining lease, or an exclusive prospecting licence, granted under the Mining Ordinance, on the lessee, or the holder of such licence ; or
- (ii) in all other cases, upon the owner, lessee or occupier of any land affected by the order.

(4) No order made under this section shall have effect until it has been laid before the Executive Council and has been brought into operation in accordance with the provisions of this section.

(5) No order made under this section shall be laid before the Executive Council until the requirements of subsection (3) have been complied with and until the period of at least one month has elapsed from the date upon which it is published in the Gazette.

(6) An order made under this section and confirmed by the Executive Council shall have full force and effect, with or without amendment, as the case may be, as from the date of publication in the Gazette of the resolution of the Executive Council confirming the same.

(7) If any petition against the order is received by the Governor, he shall refer such petition to a Select Committee of the Executive Council for a report thereon and no resolution shall be taken on the order by the Executive Council until the report of the Select Committee has been laid on the table.

(8) If any petition raises separate and conflicting claims in respect of any interest or title in the lands affected, the Executive Council may, by the resolution in respect of the order, direct that such claims be determined by arbitration as provided in the Land Ordinance or any amendment thereof.

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10. (1) The Governor may compulsorily acquire—

Acquisition of minerals and plant.

- (a) any minerals, being minerals from which in the opinion of the Governor any radio-active minerals can be obtained, other than minerals in a natural state or contained in a deposit of waste material obtained from any underground or surface working ;
- (b) any plant designed or adapted for the production or use of atomic energy or research into matters connected therewith,

and in the case of any plant which is affixed to land, the Governor may sever it from the land, and shall in that case make good any damage caused by the severance.

(2) If the Governor and the person affected by the acquisition of any article under this section are unable to agree as to the compensation to be paid in respect of such acquisition or if any doubt arises as to the ownership of any such article, the matter shall be settled by arbitration as provided in the Land Ordinance or any amendment thereof.

11. (1) Every person who—

Offences.

- (a) prospects for or mines, or attempts to prospect for or mine, any radio-active mineral within the Colony without a licence ; or
- (b) being the holder of a licence, prospects for or mines, or attempts to prospect for or mine, any radio-active mineral within the Colony otherwise than in

accordance with any term or condition of his licence ; or

- (c) being the holder of a licence, fails to comply with the requirements of section 4 of this Ordinance ; or
- (d) exports, or attempts to export, from the Colony any radio-active mineral without a permit ; or
- (e) being the holder of a permit, exports, or attempts to export, from the Colony any radio-active mineral otherwise than in accordance with any term or condition of his permit ; or
- (f) obtains, or attempts to obtain, a licence or permit by means of any false statement or representation ; or
- (g) being the holder of a prospecting licence or mining lease granted under the Mining Ordinance or the lessee of a mining lease granted under the said Ordinance, fails to comply with the provisions of section 5 of this Ordinance ;

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shall, upon summary conviction, be liable to imprisonment for twelve months or to a fine of five hundred pounds or to both such imprisonment and fine.

(2) The Court before which any person is convicted of an offence under subsection (1) of this section shall order the forfeiture to His Majesty of any radio-active mineral or prospecting or mining apparatus derived from, or employed in the commission of, any act in respect of which such person was convicted.

Powers of examination, arrest &c.

12. (1) Any police officer not below the rank of sergeant, and any other officer or class of officers authorised in writing by the Governor in that behalf, may, for the purpose of enforcing the provisions of this Ordinance, without warrant or other legal process—

- (a) enter and search any place where he has reasonable grounds for suspecting that an offence under this Ordinance has been, or is about to be, committed ;
- (b) search any person whom he has reasonable grounds for suspecting to have committed, or to be about to commit, an offence under this Ordinance ;
- (c) arrest any person whom he has reasonable grounds for suspecting to have committed, or to be about to commit, an offence under this Ordinance ;

(d) seize any radio-active mineral or prospecting or mining apparatus connected therewith which he has reasonable grounds to suspect to be, or to be about to be, derived from, or employed in, the commission of any offence under this Ordinance.

(2) Where any person is arrested, or any radio-active mineral or prospecting or mining apparatus is seized, under the provisions of subsection (1) of this section, such person, mineral and apparatus shall, as soon as practicable, be brought before the nearest magistrate.

(3) Every person who obstructs, or attempts to obstruct, whether actively or passively, any officer in the execution, or purported execution, of his duties under this section, shall be liable upon summary conviction, to imprisonment for six months or to a fine of one hundred pounds or to both such imprisonment and fine.

13. The Governor may from time to time by Order alter, vary or in any manner amend the Schedule to this Ordinance.

Power of
Governor
to vary
Schedule.

14. Nothing in this Ordinance shall be deemed to absolve any person from compliance with the provisions and requirements of the Mining Ordinance and the Customs Ordinance or any regulations made thereunder.

Saving.
Chapters
48 and 16.

15. The Governor in Council may make such regulations under this Ordinance as he may deem to be necessary or expedient.

Regulations.

SCHEDULE.

- (1) Any mineral containing uranium or thorium and, in particular and without prejudice to the generality of this paragraph, the substances hereinafter set out in this schedule.
- (2) Minerals of the pitchblende group, including pitchblende, uraninite, ulrichite, broggerite, cleveite and related mineral species.
- (3) Secondary uranium minerals including tobernite, autunite, uranite, rutherfordine, uranophane, gummite, thorgummite, uranocircite, kasolite, becquerelite, and other silicates, hydrates, carbonates, phosphates or arsenates of uranium.
- (4) Carnotite, tyuyamunite, and related uranium-bearing vanadate ores.
- (5) Uranium-bearing niobate-titanate-tantalate ores, including euxenite, polycrase, blomstrandine, priorite, samarskite, fergusonite, betafite and related minerals.
- (6) Monazite, thorite, and thorianite.

O.I.C.
10 of 1948.