

## CHAPTER 196.

## MINERALS.

**An Ordinance to Regulate the Right to Search for, Mine and Work Minerals, and for Other Purposes Relating Thereto.**

[16TH DECEMBER, 1927.]

36 of 1927.  
 17 of 1928.  
 20 of 1930.  
 27 of 1930.  
 7 of 1931.  
 30 of 1931.  
 17 of 1932.  
 13 of 1935.  
 25 of 1936.  
 30 of 1938.  
 38 of 1939.  
 16 of 1941.  
 11 of 1942.  
 15 of 1944.  
 21 of 1945.  
 34 of 1946.  
 28 of 1947.  
 4 of 1949.  
 9 of 1958.

1. This Ordinance may be cited as the Minerals Ordinance, and shall apply to the Colony and the Protectorate.

Short title.

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

Interpretation.

“alluvial” means and includes all forms of mineralised deposits other than carbonaceous which do not fall within the definition of lodes;

“Court” means any duly constituted court other than a court of the native chiefs;

“Chief Inspector of Mines” means any officer appointed by the Governor to be the Chief Inspector of Mines, or any officer appointed by the Governor to perform any act or duty or to exercise any power or authority which by this Ordinance may be done by or is imposed upon or may be exercised by the Chief Inspector of Mines;

“District Commissioner” in relation to the Freetown Police District means the Chief Inspector of Mines;

“Forest Officer” means any officer appointed by the Governor under section 3 of the Forestry Ordinance;

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“holder” of a prospecting right or exclusive prospecting licence or mining right means the person to whom such right or licence was granted in the first instance, and in the case of an exclusive prospecting licence or right or mining right includes a person in whom such licence or a part of the rights thereunder has become vested by transfer, assignment or otherwise;

“ lessee ” of a mining lease includes all persons having any right or interest in or under a mining lease, whether by transfer, assignment or otherwise;

“ lode ” means and includes all true fissure veins, contact veins, segregated veins, bedded veins, metalliferous bankets, stockworks, bankets, such irregular deposits as conform generically to the above classification, and beds of any mineral such as beds of iron-stone;

“ mine ” and “ mining ” mean any operations for winning or obtaining minerals;

“ minerals ” means and includes the following as classed hereunder (a), (b), (c), (d) and (e)—

(a) metalliferous minerals, including antimony, arsenic, bismuth, copper, cobalt, chromium, cadmium, iron, lead, manganese, mercury, molybdenum, nickel, tin, tungsten, uranium, zinc, and all others of a similar nature to any of them, and all ores containing them and combinations of any of them with each other or with any other substance, excepting only those that occur in the form of precious minerals;

(b) carbonaceous minerals, including graphite, coal in all its varieties, and all substances of a similar nature to any of them;

(c) earthy minerals, including asbestos, barytes, bauxite, china clay, fuller’s earth, gypsum, marble, mica, nitrates, phosphates, pipe-clay, potash, salt, slate, soda, sulphur, talc, and all other substances of a similar nature to any of them:

Provided that, save for the purposes of sections 80, 81, 83 and 84, and of rule 49 of the General Minerals Rules, and of any Rules which have been or may be introduced to effect safety in mines, there shall not be included therein such earthy minerals as the Governor in Council may by order declare not to be minerals for the purposes of this Ordinance;

(d) precious minerals mean and include—

(i) precious stones, namely, amber, amethyst, beryl, cat’s eye, chrysolite, diamond, emerald, garnet, opal, ruby, sapphire, turquoise, and all other substances of a similar nature to any of them; and

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\* See the Minerals (Safe Mining) Rules.

(ii) precious metals, namely, gold, silver, platinum, iridium, osmium, palladium, ruthenium, rhodium, or ores containing any of these metals, provided that argentiferous lead ores containing not more than four ounces of silver per ton shall be excluded from the scope of this definition;

(e) radio-active minerals, namely minerals, raw and treated (including residues and tailings) which contain by weight at least 0.05 per cent of the element uranium, or of the element thorium, or any combination thereof. <sup>9 of 1958.</sup>

“ Mines Department ” means a department, bearing that or any other name, which may at any time after the commencement of this Ordinance be created for the purpose of the administration of this Ordinance, or to which the administration of this Ordinance may be assigned;

“ mining concession ” means any writing whereby any right, interest or property in or over land with respect to minerals was granted before the first day of January, 1929, by the Tribal Authority of the Marampa Chieftdom in the Protectorate to the African and Eastern Trade Corporation, Limited;

“ open-cast ” means any uncovered excavation which has been made from surface for the purpose of winning minerals;

“ owner ” in relation to land includes a lessee, and in relation to land or other property of a native community, means the chief or headman of the community, provided that when any payment shall be required to be made under this Ordinance to such owner the Governor may direct either that the payment be made to such chief or headman to be disposed of by him in accordance with native law or custom, or that the payment shall be made into some fund specified by the Governor to be utilised for the benefit of the native community;

“ prospect ” and “ prospecting ” mean to search for minerals, and include such working as is reasonably necessary to enable the prospector to test the mineral bearing qualities of the land;

“ shaft ” and “ pit ” mean any vertical or inclined tunnel other than a stope or winze which is or might be used for winding, travelling, draining or ventilating purposes in connection with prospecting or mining operations;

“ tributer ” means a person who directly or indirectly is permitted to win minerals receiving in return for the minerals

so won remuneration paid directly or indirectly by the person who permitted him to win the minerals;

“ watercourse ” means any channel, whether natural or artificial, which confines or restricts the flow of water.

#### GENERAL PROVISIONS.

Control of minerals, mineral oils and water declared to reside in the Crown.

3. (1) The entire property in and control of all minerals, and mineral oils, in, under or upon any lands in Sierra Leone, and of all rivers, streams and watercourses throughout Sierra Leone, is hereby declared to reside in the Crown, save in so far as such control may in any case have been limited by any express grant made by the Crown before the commencement of this Ordinance.

Prohibition of prospecting or mining without authority.

(2) Except as in this Ordinance provided no persons shall prospect or mine on any lands in Sierra Leone, or divert or impound water for the purpose of mining operations.

(3) Any person contravening the provisions of the last preceding sub-section shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment, with or without hard labour, for a period not exceeding twelve months, or to both such fine and imprisonment, and the Court before which such person is convicted may order the forfeiture of all minerals obtained by such person or if such minerals cannot be forfeited, of such a sum as the Court shall assess as the value of such minerals. Any minerals so forfeited shall be sold or otherwise disposed of as the Governor may direct and the proceeds from the sale of any such mineral shall be paid into general revenue.

Prohibition of underground mining except under licence.

4. Notwithstanding anything in this Ordinance contained no person shall conduct mining operations underground unless he holds a licence from the Chief Inspector of Mines authorising him to do so.

Saving as to the taking of certain minerals by natives.

5. Nothing in this Ordinance contained shall be deemed to prevent any native of Sierra Leone from taking, subject to such conditions as may be prescribed, iron, salt, soda or potash from lands (other than lands within the area of a mining lease or mining right) from which it has been the custom of the members of the community to which such native belongs to take the same.

6. Nothing in this Ordinance shall be construed to sanction the prospecting or mining for mineral oils.

Ordinance does not apply to mineral oils.

7. The Governor in Council may by Order declare any area to be closed to prospecting for such period as may be specified in such Order or without period assigned. Any person other than the holder of an exclusive prospecting licence who shall prospect within an area which is closed to prospecting shall be liable on summary conviction to either of the penalties prescribed in section 3 (3).

Governor in Council may close areas to prospecting.

8. (1) No prospecting right, exclusive prospecting licence or mining right granted under this Ordinance shall authorise the holder thereof to prospect or mine,

Lands on which prospecting and mining not permitted under a licence or right except when consent obtained.

(i) (a) within any Government station or on or under any lands used for or appropriated to any public purpose without the consent in writing of the Governor first obtained, and subject to the conditions, if any, prescribed in such written consent;

(b) on or under land occupied by a town, village, market or burial ground, or on or under land habitually used or occupied for sacred or ceremonial purposes, or on or under land within one hundred yards of any Government or public building or works, or any market, burial ground or place used or occupied for sacred or ceremonial purposes as aforesaid, or public road, tramway or railway without the consent in writing of the Governor first obtained and subject to the conditions, if any, imposed by the Governor;

(ii) on or under land actually under cultivation without the consent of the occupier of the land;

(iii) on or under any land within one hundred yards of any building erected thereon without the consent of the occupier of the building:

Provided that, if the Governor shall be satisfied that the consent required under paragraphs (ii) or (iii) is withheld unreasonably, the Governor may authorise the holder of the licence or right to prospect or mine on any such land subject to such conditions as he may prescribe.

(2) Any person prospecting or mining on or under any lands specified in sub-section (1) without the requisite consent or authority shall be liable, on summary conviction, to any of the penalties prescribed in section 3 (3).

## PROSPECTING.

When prospecting lawful.

9. Prospecting shall be lawful under a prospecting right or an exclusive prospecting licence:

Provided, however, that the Governor in Council may by Order prohibit prospecting for any specified mineral, and in such case a prospecting right or exclusive prospecting licence shall not authorise the holder thereof to prospect for such mineral unless otherwise expressly provided in the right or licence.

Applications for prospecting rights.

10. Every application for a prospecting right shall be in the prescribed form.

As to the grant and duration of a prospecting right.

11. (1) Prospecting rights may be issued by the Chief Inspector of Mines subject to the following conditions and to such other conditions as may be prescribed.

(2) A prospecting right shall not be granted—

(a) to any person who is unable to prove to the satisfaction of the Chief Inspector of Mines that he is able to read and understand this Ordinance to such an extent as to enable him to obtain a reasonable degree of guidance from it and that he or the person on behalf of whom the application is made has, if the application is restricted to alluvial mining, worked at alluvial mining for a period of six months, and, if the application is for an unrestricted right to prospect, possesses adequate mining experience or qualifications in mining;

(b) to any person who is under twenty-one years of age;

(c) except with the consent of the Governor to any person who or whose present employer has been convicted of an offence under this Ordinance or who or whose present employer has previously held any right, licence or lease granted under this Ordinance which has been forfeited by reason of a breach of the terms or conditions of the same:

Provided that if such consent has once been given after such conviction or forfeiture, and no subsequent conviction or forfeiture has ensued, it shall not be necessary in respect of any subsequent application;

(d) to any person who is unable to prove to the reasonable satisfaction of the Chief Inspector of Mines that he possesses sufficient money or credit to enable him to pay any expenses which might be incurred by prospecting to the satisfaction of the Chief Inspector of Mines and any compensation which

may be payable by him in the exercise of the rights conferred by a prospecting right;

(e) to any person as agent or employee of more than one person;

(f) to any person who to the reasonable satisfaction of the Chief Inspector of Mines is not a fit and proper person to be granted a prospecting right:

Provided that there shall be no other limit to the number of prospecting rights that any one person may hold at one time:

Provided further that for the purposes of this paragraph a partnership shall be regarded as one person.

(3) Any person aggrieved by the refusal of the Chief Inspector of Mines to grant him a prospecting right may appeal to the Governor whose decision thereon shall be final.

(4) A prospecting right granted to a person in the employ of another person and paid for by the employer shall, on request being made by the employer, be granted subject to the condition that the right shall forthwith expire on the holder leaving the service of such employer. Such condition shall be endorsed on the prospecting right, and in every such case the employer and holder of the right shall be jointly and severally liable for the payment of any moneys which the holder of the prospecting right may be required to make under this Ordinance.

(5) Subject to the provisions of the last preceding sub-section a prospecting right shall remain in force for one year from the date thereof.

(6) A prospecting right shall not be transferable,

(7) A prospecting right may be issued restricting it to specified administrative districts, to specified minerals or to a specified class of or classes of mining.

(8) A prospecting right shall be produced whenever demanded by the owner or occupier of any land on which the holder thereof is prospecting.

12. (1) The holder of a prospecting right may—

(a) enter upon and prospect on any land, excepting land within an area closed to prospecting or land the subject of an exclusive prospecting licence or of a mining right or mining lease;

(b) whilst engaged in *bona fide* prospecting, construct his camp on any unoccupied land and take timber (other than

Rights under  
a prospecting  
right.

trees in a forest reserve or protected forest), and water from any lake, river, stream or watercourse, for domestic purposes or for the purposes of prospecting;

(c) sink shafts or wells or dig trenches:

Provided as follows—

(a) A prospector shall not divert water from any river, stream or watercourse without the consent of the Chief Inspector of Mines or of the District Commissioner.

(b) A prospector shall not prospect in a forest reserve or protected forest except he has first given notice to a forest officer and complies with the conditions imposed by the forest officer for the protection of forest produce.

(c) A prospector intending to prospect on any land shall, when practicable, give notice of his intention to the owner or occupier of such land before commencing prospecting operations thereon. If any owner or occupier or the Chief Inspector of Mines shall request the prospector to give security for the payment of any compensation for disturbance or damage the Chief Inspector of Mines shall require the prospector to give security by the deposit of such sum of money as he may deem fit, and if required by the owner or occupier the prospector shall desist from prospecting on the land until such security has been given.

(2) Any prospector failing to give any notice required under the last preceding sub-section or failing to comply with the conditions imposed by a forest officer, or prospecting without having given security when required by the owner or occupier of the land to desist from the prospecting, shall be liable on summary conviction to a fine not exceeding fifty pounds.

As to the grant of an exclusive prospecting licence.

13. (1) The Governor may grant an exclusive prospecting licence to any person who has by himself or by a person in his employ prospected the area over which the licence is applied for.

(2) Application for an exclusive prospecting licence shall be in the prescribed form, and the applicant shall satisfy the Governor that he has sufficient capital to ensure the proper prospecting of the area in respect of which the application is made and the payment of any compensation which may be payable to the owners and occupiers of the land in respect of which the licence is required, and shall, if required by the Governor or by the rules, furnish a financial guarantee for such sum as the Governor may direct or as may be prescribed.



(3) The Governor may grant or withhold the grant of an exclusive prospecting licence as he may think proper:

Provided that a person who has previously held an exclusive licence shall not, within a period of one year thereafter, be granted a further licence in respect of any portion of the area in respect of which he has previously held a licence. This prohibition shall extend to any person associated with the former holder of the licence.

(4) If application is received for the same area or for overlapping areas from two or more persons and there should arise any doubt as to which of them has priority for his claim, the decision of the Governor thereon shall be final, unless the Governor shall direct that their claims shall be referred to arbitration:

Provided that where an application has been made for an area, no application by another person covering the whole or part of such area shall be considered as being in dispute with the first application unless lodged with the Chief Inspector of Mines within a period of twenty-four hours of the receipt by such officer of the first application.

(5) An exclusive prospecting licence shall not be granted in respect of any area exceeding eight square miles or of an area less than one square mile, if a full square mile is available. In the case of precious minerals the area of an exclusive prospecting licence shall not exceed two square miles nor be less than one quarter of a square mile, if an area of one quarter of a square mile is available. 9 of 1958.

(6) An exclusive prospecting licence shall be granted for one year from the date thereof, subject to renewal, at the discretion of the Governor, for further terms of one year each up to a maximum of three years in the case of an alluvial working, and of six years in the case of a lode working:

Provided, however, that the Governor may, on such terms as he may think proper, grant a renewal of such licence in respect of an alluvial working for a fourth year if it be shown to his satisfaction that prospecting operations have been stopped or seriously hindered by special circumstances beyond the control of the licensee:

Provided further that in the case of a lode working the Governor may, on any renewal of such licence, direct that such renewal shall be allowed in respect of a specified portion only of the area of the licence.

Notice to be given to owners or occupiers of land.

14. (1) Whenever application is made for an exclusive prospecting licence notice of such application shall, if practicable, be given in the prescribed manner to the owners or occupiers of the land in respect of which such licence is applied for, before the licence is granted.

Who may require that security be given.

(2) If any owner or occupier of the land or the Chief Inspector of Mines shall request that the applicant shall give security for the payment of any compensation which may be payable to such owner or occupier by the licensee for disturbance or damage, the Governor shall require the applicant to give security by depositing with the Chief Inspector of Mines such sum of money as the Governor may think proper.

Rights under an exclusive prospecting licence.  
9 of 1958.

15. The holder of an exclusive prospecting licence shall have the sole right of prospecting, subject to the prior rights of any other person in respect of diamonds, upon the lands within the area of his prospecting licence and subject to the conditions thereof, and for such purpose may—

(a) enter upon the lands within such area with his agents and workmen and thereupon exercise all or any of the rights conferred upon the holder of a prospecting right;

(b) employ in prospecting on such land any number of persons who for the purpose of such prospecting shall not be required to hold prospecting rights; and

(c) on and over unoccupied land within the area of his licence erect and maintain such machinery and plant and construct such ways as may be necessary for or in connection with his prospecting operations.

Transfer of rights under licence.

16. The holder of an exclusive prospecting licence shall not transfer his licence or any portion of the rights granted thereunder without the consent of the Governor signified by endorsement on the instrument of assignment.

The transferee of a licence shall be liable for all rents and obligations which may have accrued at the time of transfer.

Minerals raised by the holder of a prospecting right or of an exclusive prospecting licence not to be removed except with the consent of the Chief Inspector of Mines.

17. (1) Minerals raised or obtained in the course of prospecting under a prospecting right or an exclusive prospecting licence shall not be removed from the land or disposed of by the holder of the right or licence or by any other person except with the consent of the Chief Inspector of Mines. Any person contravening the provisions of this sub-section shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment, with or without hard labour, for a period not exceeding twelve months.

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

(3) If the holder of a prospecting right or an exclusive prospecting licence should desire to retain or dispose of any minerals raised or obtained in the course of prospecting, he shall make application to the Chief Inspector of Mines in the prescribed manner, and if the said Inspector is satisfied that the prospector has been conducting such work only as is reasonably necessary to enable him to test the mineral bearing qualities of the land, he may authorise the applicant to retain and dispose of the minerals in respect of which application is made on payment of the prescribed royalties.

Conditions on which minerals raised may be retained.

(4) The holder of a prospecting right or an exclusive prospecting licence shall forthwith notify the Chief Inspector of Mines of the discovery of any precious mineral.

Prospectors to notify discovery of precious minerals.

18. The holder of an exclusive prospecting licence shall continuously and adequately carry on *bona fide* prospecting operations on the lands included in the area in respect of which his licence has been granted during the continuance of the licence and to the satisfaction of the Chief Inspector of Mines:

The holder of an exclusive licence to prospect continuously and adequately.

Provided that the Governor may, on the application of the holder and for good cause shown, by writing under his hand suspend the obligation imposed by this section in respect of any licence for such time as to the Governor may seem proper, and may in the same manner direct that any such period of time shall not be reckoned in the currency of the licence, if during such period no work is done by the holder of the lands included in the area covered by the licence.

19. The holder of an exclusive prospecting licence shall keep full and accurate records of his prospecting operations.

Records of prospecting operations.

20. (1) The holder of a prospecting right or of an exclusive prospecting licence shall, on demand being made by the owner or occupier of any land, make to him such payments as shall be a fair and reasonable compensation for any disturbance of the rights of such owner or occupier, and for any damage done to the surface of the land upon or under which prospecting operations are or have been carried on, and shall, on demand being made by the owner of any crops, trees, buildings or works damaged

Payment of compensation by holders of prospecting rights and licences for disturbance of surface rights, etc.

by the holder of the right or licence or by any agent or servant of such holder, pay compensation for such damage.

(2) If the holder of a prospecting right or exclusive prospecting licence fails to pay compensation when demanded under sub-section (1), or if an owner or occupier is dissatisfied with the compensation offered, the owner or occupier, as the case may be, may apply to the District Commissioner, who shall as soon as conveniently may be assess and determine the amount of the compensation payable at the date of such determination, and shall notify the parties of the sum awarded.

If either of the parties is dissatisfied with the award of such officer, such party may, within fourteen days of such notification, appeal to the Governor, whose decision thereon shall be final, unless he shall direct that the matter be determined by arbitration.

(3) The sum awarded by the District Commissioner, or when there has been an appeal, by the Governor or arbitrators, shall be paid by the holder of the prospecting right or exclusive prospecting licence to the District Commissioner, for transmission to the persons entitled thereto, within fourteen days of the date on which the amount of the award is notified to the holder of the right or licence.

(4) If the sum awarded is not paid within the time specified in sub-section (3), such sum may be paid out of any money deposited by the holder of the right or licence under section 12 or section 14, or, if no money or insufficient money has been deposited, may be sued for by the persons entitled thereto.

The Governor may suspend the prospecting right or exclusive prospecting licence of the person in default until the amount awarded has been paid, and until the holder of the right or licence has deposited with the Accountant General or the District Commissioner such further sum as security for any future payments as the Governor may demand, and if such payment and deposit is not made within such time as the Governor may consider reasonable, the Governor may revoke the prospecting right or exclusive prospecting licence of the person in default.

Revocation of  
prospecting  
rights and  
licences.

21. In the case of any breach by the holder of a prospecting right or the employer of a holder of a prospecting right or the holder of an exclusive prospecting licence, or by any attorney, agent or employee of such holder of any of the provisions of this Ordinance, or of any rule made thereunder, it shall be lawful

for the Governor to call upon the holder or employer or the holder of the right or holder of the licence, as the case may be, to show cause within a time specified by the Governor why his right or licence should not be revoked, and should he fail to comply with such order within the time specified, or should the cause shown not be adequate in the opinion of the Governor, the Governor may summarily revoke the said right or licence and thereupon all privileges and rights conferred thereby, or enjoyed thereunder shall as from the date of such revocation cease:

Provided always that the fact of such revocation shall not in any way affect the liability of such holder, employer, attorney, agent or employee, in respect of the breach of any provision of this Ordinance or of any rule made thereunder committed by him before such revocation.

22. Notwithstanding anything in this Ordinance or any rules made thereunder to the contrary the Governor may, in special circumstances, grant an exclusive prospecting licence for a period exceeding one year, and over an area exceeding two square miles or eight square miles, according as to whether such exclusive prospecting licence is for precious minerals or not, upon such special terms and conditions whether in accordance with the provisions of this Ordinance and any rules made thereunder or not, as he may think proper.

Power to grant special exclusive prospecting licences.  
9 of 1958.

#### MINING.

23. Mining shall be lawful under a mining right or mining lease or alluvial gold mining licence.

Mining, when lawful.  
34 of 1946.

Pending the grant of the mining lease or mining right, the Governor may grant permission to the applicant to mine on the area applied for on such conditions and subject to such restrictions as the Governor may think fit. Such permission may at any time be withdrawn by the Governor.

24. (1) A mining right may be granted by the Governor to the holder of a prospecting right or to the holder of an exclusive prospecting licence, provided that in the latter case the mining right applied for lies wholly within the boundaries of that licence.

As to the grant of a mining right.

(2) The provisions of section 13 (2) and (4) and of section 14 shall apply, *mutatis mutandis*, to an application for and grant of a mining right.

(3) Mining rights may be granted in respect of such areas as may be prescribed, and the Governor may grant or withhold a mining right at his discretion.

(4) A mining right shall remain in force for one year from the date thereof, but may be renewed by the Governor for further terms of one year.

Rights  
conferred  
by mining  
right.

25. (1) A mining right shall confer upon the holder thereof the right to enter upon the lands in respect of which the mining right is granted, and the exclusive right to mine thereon the alluvial minerals specified in the right and to take and dispose of any such minerals obtained, subject to the payment of the prescribed royalties; and, for and in connection with his mining operations, the holder may exercise all or any of the rights conferred by section 35 (1) on a mining lessee.

(2) The holder of a mining right shall pay rent (hereinafter called surface rent) at such rate per annum as shall be determined by the Governor for all land included in the area of the mining right.

(3) The provisions of sub-sections (3), (4), (5) and (6) of section 35 shall apply, *mutatis mutandis*, to a mining right.

Obligation of  
holder of  
mining right.

26. (1) The holder of a mining right shall continuously and adequately carry on mining operations on the lands the subject of the mining right to the satisfaction of the Chief Inspector of Mines, and shall furnish such reports and returns and shall keep such books as may be prescribed:

Provided that the Governor may, on the application of the holder and for good cause shown, suspend the obligation imposed by this sub-section as regards the mining operations to be conducted for such time and subject to such conditions as the Governor may think fit.

(2) The holder of a mining right if not personally resident on or near the land the subject of his right and in charge of the mining operations being conducted on such land shall at all times have a responsible agent in charge of such operations and shall forthwith notify the Chief Inspector of Mines of every appointment of an agent and of any change in such appointment.

27. The provisions of sections 16, 21, 36, 37, 38, 39 and 40 shall apply, *mutatis mutandis*, to a mining right.

Application of sections 16, 21, 36, 37, 38, 39 and 40 to mining rights.

28. Whenever the Governor shall be satisfied, on the report of the Chief Inspector of Mines, that the mineral bearing qualities of the land or of any portion of the land included within the area of a mining right are such as to justify the holder of the right being called upon to take a mining lease or leases in respect of all or any part of such land, he may by notice served on the holder of the mining right revoke the mining right either in respect of the whole area or any specified part of the area of the mining right as from a date not being earlier than one month after the date of such notice.

When holder of a mining right may be required to apply for mining lease.

On such revocation the holder of the right shall have a preferential claim to a mining lease or mining leases on the area of the revoked mining right, provided that application for such lease or leases is made within two months of such revocation:

Provided further that the holder of the right revoked under this section shall have a preferential claim to a mining right in respect of any portion of the area of the revoked right for which no application is made for a mining lease within twelve months from the revocation of the right.

29. (1) The Governor may grant a mining lease to the holder of a prospecting right or of an exclusive prospecting licence who has by himself or his agent carried on *bona fide* prospecting operations on the area applied for, provided that in the latter case the mining lease applied for shall lie wholly within the boundaries of that licence, or to the holder of a mining right in respect of any portion of the area of his right, or, subject to the provisions of section 28, to any person in respect of any lands included in the area of a mining right which has been revoked under that section.

The grant of a mining lease.

(2) The holder of an exclusive prospecting licence or of a mining right who shall have fulfilled all the conditions attached thereto shall be entitled, subject to the provisions of this Ordinance, to the grant of a mining lease for any mineral for which he was authorised to prospect or mine, in respect of any portion of the area included in the licence or right:

Provided that the Governor may, for any reason he may think proper, exclude from the operation of the lease any portion of the area for which the lease is applied for

(3) Application for a mining lease shall be made in such form as may be prescribed.

(4) The Governor may offer and grant in such manner as he may think fit mining leases in respect of—

(a) any mineral in respect of which a notice prohibiting prospecting has been issued under the proviso to section 9;

(b) any area, not included in the area of an exclusive prospecting licence then in force, in which minerals in apparently payable quantities have been discovered or are known to exist, if no application for a mining lease in respect of such area has been made by a person to whom the lease could be granted under sub-section (1) or sub-section (2);

(c) any area in respect of which an application for a mining lease has been made, if the application has been refused or has been withdrawn; or

(d) any area in respect of which a mining lease has been granted, if such lease has been forfeited or surrendered or has expired.

(5) If application is received for the same area or for overlapping areas from two or more persons and there should arise any doubt as to which of them has priority for his claim, the decision of the Governor thereon shall be final unless the Governor shall direct that their claim shall be referred to arbitration:

Provided that when an application has been made in respect of an area no application by another person covering the whole or part of such area shall be considered as being in dispute with the first application unless lodged with the Chief Inspector of Mines within a period of twenty-four hours of the receipt by such officer of the first application.

Applicant  
must show  
sufficient  
capital.

**30.** The Governor may require an applicant for a mining lease to show to his satisfaction that he possesses or commands sufficient working capital to ensure the proper development and working of mining operations on the area applied for, and may require any reports on the matter made by prospectors or engineers to be submitted for his information.

In the event of the applicant failing to satisfy the Governor as aforesaid, the Governor may refuse the application, but the applicant may make a new application at any time.



31. (1) A mining lease may be granted for such term, not being more than ninety-nine years or less than five years, as the Governor may think proper. Duration of lease.

(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 lease shall not at that time be liable to be forfeited under any of the provisions of this Ordinance, and the lessee shall have given to the Chief Inspector of Mines six months' notice in that behalf, then the lessee shall be entitled on payment of the prescribed fee to obtain a renewal of the lease for such further term not exceeding ninety-nine years as the Governor may approve upon the conditions which are then generally applicable to new mining leases, but without the right to a further renewal of the lease. Renewal.

(3) A mining lease may be surrendered at any time after six months' notice in writing has been given to the Chief Inspector of Mines of the intention to surrender, if the sanction of the Governor be endorsed in writing thereon and on payment of the prescribed fee, but not otherwise: Surrender of mining lease.

Provided that such surrender shall not affect any liability incurred by the holder before such surrender shall have taken effect.

32. The holder of a lease shall not transfer or assign his lease or any of the rights conferred thereby without the consent in writing of the Governor signified by endorsement on the instrument of assignment. No transfer of lease without consent.

33. Mining leases shall be of such kinds and shall be granted subject to such covenants and conditions and in respect of such areas as may be prescribed, or, if not prescribed by the rules, as may be directed by the Governor. Kinds of mining leases and conditions relating thereto to be prescribed by rules.

34. A mining lease shall confer upon the lessee the right to enter upon the lands the subject of the lease, and subject to the rules the exclusive right to mine on such lands, and the right to remove and dispose of the minerals specified in the lease on payment of the prescribed royalties. Rights under a mining lease.

35. (1) In so far as it may be necessary to the lessee or to the applicant for a lease to whom permission to mine has been granted under section 23 for or in connection with his mining operations and subject to the provisions of this Ordinance and to the rules, the lessee or such applicant shall have on the lands Surface rights of mining lessee.

included in his mining lease or in the area on which permission to mine has been granted, as the case may be, the following rights—

- (a) to make all necessary excavations;
- (b) to erect, construct and maintain houses and buildings for his use and for the use of his agents and servants;
- (c) to erect, construct, and maintain such engines, machinery, buildings, and workshops and other erections as may be necessary or convenient;
- (d) to stack or dump any of the products of mining;
- (e) to lay water-pipes and to make watercourses and ponds, dams and reservoirs, and to divert any water on or flowing through the land;
- (f) to construct and maintain all such tramways, roads, communications, and conveniences as may be necessary.

(2) The lessee shall pay rent (hereinafter called surface rent) at such rate per annum as shall be determined by the Governor for all land occupied or used by him for any of the purposes mentioned in sub-section (1), or otherwise for or in connection with his mining operations.

(3) Before granting a mining lease, the Governor shall, if practicable, cause the owner of any land included within such lease to be informed of his intention to grant the lease, and require such owner to state in writing, within such time as the Governor may determine, the rate of the annual surface rent which he desires shall be paid to him by the mining lessee for any land occupied or used by him for or in connection with his mining operations.

If within the time specified the owner of the land shall state the rate of the rent which he desires shall be paid, and the Governor is satisfied that such rent is fair and reasonable, the surface rent payable in respect of the land of such owner shall be at the rate stated by him.

(4) Subject to the provisions of sub-section (3) the Governor shall fix the rate of the surface rent payable under this section and shall cause the mining lessee to be notified of the rate so fixed before or as soon as conveniently may be after the granting of the mining lease:

Provided, however, that—

- (a) the rate of surface rent, whether fixed by the owner or by the Governor, shall be subject to revision by the Governor at intervals of seven years;

(b) in fixing the surface rent payable the Governor shall not take into consideration the damage which may be done to the surface of the land by the mining or other operations of the lessee, for which compensation is payable under section 38 (2).

(5) The surface rent payable under this section by a mining lessee shall be paid without demand half-yearly to the prescribed officer, who shall pay the same to the owner of the land.

(6) If any question shall arise as to the extent of the lands occupied or used by a mining lessee, or as to the date on which he commenced or ceased to occupy or use any land, or as to the proportion of the surface rents payable to the persons entitled to receive any portion thereof, the decision of the District Commissioner shall be final and binding on all persons, subject only to an appeal to the Governor.

All expenses incurred by the Government in surveying, measuring or otherwise ascertaining the extent or value of the land in respect of which surface rent is payable under this section shall be paid by the mining lessee.

36. A mining lease shall not authorise the lessee to occupy or mine on or under land occupied by a town, village, market or burial ground, or land habitually used or occupied for sacred or ceremonial purposes, or to occupy or mine on or under any land within one hundred yards of any Government or public building or works, or any town, village, market, burial ground or place used or occupied for sacred or ceremonial purposes as aforesaid, or public road, tramway or railway without the consent in writing of the Governor first obtained, and subject to the conditions, if any, imposed by the Governor.

Mining under towns and villages, and near public buildings, etc., prohibited except with the consent of the Governor.

37. A mining lessee may, on the lands included within the area of his lease, cut, take and use any tree when necessary in the course of mining operations or when required for mining or domestic purposes, provided that he shall not cut or take any trees in a forest reserve or protected forest except with the consent of a forest officer or before paying the fees and royalties prescribed by the Forestry Ordinance.

Right of mining lessee to cut trees.

Cap. 189.

38. (1) The mining lessee shall pay compensation to the owner of any building, or of any economic trees or crops removed, destroyed, or damaged within the area of the lease by the lessee, his agents or workmen:

Compensation for damage to buildings, etc.

Provided that compensation shall not be payable in respect of any building erected or tree or crop planted on land in respect of which surface rent is paid by the lessee under section 35 after the date on which such rent commenced to be payable.

(2) If by reason of the mining or other operations of the mining lessee the surface of any land is damaged, the mining lessee shall pay compensation for such damage to the owner of such land.

(3) If the person claiming compensation and the lessee are unable to agree as to the amount of compensation to be paid, the matter in dispute shall be determined by arbitration, except when the claimant, being a native, requests the District Commissioner to assess and determine the compensation, in which case the decision of such District Commissioner shall be final and binding on all parties, subject only to an appeal to the Governor whose decision shall be final, unless he shall direct that the matters in dispute shall be determined by arbitration.

Notice of such appeal shall be given to the District Commissioner within fourteen days of the date on which his decision is notified to the party desiring to appeal.

(4) The compensation awarded by the District Commissioner or, in the case of an appeal, by the Governor or arbitrators, shall be paid by the lessee to the District Commissioner for transmission to the persons entitled thereto within fourteen days of the date on which the amount of the compensation awarded is notified to the lessee.

Compensation to be paid by mining lessee on resumption of lands leased by the Crown.

**39.** (1) Whenever, by reason of the grant or existence of a mining lease, the Governor resumes possession of any lands occupied under a Crown lease, or licence, the mining lessee shall pay to the Government the amount of the compensation paid by the Government to the Crown lessee or licensee by reason of the resumption of possession.

Rights under Crown leases granted after a mining lease.

(2) Whenever, after the grant of a mining lease, a Crown lease or licence shall be granted in respect of any land included within the area of the mining lease and not occupied prior to the grant of the mining lease, the Crown lessee or licensee shall not be entitled to compensation under section 38.

Right of lessee to remove fixtures.

**40.** (1) The lessee of a mining lease who shall have paid all rents, royalties and other payments to be made by him under this Ordinance or under the terms of his lease may, within one month after the expiration or other determination of his lease,

remove all or any of the plant, buildings or other property of the lessee.

(2) In the case of any lessee who on the expiration or determination of his 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 one month 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 mining lease shall become the property of the Government and may be dealt with and disposed of in such manner as the Governor may direct.

When property of the lessee becomes vested in the Government.

41. If there shall be a breach on the part of the lessee of a mining lease of any condition or provision of this Ordinance or of any rule made thereunder, or of any of the terms, covenants or conditions of his lease, and if the lessee shall not make good such breach within such period, not being less than one month, as the Governor may decide, from the date of receiving notice in writing from the Governor so to do, or if the lessee shall wholly discontinue operations under the mining lease during a continuous period of six months, without the consent in writing of the Governor, then the lease may be determined by the Governor, without prejudice to any claim against the lessee which shall already have accrued. The decision of the Governor determining the lease shall be sufficiently notified to the lessee by its publication in the *Gazette*:

Forfeiture for breach of rules, etc.

Provided that the Governor may, in lieu of determining a lease, order the lessee to pay a penal rent of such amount not exceeding three times the amount of the rent payable under the lease, as the Governor may determine, from the date on which the breach commenced until the same is made good. Such penal rent shall be in addition to the rent payable under the lease, and shall be paid monthly without demand and shall be recoverable as rent.

42. Notwithstanding anything in this Ordinance or any rules made thereunder to the contrary the Governor may, in special circumstances, grant a mining lease upon such special terms and conditions whether in accordance with the provisions of this Ordinance and any rules made thereunder or not, as he may think proper.

Power to grant special mining leases.

43. It shall be lawful for the Governor, by notice published in the *Gazette*, to declare that the whole or any part of a Chiefdom in Sierra Leone shall be a licensed mining area, and he may

Licensed mining area. 34 of 1946.

likewise by notice published in the *Gazette* close to mining under an alluvial gold mining licence, the whole or any part of such licensed mining area, and such notice shall specify a date from which mining under such licence in such area or such part of such area shall no longer be permitted.

Alluvial  
gold mining  
licence.  
34 of 1946.

44. (1) It shall be lawful for the Governor to grant an alluvial gold mining licence to any native person domiciled in a licensed mining area in respect of which the licence is issued, and to any other native person not so domiciled approved by the Tribal Authority of the Chieftdom in which the licensed mining area is situated.

(2) An alluvial gold mining licence shall only be issued to a person of good character, and no such licence shall be issued without the consent of the Chief Inspector of Mines to any person who has been convicted of an offence under this Ordinance.

4 of 1949.

(3) The holder of an alluvial gold mining licence shall personally work the area in respect of which the licence is issued, but he may employ not more than five assistants.

(4) The Governor may refuse to grant a licence under this section, or may, for good cause, revoke any licence granted and may award such compensation as he may deem just to the holder of any licence which has been revoked.

(5) A licence granted under this section shall expire on the 31st day of December in the year in which it was issued.

(6) The fee for a licence granted under this section shall be such as may be prescribed by rules under this Ordinance.

(7) A licence shall not be transferable.

(8) The holder of a licence shall at all times when mining or carrying gold have his licence available and shall produce it on demand.

Compensa-  
tion.  
28 of 1947.

(9) The holder of an alluvial gold mining licence shall pay compensation to the owner of any economic trees or crops removed, destroyed or damaged by him or his workmen.

28 of 1947.

(10) If the person claiming compensation and the holder of an alluvial gold mining licence are unable to agree as to the amount of compensation to be paid the amount of such compensation shall be assessed and determined by the District Commissioner, subject to appeal to the Governor, whose decision shall be final.

Notice of any such appeal shall be given to the District Commissioner not later than fourteen days from the date on which the decision of the District Commissioner was given.

45. (1) The Governor may appoint for each licensed mining area an officer to be called a Warden.

Warden of licensed mining area.  
34 of 1946.

(2) The Governor may at any time transfer a Warden from one licensed mining area to another.

46. An alluvial gold mining licence shall entitle the holder to mine for alluvial gold at any place within the licensed mining area in respect of which the licence is issued:

Rights of holder of alluvial gold mining licence.  
34 of 1946.

Provided that such licence shall not entitle the holder to mine on land the subject of a mining right, mining lease, or an exclusive prospecting licence, or without the consent of the Chief Conservator of Forests within a forest reserve, nor shall it authorise the holder of a licence to mine on or under land occupied by a town, village, market or burial ground or land habitually used or occupied for sacred or ceremonial purposes, or within one hundred yards of any of the places before-mentioned or within one hundred yards of a Government or public building or works, or any public road, tramway or railway, in a manner dangerous to any such town, village, market place, building, works, road, tramway or railway:

34 of 1946.

And provided further that no holder of a licence as aforesaid shall commence or cease mining operations under his licence without first notifying the Tribal Authority and the Warden of the licensed mining area in respect of which his licence is issued, of his intention to commence or to cease such operations.

47. (1) The holder of an alluvial gold mining licence shall sell gold only to a licensed gold buyer and a licensed gold buyer shall buy gold only from the holder of an alluvial gold mining licence.

Sale and export of alluvial gold.  
34 of 1946.

(2) A gold buyer's licence may be granted by the Chief Inspector of Mines in the prescribed form and on payment of the prescribed fee and shall authorise the person named therein to buy alluvial gold:

Gold buyer's licence.

Provided that the Chief Inspector of Mines may in his discretion refuse to grant a gold buyer's licence to any person.

(3) Every gold buyer's licence shall expire on the 31st day of December in the year in which it is granted. No licence shall be transferable.

(4) A buyer of alluvial gold shall pay such prices therefor as may be prescribed from time to time by notice in the *Gazette*.

Gold buyer's  
record book.

(5) On the grant of every gold buying licence there shall be issued to the gold buyer a record book in which he shall enter from time to time, whenever he buys gold, the date of the transaction, the quantity of gold bought, the name of the seller and the number of the alluvial gold mining licence issued to the seller of such gold.

(6) Every gold buyer shall produce his licence and record book on demand made by any officer of the Mines Department or constable and shall return the record book whenever he shall require a new gold buyer's licence.

Export.

(7) All alluvial gold bought by a gold buyer under his licence shall pay royalty and be exported from Sierra Leone only in accordance with the rules made generally for that purpose under this Ordinance.

Exemption.

(8) Nothing in this section shall require an Administrative Officer, buying alluvial gold as part of a Government scheme to assist the holders of alluvial gold mining licence, to take out a gold buyer's licence or to pay a fee therefor.

Gold sales  
card.  
34 of 1946.

**48.** (1) On the grant of every alluvial gold mining licence the Governor shall issue to the holder of the licence a gold sales card, which the holder shall produce on demand by any officer of the Mines Department or constable or whenever he sells gold.

(2) A buyer of alluvial gold from the holder of an alluvial gold mining licence shall enter on the gold sales card at the time of the transaction the date thereof, the quantity of gold bought and the name of the buyer.

(3) On the expiry of every alluvial gold mining licence the holder shall return to the Governor his gold sales card.

Penalties.  
34 of 1946.

**49.** (1) Any person, who shall commit a breach of any of the provisions of sections 46, 47 or 48 (1) or (2), shall be liable to the forfeiture of any licence which he may hold in addition to punishment on summary conviction to a fine not exceeding one hundred pounds or to imprisonment, with or without hard labour for a period not exceeding one year.

(2) Any person contravening section 48 (3) shall be liable on summary conviction to a fine not exceeding twenty-five pounds or to imprisonment with or without hard labour for a period not exceeding three months.



## PROVISIONS REGARDING WATER.

**50.** No person shall in the course of mining or prospecting operations or in any works connected therewith discharge or permit to be discharged any poisonous or noxious matter into any natural water-course. Any person contravening the provisions of this section shall be guilty of an offence against this Ordinance, and shall be liable on summary conviction to a fine not exceeding one hundred pounds, and in the event of the offence being continued after conviction, to a fine not exceeding five pounds for each day during which the offence shall be continued.

Pollution of water prohibited. 9 of 1958.

**51.** (1) It shall not be lawful for any lessee of a mining lease or the holder of a mining right to make or permit any other person to make, without the permission of the Governor, any such alterations in the water supply of any lands as may prejudicially affect the water supply enjoyed by any other person or lands.

Alterations in water supply prohibited.

(2) Whenever any such alteration shall have been made, the mining lessee or the holder of the right benefited thereby shall, in the absence of proof to the contrary, be presumed to have made it.

(3) Any person contravening the provision of sub-section (1) shall be liable to the penalties provided in section 50.

**52.** Any person who offends against any of the provisions of either of the last two preceding sections may by order in writing be required to take such action as may be directed to prevent a continuance or recurrence of the offence and within such time as may be directed in the order. Such order may be made by the Governor or by such officer as may be prescribed.

Action to be taken to prevent continuance or recurrence of offence.

Any person who fails to comply with any such order shall be liable on summary conviction to a fine not exceeding ten pounds for each day during which such failure shall continue.

**53.** (1) If it shall appear necessary for the proper working of the area comprised in any mining lease or mining right the Governor may, on such terms as he may think proper, grant to the lessee of or holder of a mining right over the mining area a licence (which shall be known as a water right) to obtain and convey from any river, stream or watercourse outside the mining area such volume of water as may be required for the purpose of mining within the same and for such purpose to occupy such

Governor may grant a licence to take water from any river, etc., and across any lands.

land as may be required for a dam, reservoir or pumping station, and for the conveyance of such water to the mining area by the means of pipes, ducts, flumes, furrows or otherwise:

Provided always that—

(a) no such licence shall be granted until after the expiration of one month from the date on which notice of the application for the licence has been published in the *Gazette* and posted in a conspicuous place at the office of the Chief Inspector of Mines;

(b) no such licence shall be granted if it is shown to the satisfaction of the Governor that the exercise thereof will prejudicially affect any existing right in or over the water supply to which it relates, unless the applicant shall pay to the person whose rights will be prejudicially affected such compensation as may be agreed upon between the parties or as may be determined by arbitration;

(c) the provisions of section 35 (2) (3) (4) (5) and (6) and the provisions of section 38 shall apply, *mutatis mutandis*, to every licence granted under this section.

Provisional  
permission  
to use  
water.

(2) Pending the grant of a water right for which application has been made the Governor may grant to the applicant, on such terms as he thinks fit, provisional permission to exercise and enjoy the powers and rights for which such application has been made:

Provided always that no such provisional permission shall be granted until after the expiration of one month from the date on which notice of the application has been published and posted as prescribed.

Provisional  
water  
rights.

(3) When a person has made application for a mining lease or mining right in respect of any area and it appears that, in the event of such mining lease or mining right being granted, the grant of a water right under this section will be necessary for the proper working of the area, the Governor may, on such terms as he thinks fit, grant to the applicant a provisional water right under this section.

Such provisional water right—

(a) shall not become operative unless and until a mining lease or mining right over the said area shall be granted to the applicant:

Provided that, if the applicant has been granted permission under section 23 to mine on the area prior to the grant of the lease or mining right, the Governor may, subject to such

terms as he thinks fit, permit such provisional water right to become operative at any time after the expiration of one month from the date on which notice of the application for it has been published and posted as prescribed; and

(b) shall become null and void unless such mining lease or mining right be granted to the applicant; and

(c) shall be subject to the provisos set out in sub-section (1), save that the payment of compensation required by proviso (b) shall not be required to be made prior to the granting of the provisional water right; and

(d) shall become operative and have the same force and effect as a water right granted under sub-section (1), upon the applicant paying the compensation set out in proviso (b) to sub-section (1) and receiving a grant of a mining lease or mining right over the said area.

**54.** Every application for a water right shall be in the prescribed form. Applications for water rights.

**55.** The holder of a water right shall not transfer his right or any portion of his rights granted thereunder without the consent of the Governor signified by endorsement on the instrument of assignment. Transfer of water rights.

The transferee of a water right shall be liable for all rents and obligations which may have accrued at the time of transfer.

**56.** A water right may be surrendered at any time after one month's notice in writing has been given to the Chief Inspector of Mines of the intention to surrender, if the sanction of the Governor be endorsed in writing on the instrument of surrender and on payment of the prescribed fee (if any), but not otherwise: Surrender of water rights.

Provided that such surrender shall not affect any liability incurred by the holder before such surrender shall have taken effect.

**57.** The Governor may require a person to whom a licence has been granted under section 53 to permit any other mining lessee or holder of a mining right to take from the water supply obtained under the licence any water which is not required by the licensee, subject to such terms and conditions as to the Governor may appear just, and may grant to such other lessee or holder of a mining right a licence to construct and maintain any pump, line of pipes, duct, flume or watercourse as may be Powers of Governor as regards overflow.

necessary to convey such water to the area of his mining lease or mining right.

Such licence shall be granted on such terms as the Governor may think proper, and subject to the provisions of the last four preceding sections.

Power to  
revoke  
licence.

**58.** The Governor may revoke any licence granted under section 53 or section 57 if the licensee shall commit any breach of the provisions of this Ordinance or of the terms or conditions of his licence.

#### DREDGING FOR MINERALS.

Dredging  
in river  
to be  
licensed.

**59.** It shall not be lawful for any lessee of a mining lease or the holder of a mining right to dredge or permit any other person to dredge any river, stream or watercourse without a licence from the Governor. Any person contravening the provisions of this section shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding fifty pounds for every day during which the offence continues.

Security  
to be  
required.

**60.** Before any such licence to dredge is granted, security shall be given in such terms and to such amount as the Governor may in each particular case direct.

Conditions,  
etc., on  
dredging  
licences.

**61.** On every licence to dredge, there shall be endorsed such conditions or restrictions as the Governor in his discretion may think fit.

Penalty for  
contraven-  
tion of  
conditions  
endorsed on  
dredging  
licence.

**62.** Any person who shall act in contravention of any such conditions or restrictions endorsed on a licence to dredge shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding one hundred pounds, and the holder of the licence shall be liable for any damage which may have arisen in consequence of such contravention. In this and the following section, non-compliance with any lawful order, direction or notice given by the Chief Inspector of Mines under and by virtue of conditions or restrictions endorsed upon the licence shall be deemed a contravention of such conditions or restrictions.

Cancellation  
of dredging  
licence.

**63.** When in any prosecution under this Ordinance it is proved that the conditions or restrictions endorsed on a dredging licence have been contravened, the Court may, subject to the approval of the Governor, cancel such licence in addition to imposing any penalty prescribed by this Ordinance.

## SURVEYS.

64. Before granting a mining lease or an exclusive prospecting licence, the Governor shall require the area of the land to be included to be surveyed by a Government surveyor, or if no Government surveyor is available then by a surveyor approved by the Governor, and the cost of such survey shall be paid by the person applying for the lease or licence in accordance with the prescribed scale: Surveyors.

Provided that in the case of an exclusive prospecting licence the area may be exempt from survey on the recommendation of the Chief Inspector of Mines.

65. In the event of any areas, the subject of any leases, rights or licences under this Ordinance being found to overlap, the land in dispute shall be considered to be within the area of the lease, right or licence first granted, and no compensation shall be allowed in respect thereof to the lessee or holder of the right or licence subsequently granted, but such reduction in rent shall thereafter be allowed in proportion to the reduction of the area of such lease, right or licence: Overlapping areas.

Provided that if any lease, right or licence shall have been granted in ignorance of the prior claims of any other person, or if for any other reason it shall appear to the Governor that the grant of any lease, right or licence was inequitable, having regard to the mining or prospecting operations being conducted by any other person, the Governor may, by notice served on the lessee or the holder of the right or licence determine such lease, right or licence either as to the whole or any portion of the land included therein at any time within three months of the grant of the same:

Provided that if the determined lease, right or licence shall have been granted after survey and the lessee or holder of the lease, right or licence shall have accepted the lease, right or licence in ignorance of the prior claim or the mining or prospecting operations of such other person, he shall be entitled to receive from the Government compensation for any loss or damage suffered. The amount of such compensation, if not agreed upon between the parties, shall be determined by arbitration.

## POSSESSION AND PURCHASE OF MINERALS.

Meaning of  
"minerals",  
for purposes  
of sections  
67 to 74.

**66.** For the purposes of the provisions of sections 67 to 74, the term "minerals" shall mean any minerals to which the Governor in Council may by Order apply the said sections.

Possession of  
minerals.

**67.** No person shall possess any mineral unless he is the lessee of a mining lease, or the holder of a mining right, exclusive prospecting licence or a prospecting right, or of a licence granted under section 71 or the duly authorised employee of such lessee or holder.

Penalty for  
unlawful  
possession  
of minerals.

**68.** Any person who, being found in possession of any mineral, does not prove to the satisfaction of the Court that he obtained such mineral lawfully, shall independently of any other liability be liable—

(a) on summary conviction to imprisonment for a term not exceeding twelve months, with or without hard labour, or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine, or

(b) on conviction before the Supreme Court, to imprisonment for a term not exceeding three years, with or without hard labour, or to a fine not exceeding three hundred pounds, or to both such imprisonment and such fine.

Forfeiture of  
minerals on  
conviction.

**69.** On the conviction of any person, whether summarily or on information, for an offence against section 67 or section 68, any mineral in respect of which such offence has been committed shall unless proved by some other person to be the property of that other person be forfeited to Her Majesty and shall be sold or otherwise disposed of as the Governor may by order direct. The proceeds from the sale of any such mineral shall be paid into general revenue.

Purchase of  
minerals.

**70.** (1) No person shall purchase any mineral unless he is the holder of a licence granted under the next succeeding section.

(2) Any person contravening the provisions of this section shall be liable—

(a) on summary conviction to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour, for a period not exceeding twelve months;

(b) on conviction before the Supreme Court, to a fine not exceeding three hundred pounds or to imprisonment, with or without hard labour, for a period not exceeding three years.

71. (1) The Governor may issue a licence in the prescribed form and on payment of the prescribed fee authorising the person named therein to purchase minerals.

Licence to purchase minerals.

(2) The Governor may refuse to issue any such licence without assigning any reason for his refusal.

(3) Every such licence shall expire on the thirty-first day of December in the year in which the licence is granted.

(4) A licence to purchase minerals shall not be transferred without the consent of the Governor.

72. (1) No person shall sell any mineral unless he has first satisfied himself that the purchaser is the holder of a licence to purchase that mineral.

Duty of seller of minerals to satisfy himself that purchaser is licensed to buy.

(2) Any person contravening the provision of this section shall be liable, on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment, with or without hard labour, for a period not exceeding one year.

73. The holder of a licence to purchase minerals shall not purchase any mineral unless he has first satisfied himself that the seller is authorised to be in possession of such mineral and to dispose of the same.

Holder of licence to satisfy himself that the seller is authorised to possess and dispose of the minerals.

74. The holder of a licence to purchase minerals shall—

Duty of licensee.

(a) keep books showing—

(i) all purchases made by him and the nature and weight of the minerals purchased,

(ii) the date of each purchase, and

(iii) the name of the vendor and his title or authority to be in possession of the mineral, and

(b) produce such books for the inspection of any Government officer whenever required to do so.

75. The holder of a licence who shall commit any breach of the provisions of either of the two last preceding sections, or of the conditions of his licence, shall be liable to the forfeiture of his licence in addition to the following penalties—

Penalty for contravening sections 73 and 74.

(a) on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment, with or without hard labour, for a period not exceeding one year;

(b) on conviction before the Supreme Court to a fine not exceeding two hundred pounds or to imprisonment, with or without hard labour, for a period not exceeding two years.

#### MISCELLANEOUS PROVISIONS.

Land  
required for  
public  
purposes.

76. (1) Whenever any land in respect of which a mining lessee is paying surface rent under section 35 is required by the Government for any public purpose, the Governor shall give notice to the mining lessee who shall remove therefrom any buildings, plant or other property of the lessee.

In any such case the mining lessee shall be entitled to receive from the Government compensation for any interference with ways, works, building and plant belonging to the lessee on such land, but not for interference with his mining rights. The compensation payable to a mining lessee under this section shall, if not agreed between the parties, be determined by arbitration.

(2) Subject to the provisions of the preceding sub-section, a lessee of a mining lease, the holder of a prospecting right or of an exclusive prospecting licence, or of a mining right shall not be entitled to any compensation from the Government when prevented from the exercise of any right on the land the subject of a mining lease or prospecting right or licence or mining right, by reason of the land being required for a public purpose.

Rights  
subsequently  
granted.

(3) The grant of any lease, right or licence under this Ordinance shall not prevent the Governor from—

(a) granting any other lease or licence (not being a mining lease or mining right or exclusive prospecting licence) to any other person in respect of the whole or any portion of the area the subject of a mining lease or right or prospecting licence:

Provided that in the case of lands which are the subject of a mining lease or mining right or of an exclusive prospecting licence, any person to whom any other lease or licence is subsequently granted shall not be entitled to receive any compensation from the Government for any disturbance of any rights under such lease or licence by reason of the exercise by the mining lessee or holder of the mining right or prospecting licence of any right conferred by such lease, right or licence;





(b) taking from the land the subject of the lease, right or licence any materials required for the construction of railways, roads, buildings or other public works;

(c) using or authorising the use of any road constructed on the area covered by the grant:

Provided that the Governor may, before authorising the use of any such road for vehicular traffic by persons other than Government officers or servants, require any person desiring to use the road for such purpose to pay to the person who shall have constructed the same such sum as the Governor may consider to be a fair contribution to the cost of construction.

77. Any applicant for or holder of a prospecting right, exclusive prospecting licence, mining right, mining lease or water right who wilfully or recklessly gives false information as to any of the matters in respect of which information is or may be required to be given under this Ordinance shall be guilty of an offence, and shall be liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment for any period not exceeding six months, or to both such fine and imprisonment.

Penalty where false information is given by applicants.

78. Any person who shall place or deposit or be an accessory to the placing or depositing of any metal, ore or mineral in any spot or place for the purpose of misleading any person as to the nature, quality or quantity of the mineral naturally occurring at such spot or place, or who shall mingle or cause to be mingled with any sample of metal, mineral or ore, any valuable metal or any substance whatsoever which will increase or decrease the value or in any way change the nature of the said metal, mineral or ore, with intention to defraud any person, shall be guilty of felony and shall be liable to a fine not exceeding five hundred pounds or to a period of imprisonment not exceeding five years.

Fraudulent deposit of metal and fraudulent sampling, etc.

79. Any person who represents that he has obtained the grant of an exclusive prospecting licence or mining right or mining lease, and thereby induces or attempts to induce any person to invest capital in any company or syndicate connected therewith, before he has obtained the grant of such exclusive prospecting licence, mining right or lease, shall be liable to forfeit any claim to the grant of such exclusive prospecting licence or mining right or lease, and if he be already the holder of a prospecting right or an exclusive prospecting licence or mining right or lease, shall be liable to have his licence or mining right or lease revoked:

Fraud by applicant for exclusive prospecting licence, or mining right or lease.

Provided that nothing in this section shall relieve any person from liability to civil action or a criminal prosecution in respect of the said representation.

Accidents  
to be  
reported.

**80.** (1) If an accident shall occur in any mine or in connection with the mining or prospecting operations conducted under a lease, right or licence granted under this Ordinance involving loss of life or serious injury to any person the lessee or holder of the right or licence shall report the same as soon as possible to the Chief Inspector of Mines and to the District Commissioner.

In this sub-section the expression "serious injury" means an injury likely to result in the injured person being incapacitated from doing his usual work for at least fourteen days.

Holding of  
inquiry.  
Power to  
award com-  
pensation.  
4 of 1949.

(2) In the event of any such accident the Chief Inspector of Mines or in the absence of the Chief Inspector of Mines, an Inspector of Mines, an Administrative Officer or any other officer appointed by the Governor in that behalf shall hold an inquiry into the cause thereof and if the person killed or injured is a tributer—

(a) if it is shown that the lessee or the holder of the right or licence or any agent of such lessee or holder has been guilty of negligence, or has not taken all reasonable and proper precautions to prevent such accident; or

(b) if the person killed or injured is a native employed in the mine or in connection with the mining or prospecting operations, and the lessee or holder shall fail to satisfy the officer holding the inquiry that the accident is attributable to the serious and wilful misconduct of such native,

may award such compensation as he may deem to be just to such relatives of the deceased as he may think fit or to the injured person:

Provided that the amount of any compensation awarded under this section shall not exceed that which would have been recoverable under the Workmen's Compensation Ordinance, had the person killed or injured been entitled to compensation under that Ordinance.

Cap. 219.

(3) The decision of the officer holding the inquiry shall be sent to the Governor, and a copy thereof shall be sent to the lessee or the holder of the right or licence as the case may be.

(4) If any person to whom the compensation is awarded is unwilling to accept the amount of the compensation awarded in full settlement of all claims which he may have by reason of the accident against the person ordered to pay the same, he may

refuse to accept the same and take against such person such proceedings, if any, as may be open to him apart from this Ordinance. If the person who is ordered to pay compensation is dissatisfied with the decision of the officer who has held the inquiry, he may, within fourteen days of the date on which he has notice of the award and is informed that the person to whom compensation has been awarded will accept the same, appeal to the Governor whose decision shall be final:

Provided that the Governor may, if he thinks fit, direct that the matter in dispute shall be determined by arbitration or in the courts.

(5) If there has been no appeal to the Governor within the time specified above, or if there having been an appeal compensation is awarded, the person directed to pay compensation shall pay the amount awarded to the officer who held the inquiry or to his successor in office for transmission to the person or persons entitled thereto, and if the same is not paid within such time as the Governor may think reasonable, the Governor may, after notice to the lessee or holder of the right or licence, revoke his lease, right or licence:

Provided that nothing in this section contained shall relieve any person from the liability to be proceeded against for any offence committed by him.

(6) The Chief Inspector of Mines, an Administrative Officer or any other officer appointed by the Governor shall, for the purpose of any inquiry under sub-section (2), have the powers of the Supreme Court to summon witnesses, to call for the production of books and documents, and examine witnesses and parties concerned on oath.

Power to  
summon  
witnesses.

All summonses may be in the form set out in the Schedule hereto, and shall be served by a constable or by such person as the officer issuing the same may direct.

(7) Any person summoned to attend or to produce books or documents as aforesaid, and refusing or neglecting to do so, or refusing to answer any question put to him by or with the concurrence of the officer holding the inquiry, shall be liable on summary conviction to a fine not exceeding fifty pounds:

Provided that no person shall be bound to incriminate himself, and every witness shall, in respect of any evidence given by him at such inquiry, be entitled to the privileges to which he would have been entitled if giving evidence before a court.

(8) Witnesses attending at the request of or upon summons by an officer holding such inquiry shall, subject to any order made by such officer, be entitled to the like expenses as if summoned to attend the Supreme Court in a criminal trial, and payment shall be made in such manner as the Governor may direct.

(9) Any interested party may appear at any inquiry either in person or by legal representative and may question the witnesses and call witnesses on his own behalf on all matters relevant to the subject of the inquiry. Any person whom an interested party desires to call as a witness on his own behalf shall be summoned by the officer holding the inquiry to attend the said inquiry and give evidence thereat.

(10) Where after an inquiry has been held under this section any person is aggrieved at the finding thereat (other than in respect of any amount awarded as compensation under subsection (2) ) such person may apply to the Supreme Court for the inquiry to be reopened and the Court, if satisfied that there are good and sufficient reasons for doing so, may order that the inquiry shall be reopened before itself or any magistrate, that any additional evidence that is available shall be taken and that the original finding shall then be confirmed or a new finding substituted therefor.

(11) Where the death of any person immediately results from any accident in any mine or in connection with the mining or prospecting operations, the place where the accident occurred shall, after removal of the injured person or the body as the case may be, be left precisely as it was immediately after the accident until an Inspector or the District Commissioner has inspected it:

Provided that work may be resumed at such place with the prior approval of an Inspector or if its discontinuance may endanger the lives of other persons or seriously impede the working of the mine.

Government  
officers  
prohibited  
from  
acquiring  
rights.

**81.** No person whether civil or military, while in the service of the Government of Sierra Leone, shall directly or indirectly acquire or hold any right or interest under any prospecting right, exclusive prospecting licence or mining right or mining lease, and any licence, right or lease or other document or transaction purporting to confer any such right or interest on any such officer shall be null and void.

**82.** Any person who without lawful authority shall wilfully break, deface or remove, or in any other way interfere with any boundary mark, beacon, pillar or post erected for any of the purposes of this Ordinance or under any rules made thereunder, or remove or alter any such mark, beacon, pillar or post after it has been delineated on a plan or survey, shall be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months.

Penalty for  
injuring  
boundary  
marks.

**83.** (1) Any Provincial Commissioner, District Commissioner, Officer of the Mines Department, Geological Department or Surveys and Lands Department may enter upon any land on which mining or prospecting operations are being conducted, or which is the subject of any lease, right or licence under this Ordinance, and inspect any prospecting or mining operations or any works in connection therewith.

Right of  
entry and  
inspection.

(2) The Chief Inspector of Mines or the Director of Geological Survey may inspect and take copies of or extracts from any books, papers, plans and documents dealing with the operations of a mining lessee or the holder of any right or licence under this Ordinance and required by this Ordinance to be kept.

9 of 1958.

(3) The Chief Inspector of Mines or the Director of Geological Surveys may at any time take samples, make surveys and perform any operations that he may deem necessary for the purpose of making a report on any land.

**84.** The holder of a prospecting right in respect of any open shaft made by him, and the lessee of a mining lease, and the holder of a mining right or exclusive prospecting licence and the applicant for a mining lease or a mining right to whom permission to mine has been granted under section 23, on the area of whose lease, right or licence or prospecting licence or right any open shaft or open cast exists, shall make and maintain sufficient fences or other safeguards for the protection of man and beast, and shall fill in any disused shaft which is within fifty yards of any public road or footpath, or elsewhere if required by the Chief Inspector of Mines.

Open shafts,  
etc., to be  
fenced.

**85.** (1) The Chief Inspector of Mines may in his discretion by order in writing require the lessee of a mining lease or the holder of any right or licence granted or held under the provisions of this Ordinance or of any other Ordinance relating to prospecting or mining to take such reasonable measures for the prevention or reduction of soil erosion caused by his operations or

Preservation  
and  
restoration  
of land used  
for mining,  
etc.  
4 of 1949.

reasonably to restore any area used for prospecting or 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 such operations and such other methods as may reasonably be required and upon service of such order, the provisions thereof shall be deemed to be covenants and conditions of the lease, right or licence concerned.

(2) An order under this section may be issued either before or after the commencement of the prospecting or mining operations to which the order relates.

(3) The lessee of a mining lease or holder of a licence or right that is the subject of an order made under this section shall have the right of appeal within three months against such order to the Governor who may vary, revoke or confirm the order, the Governor's decision being final.

(4) An order made or decision given under this section may be sent by post to the lessee of the mining lease or the holder of the right or licence concerned, or to the agent of such lessee or holder.

(5) Where compensation is to be paid by the lessee of a mining lease or the holder of a right or licence under the provisions of this Ordinance in respect of damage done to the surface of any land, any restoration effected in accordance with the provisions of this section shall be taken into account in the assessment of such compensation.

(6) The provisions of this section shall apply to a mining lease, right or licence notwithstanding that it was granted or issued before the coming into operation of this section.

Disputes  
between  
holders of  
rights as to  
mining or  
prospecting  
operations.

**86.** Any mining lessee or holder of a right or licence who considers himself injuriously affected by the mining or prospecting operations of any other person may, having given fourteen days' notice of his intention to the other party, submit the matter through the Chief Inspector of Mines to the Governor for decision. The decision of the Governor shall be final and binding between the parties, unless the Governor shall direct that the matters in dispute shall be decided by arbitration or in the courts.

Arbitrations.  
Cap. 25.

**87.** The Arbitration Ordinance shall apply to every arbitration under this Ordinance with the following modifications and additions—

(a) Unless the parties shall otherwise agree in writing, the reference shall be to two arbitrators, one to be appointed by each side, and the arbitrators may, if necessary, appoint an umpire.

(b) When requested by a native of Sierra Leone, being one of the parties to an arbitration, the Governor may appoint an arbitrator on behalf of such native, and in such case may fix the fee which shall be paid to the arbitrator, or, when the arbitrator is a person in the service of the Government, to the Government for the services of the arbitrator.

**88.** Any person who—

(a) interferes with any mining or prospecting operations authorised by or under this Ordinance,

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

(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 Ordinance,

(d) commits any breach of any of the provisions of this Ordinance for which breach a penalty is not expressly provided,

shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

Penalty for interfering with mining, etc.

**89.** Any officer of the Mines Department, or constable may without warrant arrest any person whom he may find committing, or whom he may reasonably suspect of having committed, any offence against this Ordinance:

Provided that the person arrested shall be taken, with as little delay as possible, before a magistrate to be dealt with according to law.

Power of officer of Mines Department to arrest without warrant.

**90.** Whenever it is proved to the satisfaction of any court having jurisdiction that an offence against this Ordinance has been committed by any miner, workman or other person employed by the holder of a prospecting right, exclusive prospecting licence, or a mining right, or a mining lessee, such holder or lessee shall be held to be liable for such offence and to the penalty provided therefor, unless he shall prove to the satisfaction of such court that the offence was committed without his knowledge or consent, and that he had taken all reasonable means to prevent the commission of the offence:

Liability of employer for offences committed by his 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.

Registration.

**91.** Every mining lease, mining right and exclusive prospecting licence, and every instrument by or under which the rights, or any portion thereof granted by such lease, right or licence shall be transferred, assigned or surrendered, shall be registered both in the office of the Registrar General and in the office of the Chief Inspector of Mines within six months of the date thereof, or within such further time, if any, as the Registrar General or the Chief Inspector of Mines, as the case may be, shall allow, and if not so registered shall be null and void.

Power of Governor in Council to make rules.

**92.** The Governor in Council may make rules for all or any of the purposes following—

(a) the manner in which applications for prospecting rights, exclusive prospecting licences, mining rights and mining leases shall be made, and the forms to be used;

(b) the information to be supplied by the applicants;

(c) the fees, rents and payments to be paid for any lease, right or licence granted;

(d) empowering the Governor to invite persons qualified to apply for exclusive prospecting licences, mining rights or mining leases, as the case may be, or any of such persons as the Governor may select, severally to state what financial consideration of a kind which the Governor shall specify (in addition to all fees, rents, royalties or other payments required by this Ordinance or the rules made thereunder) they are prepared to pay to the Government in consideration of the grant of such a licence, right or lease (according as such invitation shall specify) in respect of any area in any tract of land in which any mineral may have been, or after the commencement of this Ordinance may be, discovered by any person searching for minerals on behalf of the Government, but without imposing any obligation on the Governor to grant any such licence, right or lease to any person tendering in response to such invitation or to accept the highest tender, and without otherwise fettering the Governor's absolute discretion to grant or to withhold the grant of such a licence, right or lease, as the case may be;

(e) empowering the Governor to revoke—

(i) any exclusive prospecting licence, mining right or mining lease granted in consideration of an offer of the



payment of any financial consideration within the meaning of the last preceding paragraph, or any renewal of such exclusive prospecting licence, mining right or mining lease or of a part thereof, or

(ii) any mining right or mining lease lying within the boundaries of such exclusive prospecting licence and subsequently granted to the holder of such exclusive prospecting licence or part thereof (including any renewal) or any renewal of such mining right or mining lease, or

(iii) any mining lease lying within the boundaries of any such mining right as is referred to in sub-paragraphs (i) and (ii) of this paragraph subsequently granted to the holder of such mining right (or renewal thereof), or any renewal of such mining lease,

in the event of such financial consideration not being paid or there being any cessation in the payment thereof;

(f) the shape of the areas over which exclusive prospecting licences may be granted, and the areas in respect of which mining rights may be granted;

(g) the size and shape of the areas over which mining leases may be granted;

(h) the manner in which areas and boundaries shall be surveyed, marked and beacons and the fees payable in respect of such survey;

(i) the working conditions to be applied to mining leases;

(j) the construction and use of roads, tramways, and railways;

(k) the construction and erection of houses, pits, shafts, 9 of 1958. machinery and other works to be used for prospecting or mining purposes;

(l) the fencing off or rendering secure of any of the works constructed, erected or made for prospecting or mining purposes;

(m) the grazing of cattle or other animals, and the cutting down and use of timber for the purpose of carrying on prospecting and mining operations;

(n) for securing the safety and welfare of persons employed in mines, and for the carrying on of prospecting or mining operations in a safe, proper and effectual manner.

(o) restricting or prohibiting the employment of women and children in prospecting or mining operations;

(p) the renewal, transfer, assignment and surrender of rights under licences, rights and mining leases;

(q) the registration in the office of the Chief Inspector of Mines of mining leases, mining rights and exclusive prospecting licences and instruments under which any right or interest thereunder is transferred or surrendered, and the fees payable on such registration;

(r) the returns to be rendered and the accounts, books and plans to be kept by mining lessees and the holders of mining rights and of exclusive prospecting licences, and the furnishing by such lessees and holders of any information required by the Chief Inspector of Mines.

(s) the amount of royalty payable to the Government and the form and manner in which such royalty shall be collected and paid;

(t) regulating the disposal of sludge and tailings and declaring any waterways to be sludge channels;

(u) for determining what proportion of any precious mineral per ton an ore may contain without coming under the definition of precious minerals;

(v) the granting of leases and licences for surface rights and the covenants and conditions thereof;

(w) prescribing the procedure on an appeal to the Governor.

(x) prescribing the fees to be paid in respect of any matter or thing done under this Ordinance, and

(y) generally for the carrying into effect the purposes of this Ordinance.

Power of Governor in Council to make special rules in regard to mining operations for precious minerals.

**93.** (1) In regard to mining operations for precious minerals only, the Governor in Council may make rules for the following purposes—

(a) empowering the holder of a mining lease, mining right or exclusive prospecting licence to demarcate by a fence, or by pillars or posts, any one or more portions of the area included in his lease, mining right or exclusive prospecting licence not exceeding in each case one thousand feet square or such lesser size as may be prescribed, but not including any dwelling house or the ground attached thereto without the occupier's consent, and to keep such portion or portions so demarcated while mining operations for precious minerals are actually in progress thereon;

(b) empowering any holder of a mining lease, mining right or exclusive prospecting licence who has complied with the provisions of any rules made under paragraph (a), to prohibit

(p) the renewal, transfer, assignment and surrender of rights under licences, rights and mining leases;

(q) the registration in the office of the Chief Inspector of Mines of mining leases, mining rights and exclusive prospecting licences and instruments under which any right or interest thereunder is transferred or surrendered, and the fees payable on such registration;

(r) the returns to be rendered and the accounts, books and plans to be kept by mining lessees and the holders of mining rights and of exclusive prospecting licences, and the furnishing by such lessees and holders of any information required by the Chief Inspector of Mines.

(s) the amount of royalty payable to the Government and the form and manner in which such royalty shall be collected and paid;

(t) regulating the disposal of sludge and tailings and declaring any waterways to be sludge channels;

(u) for determining what proportion of any precious mineral per ton an ore may contain without coming under the definition of precious minerals;

(v) the granting of leases and licences for surface rights and the covenants and conditions thereof;

(w) prescribing the procedure on an appeal to the Governor.

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(b) empowering any holder of a mining lease, mining right or exclusive prospecting licence who has complied with the provisions of any rules made under paragraph (a), to prohibit

and prevent any persons, other than those absolutely or conditionally exempted, from entering such demarcated portions as aforesaid;

(c) prohibiting any persons, other than those absolutely or conditionally exempted, from entering any town, village or camp which is situated within the area of a mining lease, mining right or exclusive prospecting licence and the whole or the greater part of which has been built or set up by the holder of such mining lease, mining right or exclusive prospecting licence or his predecessors in title;

(d) conferring on such persons as may be specified therein the power of searching persons, buildings and articles within such demarcated portions and such towns, villages and camps as aforesaid.

(2) Rules made under this section may apply to the whole Colony or Protectorate, or to any particular mining lease, mining right or exclusive prospecting licence, or to any particular town, village or camp.

94. Nothing in this Ordinance contained shall in any way affect the mining concessions which were, before the first day of January, 1929, granted to the African and Eastern Trade Corporation, Limited, by the Tribal Authority of the Marampa Chiefdom in the Protectorate; but the said concessions, and all matters relating to the validity thereof and the obligations, liabilities and rights thereunder or consequent thereon shall be determined and governed by and in accordance with the provisions of the Concessions Ordinance.

Exemptions  
in favour  
of certain  
mining  
concessions.

Cap. 121.

SCHEDULE.

Section 80.

SUMMONS TO WITNESS.

To A.B. (*Name of person summoned and his calling and residence if known*).

You are hereby summoned to appear before the undersigned at .....upon the.....day of....., 19....., at..... o'clock and to give evidence at an inquiry being held into an accident at .....on the.....day of....., 19....., and you are required to bring with you (*specify the books and documents (if any) which the person summoned is to produce*).

Given this.....day of....., 19.....

(Signed).....

Chief Inspector of Mines  
or District Commissioner.

N.B.—Disobedience to this summons may on summary conviction entail a fine not exceeding fifty pounds.