

THE MINERALS (VESTING) ACT

[30th August, 1947.]

Cap. 251.
Law
29 of 1960
25 of 1994
S. 11.

1. This Act may be cited as the Minerals (Vesting) Act. Short title.

2. In this Act—

Definitions.

“Crown Land” includes all land vested in the Commissioner of Lands under the Crown Property (Vesting) Act;

“minerals” does not include mineral oils, gypsum and phosphates, and does not include material, such as clay, sand, limestone, sandstone, or other stone, commonly used for the purpose of road making or for building or for the manufacture of any article used in the construction of buildings where such material does not contain any valuable metal or precious stone in economically workable quantities, but includes the following—

- (a) metalliferous minerals containing aluminium, antimony, arsenic, barium, bismuth, cadmium, calcium, cerium, chromium, cobalt, columbium, copper, iron, lead, lithium, magnesium, manganese, mercury, molybdenum, nickel, potassium, sodium, tantalum, tin, titanium, tungsten, vanadium, zinc, zirconium and all other substances 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) combustible carbonaceous minerals, including—

(i) coal;

(ii) lignite, which includes brown coal and any coal which the Minister may prescribe to be lignite if advised by the Commissioner of Mines that the estimated average ash content is so high or the estimated average thermal value is so low that such coal may properly be classed as lignite;

(c) other minerals, including those used for their abrasive or refractory qualities and abestos, barytes, bauxite, china clay, fuller's earth, graphite, high purity limestone, other than that used in the construction industry, laterite, marble, mica, nitrate, pipeclay, pottery clay, potash, quartz crystals, salt, slate, soda, sulphur, talc and all other substances of a similar nature to any of them;

(d) precious minerals, including—

(i) precious stones and semi-precious stones including amber, amethyst, beryl, cat's eye, chrysolite, garnet and all other semi-precious stones whether of the same kind as those enumerated or not;

(ii) precious metals;

(iii) all radio-active minerals;

"owner" means owner of an estate in fee simple in the land in relation to which the expression is used;

"precious metals" means gold, silver, or metal of the platinoid group, in unmanufactured state, and all ores containing such metal, but not including ores containing any such metal in combination with another mineral where such metal cannot be worked apart from such mineral and the value of such metal is less than the cost of producing both the metal and the mineral;

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"precious stones" means diamonds, emeralds, opals, rubies, sapphires, turquoises, and such other stones as may be prescribed to be precious stones for the purpose of this Act;

"royalties" means royalties payable to the Government in accordance with any law or regulations governing mines and mining;

"to mine" with its grammatical variations and cognate expressions means intentionally to search for, extract or win minerals.

3. It is hereby declared that all minerals being in, on, or under any land or water, whether territorial waters, river, or inland sea, are vested in and are subject to the control of the Crown.

All minerals
vested in
Crown.

4. No person shall mine any minerals save in accordance with the law and regulations governing mines and mining and there shall be paid to the Government such royalties as may be thereby prescribed in respect of minerals mined.

Control of
mining and
payment of
royalties.

5.—(a) Where minerals are won in, on, or under any land or water, which is not Crown land, then there shall be paid to the owner of that land or water such part of the royalties as is in this section provided in respect of the minerals so won.

Extent to
which royal-
ties payable
to owners
of land.

(b) The part of the royalties to be paid to the owner of the land or water shall be five per cent of the said royalties or such other amount as may be prescribed either generally or in respect to any particular mineral or mine.

(c) The said amount of the royalties payable to the owner of the land or water shall be paid at such time and subject to such conditions as may be prescribed:

Provided that where there is a tenant for life of such land or water as aforesaid, then the amount of royalties payable to the owner shall be paid into the Treasury to

the credit of the owner and shall be invested by the Accountant-General in the Workers Savings and Loan Bank without limit as to amount, and the income arising therefrom shall be paid to the tenant for life so long as he lives and thereafter the capital sum so invested shall be paid to the owner.

29/1960
S. 3 (c).

(d) If any doubt arises as to the person entitled as owner of any land or water to receive the said amount of the royalties the matter shall be determined by the Commissioner of Mines upon holding an enquiry in such manner as may be prescribed, but the Commissioner of Mines may, in his discretion, refer the matter to a Judge in Chambers for determination and on any question of law arising shall do so.

29/1960
S. 3 (c).

(e) The Commissioner of Mines shall, for the purpose of an enquiry under subsection (d), have the powers of a Resident Magistrate to summon witnesses, to call for the production of books and documents and to examine witnesses and parties concerned on oath.

29/1960
S. 3 (c).

(f) Any person summoned to attend or to produce books or documents under this section, and refusing or neglecting to do so, or refusing to answer any question put to him by or with the concurrence of the Commissioner of Mines, shall be guilty of an offence against this Act and liable on summary conviction before a Resident Magistrate to a fine not exceeding forty dollars:

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

29/1960
S. 3 (c).

(g) Any witness attending at the request of or upon summons by the Commissioner of Mines holding such enquiry shall, subject to any order made by such officer, be

entitled to like expenses as if summoned to attend the Resident Magistrate's Court.

(h) The decision of the Commissioner of Mines as to the person entitled as owner of any land or water to receive royalties shall be final unless the Commissioner of Mines refers the matter to a Judge in Chambers. 29/1960
S. 3 (c).

(i) Rules of court may be made governing the procedure in relation to matters referred to a Judge in Chambers under this section. 29/1960
S. 3 (c).

(j) No part of any royalties shall be payable to the owner of any land or water at any time after either— 29/1960
S. 3 (b).

(i) the fiftieth anniversary of the commencement of this Act; or

(ii) the twenty-fifth anniversary of the day upon which, after the commencement of this Act, such minerals were first won in, on, or under such land or water,

whichever first happens:

Provided that where mining operations are suspended on the area of the mining lease, the period during which such operations are so suspended shall not be taken into account in determining such twenty-fifth anniversary.

(k) No part of any royalties shall be payable in respect of any precious metals or precious stones which are won in, on, or under any land or water. 29/1960
S. 3 (b).

6. The Minister may make regulations generally for the better carrying into effect of the provisions of this Act. Regulations.