

e.g. an oil mining area in Kenya is
now 640 acres. In the draft it is
100 sq. miles.

as to the provision for "Public fields" for
mining, it does not exist in Kenya.

For Tanganyika, however we have a
law modelled on the Kenya law with
some modifications, but it is not
it is unsuitable for such territories.
It should be subject to special law. I feel
that such provision exists in the Uganda
& Nyasaland laws.

As regards the territories
mentioned above, the territories
mentioned are not described with
the existing laws, & there is no
reason whatever for scrapping them
and introducing a new law nearly
for the sake of uniformity - and it is
clear that uniformity is not practicable
to have Tanganyika use Model A
despite the many respects for the Kenya
model.

This draft must have included

e.g. an oil mining area in Kenya is
now 640 acres. In the draft it is
100 acres more.

As to the provision for "Public fields" for
mining, it does not exist in Kenya.

For Tanganyika, Shearer was here. A
law modelled on the Kenya law with
some modifications, at least in the
provisions for such territories. It
should be noticed to give, but I see
that such provision exists in the Uganda
& Nyasaland laws.

As regards the law, the territories
concerned are not described with
their existing laws, & there is no
reason to believe for the purpose of
the law that a new law modelled
on the side of uniformity and it is
desirable to have a law which
be in Tanganyika as it is to
depend on the law, respect for the Kenya
model.

This law draft must have involved

a great deal of trouble, and ⁵²
it is quite possible that it
represents the last word in mining
legislation. [These letters are appended
one for four clerks, & I prefer the
arrangement adopted in the T. T.
law, under which a man should

(1) to proceed - (2) to mine (3) to
degree of his staff can get sufficient
guidance without a degree of his own
research and about just for a
system of mining in the ordinary
world.]

I think we had better (1) wait
for the further letters as to details &
&c. - (2) don't inquire why the draft was
sent on incomplete - they seem to think
we are in a hurry for it) Then

(2) Thank P. Evans & ask him to
thank the Committee for the trouble
they have taken in the matter, & say
that ^{the draft} will be considered after
consultation with the Governors of
the Dependencies concerned.

(3) Have the draft printed as a C.O.

See further
min. 2.

with minute copied and
directed to me
brother Randall

papers and send it to all
Governors, explaining its genesis,
& saying that the J.C.S. think
recognizing the necessity for many
variations in matter of detail
due to the different uses of the
territories concerned, is of opinion that
greater uniformity would be advantageous
and ask them to consider the draft
report in due course. Rather it might
be usefully adopted as a model and give
in each respect it should be
modified to suit local conditions.

I am inclined to omit Tanganyika
for the present. We have only about
1000000 people there now, many laws, &
we had better wait for more. It was on
the new law before working them again.

C.S.
29/6/21

as proposed in (1) & (2)
of Mr Stanley's minutes
- but I am not at all sure
that we are justified in
assuming the proposed
(3). The model seems to me to
be quite unsuitable for countries in
the stage of develop^t of our
Africa. H.H. 29/6/21

paper, and said it to all
Governors, explaining its genesis,
saying that the Staff, while
recognizing the necessity for many
revisions in matters of detail
due to the different views of the
various members, in opinion that
greater uniformity would be advantageous
wrote them to consider the draft
report as a base course rather than
a roughly adopted one model and
said it expects it should be
amended to suit local conditions.

I am inclined to omit Tarapore
for the present. We have already
likely approved the new money law, it
is better wait for Kage. News on
the new law before working them again.

C.S.
29/6/21

all papers - (1) & (2)
of Mr Stanley's minutes
- he is not at all sure
that we are justified in
amending the proposed
i. (3). The model seems to be
quite suitable for countries at
the stage of development of our
country. H. H. ...

Sir H. Glad.

I agree that this is not suitable for sending out to the colonies but in view of the fact that it is not a new bill but a bill for what it is, and when examining mining laws

The Bureau have some outside bills proposed including Part 12, Oils. They are not our business in particular. With respect we have had everywhere to deal with petroleum separately on the grounds that it is not a suitable matter for inclusion in any general mining Ord. The latter scope of the sections - e.g. 114 & 115 - raises questions of policy on which it is not our business to deal. I have thought the bill will not be passed in the C.D. as a model for petroleum legislation.

30.11.21 G.C.

I agree at once. S.J.R. 1/12/21

Sir H. Glad. 3. The proposed (2) must be modified, & we must take care that the draft with no doubt be of great value when new mining legislation is introduced in the colonies. CS 1/2 stones. S.J.R. 1/12/21

Obtain from detailed account. - added that will be to CP

EGA
E.K.L. further
need for
CP
1/12

5/1222

IMPERIAL MINERAL RESOURCES BUREAU

CO
30975
MAY 21 1921
LONDON, S.W.1

2, QUEEN ANNE'S GATE BUILDING,
DARTMOUTH STREET, E.C.3

21st June, 1921.

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Sir,

In reference to your letter of the 2nd August, 1920 to the Imperial Mineral Resources Bureau as to the preparation of a Model Mining Code for West Africa, I have the honour to transmit a Model Code including mining ordinance and regulations and safety regulations prepared by the Model Committee of the Imperial Mineral Resources Bureau.

The original draft was made by Mr. Gilbert Stone Barrister-at-Law, author of several publications on British and Foreign law who is at work under the auspices of the Legal Committee in compiling a series of volumes on the mining law of the British Empire, two of which have already appeared. This draft was subsequently considered by the Legal Committee including Sir Richard Hodgson, late Chief Inspector of Mines in the United Kingdom, Lord Morris, who has had a distinguished legal career and the writer who was responsible for the Mining Regulations in force on the Kolar Gold field. It was also submitted to Mr. Frank F. Harriott, late President of the Institute of Mining and Metallurgy and Chief Consulting Engineer for the General Mining and Investment Corporation as well as Mr. Westgarth Forster Brown, Chief Advisor to H.M. Woods and Forests and Deputy Cavalier for the Forest of Dean, both Governors of the Bureau, who were added to the Committee for the purpose. It has therefore had the advantage of being carefully criticized and discussed from the technical as well as the legal stand point.

As the expected absolute unanimity was not obtained on all points, the Model Code is inclined to omit the provisions for public lands, which are limited for tropical territories with a sparse population. The matter has been emphasized by giving the Governors the choice in any particular case of either providing public lands or, alternatively, by way of a grant of mining lease or mining rights, on the other hand the provision for the payment of royalties to discoverers of mineral interests out of the rents and royalties reserved to the Government has been adversely criticised by Mr. Harriott, and as stated in the accompanying letter from the Secretary of the Bureau it will be reconsidered at another meeting of the Committee. I am, however, strongly of the opinion that the provisions in this respect, now contained in the draft, are substantially fair and reasonable and calculated to protect the interests of men who have done good service in discovering minerals.

A Model Mining Ordinance, such as this, ought to be of great value as a guide to the preparation of Ordinances for territories where none has hitherto existed as well as in cases where it is considered desirable to unify the mining law of adjoining territories. In particular it might be considered whether it might not serve as a basis for legislation not only in Kenya, but also in Uganda and Tanganyika.

I am,
Sir,
Your obedient servant,

John W. Lewis

(See draft
later)

IMPERIAL MINERAL RESOURCES BUREAU

255

2, QUEEN ANNE'S GATE BUILDINGS,
DARTMOUTH STREET,

WESTMINSTER,

LONDON, S.W.1.



18th June, 1921.

Sir,

I am directed by the Chairman of the Government to transmit you herewith a draft of a Model Mining Ordinance which the Legal Committee of the Imperial Mineral Resources Bureau has drawn up at the request of the Colonial Office as asked for in their letter 38665/1920 of 2nd August, 1920 with a view to the unification of the mining laws in Kenya, Uganda, Nyasaland and Tanganyika, and to ask you to be so good as to transmit this document to the appropriate authority at the Colonial Office.

I am to point out that in Part 1, sub-clause 54 (2) is still under consideration and being of great importance will necessitate further reference to selected members of the Legal Committee.

In order to avoid delay in presenting the Code which will not be materially affected in its other parts by an alteration in this sub-clause it is proposed to forward the final draft of clause 54 (2) together with such minor alterations as may be necessary in clauses 54 (1), 55, 56, 57 and Regulation 36 of Schedule in the course of the next fortnight.

I am,

Sir,

Your obedient Servant,

L. J. H. H. H.
Secretary.

2, Queen Anne's Gate Buildings.

ORDINANCEPART 1.

General

PART 2.

Administrative.

PART 3.

Prospecting.

PART 4.

Discovery

PART 5.Proclaimed Public Fields.PART 6.Mining on Non-Proclaimed Areas
and re-proclaimed Public Fields.PART 7.Pegging of Claims.PART 8.

Water Rights.

PART 9.

Surface Rights.

PART 10.

Transfer, Charging and Surrender.

PART 11.

Registration.

PART 12.

Prospecting and Mining for Oil.

PART 13.

Miscellaneous.

PART 14.

Penalties.

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PART 14.

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PART I.

GENERAL

This Ordinance may be cited as the Mining Code, 1921.
 In this Ordinance unless inconsistent with the context the following terms shall have the meanings assigned by this section.

- (1) "Minerals" include all materials of economic value forming part of or derived naturally from the crust of the earth and not being either forest produce within the meaning of any Forest Ordinance for the time being in force, or materials used exclusively for building purposes or as road metal. Minerals may be either precious minerals or non-precious minerals. Non-precious minerals include not only solid substances but mineral oil and natural gas and all other minerals except precious minerals. "Precious minerals" include precious stones and precious metals and the ores of precious metals. "Precious metals" include platinum, gold and silver and such other metals as the Governor may by proclamation published in the Gazette proclaim to be precious metals; provided that they shall be deemed to be a precious mineral unless there be present in the ore such proportion of precious metal or metals as would enable the ore in bulk to be mined profitably apart from the proceeds realised by the extraction therefrom of any other mineral substance. "Precious stones" include diamonds, rubies, sapphires, emeralds, and such other stones as the Governor may by proclamation published in the Gazette proclaim to be precious stones. Where any question arises as to whether a mineral mined is a precious or a non-precious mineral the opinion of the Commissioner of Mines shall be taken and

his decision shall be final.

- (2) "Owner of land" means any person whose rights in the land extend over both the surface and the minerals thereunder and have been or shall be recognised by the Governor.
- (3) "Holder of the mineral rights" means any person who has the right to the minerals in or under land and whose rights have been or shall be recognised by the Governor.
- (4) "Holder of surface rights" includes every person for the time being entitled to occupy the surface of the land but whose rights do not extend over the minerals therein or thereunder.
- (5) "To mine" includes all acts reasonably necessary for the working, winning, getting, underground transporting, and raising of minerals.
- (6) "To prospect" and its cognate expressions includes all operations connected with the bona fide search for minerals.
- (7) "Commissioner of Mines" means the Commissioner of Mines or the person acting in his stead and also being under lawful authority.
- (8) "Oil" means mineral oil and includes natural gas but not oil shale.
- (9) "Person" includes corporation.
- (10) "Prescribed" means prescribed by or in virtue of this Ordinance.

The entire property in and control of all minerals in, under or upon any lands in the Colony/Protectorate, is and shall be vested in the Crown, save in so far as such rights may in any case/

his decision shall be final.

- (2) "Owner of land" means any person whose rights in the land extend over both the surface and the minerals thereunder and have been or shall be recognised by the Governor.
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- (6) "To prospect" and its cognate expressions includes all operations connected with the bona fide search for minerals.
- (7) "Commissioner of Mines" means the Commissioner of Mines or the person acting as such for the time being in lawful authority.
- (8) "Oil" means mineral oil and includes natural gas but not oil shale.
- (9) "Person" includes corporation.
- (10) "Prescribed" means prescribed by or in virtue of this Ordinance.

The entire property in and control of all minerals in, under or upon any lands in the Colony/Protectorate, is and shall be vested in the Crown, save in so far as such rights may in any case/

case have been granted to any private person by any express grant made before the commencement of this Ordinance which grant has been or shall be recognised by the Governor.

Mining or prospecting shall be deemed a public purpose within the meaning of any Ordinance relative to the acquisition of land by the Crown for any public purpose.

The rights to minerals in respect of any area of land shall be limited to the minerals within the vertical boundaries of such area and shall not extend to any continuation of mineral lodges, veins, reefs, or beds beyond such boundaries.

Notwithstanding any provision of this Ordinance to the contrary any person lawfully employed in bona fide prospecting under either a prospecting permit or prospecting licence issued under this Ordinance shall have the following general rights in addition to the rights specifically conferred upon him by or under this Ordinance:

- a) The right of grazing, free of charge, upon any land in the vicinity of his operations and open to prospecting, and not being land over which any other person has exclusive prospecting or mining rights or part of a public field not more than twenty riding or transport animals free from contagious or infectious disease. Provided that he shall not introduce or take any horned cattle or entire male herbivorous animals of any description upon occupied land without the consent of the owner or holder of surface rights over such land.

shall have been granted to any private person by any express grant made before the commencement of this Ordinance which grant has been or shall be recognised by the Governor.

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Notwithstanding any provision of this Ordinance to the contrary any person lawfully employed in bona fide prospecting under either a prospecting permit or prospecting licence issued under this Ordinance shall have the following general rights in addition to the rights specifically conferred upon him by or under this Ordinance:

- a) The right of passing, free of charge, upon any land in the vicinity of his operations and open to prospecting, and not being land over which any other person has exclusive prospecting or mining rights or part of a public field not more than twenty riding, or transport animals free from contagious or infectious disease. Provided that he shall not introduce or take any penned cattle or other male herbivorous animals of any description upon occupied land without the consent of the owner or holder of surface rights over such land.

- (b) The right of taking for domestic use or for the purpose of his prospecting operations indigenous wood or timber not being a protected tree within the meaning of any Forest Ordinance for the time being in force.
- (c) The right of taking water for the use of himself, or his employes, or servants or that of the animals above referred to as well as for panning.
- (d) The right to erect temporary shelters or buildings for the purpose of the protection and comfort of himself and his employes or servants. Provided that this right shall not be deemed to confer any right, title, or interest in any land upon which such buildings may have been erected. Provided further that this right shall not exist in respect of land in private occupation save with the consent of the holder of surface rights. Provided also that this right shall involve the duty of removing such temporary erections on the termination of the purpose for which they were erected if requested so to do by the owner or holder of the surface rights.
- (e) The right to remove such shelters or buildings so erected.

7. The Ordinances referred to in the fourth schedule herof together with all rules or regulations issued thereunder are hereby repealed as from the date on which this Ordinance comes into force save that such repeal shall not impair the rights acquired thereunder of any person.

10.

PART 2.ADMINISTRATIVE

2. The Department of Mines in this Ordinance referred to as the Mines Department shall be charged with the administration of this Ordinance and the regulations issued thereunder.
- The responsible officer in charge shall be termed the Commissioner of Mines and shall be appointed by the Governor. The Governor may appoint such other officers as are necessary to carry into effect the provisions of this Ordinance and the regulations issued thereunder.
3. No officer shall be appointed the Commissioner of Mines or any other officer under this Ordinance unless he is a citizen of the State.

Article

PART 3
PROSPECTING

(a) Prospecting Permits

10. It shall be in the discretion of the Commissioner of Mines to grant a prospecting permit to any person making application in the manner prescribed and on payment of the prescribed fees.
11. Such permit may be held by the holder for his own benefit or as agent, shall not be transferable, and shall expire at the end of twelve months from the date of issue unless renewed.
12. The holder only and not his principal may prospect in virtue of a prospecting permit.
13. The owner of land or the holder of mineral rights with the consent of the holder of surface rights or the holder of surface rights may prospect such land without a prospecting permit on giving notice to the Commissioner of Mines in the manner prescribed. Failure to give notice shall be an offence punishable by a fine not exceeding Rs. 200.
14. (1) Save as hereinafter provided the holder of a prospecting permit during the currency of the permit has the right of prospecting for the minerals mentioned in the permit anywhere, subject to the provisions of Section 15.
- (2) (a) The Commissioner of Mines may if he think fit limit a prospecting permit to any particular district or districts.
- (b) If no district be mentioned the permit shall

extend

extend to the whole of the territory.

(5) The Commissioner of Mines may if he think fit limit a prospecting permit to a particular mineral or minerals.

(4) If no mineral be mentioned the permit shall, subject to the provisions of this Ordinance relating to prospecting for oil, give the right to prospect for minerals of every kind.

(5) The holder of a prospecting permit may be accompanied by not more than ten employees and servants and shall be responsible for any act on their part which may arise out of or be committed in the course of their employment or which shall be done on his behalf.

15. No holder of a prospecting permit may prospect on ^{the} or under/land hereinafter specified, except with the written consent of the person or persons which is hereinafter required that is to say:

(a) Land over which any other person (other than the crown) possesses any legal rights which would be in any way interfered with or disturbed by such prospecting operations except with the consent of such person or of the/

15.

land reserved to the Governor:

- land within a Native Reserve except with the consent of the Commissioner of the Province in which such reserve is situate;
- (a) land dedicated or set apart for any public purpose (or as a burial place) other than mining except with the consent of the Governor;
- (d) any area part of a public field, subject to the provisions of section 83, except with the consent of the Commissioner of Mines;
- (e) any area situate within any Township or Municipal area except with the consent of the owner or holder of surface rights, and of the Governor or Municipal authority;
- (f) any area over which exclusive prospecting or mining rights have previously been granted by the Governor or by or on behalf of His Majesty and which are still subsisting except with the consent of the Commissioner of Mines;
- (g) land reserved for the purpose of any railway or situate within 100 yards of any railway, except with the consent of the Railway Administration or of the Governor;
- (h) any area which is the site of or is within 100 yards of any building or the site of or within 300 yards of any artificial dam or reservoir, the property of the Crown, except with the sanction of the Governor;

14

- (1) any street, road or highway without the consent in writing of the Governor or of the Municipal Corporation or other public body having the control thereof.

In granting or withholding consent under this section the Governor Commissioner of Mines or other public authority whose consent is required shall consider not only the special interests involved but the manner in which the mineral resources of the Colony/ Protectorate may be most effectively and speedily developed. Any damage or diminution in value which may result to private or public rights and property in the course of prospecting shall be made good by the prospector and security may be demanded from him in respect of any possible liability of this description.

(5) Prospecting Licence

16. Save as hereinafter provided any person who holds directly or through his agent a prospecting permit may after beaconing an area over which he is entitled to prospect in virtue of a prospecting permit in the manner prescribed and on paying the prescribed fees obtain a prospecting licence in the prescribed form which shall confer upon him the right to prospect for such period as shall be stated in the licence exclusively the area mentioned in the licence.
17. No prospecting licence shall be issued for any area hereinbefore excluded from prospecting under a prospecting permit save with the consent or consents hereinbefore required.

15

required or situate within half a mile of any public field proclaimed under section 20 of this Ordinance.

19. It shall be within the discretion of the Commissioner of Mines to determine whether a prospecting licence for a specific area shall be granted and if so for what area and for what mineral or minerals.

20. No prospecting licence shall be issued for any area owned by an owner of land or occupied by a holder of surface rights except with the consent of the owner of surface rights or his representative;

Provided that if the applicant for the prospecting licence has himself or through his agent prospected the land in question in virtue of a prospecting permit and with the consent of the owner or holder of surface rights no further consent shall be required.

Provided further that if consent is not given within one month of application therefor being made and such owner or holder of surface rights is not prospecting and is not prepared to prospect the area himself or by his agent in a manner approved by the Commissioner of Mines a prospecting licence may be issued to the person applying for a prospecting licence gives such security as the Commissioner of Mines may reasonably require for the payment of reasonable compensation for the damage which may be done in the course of prospecting.

21. There shall be no limit to the number of the prospecting areas for which application may be made by the same person but the Commissioner of Mines shall have an absolute discretion as to the number of prospecting licences which shall be granted to the same person having

in view the need for the adequate and proper prospecting of each area for which a licence is granted. There shall be imposed upon the holder of a prospecting licence the duty of prospecting the area mentioned in the licence with due skill and diligence either by himself or his agent.

21. Failure to exercise due skill or due diligence shall be a ground for cancellation of the licence.

22. Whether due skill or due diligence is being shown shall be a matter within the discretion of the Commissioner of Mines.

23. The holder of a prospecting licence shall beacon off his prospecting area in the manner prescribed.

24. The area of the prospecting area shall not exceed the maximum prescribed and shall be of the form prescribed. Reg. 70

25. (1) The holder of a prospecting licence may on giving notice in the manner prescribed abandon his prospecting area.

(2) On abandoning his prospecting area he shall, to the satisfaction of the Commissioner of Mines, fence or fill in all excavations and failure to do so shall be an offence punishable with imprisonment not exceeding three months or a fine not exceeding Rs 200.

(3) On abandonment all beacons and notice boards shall be removed and failure to do so shall be an offence punishable with a fine of Rs. 100.

26. Every person who holds a prospecting permit or who is granted a prospecting licence shall (if prospecting thereunder) make such reports to the Commissioner of Mines on the minerals or rocks examined by him and shall furnish such other information and such specimens as the Commissioner of Mines may require.

PART 4

DISCOVERY

- 27 Any person who in the course of prospecting or otherwise discovers minerals in apparently payable quantities shall erect a beacon at the place of discovery in the prescribed manner and shall forthwith notify the Commissioner of Mines of the discovery in the manner prescribed. On receiving notification of discovery the Commissioner of Mines shall cause enquiries to be made into the nature of the discovery and if satisfied that minerals exist in apparently payable quantities shall issue to the person who has made the discovery a certificate of discovery in the form prescribed.
- 28 The Commissioner of Mines shall have full power/ which power for the purposes of the Ordinance may be delegated to others, to enter on any prospecting area for the purposes of examination, enquiry, or inspection.
- 29 If the Commissioner of Mines is satisfied that precious minerals exist in apparently payable quantities the Governor may if he think fit so to do proclaim an area including that in which the discovery was made a public field.
- 30 The decision of the Governor if it be decided to proclaim an area a public field shall be notified in the Gazette.
- 31 If the Governor proclaim the area a public field the provisions of part 5 shall apply.
- 32 If the Governor do not proclaim the area a public field the provisions of part 6 shall apply.

Notwithstanding/

33 Notwithstanding anything in section 22 contained no greater area than that which is reasonably necessary for the adequate exploration and mining of the precious minerals discovered shall be proclaimed a public field and where any person is either the owner or the holder of surface rights or the holder of mineral rights in respect of land included in the area such land shall not be included within the proclaimed field unless:-

- (a) prospecting has been or shall be carried on in such land either by the owner or by the holder of mineral rights, or by the holder of surface rights or by any person acting with the consent of the owner or holder of surface rights; or
- (b) the owner or holder of surface rights agrees to the proclamation of the land in question.

34 If the owner or holder of surface rights do act that the land so owned or occupied or part thereof cannot be included in the public field and if the Commissioner of Mines of the opinion that its inclusion is in the public interest he shall cause a memorandum to be prepared for the consideration of the Governor with a view to determining whether the rights of the owner or holder of surface rights in the land in question shall be expropriated or compensation being paid.

35 If it be decided that the rights of the owner or holder of surface rights shall be expropriated the provisions of any ordinance in force relative to the acquisition of land for

public/

Public purposes shall apply. If there be no provision in force relative to the assessment of compensation then the compensation payable shall in the absence of agreement be determined by arbitration.

56 The Governor may at any time by notice deproclaim any public field or any portion thereof provided that such deproclamation shall not effect any rights acquired by any persons in the public field and existing at the time of the notice to deproclaim.

PART 5

PROCLAIMED PUBLIC FIELDS

Where precious minerals have been discovered in apparently payable quantities and it is decided to proclaim a public field, the proclamation shall be effected in the manner prescribed.

Prior to proclamation the area to be proclaimed shall be surveyed by a Government surveyor who shall prepare a map of the area to be proclaimed in the manner prescribed.

On proclamation the discoverer and the owner of land, the holder of mineral rights and the holder of surface rights in the land included in the public field shall have the following interests in the priority stated and shall claim

(a) the land included in the public field

(b) the mineral rights in the land included in the public field

(c) the surface rights in the land included in the public field

number of acres of land included in the public field shall be provided for in the proclamation and shall be known as the "discovery" of the public field.

The owner of land shall have the right to select

land included in the public field but not

land included in the public field

The owner of land shall have the right to select

land included in the public field but not

land included in the public field

land included in the public field but not

land included in the public field

to select claims equal in area to one twentieth of the land included in the public field over which he holds surface rights, but not more than 10 claims in all.

(1) If the owner of land, the holder of mineral rights, or the holder of surface rights is also the discoverer he shall have discoverer's rights in addition to his own, but, the owner of land shall not have the rights of either the holder of mineral rights or the holder of surface rights in addition to his own.

(2) The claims selected shall in all cases be held in block.

41 The right so to select shall last for one month after publication of notice of proclamation has first been made. The right to select may be delegated to an agent or person holding a general power of attorney. When the person having the right to select is unable to select or appoint an agent or attorney within the time limited owing to illness, absence or other reasonable cause the Commissioner of Mines may reserve a claim or block of claims for him but no liability shall thereby attach to the Commissioner of Mines, and if within six months thereafter such claim or block of claims is not taken up by the person on whose behalf it was reserved or his representative in interest the land so reserved shall be declared in the manner prescribed here to public panning.

42 At the end of one month from the date of first publication of notice of proclamation the public field shall be deemed to be thrown open to the public for the panning of claims, and the provisions of Part V shall thereupon apply.

43 If it be decided not to proclaim an area at which a discovery of precious minerals has been made a public field there shall be published in the same manner as aforesaid, and the provisions of Part V shall thereupon apply.

PART 6MINING ON NON-PROCLAIMED AREAS AND DE-PROCLAIMED PUBLIC FIELDS

In all cases where a discovery of minerals has been notified and a public field is not proclaimed and, subject to the provisions of section 38 in all cases where a public field is deproclaimed the Governor shall subject to the provisions hereafter contained have the power to confer on any person the right to mine in the manner, to the extent, and subject to the limitations hereafter provided.

The right to mine may be conferred either by the grant of a mining right or by the grant of a mining lease. The Commissioner of Mines shall subject to the rights of the discoverer decide whether in the circumstances of the case it is desirable that mining shall be carried on in virtue of a mining right or a mining lease.

A mining right may be granted over an area within the maximum prescribed, shall remain in force for one year from the date thereof but may be renewed for further periods of one year, and shall confer upon the holder hereof the right to enter upon the lands in respect of which the mining right is granted and the exclusive right to mine thereon for the minerals specified in the right. The grant of a mining right shall confer upon the holder of the mining right the surface rights and easements referred to in Part 9 subject to the payment of the compensation (if any) therein expressed to be payable where the value of private proprietary rights is thereby reduced.

part also with the consents following:-

(a) In the case of the lease of the land the consent of the owner of the land.

(b) In the case of the holder of mineral rights or surface rights the respective consent of the holder of mineral rights or the holder of surface rights.

Notwithstanding as aforesaid and if in the opinion of the Governor it is in the public interest that mining should proceed the Governor shall have power to grant a mining lease or mining right as though consent had not been withheld. Where consent is thus dispensed with the person whose consent is dispensed with shall have a right to compensation on the footing of actual pecuniary loss sustained. The amount of such compensation shall in the absence of agreement be determined by arbitration. The compensation shall be payable by the mining lessee or the holder of the mining right.

20. Where mining proceeds under a mining right or mining lease in or on land of which there is an owner of land, holder of mineral rights or holder of surface right the owner of land, holder of mineral rights or holder of surface rights shall receive of the monies paid by the holder of the mining right or by the mining lessee to the Government whether by way of rent or royalty the proportion following:-

- (1) in the case of the owner of land one-half;
- (2) in the case of the holder of mineral rights one-quarter;
- (3) in the case of the holder of surface rights one-quarter;

of the proportion of the total rent and royalty which the area of which the owner of land is owner or the holder of mineral rights is holder or the holder of surface rights is occupier bears to the total area the subject of the mining right or mining lease.

51. Application for a mining right or mining lease shall be made in the manner prescribed.

52. Every mining right or lease shall be in the form prescribed.

53. The discoverer or his nominee (which term shall include his personal representatives) shall have a period of two years from the date of the grant of a certificate of discovery in which to apply for a mining lease in respect of the mineral or minerals mentioned in the certificate of discovery over such area within the prescribed maxima over which a mining lease may be granted. Such area shall be selected by the discoverer as soon as practicable after the grant of the certificate of discovery and shall be delimited by him in the manner prescribed.

54. (1) For two years after the date of the certificate of discovery no mining right or mining lease shall be granted to any person other than the discoverer

or his nominee in respect of the area delimited as provided in section 53 unless within the said period of two years the discoverer shall in writing waive his right to apply for a lease over the area in question. A mining lease shall be granted to the discoverer or his nominee on application being made within the said period of two years on the discovery or his nominee's producing evidence to the satisfaction of the Commissioner of Mines, that the discoverer or his nominee is able adequately to develop the miner-

(Clause 54 (2).

This sub-clause is still under consideration and being of great importance will necessitate further reference to selected members of the Legal Committee.

In order to avoid delay in presenting the Code which will not be materially affected in its other parts by an alteration in this sub-clause it is proposed to forward the final draft of clause 54 (2) together with such other alterations as may be necessary in clauses 54 (1), 55, 56, 57 and Regulation 36 of Schedule 1 in the course of the next fortnight.

55 Should the Commissioner of Mines refuse to grant an appeal shall lie to the Governor.

56 In no case shall an application be refused because a person other than the discoverer or his nominee has applied for a lease over the area in question. In no case shall an application be refused if the discoverer or his nominee commands capital adequate to the development of the mineral resources of the area in question. The discoverer or his

or his nominee in respect of the area delimited as provided in section 53 unless within the said period of two years the discoverer shall in writing waive his right to apply for a lease over the area in question. A mining lease shall be granted to the discoverer or his nominee on application being made within the said period of two years on the discoverer or his nominee's producing evidence to the satisfaction of the Commissioner of Mines, that the discoverer or his nominee is able adequately to develop the miner-

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/ nominee

or his nominee in respect of the area delimited as provided in section 53 unless within the said period of two years the discoverer shall in writing waive his right to apply for a lease over the area in question. A mining lease shall be granted to the discoverer or his nominee on application being made within the said period of two years on the discoverer or his nominee's producing evidence to the satisfaction of the Commissioner of Mines, that the discoverer or his nominee is able adequately to develop the mineral resources of the area in question.

- 2) If a mining lease be not granted to the discoverer or his nominee and if a mining right or mining lease be granted over the area in question or any part thereof the Commissioner of Mines shall cause to be paid to the discoverer or his nominee out of the royalties received in respect of minerals the subject of the discovery mined in the area selected by the discoverer 20% of such sum received as royalty annually.

Provided that the sum so paid in respect of royalties to the discoverer shall not in the aggregate exceed the sum of £20,000.

Should the Commissioner of Mines refuse the application appeal shall lie to the Governor.

- 56 In no case shall an application be refused because a person other than the discoverer or his nominee has applied for a lease over the area in question. In no case shall an application be refused if the discoverer or his nominee commands capital adequate to the development of the mineral resources of the area in question. The discoverer or his

nominee may apply for a smaller area than the area delimited

mentioned under the provisions of section 53.

or his nominee

If within the period stated in section 53 the discoverer /

shall not apply for a mining lease or if it be decided not

to grant to the discoverer a mining lease over the whole

area in question the Commissioner of Mines shall insert

a notice in the form prescribed in the Gazette and if he

thinks fit in such other newspaper or periodical circulating

in such country as he may determine calling for applications

for either a mining right or a mining lease or both as in

his discretion he shall think fit.

Applications received for a mining right or mining lease

shall be considered by the Commissioner of Mines who shall

report to the Governor who may grant the application

which in his opinion in view of the report of the Commissioner

of Mines will secure the best development of the mineral

resources of the area in question.

The successful applicant shall be informed by the Commissioner

of Mines of the acceptance of his application, and on payment

of the prescribed fee shall be granted a mining right or

mining lease as the case may be. If he fail to pay the

prescribed fees within ^{one month} ~~one week~~ of the notification of

acceptance being forwarded to him he shall become liable to

pay a forfeit of Rs. 500 and the applications ^{may} ~~shall~~ be

res considered.

recognized.

There shall be payable in respect of a mining right or mining

lease the prescribed fees, rents, and royalties.

The holder of a mining lease who desires to exercise the

right to lease a further surface area as provided in section 7

for the purpose of depositing or treating minerals mined and who has not exercised such right prior to the grant of the mining lease shall apply to the Commissioner of Mines for a surface ^{lease} which shall be granted in the form prescribed on payment by the applicant of the fees prescribed and shall confer upon the applicant a demise of the surface for a period equal to the unexpired portion of the applicant's mining lease. Such surface lease may be renewed for the same period as the applicant's mining lease is renewed. The provisions relating to the selection of the area for shafts and surface works contained in section 48 shall apply mutatis mutandis to the selection of the area the subject of the surface lease referred to in section 47.

The right residing in the mining lessee of applying for a surface lease as indicated in section 47 shall not be deemed to be in derogation of his right to arrange with the Crown in the case of unoccupied Crown land or the person having the power of granting surface leases in the case of land in private occupation for a lease of a further area of such size, term, and at such rental as may be agreed.

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PART 7.

PROVING OF CLAIMS.

- Any holder of a prospecting permit for precious minerals may on the proclamation of a public field peg a claim therein in the manner prescribed.
- (1) Any person holding a prospecting permit may peg a claim and if he holds more than one permit, he may peg as many claims not exceeding fifty in the same public field as he holds permits.
- (2) A claim where precious metals are to be mined for shall be either an alluvial claim or a claim for lode mining. In the former case the area of the claim shall be one hundred feet by one hundred feet. In the latter case the areas shall be one hundred and fifty feet in breadth and four hundred feet in length and the breadth shall be taken along the strike of the reef and the length across the strike. In case of doubt as to whether a claim is an alluvial claim or a claim for lode mining or as to the direction of the strike the decision of the Commissioner of Mines shall be final.
- (3) Every such claim shall, as far as possible, be pegged in a rectangular shape and where the nature of the ground will not permit of its being so pegged, its area shall not exceed ten thousand or sixty thousand square feet as the case may be.
- (4) A claim where precious stones are to be mined for shall be fifty feet by fifty feet and every such claim shall as far as possible be pegged in a square shape and where the nature of the ground will not permit of its being so pegged its

its area shall not exceed two thousand five hundred square feet.

- (5) Where more than one claim is pegged the claims shall be pegged in block.

85. An officer of the Mines Department shall be appointed by the Commissioner of Mines at the time of the proclamation of a public field for the purpose of inspecting and supervising the pegging, beaconing, and working of claims therein.

86. At the time of notifying the intention to proclaim a further notice shall be inserted in the Gazette stating the name, office and address of the officer appointed to inspect and supervise the pegging, beaconing and working of claims. Such officer is herein referred to as the Claims Inspector.

87. When any person pegging a claim or claims has pegged such claim or claims he shall notify the Claims Inspector. Such notification must be made within one week of the commencement of pegging.

Before or immediately

88. Immediately after the notification of the completion of pegging has been made the pegger shall erect a temporary beacon in the manner prescribed and shall notify the Claims Inspector when the beacon is completed. Such notification shall be made within one week of the completion of pegging.

89. (1) Within one week after the receipt of notification that beaconing has been completed or as soon thereafter as conveniently may be the Claims Inspector shall inspect the claims so pegged and beaconed and if satisfied that claims not exceeding the number the

pegger is entitled to peg have been pegged and beached in the manner prescribed he shall issue to the pegger a claim licence in the prescribed form free of charge and shall mark thereon the date on which the claim licence expires unless renewed. The pegger who has received a claim licence shall be deemed a claim holder.

(2) A claim licence may be renewed on payment of the prescribed fee.

70. After the issue of a claim licence the Claims Inspector may require the claim holder to trench, clear or otherwise demarcate the boundaries of his claim or claims in a permanent manner and to his satisfaction and when satisfied that such has been done may permit the claim holder to remove the temporary beech. Such permit shall be in writing signed by the Claims Inspector.

71. A claim holder who shall wilfully interfere with another claim holder's permanent boundaries commits an offence punishable by a fine not exceeding Rs.500 and cancellation of his licence.

72. If the Claims Inspector is not satisfied that the area pegged and beached is the proper area or is not satisfied that the pegging or beaching has been done in the manner prescribed he shall decline to issue a claim licence in respect of any claim so improperly pegged or beached and shall indicate what must be done by the pegger before a claim licence will be issued. Any pegger aggrieved by such decision may appeal to the Commissioner of Mines.

73. On granting a claim licence or claim licences the Claims Inspector shall prepare a sketch plan in the manner prescribed showing the area and situation of the claim or claims in respect of which a claim licence or claim licences has or have been issued, the name of the claim holder, his address and shall forward the same to the Commissioner of Mines. Each sketch/^{plan} shall be numbered in sequence.
74. Every claim holder shall keep his permanent boundary marks in good and substantial repair and failure to do so shall be a cause of forfeiture of the claim or shall render the claim holder liable to a ^{such} fine not exceeding Rs. 100 as the Commissioner of Mines may decide. If a fine be levied it shall be recoverable by distress and the Commissioner of Mines shall cause the permanent boundary marks to be repaired out of the proceeds thereof.
75. If one pegger is aggrieved in consequence of another pegger pegging an area in excess of the area he is entitled to peg he may complain to the Claims Inspector and the Claims Inspector as soon as conveniently may be shall enquire into the cause of the complaint and shall give his decision thereon.
76. Failure by a pegger to carry out the decision of the Claims Inspector shall be a ground for refusing to grant a claim licence or for cancellation of any licence granted under this Ordinance to such pegger.
77. If a pegger pegs within the area already pegged by another pegger and not abandoned or within an area reserved from pegging he shall if such pegging be done without knowledge of the fact that it is within such an area be guilty of an offence and liable to a fine not exceeding Rs. 100 and if

done with knowledge be guilty of an offence and liable to a fine not exceeding Rs.5000 or to imprisonment for three years. The burden of proof of absence of knowledge shall be upon the offender.

76. The holder of a claim license may prospect or mine for precious minerals on the claim provided that as soon as use is being made of machinery, wherever situate, for the crushing or treatment of precious minerals obtained from a claim or a claim has been sufficiently developed to permit of the extraction of precious minerals to an extent greater than necessary for the purpose of testing the nature of the minerals therein the claimholder shall take out a digger's license in the prescribed form.

77. (1) A claim may be abandoned by a claim holder by such claim holder's giving notice in the manner prescribed. A notice printed in the prescribed form shall thereupon be issued to the claim holder and shall be affixed by the claim holder to a notice board to be erected by the claim holder encircling the claim to be abandoned and stating the date on which and the person by whom such claim was abandoned.
- (2) The right of disposing of any claim abandoned shall revert to the Crown and such claims may be dealt with in the manner provided in section 83.

80. Claims may be amalgamated to such extent, in such manner, and subject to such conditions as the Commissioner of Mines may approve and agree with the parties in question. Provided that if an amalgamation involves the amalgamation of more than one hundred and fifty claims the approval of the Governor shall also be required.

81. Such arrangement may be made with regard to depositing grounds, machinery sites, or residential or trading sites, as the Governor may approve and where in the opinion of the Commissioner of Mines it is necessary to acquire land for such purposes such such purpose shall be deemed a public purpose within the meaning of any Ordinance relating to the acquisition of land by the Crown for any public purpose.
82. On application being made in writing to the Commissioner of Mines for the allocation of an area as a depositing ground, machinery site, residential or trading site the Commissioner of Mines shall make such arrangements and grant such rights of surface user as shall in his opinion best secure the development of the mineral resources of the public field in question and the well-being of the persons employed therein. Such rental may be charged in respect of the use of any such area as aforesaid for any of the purposes aforesaid as the Commissioner of Mines may determine and shall be the same as that charged for the rental shall not exceed such per cent per month.
83. Subject to Crown grants, licences, or rights made, given, and subsisting and to the operation of the principle that compensation shall be given for the pecuniary loss sustained where private rights are expropriated ~~shall be compensated for~~ the Crown shall have ~~the~~ ^{full} powers over the land within a public field and may establish state mines thereon, grant claims, rights, leases, easements of, in, or over land forming part thereof, may expropriate private rights in connection with such land, may grant leases or rights or give licenses permitting the mining of minerals precious or non-precious in land within a public field in which mining for other minerals is already proceeding or may proceed under Crown lease, licence, right or otherwise.

PART 8WATER RIGHTS

84. No person shall in virtue of any licence, right, or lease granted under this Ordinance to such person have any proprietary right to any river, stream, lake, water-course or water furrow contiguous to or running through any surface area the subject of such licence, right, or lease.
85. Any person being the holder of a prospecting licence, mining right, claim licence, or mining lease or any person acting on behalf of a number of such persons who requires the use of water for the purpose of prospecting or mining or the treatment of minerals mined or for purposes directly connected therewith or for domestic use shall apply in the manner prescribed to the Commissioner of Mines for the grant of a water right.
86. The Commissioner of Mines shall cause a notice to be inserted in the Gazette stating that an application has been received for the grant of a water right, the situation, extent, and nature thereof and indicating that such right may be granted ^{month} within a fortnight from the date of publication of the notice unless objection thereto is lodged with the Commissioner of Mines and shall cause a copy of the said notice to be forwarded to any person whose private rights are believed to be affected.
87. (1) Objections (if any) to the grant of a water right shall be made in the manner prescribed.
- (2) If objection or objections be made the Commissioner of Mines shall cause a day to be fixed for the hearing.

of such objection or objections at such date, place, and by such registrars or officials hereinafter referred to as the person appointed as the Commissioner of Mines shall arrange or appoint having in view the convenience of the parties concerned.

88. ~~The hearing shall be in open court.~~ Notes of the proceedings shall be kept, and the person appointed to hear the objection shall have the power either (a) to grant the water right as applied for; or (b) to reduce the extent or vary the nature of the water right as applied for; or (c) to grant the water right as applied for subject to such compensation being paid to the objector or objectors as the person appointed shall think fit; or (d) to refuse to grant the water right, provided that such decision shall only be made in cases where there are paramount public reasons requiring that the grant of a water right should be refused.
89. In all cases appeal from the decision of the person appointed shall be to the Supreme Court as though it were an appeal from a decision of an inferior court.
90. ~~A water right shall be granted in the form prescribed if no objection is made, or, if an objection has been made, it is decided that a water right should be granted.~~
91. No fees or licence moneys shall be charged in respect of the grant of a water right provided that in the event of an objection being lodged the costs of the hearing shall be borne by the unsuccessful party or in the case neither party is successful on all points, in such proportion as between the parties as the person appointed may decide. Such decision on a question of costs shall be final provided that if there be an appeal from the decision of the person appointed as in section 89 provided the costs of such appeal shall be borne as the Court hearing such appeal shall decide.

92. A water right shall not be granted for a period exceeding the unexpired portion of the prospecting licence, claim licence, mining right, or mining lease held by the prospector or miner to whom or on behalf of whom the water right is granted but if such licence, right or lease be renewed such water right shall ipso facto be renewed also.
93. If the Commissioner of Mines is of opinion that no sufficient use or an improper use is being made of the water right he may cause to be served a notice in the prescribed form on the holder of the water right calling upon him to show cause why the water right should not be cancelled.
94. Cause shall be shown before a person at a place and time appointed by the Commissioner of Mines having in view the convenience of the parties concerned and the nature of the proceedings shall be as in the case of the original hearing of an objection to the grant of a water right save that the person appointed shall give no decision thereon but shall forward the notes of evidence together with his report thereon to the Commissioner of Mines for decision.
95. The decision of the Commissioner of Mines may amount either to the cancellation, the modification or the continuance of the water right. Appeal shall lie to the Supreme Court. Costs shall be in the discretion of the Commissioner of Mines or the Supreme Court as the case may be. If cause be not shown the water right shall ipso facto be cancelled.
96. The holder of a water right may at any time apply for an enlargement of the water right. Such application shall set forth the reasons on which the application

is based and if in the opinion of the Commissioner of Mines a prima facie case is made out for the enlargement of the water right and on payment by the applicant of the prescribed fee steps shall be taken as in the case of an original application for a water right.

A water right may confer any or all of the following rights and the nature of the right or rights conferred shall be stated in the water right:

- (a) The right to abstract water to the extent determined and stated in the water right from any river, stream, lake, water-course, or water-furrow.
- (b) The right to interfere whether by dam or deflection of course with the natural or normal flow of water along any river, stream, water-course, or water-furrow.
- (c) The right to store water and construct all necessary works for that purpose.
- (d) The right to dig furrows or lay pipes for the conveyance of water from any river, stream, lake, water-course, water-furrow, or place of storage.

Provided that if in the course of the exercise of such right or rights an actionable wrong other than wrongs necessarily involved in the reasonable exercise of the right or rights conferred by the water right shall be committed the grant of the water-right shall not be deemed to destroy any cause of action.

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- x The question of somewhat modifying the Rivers Ordinance so as to permit as in the case of the Gold Coast the dredging for minerals is one which might usefully be considered.

...of a riparian proprietor or non-riparian proprietor.
...the holder of a water right in
respect of the river, stream, or water-course, shall
owe prima facie the same duties to the holder of a water
right in respect of the lower part of such river,
stream, or water-course as he owes to a lower riparian
proprietor.

PART 9

SURFACE RIGHTS

- 98 (1) The Crown shall have the power to grant in favour of the holder of a prospecting licence, claim licence, mining right, or mining lease all surface rights and easements necessary for the prospecting, mining, depositing, treating or removing of minerals in a commercial manner but in all cases where by a grant of any such surface right or easement the value of any private proprietary right is thereby reduced compensation shall be paid by the grantee of the surface right or easement to the person the value of whose private proprietary right is thereby reduced. The amount of such compensation shall in the absence of agreement be determined by arbitration. The basis of the compensation shall be the actual pecuniary loss sustained.
- (2) The powers vested in the Crown by sub-section (1) shall be exercised by the Governor.

TRANSFER, CHANGING AND SURRENDER

98 Mining interests within the meaning of this Part shall include the rights conferred by prospecting licences, claim licences, digger's licences, and prospecting ^{all} licences, and mining licences, mining rights, or mining leases granted under or by virtue of this Ordinance.

99 All mining interests or easements connected therewith and all water-rights granted under or in virtue of this Ordinance shall be capable of being transferred, whether absolutely or by way of charge, and may be transferred or otherwise dealt with in the same manner as other interests in land.

101 The holder or grantee of a mining interest may subject to the provisions of this Ordinance surrender the same subject further to the terms of the same and to the rights of persons claiming through or under the person surrendering.

Provided that such surrender shall not relieve the person surrendering of the liability to perform the duties imposed upon him and due to be performed at or before the date of surrender.

Provided further that the person surrendering may be required on surrendering so to fence or safeguard to the satisfaction of the Commissioner of Mines any pits, shafts, or open working and surface works in or on the area the subject of the

mining interest surrendered that the safety of persons and domestic animals is not imperilled.

102 On making surrender the person surrendering shall have one month or such further period as the Commissioner of Mines may in writing allow in which to remove surface works, erections, plant, machinery or other mining accessories by which the area the subject of the mining interest surrendered has by him been improved that is to say increased in value or rendered more easy to mine.

Provided that on a surrender the Commissioner of Mines may serve the person surrendering with a notice requiring such person to sell to the Government or their nominee the said improvements at a price agreed or failing agreement as determined by arbitration. As from the serving of such a notice the property in the said improvements shall be deemed to be in the Government or their nominee aforesaid.

103 (1) On any such surrender the persons surrendering shall not interfere with, remove or destroy safety pillars or the timbering, floors, sides, or roofs of underground roadways, haulage roads, or working places or the shafts or adits of the mine save for the purpose of rendering the same safe as provided in section 101. Provided that the person surrendering shall subject to the provisions of section 102 be entitled to do all things reasonably necessary to remove improvements of the nature of rails, haulage or ventilating plant or materials signalling apparatus compressed air pipes electric cables machinery and the like.

(2) Breach of the provisions of this section shall be an offence punishable by a fine not exceeding 1,500 Rupees or imprisonment for a period not exceeding six months

PART II.REGISTRATION

- 104 Every prospecting licence, claim licence, digger's licence, mining right, mining lease, ~~or prospecting licence,~~ ^{or} mining/licence and water right granted under or by virtue of this Ordinance and every instrument by or under which the rights, or any portion thereof granted by such licence, right, or lease shall be transferred or surrendered or amalgamated or otherwise dealt with shall be registered in appropriate books kept for the purpose in the Mines Department and if not presented for registration in the Mines Department within one month of the date thereof, or within such further time (if any) as the Commissioner of Mines may allow, shall be null and void.
- 105 The register in the Mines Department shall be open to ^{on payment of the prescribed fee.} the public for inspection ~~at a fee of 2s. 6d.~~
- 106 When any instrument is registered under Section 104 the person registering shall pay the prescribed fee and shall receive a certificate of registration in the prescribed form.
- 107 Every instrument ^{required} to be registered in the Mines Department shall be deemed to be an instrument the registration of which is compulsory under the Ordinance or Ordinances for the time being in force relative to the registration of instruments relating to land.

PART 12.

PROSPECTING AND MINING FOR OIL.

108. Prospecting and mining for oil shall proceed in virtue of the same licence, right or lease as in the case of prospecting or mining for other non-precious minerals save that no person shall prospect for oil unless he has obtained a prospecting oil licence in the prescribed form and no person shall raise, win, or get either directly or by distillation oil/save as an incident to prospecting for oil unless he has obtained a mining oil licence in the prescribed form.
109. A prospecting oil licence shall be granted to persons holding a prospecting permit or licence for prospecting for oil on the payment of the prescribed fee and may be for such period not exceeding five years and not less than two years as the Commissioner of Mines thinks fit.
110. When a prospecting oil licence has been granted to a person such person on paying the prescribed fee shall be entitled to the renewal of his prospecting permit or licence for so long as he shall conform to the provisions of this Ordinance until the prospecting oil licence is expired.
111. A mining oil licence shall not be granted to any person unless such person is the holder of or lessee under a mining right or mining lease ^{for mining for oil} in virtue of which the oil ^{he} may be raised, won, or get and if an individual/is a

British subject, and if a firm it is composed exclusively of British subjects and if a Company it is a Company registered and having its principal place of business within His Majesty's Dominions and of which all the directors are and are required by the Articles of Association to be British subjects. If at any time the provisions relating to British nationality cease to be complied with the licence shall be deemed ipso facto null and void.

112. If any right to raise, mine, or get oil directly or by distillation under or by virtue of this Ordinance shall at any time be directly or indirectly controlled by any foreign person or persons it shall be lawful for the Governor on satisfying himself that such control exists to declare such rights to be null and void and his decision shall be final.

113. To avoid doubts as to the continuity of title involved in the provisions of section 110 and to encourage the exploitation of the oil resources of the Protectorate/Colony the Governor may on behalf of His Majesty accept such number of shares in a Company as shall give him under the terms of the Articles of Association the indirect control of the Company such shares to be issued fully paid up, to be non-transferable, and to be non-dividend paying, and to be of such amount as shall not substantially increase the share capital of the company. In all cases where such shares are issued to the Governor the Articles of Association shall provide

/ that

that voting at shareholders meetings may be by proxy.

114. If at any time the Governor is of opinion that the holder of a mining oil licence is acting in relation to the raising, mining or getting of oil in the Protectorate/Colony contrary to British interests he shall have the fullest powers of enquiring in the case of a company into the share-holding and management and control of the company or in the case of a private individual or firm into the nationality of such private individual or of the members of such firm.
115. A mining oil licence shall be granted on the payment of the prescribed fee for the period of the mining right or mining lease granted to the holder of the right or lease and if such right or lease be renewed for the period for which such right or lease is renewed.
116. The Governor may by notice in the Gazette declare any area to be an oil-field for the purpose of this Ordinance and may define the limits of such area.

PART 13

MISCELLANEOUS

- 117 The Governor may make regulations for all or any of the purposes following:-
- (a) For the purpose of amending deleting or adding to any of the regulations contained in any schedule to this Ordinance.
 - (b) Generally for the purpose of carrying into effect the purposes of this Ordinance.
- 118 The fees, rents, and royalties payable under this Ordinance shall be as prescribed in Schedule III.
- 119 (1) No person shall purchase, trade in, or receive precious or metals ~~minerals found in or upon any land within the Colony/Protectorate~~ without a trader's licence in the form prescribed. Such licence may be granted or refused at the discretion of the Commissioner of Mines.
- (2) Every person so licensed shall keep proper accounts of transactions effected under or in virtue of or in connection with the said licence and if so required by the Commissioner of Mines shall submit the same for inspection.
- (3) No person shall pay any person employed by him in precious stones or in gold or silver save in the form of coins duly issued as currency.
- 120 No person shall be in possession of any precious mineral found in or upon any land within the Colony/Protectorate save a person holding a trader's licence or a person holding a prospecting permit, a prospecting licence, a claim licence,



PART 14.PENALTIES.

122. Any person who without lawful cause:

- (a) interferes with any mining or prospecting operation authorised by or under this Ordinance;
- (b) obstructs any person in the exercise of any right conferred by or under this Ordinance or in the performance of any duty imposed by or under this Ordinance;
- (c) interferes with any peg, beacon, notice board, notice, machinery, plant, works, or property established on, in, under, or over any land in exercise of any right or in performance of any duty conferred or imposed by or under this Ordinance;
- (d) commits a breach of any of the provisions of this Ordinance other than provisions relating to the administration of this Ordinance, for which breach a penalty is not expressly provided;

shall be liable to a fine of Rs. 500 or to imprisonment for a period not exceeding one year or both and any permit, licence, right or lease held by or granted to such person under this Ordinance may be cancelled by the Commissioner of Mines if the Commissioner of Mines shall consider that it should be cancelled and if, in the case of a mining right, prospecting oil licence, mining oil licence, mining lease, or water right the Governor approves such cancellation.

125 Except as in this Ordinance provided and subject to the provisions of section 7 no person shall prospect or mine on any land in the Colony/Protectorate. Any person who / shall

shall prospect or mine contrary to the provisions of this Ordinance shall be guilty of an offence and shall be liable to pay a penalty not exceeding Rs.20 for every day on which he shall so prospect or mine or a fine not exceeding Rs.500 or to imprisonment for a period not exceeding one year.

26. Any person who prospected on land ~~closed to prospecting~~ ^{contrary to the provisions of section 15 or section 17} ~~closed to prospect on land in the occupation of an owner of land or holder of surface rights without the consent of such owner or land holder or surface rights~~ shall be guilty of an offence and shall be liable to pay a fine not exceeding ^{Rs.} Rs.5000 or to imprisonment for a period not exceeding ^{six months} ~~three years~~ and may be required to pay the cost of remedying any damage done to the land, shall fail to comply with the provisions of Section 26 or
27. Any person who shall fail to notify the Commissioner of Mines of a discovery as required by section 27 shall commit an offence and shall be liable to pay a fine not exceeding Rs.100.
28. Any person who shall place or deposit or be an accessory to the placing or depositing of any mineral or substance in any spot or place for the purpose of misleading any person as to the mineral bearing qualities of any land or shall tamper with any sample with the like object with the intent to mislead or defraud any person shall be guilty of a felony and shall be liable to a fine not exceeding Rs.5000 or to imprisonment for a period not exceeding five years or to both and on conviction all rights which are possessed by such person under this Ordinance shall be lost and the register in the Mines Department shall be noted accordingly.

1.

Schedule IGeneral Regulations.Part I
Prospecting.Part II

Discovery.

Part III

Proclamation.

Part IV

Mining.

Part V

Fuging.

Part VI

Water Rights.

Part VII

Miscellaneous.

Annexe to Schedule I

Forms.

2.

Part IProspecting.

Section (a) Prospecting Permits.

Application for a prospecting permit shall be made in person at the office of the Mines Department. The applicant shall state his name and address within the Colony/ Protectorate and if he apply as agent, the name and address of his principal.

2. The applicant may be required to give proof of age and nationality or alternatively to make a sworn declaration as to age and or nationality.
3. The applicant shall declare, on oath if so required, whether he or his principal, if any, has previously held any mining licence, right, or lease granted under any mining ordinance now or formerly in force in the Colony/ Protectorate with sufficient particulars to indentify the same. The issue of a prospecting permit may be refused if it appear that the applicant or his principal has previously held such a licence, right or lease which licence right or lease has been forfeited for some misfeasance or non-feasance on the part of such applicant or his principal or if for any other reason the Commissioner of mines does not consider that a fit and proper person to receive a prospecting permit.
4. The applicant shall state the district or districts over which he desires to prospect and the name of or other

for which he intends to prospect.

5. If it be decided to issue to the applicant a prospecting permit the statements made by the applicant shall before such issue be entered in a record book kept for that purpose in the Department of Mines which particulars shall be signed by the applicant. The applicant shall then pay the/fee. A prospecting permit in the form in the appendix hereto shall then be signed on the back thereof by the applicant as holder, and after being signed by the Commissioner of Mines, or an officer deputed by him for that purpose shall be issued.
6. On the payment of the prescribed fee a prospecting permit shall be renewed on application (which may be made in writing) made to the Commissioner of Mines unless the conduct of the holder since the issue of the permit shows that there is reasonable ground for believing that the holder is a person who should not be granted a renewal of the prospecting permit. The Commissioner of Mines may in his absolute discretion refuse a renewal.
7. The application for renewal if in writing shall state the number of the prospecting permit renewal of which is desired. If the application is made personally the prospecting permit to be renewed shall be produced by the applicant for inspection.
8. On a renewal being granted a new Prospecting permit bearing the same number as the old Prospecting Permit shall be issued to the applicant.
9. A renewed Prospecting Permit in like manner and subject to the

the like conditions may be again renewed an indefinite number of times.

10. The notice required to be given by section 13 of this Ordinance shall be in writing, shall state the name and address of the person prospecting, the nature of his interest in the land or the minerals, the mineral or minerals for which prospecting is proceeding, the nature of the work being done, and, if the consent of the holder of surface rights is required, shall be accompanied by a statement signed by such holder showing that his consent has been given.

Section (b) Prospecting Licences.

11. Application for a Prospecting Licence shall be made in person at the office of the Mines Department. The applicant if the holder ^{own} on his behalf of a Prospecting Permit shall produce the same for inspection.
12. The applicant if the principal on whose behalf a Prospecting Permit has been obtained by an agent shall either produce such permit or shall satisfy the Commissioner of Mines that he is the principal in question.
13. The applicant shall identify the area over which he desires exclusively to prospect and shall state the mineral or minerals for which he intends to prospect.
14. If the whole or a part of such area is owned or occupied by a private person the applicant shall produce evidence to the satisfaction of the Commissioner of Mines that the applicant either himself or through his agent has prospected

area or part thereof in question for the mineral or minerals in question with the consent of the said owner or holder of surface rights or that such area or part thereof has not been prospected and the consent of the owner or holder of surface rights in question or his representative as required by section 19 of the Ordinance has been obtained by the applicant.

15. If the applicant is not in a position to prove either of the alternatives in the last paragraph contained a Prospecting Licence shall not be issued in respect of the area privately owned or occupied unless and until it appears that the owner or holder of surface rights is not prospecting and is not prepared to prospect the area himself or by his agents in a manner approved by the Commissioner of Mines when a Prospecting Licence may be issued to the applicant on giving the security required by section 19 of the Ordinance.

16. (1) If it be decided to issue to the applicant a Prospecting Licence before such issue all necessary information given by the applicant shall be entered in a record book kept for that purpose in the Department of Mines which particulars shall be signed by the applicant.

(2) Before a Prospecting Licence is issued the applicant shall pay the prescribed fee and shall sign his name on the back of the Prospecting Licence to be issued.

17. A Prospecting Licence shall be in the Form II in the Annex hereto, shall be completed and after being signed by the Commissioner of Mines shall be issued.

18. The period for which the Prospecting Licence is granted shall not be less than one year, nor more than five years. A Prospecting Licence may be renewed in the same manner as a Prospecting Permit and the provisions relating to the renewal of a Prospecting Permit shall mutatis mutandis apply.

6.

19. Notice of abandonment of a prospecting area shall be given in writing and shall be forwarded to the Mines Department. Such notice shall state the number of the prospecting licence under which the area was held and shall be signed by the holder thereof.

6.

19. Notice of abandonment of a prospecting area shall be given in writing and shall be forwarded to the Mines Department. Such notice shall state the number of the prospecting licence under which the area was held and shall be signed by the holder thereof.

(c) Prospecting Areas

20. A prospecting area shall be rectangular in form as near as practical and the shorter sides shall not be less than one-third of the longer sides.
21. The size of the prospecting areas shall not exceed in the case of precious minerals one square mile; in the case of non-precious minerals other than oil two square miles; in the case of oil one hundred square miles.

(d) Delimiting, Marking and Beaconsing of Prospecting or Discoverer's Area

22. (1) Before applying for a prospecting licence in respect of a prospecting area the prospector shall erect approximately in the centre of the area to be applied for a location post which shall be not less than three inches in diameter and which shall project above the ground at least four feet, and which shall be securely fixed in or on the ground. Upon such post shall be affixed a notice board on which shall be stated the name of the prospector, the date of erection, and the approximate size of the area to be applied for.
- (2) Delimiting as required 53 of this Ordinance shall be done as in the case of a prospecting area except that upon the notice boards shall be stated the name of the discoverer, the date of the certificate of discovery, the name of the mineral or minerals discovered and the approximate length and direction with reference to the compass of the sides of the area over which the discoverer proposes to apply for a mining lease. On completion the area delimited shall be examined by an official of the Mines Department deputed for that purpose and if the delimitation is of the proper area and is properly performed the certificate of discovery shall be marked by him with the words "delimitation approved" and shall be signed by him and stamped with an official impressed stamp. The official shall

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shall make a sketch plan of the area so delimited and such sketch plan shall be lodged in the Mines Department.

23. After obtaining a prospecting licence the licence holder shall construct the following marks and beacons in the manner following:-

(1) At each corner a post or stone or metal pillar not less than three inches in diameter which shall project above the surface of the ground at least four feet and which shall be securely fixed in or on the ground. On each such post or pillar a notice board shall be affixed stating the date of erection, the name of the prospector, the number of the prospecting licence held the approximate length of the sides of the area and the name of the mineral for which he is prospecting.

(2) From each post two trenches shall be dug not less than ten feet in the direction of the sides which meet at the post. Such trenches shall be at least one foot wide and one foot deep. Provided that where the nature of the ground does not permit of the digging of trenches large stones shall be placed so as to form a like design. Provided further that in wooded country instead of digging such trenches or placing such stones trees may be blazed along approximately similar lines for a distance of ten yards.

24. In the case of an oil area the number of the oil prospecting licence shall also be stated on the notice board referred to in regulation 23 (1)

25. In the event of a prospecting licence being refused for any part of the area applied for the prospector shall as soon as practicable remove the location post previously erected together with the notice board affixed thereto.

PART IIDiscovery

- 26 A prospector making a discovery shall erect a beacon at the place of discovery which beacon shall consist of a wooden post or cairn of stones not less than three feet high above the surface securely placed and encircled by a trench one foot deep and one foot wide. When a trench cannot be dug a circle of stones of large size shall be placed in circular form around the post or cairn. Affixed to the post or cairn there shall be a notice board bearing the name of the person making the discovery, the date of discovery, and the name of the mineral discovered.
- 27 The discovery shall be notified to the Commissioner of Mines by the person making the discovery either in person or in writing as soon as possible. The Form III in the annexe hereto for the Notification of Discovery should be employed or followed as far as possible. The discoverer shall at the ^{same} time furnish such particulars and samples of the rocks and minerals ^{at} and in the neighbourhood of the discovery as the Commissioner of Mines may require. The discoverer shall also give such information and samples to verify the same by oath or statutory declaration and may require such other evidence as he may consider necessary or desirable.
- 28 A certificate of discovery shall be in the form IV in the annexe hereto.

PART III

Proclamation

- 29 The Proclamation of an area a Public Field shall be effected by the Governor causing a notice to be inserted in four consecutive issues of the Gazette stating that the Governor has decided to proclaim the area therein specified and identified by references to well ascertained natural features or places a Public Field for the purposes of this Ordinance. Such notice shall further state the date on which the Proclamation will come into effect, which date shall be one month from the date of the publication of the first notice, and shall state the kind of precious mineral to be mined, the place or places at which prospecting ~~permits~~ ~~licenses~~ may be obtained, and the charges made therefor. Such notice shall ~~include~~ ~~the name~~ by which the Public Field will be officially known.
- 30 Land reserved pursuant to section 41 of this Ordinance shall be declared open to public pegging by inserting a notice in the Gazette stating the situation of the land, the name of the Public Field, the number of the claims reserved and the fact that such claims are open to public pegging as from the date of publication. A notice to the same effect and indicating the same date shall be contemporaneously affixed to a notice board placed on the land in question.
- 31 The plan of the area to be proclaimed and to be prepared in pursuance of section 38 of this Ordinance shall be prepared

in quadruplicate one copy being kept in the office of the Director of Public Works one in the Government Secretariat, one in the Mines Department, and one in the office of the Claims Inspector for the Public Field in question. The copy in the Mines Department shall be open for the inspection of any member of the Public on the payment of the prescribed fee.

32 The plan shall be made on durable material, shall indicate the true and magnetic North, shall be drawn on a scale of 1/25,000, shall show the place at which the original discovery was made and all prominent physical features which enable the area to be identified, together with all rivers, water-courses, lakes, roads, and railways on or passing over the area.

32 The plan shall be prepared in accordance with the Director of Public Works may direct.
Surveyor General.

33 The plan may be amplified from time to time by the inclusion thereof of lines and marks indicating the position of claims or blocks of claims pegged on the Public Field or abandoned. Such additions shall be of temporary or permanent nature. Temporary additions shall be based on the sketch plans prepared by Claims Inspectors and shall raise no presumption of correctness; permanent additions shall be based on a survey of a Government surveyor and shall raise a presumption of correctness.

PART IVMining

The area of a mining right shall not exceed one square mile or in the case of alluvial mining an area extending one mile along the course of the stream and one hundred yards on one side from the centre of the same.

The area of a mining lease shall not exceed the maximum area over which a prospecting licence may be granted in respect of the mineral to be mined except with the consent of the Secretary of State.

Application for a mining right or mining lease by a discoverer under the provisions of section 63 of this Ordinance shall in all cases be made personally by the discoverer or his nominee of mines or other officer of the Mines Department appointed to consider such applications and at such interview the applicant may be required to give proof to the satisfaction of the Commissioner of Mines or other officer aforementioned of means and ability adequately to exploit the mineral resources of the area in question. ~~The Commissioner of Mines shall report to the Governor the facts and circumstances of the application and whether a mining right should be granted and if so in respect of what minerals.~~

~~Whether a mining lease should be granted and if so in respect of what minerals.~~

~~The amount which he considers is payable to the discoverer and should be paid to him.~~

13

~~Application for a mining right or mining lease by a person not applying under the provisions of section 33 of the Ordinance shall be in writing and shall be accompanied by a tender giving the particulars required by the Form VII in the annex to this Schedule duly completed.~~

On the grant of a mining right, mining lease or surface lease the fees payable shall be the prescribed fees.

PART VPegging

39 Claims shall be pegged under the provisions of section 68 of this Ordinance by fixing pegs of reasonable dimensions in the ground projecting not less than two and a half feet above the ground in the middle of each side of each claim and at the four corners thereof, the upper six inches of each peg shall be flattened or squared off and on each portion shall be inscribed in a legible manner the name of the licensee holder, the number of his prospecting permit and the date of pegging. Provided that where claims are pegged in block the procedure shall be the same save that for "claim" shall be read "block of claims" and each peg in addition to the inscription above mentioned shall bear an inscription stating the number of claims in the block and the number of all the prospecting permits under which the block is pegged. Pegging in block shall not be allowed until one week after the Public Field is first thrown open to pegging. The area pegged must in public fields where claims have already been pegged be pegged so that either one side of the claim ~~is~~ or the side of a claim previously pegged ~~is~~ ^{or} so that the space between the claim to be pegged and a claim already pegged is sufficient wherein to peg a claim or a block of claims.

Beacons shall be erected pursuant to the provisions of section 68 of this Ordinance in the manner following. On each claim a post not less than four feet high shall be erected at the point of intersection of the lines joining the pegs placed at the centre of each side of the claim. Round the post shall be raised a mound of stones and or earth not more than

15

than three feet wide at the base and round the mound a circular trench shall be dug one foot deep and one foot wide and with a radius not less than five feet and at each point of such circle at which lines if drawn from the eight pegs to the post would intersect the said circle a further trench shall be dug outward for a distance of not less than five feet in the direction of the said lines ^{and} at the end of each trench remote from the wooden post shall be a mark stating the distance to the respective peg. The top of the post shall bear the same inscription as the top of the pegs save that the date shall be the date of completing the erection of the beacon. Provided that where claims are pegged in block for "claims" shall be read "block of claims".



and provided further that when the ground does not allow of the digging of trenches stones shall be placed to form the same design.

The sketch plan required to be prepared by section 73 of this Ordinance shall be prepared on tracing linen, shall indicate the true and the magnetic north, and shall be drawn on a scale of 1/25,000. The sketch plan shall show the size of the claim or block of claims, and the situation of the claim or block of claims relative to the plan of the public field prepared by the Government Surveyor.

The notice of abandonment required by section 79 of this Ordinance shall be given to the Claims Inspector by the claim holder, in writing and shall state the date on which it is proposed to abandon the claim and the number of the claim licence

PART VWATER RIGHTS

43 Application for the grant of a water right in pursuance of section 85 of this Ordinance shall be made in writing to the Commissioner of Mines and shall give the particulars following:-

- (1) Name and address in the Protectorate/Colony of the person applying.
- (2) Whether applicant applied on his own behalf or on behalf of others, if the former sufficient details to enable his prospecting licence, mining right, claim licence, or mining lease to be identified must be given, if the latter the names of the persons on whose behalf applications is made together with sufficient details to enable their prospecting licences, mining rights, claim licence, or mining leases to be identified must be given.
- (3) The nature of the right required i.e. which of the rights indicated in Section 97 of this Ordinance is or are required
- (4) The purpose for which the right is required
- (5) The extent of the right required
- (6) The river, stream, lake, water-course, or water-furrow that will be affected and the place at which it will be affected, and the manner in which it will be affected and if rights (4) or (5) are required the nature of the work it is proposed

17.

proposed to do indicating the situation and/or direction of the same

- (7) Whether any private rights are known to the applicant to be affected and if so the name and address of the private person in question and whether his consent has been obtained. The said particulars shall be certified by the applicant as true to the best of his knowledge and belief and shall be signed by him.

44. Objection to the grant of a water right shall be made in writing to the Commissioner of Mines shall be signed by the person objecting and shall state the interest of the objector that is affected and the grounds of his objection. The objector shall state the address to which all communications relative to the objection should be sent.

45. The notice to show cause why a water right should not be cancelled shall be in the Form XIII in the Annex to this Schedule.

18.

PART VIIMISCELLANEOUS

46. The certificate of registration issued under section 108 of this Ordinance shall be in the Form XIV in the Annexa hereto.
47. A prospecting oil license shall be in the Form XVI in the Annexa hereto. A mining oil license shall be in the Form XV in the Annexa hereto.
48. A trader's license shall be in the Form XVII in the Annexa hereto.
49. The forms in the annexa hereto shall be deemed to be prescribed forms.
50. Where any person is required in virtue of ^{the ordinance or these} ~~these~~ regulations to sign his name and such person is unable to write or sign his own name the document he is required to sign shall be read over to him so that he understands it and he shall then, if he agrees to the terms of the document or report, attach his thumb mark to it. The person writing the report and reading it shall also sign his name and shall write opposite the thumb mark the name of the person making it.

19.

Appendix to Schedule I.

Form I.

Form I.

Prospecting Permit.

Form I.

The Mining Code 1921

PROSPECTING PERMIT NO.

NOT TRANSFERABLE

PERMISSION is hereby granted under and subject to the provisions of the above ordinance or any amendments thereof to

(Name in full)

(Address in full)

to prospect for minerals for twelve months from the date hereof

Granted this day of 19

Signed

Office
Stamp

Fec: _____

See
over

207

Prospecting Permit.

Back

Signature of Holder

Strike out if
inapplicable

Holder holds as agent for

of

Strike out if
permit applies
to Colony / Protec-
torate.

District for which granted

Signed

Commissioner of Mines.

See
over

21.

Form II

Prospecting Licence.

Front.

The Mining Code 1921

PROSPECTING LICENCE NO.

LICENCE is hereby granted under and subject to the provisions of the above mentioned Ordinance or any amendments thereof to

(Name in full)

(Address in full)

.....

.....

being the holder of prospecting permit No. _____
which being the principal on whose behalf prospecting
is in- applicable permit No. _____ is held by

as agent

to prospect for (state period) _____ exclusively
the area indicated on the back hereof for the minerals
indicated on the back hereof

Granted this _____ day of _____ 19 _____

Office
Stamp

Signed

Commissioner of Mines.

Fee

so over

Prospecting License.

Book.

(Signature of Holder)

(Address of Holder)

Area over which this license is granted

Mineral or minerals in respect of which this license is granted

Take out (Consent of of
in-
licable

obtained)

Security of a

(given)

Signed

Commissioner of Mines

see over.

FORM III

Notification of Discovery

The Mining Code 1981 - NOTIFICATION OF DISCOVERY

.....
.....
.....
being the (holder of (Prospecting Permit No.
(Prospecting Licence No.) (owner) (holder of
surface rights) or (holder of the mining rights)
on the land in question) make oath say as
follows:-

1. That on the day of 19.....
I found

.....
.....
and that to the best of my knowledge and
belief I am the first discoverer thereof.

2. That the samples sent herewith marked with
my name were taken from a body of mineral
deposit in its natural state in the place
above mentioned and were broken by me from
the said body of the mineral deposit.

3. That the following are the true and correct
particulars of the work done by me on the
ground and the mineral situation thereby
disclosed

.....
.....
.....

Strike out
whichever
is applicable

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Signature

Sworn before me at
this day of 19.....

Signed

(a person empowered to take evidence
on oath)

FORM IVCertificate of Discovery

The Mining Code 1921

CERTIFICATE OF DISCOVERY

Notification of discovery of

at

having been made by on the day of 19..

enquiries have been made into the nature of the discovery

and I am satisfied that

Strike
out
words
inappli-
cable.

..... (exists) (exist in apparently

payable quantities and is due to

..... aforesaid this certificate

of discovery of

This is not to be taken as proof that minerals
do in fact exist in payable quantities at the place
above mentioned.

Signed

Commissioner of Mines.

Form 1

Mining Right.

Front.

The Mining Code 1921.

MINING RIGHT NO.

A MINING RIGHT is hereby granted under and subject to the provisions of the above mentioned Ordinance or any amendments thereof to

over the lands following that is to say

in respect of the mineral (minerals) following that is to say

for one year from the date hereof and for such period as this Mining Right may be renewed subject to the due payment to the Commissioner of Mines of the annual rent of

Rs. : : thereby reserved and the due performance of the provisions of the above mentioned Ordinance or any amendments thereof.

Signed

Governor.

Form V.

Mining Right.

Back.

Renewed this day of 19.....
for one year
Signed
Commissioner of Mines.

Renewed this day of 19.....
for one year
Signed
Commissioner of Mines.

Renewed this day of 19.....
for one year
Signed
Commissioner of Mines.

Renewed this day of 19.....
for one year
Signed
Commissioner of Mines.

Should further renewals be granted this form shall be returned
for cancellation and a new Mining RIGHT will then be issued.

PART VI

Mining Lease.

THIS INDENTURE made the ----- day of ----- 19--
 Between the Governor of ----- (representing the
 Government of -----) hereinafter called
 the lessor which expression shall be taken to mean and
 include his successors on the one part and -----
 of ----- hereinafter called the lessee
 which term shall be taken to include -----
 his executors administrators and assigns of the other part
 WITNESSETH THAT:-

IN CONSIDERATION of the payments hereinafter reserved and
 of the performance by the lessee of the duties imposed upon
 mining lessees generally by the Mining Code 1921 or any
 amendment thereof and of the covenants hereinafter contained
 the lessor does hereby demise and grant unto the lessee the
 mines of ~~the~~ minerals specifically mentioned in Schedule B
 hereto in the area specifically mentioned and described
 in Schedule A hereto together with the exclusive licence and
 liberty to search for, mine, transport, raise and carry away
 all such minerals occurring in or upon the said area as are
 specifically mentioned in Schedule B hereto.

TOGETHER with the right to occupy in the said area an
 area not exceeding ten acres which area has been selected
 by the lessee and is described in Schedule C hereto for the purpose of
 such surface operations as are
 necessary to mine the said area leased).
 (the shafts or the pits and surface works and plant/

TOGETHER with leave and liberty to do all things necessary
 commercially to work get, raise and transport the minerals
 specifically mentioned and described in Schedule B hereto
 from the mines demised.

TOGETHER with all easements other than easements relating
 to water necessary for the mining, depositing, treating

and removing the mineral specifically mentioned in Schedule C hereto in the area the subject of this lease TOGETHER with leave and license to sink or make such shafts adits and other excavations and to construct such surface works and plant and carry on any operations in or on the area described in Schedule C hereof and carry out such underground work in the area described in Schedule A hereof as may be necessary for the effective and economical mining of the said minerals.

TO HAVE AND TO HOLD the premises hereby demised and granted unto the lessee, for the term of sixty six years from the date of these presents.

YIELDING AND PAYING therefore during the said term an annual rent of \$ 1 1 which rent shall be payable for each calendar year or portion thereof on or before the 31st day of December. Provided that for any portion of a year not exceeding six months only half the annual rent shall be payable.

AND YIELDING AND PAYING on or before the date on which the same may become due all local rates and taxes of every classification for the time being payable in respect of the premises or lands within the area the subject of this lease or of any buildings or works built or erected and occupied by the lessee in or on the same.

AND YIELDING AND PAYING all royalties payable under the provisions of the Mining Code 1921 or any amendment thereof

AND THE LESSEE HEREBY COVENANTS WITH THE LESSOR THAT THE LESSEE WILL comply with the provisions of the Mining Code, 1921 or any amendment thereof

AND WILL NOT assign or under-let or part with the possession

and removing the mineral specifically mentioned in Schedule B hereto in the area the subject of this lease together with leave and license to sink or make such shafts and other excavations and to construct such surface works and plant and carry on such operations in or on the area described in Schedule C hereof and carry out such underground work in the area described in Schedule A hereof as may be necessary for the effective and economical mining of the said minerals.

TO HAVE AND TO HOLD the premises hereby demanded and granted unto the lessee, for the term of sixty six years from the date of these presents.

YIELDING AND PAYING therefore during the said term an annual rent of £ 1 1 which rent shall be payable for each calendar year or portion thereof on or before the 31st day of December. Provided that for any portion of a year not exceeding six months only half the annual rent shall be payable.

AND YIELDING AND PAYING on or before the date on which the same may become due all local rates and taxes of every classification for the time being payable in respect of the premises or lands within the area the subject of this lease or of any buildings or works built or erected and occupied by the lessee in or on the same.

AND YIELDING AND PAYING all royalties payable under the provisions of the Mining Code 1921 or any amendment thereof

AND THE LESSEE HEREBY COVENANTS WITH THE LESSOR THAT THE LESSEE WILL comply with the provisions of the Mining Code, 1921 or any amendment thereof

AND WILL NOT assign or under-let or part with the possession

30.

of all or any of the rights, liberties, licenses, easements, or premises by the presents demised or granted or any interest or share therein without the consent in writing of the lessor previously obtained

AND WILL NOT enter into any agreement with any other person outside the Colony ^(Protectorate) for the joint control of the price, output, or sale of the minerals mined or products obtained save with the consent of the lessor in writing obtained

AND WILL within the space of one year from the commencement of this lease start mining operations on the area the subject of this lease to the reasonable satisfaction of the Commissioner of Mines AND WILL at all times during the term of this lease carry on mining operations to the reasonable satisfaction of the Commissioner of Mines AND WILL do all things necessary in order that the Commissioner of Mines may acquaint himself personally or through officers authorised in that behalf of the state of the mineral development or the conduct of the undertaking in all its parts

PROVIDED ALWAYS that if and whenever any part of the payments due under this lease shall be in arrear for the space of sixty days after the expiration of the time prescribed by these presents or where no time is so prescribed then after due date for payment the lessor shall be at liberty to seize any or all moveable property the property of the lessee in the area leased together with engines plant or other fixtures and sell, dispose of or deal with the same and from the moneys produced thereby to deduct and retain an amount equal to the payments due together with the expenses incurred in or

/about

80.

of all or any of the rights, liberties, licenses, easements, or premises by the presents devised or granted or any interest or share therein without the consent in writing of the lessor previously obtained.

AND WILL NOT enter into any agreement with any other person outside the ^{Protectorate} Colony for the joint control of the price, output, or sale of the minerals mined or products obtained

save with the consent of the lessor in writing obtained.

AND WILL within the space of one year from the commencement of this lease start mining operations on the area the

subject of this lease to the reasonable satisfaction of the Commissioner of Mines AND WILL at all times during the term

of this lease carry on mining operations to the reasonable satisfaction of the Commissioner of Mines AND WILL do all

things necessary in order that the Commissioner of Mines may acquaint himself personally or through officers

authorised in that behalf of the state of the mineral development or the conduct of the undertaking in all its parts

PROVIDED ALWAYS that if and whenever any part of the payments due under this lease shall be in arrear for the space of

sixty days after the expiration of the time prescribed by these presents or where no time is so prescribed then after

due date for payment the lessor shall be at liberty to seize any or all moveable property the property of the lessee in the

area leased together with engines plant or other fixtures and sell, dispose of or deal with the same and use the

moneys produced thereby to deduct and retain an amount equal to the payments due together with the expenses incurred in

31.

about any such seizure, sale, disposition or dealing
 PROVIDED ALSO that if there shall be a breach of the
 covenants of this lease on the part of the lessee to be
 performed or observed then the lessor or his agent duly
 empowered in that behalf and although he may have
 taken advantage of some previous default of a like nature
 may re-enter upon any part of the area the subject of this
 lease and thereupon but without prejudice to the lessor's
 remedy by action for breach of covenants the said term
 shall absolutely determine

PROVIDED ALSO and it is hereby agreed and declared that if
 the lessee shall be desirous of determining the said term
 hereby granted at the expiration of any year of the said
 term and of such desire shall give to the lessor six months
 notice in writing and other shall pay the liabilities of
 this lease and perform and observe the several covenants
 and agreements herein contained and on the part of the
 lessee to be performed and observed up to the expiration
 of such year; or shall pay such sum as damages for breach
 thereof as may be agreed or in default of agreement may
 be determined by arbitration then and in such case upon the
 expiration of such year the term hereby granted shall
 absolutely cease and determine

PROVIDED ALSO that should any question or dispute arise
 under this lease the same shall be decided by the appropriate
 Court of the (Protectorate) ~~(as though this lease had been~~
~~entered into between European subjects) (as though the~~

/Crown

32.

Grant had not been a party hereto. IN WITNESS WHEREOF

the parties hereto have set their hands and seals on
the date above written.

Sealed, signed and delivered by the
above mentioned lessor

seal

In the presence of

Sealed, signed and delivered by the
above mentioned lessee

seal

In the presence of

Schedule A.

(Description with boundaries of the area the subject
of the lease)

Schedule B.

(List of the minerals which may be mined by the lessee
on the area leased.)

Schedule C.

(Description with boundaries of the surface area
reserved by the lessee for shafts, surface works
and plant.)

Form VII.

General Notice calling for tenders.

The Mining Code 1931.

TENDERS

A discovery of (state mineral) having been made at (state place) on (state date) NOTICE IS HEREBY GIVEN by the Commissioner of Mines to require to be considered tenders pursuant to section 88 of the Mining Code 1931 and that such tender may be for

(a) Grant of a mining right for one year and renewable to mine for over the area

(b) Grant of a mining lease for sixty-six years to mine for over the area.....

Notice

The said tender should contain the particulars following:

- 1 Name and address of applicant and whether applies on his own behalf or as agent if as agent name and address of principal.
- 2 Nationality of applicant and principal (if any)
- 3 Capital available for exploiting and developing the area
- 4 Amount applicant or his principal is prepared to expend in the development of the property and the purchase of plant and machinery.
- 5 The manner in which the applicant proposes to develop and work the mineral resources of the area.
- 6 Whether it is proposed to carry on the business or work of treating, refining, or otherwise dealing with the mineral products and if so in what manner.
- 7 What deposit (if any) the applicant or his principal (if any) is prepared to make with the Commissioner of Mines as

securing for the due performance of the above proposals,
the representation of private interests affected (if any),
and the views of the bona fides of the applicant.

Further information may be obtained from the Department
of Mines.

Tenders should reach the office of the Department of Mines
within two months of the date of this notice.

Signed

Commissioner of Mines.

(Address of Department
of Mines)

(Date of notice)

necessary for the due performance of the above proposals,
the submission of private interests affected (if any),
and all copies of the same to be submitted to the applicant.

Further information may be obtained from the Department
of Mines.

Tenders should reach the office of the Department of Mines
within two months of the date of this notice.

Signed

Commissioner of Mines.

(Address of Department
of Mines)

(Date of notice)

THIS INDENTURE made the day of 1921 between
 the Governor of representing the Government
 of hereinafter called the lessor
 and hereinafter called the lessee
 and his successors on the one part and of
 now lessee within the
 meaning of the principal lease a copy whereof marked "A" and
 initialed by the parties hereto is attached hereto of the other
 part

WHEREAS the lessee which term shall include such persons as fall
 within the meaning of the term lessee in the said principal lease
 holds under the principal lease aforesaid and whereas in virtue
 of that holding and the provisions of the Mining Code 1921 the
 said lessee has the right to call for an area wherein to exploit
 or treat minerals mined in virtue of the principal lease aforesaid
 and whereas the lessee has exercised the said right in respect
 of

NOW THIS INDENTURE WITNESSETH that in consideration of the
 rent hereinafter reserved and of the performance by the lessee
 of the duties imposed upon mining lessees generally by the
 Mining Code 1921 or any amendment thereof and of the covenants
 imposed upon the lessee by the aforesaid principal lease the
 lessor hereby demises and grants into the lessee the surface
 area described in the Schedule hereto

TOGETHER with leave and licence to build and erect buildings
 and plant for the treatment of minerals mined under the principal
 lease aforesaid on the area the subject of this lease

TOGETHER/

TOGETHER with leave and license to deposit on the area the subject of this lease minerals mined under the principal lease aforesaid or part thereof or tailings or other the residues from mining or metallurgical operations connected herewith or from the treatment of minerals mined under the principal lease aforesaid

TO HAVE AND TO HOLD the promises herein-before expressed to be hereby devised and granted unto the lessee for such term as there shall be yet unexpired of the term of the principal lease aforesaid with the right of renewal for such further term as the principal lease shall be renewed

YIELDING AND PAYING therefor during the said term an annual rent of \$: : : which rent shall be payable at the same time in the same manner as the rent reserved under the principal lease aforesaid AND THE LESSOR HEREBY CONVENANTS WITH THE LESSOR THAT THE LESSEE WILL be under the same obligation to pay the said rent as the lessee is to pay the rent reserved under the principal lease and that all covenants contained in the principal lease shall mutatis mutandis apply PROVIDED ALWAYS that the lessee shall have the same right of surrendering this lease as he has under the principal lease of surrendering the principal lease PROVIDED ALSO that if the form of re-entry in the principal lease is exercised the present lease shall thereon determine at the same time.

IN WITNESS WHEREOF the parties hereto have set their hands and seals on the date above written.

Scaled/

37

Sealed, signed and delivered by the
above mentioned lessee

seal

In the presence of

Sealed, signed and delivered by the
above mentioned lessee

seal

In the presence of

Schedule

(Description of boundaries of the area the subject of the
lease)

FORM EX

Front

The Mining Code 1921

CLAIM LICENCE NO.

.....PUBLIC FIELD.

Licence is hereby granted under and subject to the provisions of the above mentioned Ordinance or any amendment thereof to

being the holder of prospecting permit(s) No(s)

which expire(s) on the day of

19 wherein this licence expires exclusively to prospect and mine for precious minerals on claim(s) numbered

on the official plan of the above mentioned public Field

Office stamp

Signed

Claims Inspector

see over

Claim License

Back

Signature of Holder)

Address of Holder)

Renewed this day of 19.....

on payment of fee of Rs . This Licence will

expire on day of 191... unless

renewed

Fee Paid

Signed

Claims Inspector

Renewed up to

Fee paid Rs

Signed

Claims Inspector

Renewed up to

Fee paid Rs

Signed

Claims Inspector

Renewed up to

Fee paid Rs

Signed

Claims Inspector

40.

Form X.

Digger's Licence.

The Mining Code 1921.

DIGGER'S LICENCE No.

.....PUBLIC FIELD.

This is to certify that.....
being the holder of Claim Licence No. which
expires on theday of19...has this
day paid the fee shown at the foot hereof.

Given thisday of19 ...

Signed

Claims Inspector.

Fee paid Rsbeing for (one year)(six months)

41.

Form X1

Notice of Abandonment.

The Mining Code 1921

Claim No.

(to be filled
in before issue)

NOTICE

OF

ABANDONMENT.

This claim was worked by.....
for (specify mineral) from the.....day of.....19...
to the.....day of.....19...and was abandoned by him
on the.....day of.....19...

Signed (claimholder's signature)

Form XII

Grant of a Water Right.

The Mining Code 1921.

Water Right No.

WATER RIGHT.

Application for the grant of a Water Right
was made by
of

Strike out if (on behalf of of
incapable
able. of

and whereas it has been decided by.....)

.....that the rights following should
be granted

NOW KNOW ALL MEN that there is granted to the person
aforesaid (on his own behalf) (on behalf of the person
aforesaid) the rights following:

.....
.....

AND BE IT FURTHER KNOWN that the rights aforesaid
will lapse on the.....day of.....19....

unless renewed.

Given thisday of19....

(Signed).....

Commissioner of Mines.

43.

Form XIII

Notice under Section 95.

The Mining Code 1921.

WATER RIGHT.

TAKE NOTICE that you are required to appear before

.....st.....

.....

on ~~the~~ ~~day~~ of.....19...to show

cause why the water right held by you and number

.....should not be cancelled AND TAKE NOTICE

that should you fail to appear and show cause the

said water right will be cancelled as from the above

date.

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

(Signed).....

Commissioner of Mines.

To.....

of.....

.....

Holder of Water Right number.....

FORM XIV

Certificate of Registration

The Mining Code 1921.

CERTIFICATE OF REGISTRATION

I hereby certify that I have registered

..... and (state interest)

..... (state subject of interest)

..... the Register and at the Folio following

Book No.

Folio No.

Dated the day of 19....

Signed

Registering Officer of the
Mines Department.

Office
Stamp

Fee Paid Rs

FORM XV

Mining Oil Licence

The Mining Code 1921

Mining Oil Licence No.

MINING OIL LICENCE.

LICENCE is hereby granted under ^{and} ~~the~~ subject to the provisions of the above mentioned Ordinance or any amendments thereof to

.....
.....
.....
.....
.....

to mine for oil in virtue of the (mining right) (mining lease) a copy of which is annexed hereto and signed by me for identification.

Granted this day of 19.....

Signed

Commissioner of Mines.

Office
Stamp

Fee paid Rs.....

FORM XVI

PROSPECTING OIL LICENCE

By Mining Code 1921

Prospecting Oil Licence No.

PROSPECTING OIL LICENCE

LICENCE is hereby granted under and subject to the provisions of the above mentioned Ordinance or any amendments thereof to

(Name in full)
(Nationality)
Address in full)

who has the right to prospect in virtue

Prospecting Permit No.
Prospecting Licence No.

to prospect for oil and gas as he holds the title or licence to prospect for a years from the date hereof whichever is the least.

granted this day of

Signed

Title
Stamp

Devisé par

Fee paid Re

47.

Form XVII

Traders Licence

The Mining Code 1921.

Traders Licence No.

NOT TRANSFERABLE.

LICENCE is hereby granted under and subject

to the provisions of the above mentioned

provisions of any amendment thereof to

(Name in full).....

(Address in full).....

to be possessed of, purchased, traded in and / or
receive precious minerals.

Granted this..... day of..... 19...

Signed.....

Office
Stamp.

Department of Mines

Fee paid Rs.

SCHEDULE 11

MINING REGULATIONS

Part I

General

Part II

Mines

PART III

Quarries

Part IV

Oil-fields

2.

NOTE.

The footnotes to the following schedule contain contractions which have the following meanings.

- (1) B.E.A. Safe Mining Rules of the British Central Africa Protectorate dated 31 March, 1906.
- (2) U. Safe Mining Rules of the Uganda Protectorate, 1902.
- (3) G.O. Rules made under the Mining Rights Regulation Ordinance, 1905 Gold Coast.
- (4) Nigeria Safe Mining Regulations, 1914 of Nigeria.
- (5) Nigeria C.M. Coal Mining Regulations, 1918 of Nigeria.
- (6) Mysore. Rules prescribed under sections 27 & 28 of the regulation III. of 1897 (Mysore Mines Regulation 1897).
- (7) S.A. The Mines and Works Act, 1911 of the Union of South Africa. (Regulations made thereunder).
- (8) F.M.S. Special rules for coal mining made under the Federated Malay States Mining Enactment 1911.
- (9) Br. Guiana. The Mining Regulation 1905 of British Guiana.
- (10) F.M.S.G. The general rules made under the Federated Malay States Mining Enactment 1904.
- (11) F. M. S. Mines Act No. 1517, 1904.
- (12) S.E. Safe Mining Rules, 1904.
- (13) S. & T. The Mines and Works Act, 1907 of St. Vincent and Tobago, (Regulations made thereunder).
- (14) E.O. Rules made under the M. P. Act No. 1911, 1911.

3.

Schedule II.Part 1. General.

1. In this schedule and in any regulations which shall amend or add to the regulations in this Schedule contained unless inconsistent with the context:

"Mine" shall mean and include all excavations for the purpose of winning minerals, and all mineral deposits worked at or from the surface together with all buildings, erections, plant, machinery, tramways, railways, appliances, stores, waste heaps, and dumps belonging or appertaining thereto above and below ground for the purpose of winning minerals.

"~~Small mine~~" shall mean a mine in which less than 30 persons are employed underground.

"Shot-firer" shall mean a workman employed in blasting operations who prepares charges of explosives, charges holes or fires shots.

50 S.A.

"Mine owner" shall mean and include any person who is the immediate proprietor or lessee of a mine or the holder of the mining right, or manager's licence in virtue of which mining may lawfully be done in the mine or area in question.

"Agent" shall mean and include any person appointed or acting as the representative of the mine owner in respect of any mine or of any part thereof.

"Manager" shall mean the person responsible to the mine owner for the working of the mine.

"Under-manager" shall mean and include a person possessing either a first or second class mine manager's certificate issued by lawful authority within the Empire or a permit to act as under-manager granted by the Commissioner after due enquiry.

Fed. Malay States Coal Mining Regs. 1915.

"Commissioner" shall mean the Commissioner of Mines or the person acting as such for the time being under lawful authority.

"Inspector" shall mean an Inspector of Mines or a person acting as such for the time being under lawful authority.

SURFACE PROTECTION.

- Where mining operations have caused subsidences or cavities on the surface, or where such are known to be likely to occur at a given place such place shall be securely fenced in and conspicuous notice boards put up to warn persons off.

S.A. 1911, S.I.
 Mysore A.S.
 G.C.T.

- Whenever in the opinion of the Inspector it is necessary in the public interest to avoid a subsidence at any part of the surface and such subsidence is likely to be caused

by the continuance of operations in any part of any mine the Inspector may by notice in writing prohibit the continuance of mining in that part of that mine either at all or save under such safeguards whether by timbering stowage, leaving pillars or otherwise as he may determine. Appeal against such notice shall be to the Commissioner but the notice shall operate unless and until withdrawn.

S.A. 1911, S.2.
Mysore R.4.

4. When any shaft ~~or other excavation more than 10 feet deep made in the course of mining or prospecting~~ ~~is or has been abandoned or the working thereof discontinued, at whatever time the abandonment or discontinuance occurs, such shaft or other excavation~~ ~~thereof shall be either filled in if it is~~ ~~as permits or shall be fenced off from access by persons or animals by a substantial encircling wall at least 3 feet 6 inches high and 2 feet thick.~~

Mysore 1897 R.6.

5. Solids or fluids containing corrosive or poisonous chemicals must be stored so as to prevent persons unwittingly having access thereto and notice boards shall be put up in suitable places to warn persons from making use of such solids or fluids.
6. No water containing corrosive, poisonous, or injurious substance shall be allowed to escape until it has been rendered harmless to animal or vegetable life.

G.O. 1905 R. 4, 5.

Hydrabad, 9

S.A. 1911, 7.

S. 40.

Nigeria G.M. Reg. 28 (1911) Part. 174.

7. In the case of every trench pit or other excavation a sufficient quantity of the removed ground shall be so disposed around the limiting boundaries of the opening that approximately equal ridges are provided on these boundaries, and every sufficient means shall ^{also} be taken (either by filling up or fencing the same) to prevent persons or domestic animals inadvertently falling into or entering such trenches, pits, or other excavations.
8. (1) The regulations in this schedule contained shall not apply to prospectors unless from the context it is clear that they refer to prospecting as well as to mining operations.
- (2) The regulations 18-49 inclusive shall not apply to small mines unless expressly applied by notice in the Gazette signed by the Commissioner. The remaining regulations in Parts I or II contained shall apply to small mines unless expressly notified as not applying to small mines by notice in the Gazette signed by the Commissioner.

PART II. MINES.CONTROL AND INSPECTION.

9. Every mine shall be under one manager, who shall be responsible for the control, management, and direction of the mine, and the owner or agent of every mine shall appoint himself or some other person to be the manager of such mine.
10. (1) No person shall be appointed a manager unless he possesses either a first class mine manager's certificate issued by lawful authority within the Empire or a permit granted by the Commissioner after due enquiry that he is competent to act as a manager.
- provided that in the case of a small mine an under-manager may be appointed manager, and that in any case an under-manager may act as manager in an emergency caused by the necessary absence of the manager and until the appointment of a successor
- so that such period does not exceed six months unless extended by the Commissioner.
- (2) (a) If at any time representation is made to the Commissioner by an Inspector or otherwise that any person holding a certificate or permit of competency referred to in regulation 10, is by reason of incompetency or gross negligence or misconduct in the capacity of, or while temporarily performing the duties of, manager or under manager of a mine, until

8.

unfit to continue to hold a certificate or permit of competency, or has been convicted of an offence against this Ordinance or any enactment repealed by this Ordinance involving danger to life or member the Commissioner may recommend to the Governor that an enquiry be made into the conduct of that person.

(b) The enquiry shall be public and judicial and the procedure shall be so far as possible the same as before a civil court of first instance but no appeal therefrom shall lie.

(c) The Court of enquiry shall be appointed ad hoc by the Governor.

(d) The court may require the person into whose conduct enquiry is made to deliver up his certificate or permit of competency. The Court shall hold a certificate or permit as delivered until the conclusion of the investigation, and shall then either restore, cancel, or suspend the certificate or permit according to its judgment on the case.

(f) The Governor may at any time, if it be shown to him to be just so to do, renew or restore, on such terms as he thinks fit, any certificate or permit which has been cancelled or suspended.

U. 28

B.E.A. 28

U.K. 1911, 2.

Sr. Guiana 193 (1) (3)

Fed. MAL. States, 2.

U.K. 11.12

11. There shall be a daily supervision of the mine by the manager and or the under-manager.

U.S.S.

B.S.A. 28.

U.K. 3.

12. Every holder of a mining right, and every mining lessee or sub-lessee who is not personally resident in the Colony or who is a company not having the head office in the Colony shall appoint and at all times have an agent with full powers to represent the lessee, sub-lessee, or holder in all matters relating to his lease, right, or licence, and the control of the mine operating thereunder, and shall as soon as possible after making such appointment or any change in such appointment send to the Commissioner a copy of the document containing the appointment and powers of the agent and shall state the name and address in the Colony of the agent.

Nigeria U.K.R. 1916, 39

S.A. Mines & Works Act, 1911, s.160

13. The mine owner or his agent shall without delay furnish to the Commissioner in writing the following particulars
- (a) the name, situation and nature of the mine;
 - (b) the name and address of the person controlling the same with if a company a copy of the memorandum and articles of association, the name and nationality of each of the directors and address of the head office.
 - (c) the name and address of the manager;
 - (d) notice of any change in the name and address of the mine, person controlling, agent, or manager.

S.A., M. & W. Act, 1911, S.149.

B.3.

Br. Guiana 163 (2)

14. No person shall act as manager of more than one mine except with the written approval of the Commissioner unless the persons employed in the mines in all do not exceed 200 and there is an under-manager for each mine.

U.K., G.M. Act, 1911, S.4.

15. The mine owner, agent, and manager, or where there is no manager, under-manager, shall be jointly and severally liable for the carrying out of these regulations.

Br. Guiana 168 (24) (Not so wide):

16. Every mine shall be open to the inspection of an Inspector who shall have power to enter, inspect, measure and examine any mine and every part thereof together with all books, reports, plans or records mentioned in these regulations or ordered thereunder to be kept or made at all reasonable times by day or night, but so as not unreasonably to impede or obstruct the working of the mine.

U.K. Act, 1911, S.50.

B.7.

Br. Guiana, S.167, 171.

WAYS WORKS AND MACHINERY.

17. There shall be in connection with any mine

11.

is carried on underground at least two shafts or outlets to the surface so that every person employed in such mine shall have at least two separate means of ingress or egress available to him provided that it shall not be necessary for such shafts or outlets to be situated in the same mine and also provided that this provision shall not apply in the case of small mines unless specially applied by the Commissioner or in the case of any mine in which one of the shafts or outlets has temporarily become unavailable for the persons employed in the mine so long as every effort is being made by the manager to repair the damage.

S.A. Act, 1911, 38.46, 48

B.27

12. Different shafts or outlets shall not lead to the surface in one end and the same shaft shall not at any point be nearer to one another than 30 feet.

S.A. Act 1911, S.46 (2)

Mag. G.M.R., 1917 Reg. 23

Fed. Malay States C.M.A., 1915 Reg. 19

U.K. Act 1911, S.36

B.28

13. Every entrance to each shaft, outlet, ramp, shoot, sliding, hole, disused working or other dangerous place shall be kept properly fenced provided that any such fence may under proper precautions be temporarily removed for the purpose of repair or other necessary operations.

13.

Uganda 4, 14. B.E.A. 4, 14.

Nigeria G.M.R. 1917, 24

S.A. Act 1911, 8.

U.K. 37.

F.M. States, 11.

G.C.2, 3.

T. & T. 4.

B. 34.

Br. Guiana 166 (c) (7)

20. Every working or pumping shaft and every such shaft in the course of being sunk shall be securely cased or lined, or otherwise made secure.

U.K., 1911, S.38.

Uganda 4, 14.

B.E.A. 15.

21. Every winding shaft exceeding 100 feet in depth, shall, unless exemption be given in writing by the Commissioner be provided with guides and proper means of communicating distinct and definite signals from the bottom of the shaft and from every entrance for the time being in use between the surface and the bottom of the shaft to the surface.

Nigeria 1917, Reg. 87.

S.A. 1911, 26

G.C. Rules, 1905, 8.

U.K. 1911, S.40 (3)

Mysore 1897, R. 51.

22. The signals shall be as follows:

	<u>Knocks or rings.</u>
Raise when engine at rest	1
Stop when engine in motion	1
Lower	2
Man about to ascend or descend	3
Man may enter cage or means of conveyance	3 in reply
Clear signal, driver may wind or lower	2 phase 1
Accident	5

The manager of any mine may add to the foregoing such additional signals not inconsistent therewith as may in his opinion be necessary.

A special suspense signal shall be provided for cases where it is important to prevent the cage or other means of conveyance from being set in motion while special work is going on. If this signal be sounded the means of conveyance shall not be moved until the signal is received until the receipt of another, relieving signal shall only be given from the same shaft as the original suspense signal.

S.A. 1911, S.30 (2)

Nigeria 1917, Reg.28

G.C. 1905, Reg.10

Mysore, 1897, 78, 79, 80.

23. A copy of these signals printed in easily legible type shall be placed in a conspicuous place in the winding engine room, at the pit-mouth shaft-head, and at all working stations in the shaft. Each copy shall be kept in proper repair and shall be printed in the language or languages used by the persons concerned, and the terms shall be explained to persons unable to read.

14.

G.C. 1905, II

Mysore, 1897, R.32

24. No winding engine man shall wind until he has received a distinct and proper signal so to do, unless instructed to do so by the manager of the mine, nor shall he give any signal if he has been unable to do so within one minute after receiving it but shall await a fresh signal.

S.A. 1911, S.27

G.C. 1905, R.12

Mysore 1897, R.81

25. No unauthorised person shall give any signal other than an accident signal. Persons shall be authorised to give the signals by the manager in writing, the person shall be authorised until he is fully conversant with the nature and the meaning of the signals given.

S.A. 1911, S.28

Mysore 1897, R.78

26. No person shall act as winding engine man unless he be a person holding a certificate of competency issued by lawful authority within the Empire, or a permit granted by the Commissioner after due enquiry. Provided that in the case of accident or emergency a person may be authorised by the mine manager to act with a view to saving or preserving life.

15.

S.A., 1911, S.41.
 Gold Coast, 1905 Reg. 16
 Uganda, 1905, S.E.A. 17
 Mysore 1897, R.13

Every winding engine shall have:

- (1) An efficient brake capable of holding each winding drum when unclutched in a position of rest with no more slipping than one foot when loaded to double the load of the authorised load of the cage or other means of conveyance.

S.A., 1911, S.33 (1) (C)

G.O., 1906, Reg. 18

Nigeria 1917, Reg. 36

Mysore, 1897, Reg. 50

Uganda, 1905, Reg. 20

S.E.A. 20

Br. Guiana 188 (15)

- (2) an indicator showing to the winding engine man at his seat the position of the load in the shaft at any time such indicator being in addition to any mark on the rope.

Nigeria 1917, R.36

Mysore, 1897, R.50

G.O., 1905, R.14

Uganda 1905, S.E.A. 17

S.A., 1911, S.33 (1) (C)

S.E.A. 20

Br. Guiana 188 (15)

(3) a winding drum having such flanges or horns, and also, if the drum is conical or spiral, such other appliances as may be sufficient to prevent the rope from slipping.

- S.A., 1911, S. 33 (2)
- Uganda, 1905, R. 12
- Nigeria, 1917, R.39
- S.E.A. 19
- Br. Guiana 188 (14)

28. In any mine where the winding apparatus is not provided with some contrivance to prevent overwinding and approved by the Commissioner the cage or other means of conveyance employed to raise persons shall not be wound at a speed exceeding 300 feet per minute after it has reached a point in the shaft 50 feet from the surface landing.

- Mysore, 1897, 59
- G.O. 1905, R.22
- Nigeria, 1917, R.40
- S.A. 1911, S.33 (5), (6)

29. There shall be a space not less than 35 feet between the top of the cage or other means of conveyance when at rest at the surface and the headgear through which the means of conveyance may travel without obstruction in case of an over-wind.

- S. A. 1911, S.33 (7)

30. Wire rope shall be used for winding in all shafts having a greater depth than 50 feet and no rope shall be used for winding purposes unless it is of good quality and manufacture, free from any defect and of adequate strength.
31. In case a winding rope is used both for the raising and lowering of persons and for other purposes, the weight attached to the rope in the former case when carrying its authorised load shall not exceed 0.66 of the maximum weight where the rope is in use for other purposes.

Nigeria 1917, r. 41

S.A., 1911, S.17, S.33 (6)

Mysore, 69

Uganda, 18

S.E.A. 18

Br. Guiana 188 (13)

32. A winding rope record book shall be kept at every mine and in it shall be entered the particulars following:

- (1) breaking load of the rope.
- (2) name of manufacturers.
- (3) date of manufacture.
- (4) date of purchase.
- (5) length of rope in feet.
- (6) weight per foot in pounds.
- (7) date rope put on.
- (8) dates of shortening.
- (9) date of recouping.
- (10) dates of turning end to end.
- (11) dates of tests made.
- (12) breaking stress at dates tests made.
- (13) date rope taken off.

PUBLIC RECORD OFFICE LONDON

18.

Each record shall be signed by the person responsible for the accuracy of the facts contained in the entry. The book shall be produced on demand by an Inspector.

S.A., 1911, S.33 (9) (c)

Nigeria, 1917, S.42.

33. Cages or other means of conveyance used in raising or lowering persons must be provided with sides and with a top covering. The sides of the cage or other means of conveyance shall be arranged so as to protect adequately the persons therein from coming in contact with external objects but shall permit of easy ingress and egress and may be partly removed to allow of the examination or repair of the sides of the shaft by a person who is slowly raised or lowered or left stationary in the shaft for the purpose.

Mysore, 1907, S.63.

S.A., 1911, S.33 (10) (b) (10) (a)

34. A rope shall be taken off and replaced by a new one when the breaking stress is less than six times the maximum load carried.

35. No person shall travel or be permitted to travel in a cage or other means of conveyance ^{together} with any explosives or any drills, tools, or heavy articles, except when the same are required for the purpose of effecting repairs in the shaft provided that any workman, setter, person in charge of sinking operations or other person specially authorized by the manager may so travel.

S.A. 1911, S.38 (2)

36. No unauthorised person shall enter the winding engine room while hauling is going on and no person shall speak to or in any way distract the attention of the person operating a winding engine whilst it is in motion, except a person in authority, and then only in cases of emergency.

G.O., 1906, R.17.

S.A., 1911, S.41 (3)

37. A competent person appointed by the manager for the purpose shall examine:-

- (1) once in every day the condition of the winding ropes, and the attachments thereof to the drums and to the cages or other means of conveyance, the cages or other means of conveyance, and the winding shafts and all and every external part of the winding arrangements, upon the proper working of which the safety of persons depends;
- (2) once in every week the guides and the winding compartments generally and the signalling arrangements; and shall make and sign a true report of the result of such examination. If the report discloses a dangerous condition such condition shall at once be remedied before any person is put to the hazard arising from such condition. The report shall be recorded in a book kept for the purpose and shall have placed against it the action taken to remedy dangerous conditions (if any) disclosed in the report. The report and the statement of action taken shall be dated.

S.A. 37 (1)

Uganda 25

S.E.A. 25

T.A.T. 3

B.5.

39. In the case of single shaft metalliferous mines each shaft in use must be provided with a ladderway and such way must be fenced off from the winding way.

S.C., 1905, 2.30

Nigeria, 1917, R.25.

Mysore, 1897, A.20

B. 25

Br. Guiana 168 (6)

39. Where a mine is more than 50 feet in vertical depth and there are more than 50 persons working at the same time below the depth for each ladder way by which they have access to the mine, arrangements shall be made to lower and raise them by means of a cage or other conveyance mechanically wound.

Provided that the Commissioner shall have power to suspend the operation of this provision and, if it would be necessary to sink a new shaft in order to comply therewith, shall take into account the financial condition of the mine.

Mysore, 1897, A.73

40. In shafts where the slope is less than 65° and more than 30° with the horizontal, resting places shall be placed at intervals of not more than 50 feet along the underlie or slope of the shaft.

Mysore, R. 84

41. In shafts containing ladderways which shafts make an angle of 25° or less with the vertical, platforms or resting places (collars) shall be provided at intervals not exceeding 30 feet. The cable leading to any lower ladder shall be bound the ladder above unless the inspector signposts in writing to its being elsewhere. Ladders must be fixed at an inclination to the vertical of not less than one foot horizontal for every 10 feet vertical. When exceptional circumstances require it ladders may be fixed perpendicularly or at a steeper inclination than 1 foot horizontal for every 10 feet vertical for the lowest 30 feet of a sinking shaft, or with the written consent of an Inspector in any part of a shaft.

Mysore, 1897, R. 83, 87

Nigeria, 1917, R. 26,

S. 2, 1906, R. 31, 32.

42. All platforms or resting places shall be fenced so as to prevent accidents.

Mysore, 1897, R. 85

43. The ladder must be securely fastened to the timbering or casing of the shaft, and maintained in proper repair.
44. Ladders must project at least three feet above the shaft top and above every platform or resting place ^a ~~or~~ strong holdfast must be provided at these places at distances of not more than 20 inches ~~from~~ the ladder.

Mysore, 1897, B. 66.

G.R. 1905, R. 33.

45. Carrying tools up or down a ladder-way in shafts at an angle of less than 30° with the vertical is prohibited except when required to repair the shaft itself. When tools are carried in a ladder-way they must be secured in a sling.

Mysore, 1897, R. 91

G.S. 1905, R. 34

46. Temporary ladders or other means of climbing or keeping a footing while at work must be provided in sinks, winzes, rises, stopes, and other places where they are needed.

Mysore, 1897, R. 92.

47. In a shaft in the course of sinking having an inclination of 30° or more from the horizontal a ladder-way shall be provided to within such a distance from the bottom of the said shaft as to secure it from damage during blastings.

48. The bottom of the ladder-way referred to in Regulation 47 shall be capable of being reached from the bottom of the said shaft by means of chain or wire-rope ladders.

S.A. 1911, 49 (2)

49. Apart from ladder-ways in shafts there shall be provided such ladder or other ways as will furnish effectual means of exit from any underground working in use or in the course of working and such ladder or other ways shall be provided and maintained to the satisfaction of the Inspector and may require the provision of convenient platforms.

Nigeria, 1917, R.22

Br. Guiana, 188 (1) (21)

50. All workings in which overhead subsidence is possible must be properly timbered or otherwise supported.

G.O. 1905, S.40

U. 16

B.E.A. 16

51. All underground ways shall when necessary to ensure the safety of all persons working in or passing through the same be securely timbered or otherwise supported shall be not less than 6½ feet in height unless the Inspector shall in writing exempt a way from this provision of this Regulation relative to height.

Nigeria 1917, R.30

U. 15

B.E.A. 16

B.30

The following provisions shall apply to underground haulage roads:-

- (1) (a) Where haulage is operated by machinery other than locomotives or conveyors a signalling apparatus shall be provided by which distinct signals can be given to the driver of the haulage machinery from convenient places along the haulage roads;
- (b) Where haulage is operated by gravity and the inclined plane exceeds 150 feet in length some efficient means of communicating distinct signals between the stopping places shall be provided;
- (c) Where the system of haulage in use involves the possibility of the tubs running away and getting out of control such preventive measures shall be taken as are necessary to avoid accidents and as are approved in writing by the Inspector.

S.A., 1911, 43. (1) (a), (b), (c).

U. 10, B.E.A. 10.

Mysore 1897, R. 38.

Br. Guiana 1905, 168 (4) (11).

(2) (a) If persons are allowed to travel along a haulage road places of refuge (manholes) shall be provided along such road at intervals of 50 feet unless there be ample room of at least 5 feet clear for a person safely to walk along the space between a moving tob and the side of the way. Every such manhole shall be constantly kept clear and unobstructed in itself and its approaches.

S.A. 1911, S.43 (8) (a), (b).

U. 11, 12. B.E.A. 11, 12.

Nigeria, 1917, 31, 32.

Mysore, 1897, R. 38, 39.

Br. Guiana. 1905, 168 (4) (5).

No underground connection shall be made with workings that have been disused until the Inspector is satisfied that adequate means have been taken to secure the safety of the persons in such working or the neighbourhood.

G.C., 1905, R.43.

Nigeria, 1917, R.34

In approaching workings likely to contain dangerous accumulations of water, boreholes shall be kept twenty feet in advance of the face as a precaution against an inrush of water, and no heading, drive, gallery, or other excavation shall be made within a dangerous distance of any accumulation.

Nigeria, 1917, 35

U. 9

B.E.A. 9.

R. 38

Additional precaution contained in R.

(20)

Br. Guiana 160 (19)

55. The provisions of any ordinance relating to boilers, prime-movers, or machinery shall apply to boilers, prime-movers, or machinery in or about mines and the provisions contained in regulation 56 to 66 shall apply only in so far as they are supplemental thereto where such ordinance exists.

This is in view of the Boilers, Prime-movers, and Machinery Ordinance 1917, B.E.A. and to avoid duplication of provisions.

56. The owner agent or manager shall report to the Inspector at least 14 days prior to bringing into use any plant for the generation of power the nature of the plant together with the power of and the purpose for which it is to be used.

57. Where the power generated is equivalent to 12 horse power or more an engineer certified by the Inspector to be competent shall be in charge thereof. Where the power generated is less than 12 any competent person may be in charge.

Nigeria 2.3.

58. Steam boilers, compressed air apparatus, electrical apparatus using a current in excess of 25 volts, water wave transmitters driving gear and power pumps shall be in the personal charge of a competent man or men appointed for the purpose by the manager or certified engineer and shall be in a fit and safe condition.

36.

59. Every flywheel and all exposed parts of the machinery used in or about a mine shall be, and shall be kept, securely fenced unless specially exempted by the Inspector.

U. 21.

Nigeria 8.

B. 32.

60. Every steam boiler shall be provided with a proper steam gauge and water gauge and every air-receiver shall have attached to it a proper air-gauge to show respectively the pressure of steam, the height of water in the boiler and the pressure of air and shall be inspected at least once a week by an engineer.

U. 22.

Mysore 142.

Br. Guiana 100 (17).

61. Proper appliances only must be used for moving driving belts when engines are in motion. Cleaning and oiling by hand dangerous parts of machinery in motion is prohibited.

G.C. 25, 26.

62. Electrical machines must be protected so as to prevent accidents through shock or otherwise except by an act committed through carelessness.

63. Handling electrical apparatus of any kind except by authorised persons is prohibited and shall be deemed to amount to carelessness and wilful misconduct.

G.O. 27, 28.

Mysore, 151.

64. Electrical machinery of every description and all conductors of electricity must be so placed and protected in such manner as to preclude the possibility of accidents through inadvertent acts, and so that they are not likely to set fire to any part of any building.

Mysore, 151.

65. No person shall wilfully damage or without proper authority remove or render useless any fence, fencing, casing, lining, guide, means of signalling, signal, over-chain, flange, horn, break, indicator, safety-valve, steam-gauge, air-gauge, indicator ladder or other appliance or thing provided in or about any mine for the safety of any person employed.

U. 24.

Nigeria, 4.

Br. Guiana 166 (16)

66. If at any time any boiler, engine, or other plant should appear to the inspector to be in a condition likely to be dangerous or to cause loss of life or damage to property, he shall require such repairs or things to be done or effected as he may indicate in writing to the manager and shall indicate whether the work is to cease until such repairs or things are done or effected and if so what work is to cease. The repairs or things effected shall be done or effected as required as soon as practicable and until done or effected work to the extent indicated shall cease.

Nigeria 6.

57. As regards mines existing at the time of the commencement of this Ordinance or ways works or machinery therein these regulations or any added thereto shall only apply to the extent indicated by the Inspector who shall bear in mind the financial condition of the mine in question, the nature of the regulations in existence at the time capital expenditure was laid out, and the possibility of adapting the mine or its ways works or machinery so as to conform to these regulations or any of them. If the manager is dis-satisfied with the decision of the Inspector he may appeal to the Commissioner and if the changes involved involve an expenditure of £1000 or more from the Commissioner to the Governor. Pending a final decision these regulations in so far as they involve capital expenditure shall not apply. These regulations may be applied in such cases in successive parts so that the capital expenditure involved may be spread over a series of time.

VENTILATION.

(a) All Mines.

60. All parts of every underground way or working or other place where any person may properly be shall be ventilated to the satisfaction of the Inspector.

Nigeria, 1917, R. 34.

U. 1902, 1. B.S.A. 1

Mysore, 1897, 93, 94.

T. & T. 1

B. 29.

Br. Guiana 16 (1).

69. The Inspector may require the air of any mine to be sampled or may cause the air to be sampled at such reasonable intervals as he may determine. The ventilation in a mine other than a coal mine shall be deemed unsatisfactory if:-

- (a) the proportion of carbon di-oxide exceeds 20 volumes per 10,000;
- (b) the proportion of carbon mon-oxide exceeds 1 volume per 1,000;
- (c) there are present more than traces of the oxides of nitrogen (NO or NO_2)

unless as regards (a) the Inspector is satisfied that the sample may be adversely affected by an exceptional occurrence in such case the Inspector shall state in writing what proportion of carbon di-oxide will be regarded as the maximum permissible.

S.A. 1911, Arts, 69.

(b) Coal Mines.

70. In every coal mine there shall be a free current of air passing in and through all ways and working places where persons are or may properly be having such a speed that the proportion of inflammable and noxious gases present is reduced to an amount which the safety of the mine requires.

U.K. 1911, 29.

F.M. States, 15.

Reg. C.M.R. 2 (1).

71. In every coal mine the quantity of air circulating through

The mine and each ventilating district shall be measured, at least once a month, and samples shall be taken once a fortnight and the said quantity and the chemical composition of the said samples shall be entered in a book kept for the purpose at the mine such entry ^{being} signed by the person or persons responsible for the statement of facts there recorded. Provided that the Inspector may exempt mines which are not classified as fiery from this provision.

Nigeria C.M. Reg., 1910, R.2 (2).

U.K. 1911, 29 (3).

S.A. 1911, S. 64

F. T. 1.

72. As soon as practicable after every coal mine has commenced working and from time to time thereafter the Inspector shall examine the mine with a view to determining whether such mine should be classified as fiery or non-fiery and shall classify it accordingly.

73. Should any blow of inflammable gas occur or such gas not having been found in the mine within the previous three months, should the presence of such gas be detected in any sample of air taken the Inspector shall be notified of all the material facts as soon as possible. Whenever dangerous quantities of inflammable gas, or of carbon di-oxide or of carbon mon-oxide or other noxious gas are found to be present in a mine the Inspector may order the suspension of work in such mine until such arrangements as he thinks fit pending the establishment of a satisfactory degree of ventilation. If the Inspector is satisfied that he shall at once order the suspension of work.

S.A. 1911, S. 64 (3).

F. T. 1.

74. Every air-door shall be self-closing.

S.A. 1911, S. 63, (4) (a);
Mysore, 96.

75. In any coal mine or part thereof which, in the opinion of the Inspector, is dry and dusty, protective measures approved by him shall be taken for the prevention of coal dust explosions. If stone-dusting is resorted to the stone-dust used shall be non-inflammable finely ground dust free from free silica.

S.A. 1911, S. 65 (3) (a), (6);
P.U.S. 20.

SANITATION.

76.

In or about every mine and the underground workings thereof adequate provision to the satisfaction of the Inspector shall be made for sanitation and the prevention of nuisances. Suitable regulations shall be provided. Rules shall be framed and enforced to the satisfaction of the Inspector for the prevention of nuisances. Such steps shall be taken by the manager as will be ample sufficient for keeping all the underground workings and roads free from filth. Such steps shall be taken as the Inspector may require with a view to preventing as far as practicable the presence of filth underground and the generation or carrying of the bacteria of miner's anthrax.

Nigeria C.M. 1910, R.11
Mysore, 1897, A.102
S. 33.
Br. Guiana, Ord. 152.

BRIGHTNESS.(a) Mines generally.

77. Every person in any unilluminated part of a mine shall carry a light giving an illumination of at least one candle power (except in the case of safety lamps used in coal mines) unless the Inspector shall exempt the mine from the provisions of this regulation relative to the minimum required. In considering applications for an exemption (if any) the Inspector shall take into account on the one hand the difficulties of obtaining supplies of suitable lamps and on the other hand the need to prevent miner's nystagmus.

S.A. 1911, S. 80.

Mysore 1927, R.101.

O.I.C. 19, 321.

78. Loading, unloading, signalling and working stations and all places where machinery other than lifts or cables in working shall be so lighted that in the case of machinery the external parts of the same moving at a speed of less than 150 feet per minute can be clearly distinguished and that in the case of loading, unloading, signalling and working stations any person there working can clearly see what he is doing. The Inspector may exempt any place from these provisions or may modify them or any of them in exceptional circumstances and subject to sufficient safeguards.

S.A. 1911, S. 80, 70.

Mysore 1927.

1927, R.101.

No. 113 of 1927

33.

shall be used. Such lamps shall be capable of giving a minimum light through the gauze of .5 candle power. The lamp shall be of a type approved by the Commissioner.

U. 2.

F.M.S. 6.

S.A., 1911, 71.

T & T. 6.

30. Every coal mine not exempted in writing by the Inspector shall be provided with at least one safety lamp capable of testing for gas for every twenty working places.

S.A. 1911, S. 72.

31. In every fiery coal mine a competent person shall be appointed by the manager to examine daily every lamp taken into the mine. He shall see that it is in order and securely locked. No person shall, unless appointed for the purpose, have in his possession any key or contrivance for opening the lock of any such lamp.

U. 7

F.M.S. 7

S. A., 1911, 75 (1).

32. No person shall take anything into a fiery mine capable of striking a light.

F.M.S. 7.

U. 7.

ELECTRICITY.

3. In coal mines classified as fiery, but which are not to be

in any part of the mine where, on account of the risk of explosion of gas or coal dust, the use of electricity would be dangerous to life provided that this shall not apply to electric safety lamps of a construction approved by the Commissioner or the electricity used for telephons, signalling or other instruments the voltage of which does not exceed 25.

U.K. 60 (1)

General Regulations, 1919, R.134 (a)

F.M.S. 20.

24. If at any time at any place in any mine the percentage of inflammable gas in a general body of the air in that place is found to exceed one and a quarter any electrical current of a voltage exceeding 25 shall at once be cut off from all cables or other electrical apparatus in that place, and shall not be switched on again as long as the percentage of inflammable gas exceeds the percentage aforesaid.

U.K. 1911, S. 60.

25. Save with the permission in writing of the Inspector, no person under the age of twenty-one years shall be placed in charge or have control of any electrical apparatus the current in which exceeds 25 volts in any coal mine.

F.M.S.3.

EXPLOSIVES, DRILLING AND BLASTING.

26. Explosives shall only be carried in or about a mine in boxes specially made for that purpose and of a

Pattern approved by the Commissioner save that explosives may be issued from the magazine for immediate use in secure cases or containers which shall not contain more than 25 lbs. of explosives with fuse.

G.O. 1905, 44.

Br. Guiana (3) (b)

Mysore, 111

G. O. (b)

B. 11.

67. The storage of explosive in the underground part of a mine is prohibited except in the following cases:-
 not exceeding an amount approved by the Inspector in writing

- (a) A small amount of explosives and detonators may be kept in boxes of the approved pattern, detonators being kept separate from explosives and the boxes being so placed that there is no risk of any of them being exploded or ignited by the explosion or ignition of another box or otherwise;
- (b) When all the charges fitted in a single shaft are not fired at the same time, the explosives for the uncharged holes may be kept in the meantime at a safe distance. They must be kept at least 30 feet away from the detonators. They must be placed in charge of some person responsible for them, where there is no risk of their being exploded or ignited.

~~(c) Magazine may be placed in the underground part of a mine subject to the approval in writing of the Inspector and such place and subject to such safeguards as may be necessary for the safety of the mine and the persons employed in the same.~~

Mysore, 1897. R. 106.

Br. Guiana, 1894 (3) (b)

G.O., 40, 46, 47, 48, 50.

B. 10, 12.

88. No more explosive shall be given out from a mine magazine than is required for use on that day. No person other than a manager, under-manager or person approved in writing by the manager shall be at any time in possession of the key of any mine magazine for the storage of explosives, when the issue of the explosives is not being made therefrom. The mine magazine shall conform to the regulations made under the provisions of any ordinance of the Colony/Protectorate regulating the storage of explosives.

Nigeria, 1917, R.10. 10.

Mysore, 1897, R.107.

89. Unused explosives shall be returned to an explosives magazine on the same day and in the evening must be placed in a secure unlocked place provided for the purpose. Before finding any explosives must take it at once to such secure magazine place and on the same day it shall be returned to an explosives magazine.

Mysore, 1897, R.109.

90. No person shall enter any magazine with a naked light.

Br. Guiana 186 (3) (d)

- 90a. All regulations herein relative to explosives shall be in addition to and not in derogation of those made or brought into operation within the Colony (or Protectorate) by any law for the time being in force relative to explosives.

Explosives and detonators must be distributed, whether above or below ground, only by the person or persons duly appointed for that purpose by the manager. Explosives and
/ detonators

detonators must be in their ordinary manufactured form and of good quality and as far as can be practically known in good condition when distributed for use. No new kind of detonator shall be used until the shot-firer has been trained outside the mine in the use of it and has/himself competent to use it.

Mysore, 1897, 114, 108.

92. A book shall be kept in which shall be recorded the type and amount of explosive issued to and returned by each shot-firer daily:

Mysore, 1897, R. 108.

93. No explosive shall be taken into or used in any fiery coal mine other than an explosive of the following kinds used in charges of the following maximum:

Explosive	Permissible maximum charge in lbs.	Explosive	Permissible maximum charge in lbs.
Abellite No.2	18	Cambrite No.2	24
Abellite No.1	14	Donaby Powder	16
Abellite No.4	18	Dreadnought Powder	32
Afax Powder	12	du Pont Permissible No.1	18
Ammonite	18	Dynobel	22
Ammonite No.1	24	Dynobel No.2	24
Ammonite No.4	30	Dynobel No.3	18
Ammonite No.5	26	Dynobel No.4	30
Anchorite	14	Essex Powder	38
A.I.Monobel	28	Expedito	32
A.S.Monobel	22	Faversham Powder No.2	24
Arkite No.2	40	Haylite No.1	10
Bellite No.1	20	Haylite No.2	18
Bellite No.2	32	Haylite No.3	16
Bellite No.4	1	Mercurite	16
Black Bellite	30	Mercurite	18
Britonite No.2	24	Mercurite	18
Britonite No.3	24	Mercurite	18
Cambrite	30	Mercurite	18
Melling Powder	12	Mercurite	18
Mersey Powder	18	Mercurite	18
Monarkite	28	Mercurite	18
Monobel No.1	1	Mercurite	18
Nationalite No.1	12	Mercurite	18
Nationalite No.2	20	Mercurite	18
Neonal	16	Mercurite	18
Neonal No.1.	30	Mercurite	18
		Mercurite	18

<u>Explosive</u>	<u>Permissible Maximum Charge in cwt.</u>	<u>Explosive</u>	<u>Permissible Maximum Charge in cwt.</u>
New Pertex	10	Swalo Powder	20
Nitro-Densito	20	Thames Powder	32
Pit-ito-No.2	32	Thames Powder No.2	22
Pitosa Powder No.2	8	Victor Powder	16
Tex Powder	20	Victor Powder No.2	16
Robafite No.4	10	Viking Powder No.1	26
Samsnite No.2	26	Viking Powder No.2	16
Samsnite No.3	24	Westfalte No.5	12
Seamox	36		
Stomonal No.1	20		
Stomonal No.2	30		
Stomonal No.3	22		
Sandarite	16		

The above list may be amplified by notice in the Gazette issued by the Commissioner.

F.M.S. 14.

U.K. General Reg. 1919, p.56.

24. Where rock-drills are worked in highly siliceous rock the dust from which is liable to give rise to silicosis, the holes must be kept sufficiently moist to prevent so far as practicable dust escaping into the air.

U.K. 76.

Mysore, 97.

B.31.

25. Save in so far as these regulations impose duties ^{upon} persons superior in station to shot-firers, shot-firers will be personally responsible for the due observance of the regulations Nos. 96 to 115 following a copy of which shall be posted in a conspicuous place at the mouth of each shaft. Such personal responsibility shall not be deemed to relieve the manager of the mine of his responsibility.

Mysore, 1907, R.116.

96. Only persons authorized by the manager shall be allowed to act as shot-firers. In any particular mine (not being a small mine) the Inspector may require that no person shall act as shot-firer unless he shall have been examined by and received a certificate of competence from the Inspector. In such cases the Inspector shall immediately take steps to examine the candidates from the mine in question. Such certificates may subsequently be cancelled by the Inspector for good cause.

G.C.R. 61.

Mysore, R.12.

Rigorous, R.12

U.K. (1) (1)

S.A., 99 (2).

97. When blasting is carried on there must be shot-firers present to conduct the operations of preparing the charge, charging and firing the shots. If on account of the number of charges ^{or} their distance from one another one shot-firer is unable properly to conduct the operations the whole of the operations must be divided into two or more working places each in charge of a shot-firer. A shot-firer may be assisted in the preparation and firing of charges by reliable persons other than shot-firers but the shot-firer shall be personally responsible for any accident occurring through the ignorance, inexperience, or carelessness of any such person.

Mysore, 1907, R.117; 113.

S.A. 3.100(2).

90. No person shall blast or be permitted to blast any shot in fractured rock or in a hole if inflammable gas is being given off from such fractured coal or hole, nor in any place where there is sufficient inflammable gas present to make a distinct cap on the reverse flame of a safety lamp of the type ordinarily used in testing for gas in the mine.

S.A. 1211, R. 100 (3)

U.S. (f) (8).

All boxes or barrels containing explosives must be removed to a safe distance during the preparation of the charges. No person shall in any mine whatever place a light on a box in which there are explosives, nor shall he hold it over such a box.

Mysore, 119.

S.A. 100 (5).

U.S. 51.

100. No description of fuse which is known to burn irregularly or to explode while burning shall be used.

Mysore, 123.

101. In charging an iron or steel pricker, scraper, tamping rod or tool shall not be used and no explosive shall be forcibly pressed into a hole or pressed or struck when at the bottom of a hole. Only sand loosely filled in, soft, clay, or water shall be used as tamping material for any explosive requiring the use of a detonator. A thick pad of paper about 1 inch long must be placed next to the primer if sand or clay tamping is employed. The tamping must be at least 6 inches deep. No force must

41.
 must be used in tamping except in the case of gunpowder
 when a wooden rammer or a wooden tamping rod must be
 used.

Mysore, 124-129.

G. S. 22, 23.

Nigeria, 12.

U. S. (d).

B. 13.

Br. Guiana 188 (3) (c).

102. Blasting gelatine and other explosives shall not be lighted
 in order to set fire to fuses nor shall they be employed
 for any purpose other than the primary purpose.

103. Before firing a shot, the warning must be given to persons
 near, by shouting the fire signal and the number of shots
 intended to be fired. A sufficient number of flags
 on every way of approach to the locality where the shot is
 to be fired as to prevent any person inadvertently plac-
 ing himself in dangerous proximity to the shot.

104. Before firing a shot in any place which is likely to be
 holed through by such blast into another place the person
 about to fire the shot shall satisfy himself that no
 person is in dangerous proximity on the other side at the
 time, and every person about to fire such a shot shall
 take precautions to prevent any person going near such
 place until after the shot or all the shots should have
 exploded or be known to have misfired.

Mysore, 129-132.

B. 15.

The number of shots that explode must be counted by at least two persons including the shot-firer and unless both agree that all the charges have exploded the place must be kept clear of persons for thirty minutes. If any charge is known to have burnt away without exploding the place must be kept clear of persons for thirty minutes. Where firing by means of electricity the working place may be re-entered as soon as the source of the electricity has been disconnected from the cable and the place is clear of fumes.

Mysore, 133, 134.

G.C. 56, 58.

1. 26

106. Except in case of emergency or accident no person shall approach a place where blasting has occurred until the place is clear of fumes.

Mysore, 136.

107. Boring out a hole that has ^{or} been charged or withdrawing a charge either before firing or after a misfire is forbidden. The deepening of or tampering with holes which after blasting with explosives have been left standing is forbidden. Any new hole must be drilled as far away as practicable from an old one and never within three feet of a mis-fire at its nearest point.

104. Holes drilled on a face where there is a mis-fire must be pitched as not to strike toward the hole containing the mis-fire charge.

Mysore, 135.

S. S. 59.

Nigeria, 13.

S. S. 18, 19.

Mr. Salena 109 (3) (f) permits withdrawing with a copper
 subject to certain provisions.

109. Misfires shall be blasted as soon as possible.

110. If on the changing of shifts a mis-fired charge has been left the hole shall be indicated in a clear manner by a circle of whitewash six inches wide and the overseer or other person in charge of the incoming shift shall be informed of the facts and shall instruct the workmen going to work on the face where the mis-fire has occurred to keep a safe distance from the place where the mis-fire has occurred until the mis-fire has been blasted.

S. S. 57, 58.

Mysore 134, 137.

Nigeria, 14.

111. Before commencing work after blasting, the shot-firer or the person in charge of the working place must be the first to go to the face of the working, and until he has pronounced it to be perfectly safe no other person may proceed there except in the case of emergency or accident.

Mysore, 139.

112. If there is any loose ground after blasting it must all be removed before any other work is done. In removing the
 / material

material brought down & blown out by blasting special attentions shall be directed to ascertaining if there are any unexploded charges existing and if any are discovered they shall be safely destroyed.

Mysore, 140 - 141.

113. Detonators must only be fastened to the fuse by means of proper pincers supplied for that purpose. Where fuses are used every shot-firer must be supplied with and carry a knife suitable for the cutting of a burning fuse in case of necessity.
-

B.O. 54.

Mysore, 121.

114. Wherever there is reason to think that in the interests of safety/^{special} precautions are required the manager shall issue particular rules to the shot-firer stating the mode in which blasting operations shall be conducted together with the special precautions (if any) to be observed in particular circumstances or places and a copy of such rules together with a statement of the special circumstances they are designed to meet shall be forwarded ^{forthwith} to the Commissioner who may require them to be amplified or amended. The Inspector may require such rules to be issued.
-

115. The shot-firer shall carry out such rules.
-

Mysore, 122.

S. No. 1911 B.100

U. S. (f).

EMPLOYED PERSONS

116. No person under the age of 14 years shall be employed underground. No female shall be employed underground without the consent of the Commissioner.

Mysore, 15.

Mysore, 16.

Br. Guiana 164.

117. Machinery which generates power or has rapidly moving parts of a dangerous nature or which operates, controls, or compresses steam upon which the safety of any person directly depends shall not be in charge of persons under the age of 16 years or of any person who is not competent.

M. 16.

M. 16.

118. No person shall be in attendance on machinery under the age of 14 years.

Mysore, 16.

119. At every mine accommodation shall be provided proportionate in size to the number of persons employed and likely to require such accommodation where underground workmen can change and dry their clothes. Engine and boiler rooms must not be used for this purpose.

Mysore, 15.

120. On signing on a workman for the first time steps shall be taken so to instruct him in his duties and mode of going to and from his work, that he shall not be a source of

/ danger

danger to himself or others. Until conversant with the mine he shall be properly looked after.

13. 14.

13. 14.

121. Any accident occurring in or about a mine which results in loss of life or personal injury shall be reported at once to the Commissioner and a report setting forth how, when, and where the accident occurred shall be forwarded within twenty-four hours.

U. 26

G.O. 62.

Mysore 155.

122. If a death subsequently occurs from the effects of an accident already reported, such death shall be reported to the Commissioner.

Mysore, 155.

G.O. 63.

123. (1) A reasonable supply of first aid appliances shall be kept readily available at every mine.

(2) The Inspector may except in the case of small mines require that a person or persons shall be trained in the use of these appliances and that a building shall be provided in which patients may be treated in reasonable quietness and comfort.

G.O. 64.

Mysore 155.

B. 33.

47.

123. The manager shall immediately be informed of any accident involving loss of life or personal injury and the person concerned, his immediate superior or the person who discovers the accident shall be responsible for seeing that reasonable steps are taken either by reporting directly or by reporting to a superior, to communicate the facts to the manager. If superior is communicated with that superior shall be personally responsible for seeing that the information is conveyed in like manner.

Mycore 160.

PLANS.

125. (1) The mine owner or his agent of a mine upon which in any one year development work, according to the separate list of shafts, advecks, levels and cross-cuts, has been carried out may be called upon by the Commissioner to employ a surveyor, duly admitted and licenced to practise in the Colony/Protectorate, once every six months, or oftener if necessary, who shall prepare in duplicate (the copy being if so desired cloth tracing), in accordance with technical instructions issued by the Commissioner the following plans and sections of the workings up to date viz.:-
- (1) General surface plan.
 - (2) Working plan
 - (3) Vertical, longitudinal projections of the workings on each reef, or mineral deposit, where the average inclination is more than 45°.

(4) Transverse sections at right angles to the longitudinal projection at such distances apart or position as the Commissioner shall require.

(2) The original mine plan shall be kept at the mine, and the copy forwarded to the Commissioner.

125. The scale of all plans shall be in the case of surface plans 1 in 500, 1 in 1,000 or 1 in 2,500 and in the case of underground plans 1 in 500 or 1 in 1,000.

S.S.A. 31.

U. 31.

S. 6.

Gr. Guinea, 8.270.

127. (1) The general surface plan shall show:-

(a) The position of all surface erections and the position of shafts and workings which come to the surface.

(b) All railways, rivers and public roads or ways traversing the property.

(c) The boundaries of the ^{area} ~~mine~~ the subject of the rights of the owner.

(d) Lines showing contours at vertical intervals of 20 feet.

(2) The ~~longitudinal~~ plans and ~~vertical~~ sections shall show all shafts and levels, winzes, rises, stopings

and

and fillings in the roof stratum or deposit and shall indicate the position of other shafts, cross-cuts and excavations;

- (3) The plans and sections shall also show the variations in thickness, character and value and strike and dip of the roof or deposits, the position, direction and nature of cross courses and dykes and such information with regard to the dip and nature of the country rock as the Commissioner or the Inspector may require.

G.S. 68 (a)

128. (1) When a mine or seam is abandoned a correct plan of the mine or seam in its state at the time of abandonment shall be sent to the Commissioner.
 (2) Such plan must show:

- (a) the boundaries of the workings of the mine or seam, including not only the working faces but also all headings in advance thereof up to the time of abandonment;
- (b) the pillars of mineral remaining unworked;
- (c) the position, direction, and extent of every known fault of every seam in the mine or of the seam, as the case may be, with its vertical throw and of every known washout and intrusive dyke;
- (d) the position of the workings with regard to the surface;
- (e) the general direction and rate of dip of the strata;

50.

- (1) the depth of every shaft or, in the case of an abandoned seam, the depth of every shaft from the surface to that seam; and
- (2) A section of the strata sunk through, or, if that is not reasonably practicable, a section of every seam in the mine or of the mine, to the same may be.
- (3) For the purposes of this regulation a mine or seam shall be deemed to be abandoned if
- (a) It has not been worked for twelve months and
- (b) the roadways and workings of the mine or seam are not maintained in an accessible condition.

U. 30.

B.S.A. 30.

Wynono 180.

U.K. 21.

RETURNS.

129. The manager of the mine shall cause to be sent to the Commissioner the following returns in the Forms ~~129~~ () in the annex to this Schedule in triplicate:-

- (a) a return to be made once every quarter showing the average number of persons employed on the

- (1) The Imperial Mineral Resources Bureau has had under consideration various standard returns which it is believed should be adopted as widely as possible and which it is hoped may be accepted as the forms to be included in the annex to this Schedule. These forms have not yet, however, been finally settled.

- (b) the numbers working underground and on the surface being shown separately.
- (b) a return to be made monthly showing the production for the preceding month.
- (c) a return to be made quarterly showing the development for the preceding quarter.
- (d) such other returns as the Commissioner or Inspector may require. (1)

U. 272

G.C. 70-73.

Provisions to Regulation 129.

- (1) The Imperial Mineral Assurance Bureau has under consideration standard returns. The form is not yet finally settled and consequently the forms mentioned are not included in this Schedule.

130. Suitable printed forms in which the above mentioned returns shall be made shall be supplied in sufficient quantities to the mine by the Mines Department free of charge.

G.C. 74.

131. If considered necessary the Commissioner may require the person responsible for the correctness of the return to verify the return on oath sworn before a person having the power to take evidence on oath.

U. 28.

G.C. 76.

132. If the Commissioner has reason to doubt the correctness of the production or other returns he may either call upon the mine owner or his agent to tender a statement

as to the tonnage produced prepared by the surveyor employed to prepare the mine plan, such statement being based upon the survey of the mine and being prepared at the expense of the owner to the satisfaction of the Commissioner or under a survey of the mine to be surveyed by a competent surveyor on behalf of the Government and at the cost of the mine owner.

U.S.I.

135. A competent person or persons appointed by the manager for the purpose shall within one hour before the commencement of each shift and in addition once during each shift, inspect every part of the mine in which workmen are to work or pass during the shift, and shall ascertain and report the condition thereof as far as the presence of inflammable or noxious gases, ventilation, supports, and ^{general} safety are concerned. No person shall be allowed into the mine until it has first been examined and reported safe. In the case of a fiery coal mine the examination shall be made with a locked safety lamp of a pattern suitable for testing for gas. The Inspector may exempt any mine other than a fiery coal mine from all or any of the provisions of this regulation. Such exemption shall be expressed in writing.

PART III.

QUARRIES.

131 The term quarry includes every place in which persons work in getting mica, slate, stone, corrolites asphalt or other mineral and all buildings, erections, premises, works, tramways, and sidings in and adjacent to and belonging to the quarry. Should a doubt arise as to whether a place is a mine or a quarry for the purpose of these regulations the Inspector shall inspect the same and give his decision thereon. From such decision appeal shall lie to the Commissioner. His decision shall be final.

T. & T. 940, S. 36.

132 Each of the provisions contained in the preceding regulations relating to mines shall apply to a quarry as the Commissioner shall decide in each particular case; provided that in the case of existing quarries the provisions of regulation 87 shall in all cases apply, and in the case of all quarries regulations 76, 86-92, 94-97, 99-115, 117-124, 129-130 shall apply unless the application of such regulations or any of them or any portion of any of them is expressly excluded in the case of any particular quarry by notice in writing signed by the Commissioner and given to the person in charge of the quarry in question.

133 Where regulations relating to mines apply or are applied to quarries the term "mine" therein shall be read as

"quarry"

"quarry" and such other verbal changes as for example the substitution of "quarrying" for "mining" may be made or understood as are necessary in the circumstances of the case.

137 The following regulations shall be observed at every quarry:

- (1) The working of the sides, tops, or overburden of the quarry shall be carried on so as to prevent dangerous falls.
- (2) The top of the quarry, if dangerous to work-people or others, shall be securely fenced.
- (3) The overburden of the quarry, and all loose ground or material, shall be so cleared back from the face of the quarry as to prevent danger to the persons employed.
- (4) When the quarry is worked in steps or galleries these shall be of sufficient breadth in comparison with their height to ensure safety. When the quarry is worked with steps or galleries, sufficient support to the sides shall be left to ensure safety to those employed. In no case shall any quarry or step exceed 120 feet. In heights above 120 feet the quarry shall be worked in galleries.
- (5) There shall be such a space between haulage roads and the edges of galleries as shall prevent the accidental falling of things or persons from the haulage roads or galleries to galleries or places below. Provided that if it is impracticable to provide such a space the edge over which the person

/or

- or falling rocks, especially fall shall be
adequately guarded.
- (6) Means designed to prevent blasting may arise to the
public attention means shall be taken to guard
them.
- (7) A sufficient number of proper shelters shall be
provided (which must be used by the persons
employed) except where all leave the quarry during
blasting.
- (8) Secure means of access shall be provided by which
workmen may safely go to their working places.
- (9) Each workman shall before commencing work, and
during the course of it, and especially after
blasting, make examination of his working place,
and remove any loose rock, stone or ground which
might be dangerous.
- (10) No workman shall throw down rock, stone, ground
or other material which might endanger other
persons without giving them warning and seeing that
they have retired to a safe place.
- (11) Every workman who notices anything that appears
unsafe or likely to produce danger, shall forthwith
report it to the owner, agent, manager, or person
in charge. These reports shall be entered in a
special book kept for the purpose.
- (12) A copy of the regulations for the time being in
force at any quarry shall be kept posted at the
quarry in a conspicuous place and in such a manner
that all such regulations can be conveniently read
by the persons employed.

PART IV

OIL-FIELDS.

138 Both of the provisions contained in the preceding regulations, relating to mines shall apply to a concern operating in an oil-field, the Commissioner shall decide in each particular case subject to such verbal changes as are necessary in the circumstances of the case.

139 A competent person hereafter referred to as the field-manager shall be in charge of the operations and shall be deemed to be in the position the manager occupies in the case of regulations relating to mines. He shall be a British subject possessed of qualifications approved by the Commissioner.

B.O. 12 (6 & 7 may be incorporated by application by the preceding rule; the same applies to 8, 9, 10, 11 & 13)

140 If in the opinion of the Commissioner any method of well drilling, plugging, pumping, cementing or casing off water is likely to cause danger or injury to any oil-field or any part of an oil-field, the Commissioner may prohibit the use of such method in the whole or any part of any oil-field, or may direct that drilling, plugging, pumping, cementing, or casing off water by such methods shall be carried out in such a manner and with such materials and subject to such precautions as he may prescribe.

B.O. 12.

141 The Commissioner may direct in respect of the whole or any part of an oil-field that no well shall be drilled or deepened beyond a specified depth until such orders

/have

may deem it necessary for the Commissioner to consider necessary to prevent the influx of water into the oil bearing strata.

B.3.13.

142 The Commissioner may require any field manager to produce evidence of the qualifications of any person operating under him or intended to be employed in operations under him in connection with drilling operations and the Commissioner may if in his opinion such person is not properly qualified to carry out the duties or to be entrusted or to be entrusted to him direct that such person is not to be so employed.

B.3.14.

143 Every driller shall, as soon as he has discovered a water bearing strata, inform the field manager who shall report to the Commissioner.

144 The report shall state the depth and thickness of the water bearing strata as far as can be ascertained and the method proposed for shutting off the water.

B.3.14.

145 If a flowing or pumping well begins to produce water the field manager shall report immediately to the Commissioner the facts of the case.

B.3.15.

146 The Commissioner may direct that the field manager shall cause any well that is not flowing to be pumped periodically for the purpose of ascertaining if it is producing water, and that if any well be found to produce

/produce

produce water the field manager shall cause it kept continuously free of water by pumping.

147 The Commissioner may direct that any water bearing or oil bearing stratum whether such stratum be found or be not found to contain water or oil, as the case may be, shall be sealed off, cased off, cemented or other means, or other action be taken in respect of any well which may in his opinion be necessary to protect the oil bearing strata from flooding, and may specify the means to be taken and the materials to be used.

B.O.17.

148 The Commissioner may direct that no action of the kind referred to in the immediately preceding regulation shall be taken by any field manager without his previous sanction, and may specify the means to be taken and the materials to be used.

B.O.18.

149 In order to ascertain whether any action is necessary under the two preceding regulations or what action is necessary the Commissioner may direct that any well be pumped, bailed or otherwise tested in his presence or under his supervision or in the presence or under the supervision of any competent person or persons nominated by him or be inspected by such person or persons.

B.O.19.

150 Every owner of a hand dug well shall erect a fence round it which shall remain closed when the well is not being worked, or shall cover it in a manner approved by the Commissioner, or shall fill it up with earth.

B.O. 28

- 151 The Comptroller shall determine from time to time to what concern operating in an oil field the following regulations Nos. 152 to 165 shall apply and such regulations shall be enforced to the extent only to which they have been so notified.

B.O. 45.

- 152 No person shall use any light other than a vacuum electric lamp.

B.O. 45

T & T Borings Reg. 12.

- 153 No person shall smoke or permit smoking by any person under his control.

B.O. 45

T & T. Borings Reg. 12.

- 154 The Comptroller shall determine from time to time to what concern operating in an oil field the following regulations Nos. 155 to 165 shall apply and such regulations shall be enforced to the extent only to which they have been so notified.
- 155 No person shall use or cause to be used any torch or open fire in any other location.

B.O. 45

- 156 No naked lights or fires of any description shall be allowed within the vicinity of any oil well, where there is a danger of the gases taking fire.

T. & T Borings Regs. 12.

156 When any flowing well is opened to clean, deepen or repair it or where all issues thereout other than through a pipe in which it is controlled every naked light and fire within a 100 yards of the well shall be extinguished.

157 Where the oil from a well is out of control the field manager shall cause all possible steps to be taken to bring the oil into control as soon as possible.

H.O.50.

158 No person shall open any flowing well to clean, deepen, or repair it between sunset and sunrise.

159 No person shall use or install any internal combustion engine in which the external application of heat is necessary to ignite the charge within the cylinder, unless the engine is fitted with a safe ignition device approved by the Commissioner. In all cases where internal combustion engines are employed a device or devices approved by the Commissioner shall be used to prevent flames or gases in a state of ignition issuing from the exhaust ports into the outside air.

H.O.52.

160 Every boiler consuming oil gas as fuel shall be fitted either with a steam connection to the feed-pipe, or with an additional pipe for the supply of steam so that the steam jet will quench heated parts of the fire-box as soon as the fuel feed is cut off.

B.C.53.

161 Every hoisting machine and bull wheel must be provided with an efficient brake.

162 Such arrangements shall be made when the bull wheel is working so that a constant drip of water falls on the band brake.

B.C.54.

163 Every drilling well shall be provided with a steam-pipe not less than one inch in diameter, which shall be laid from the boiler to the surface and shall point directly to the top of the casing of the well and be about 2 feet distant from it. The stopcock in the steam pipe shall be as near the boiler as possible.

B.C.55.

164 In the case of every flowing well a gate-valve shall be fitted and if the well is flowing or is likely to flow between the casings, the space between the casings through which a flow is possible shall be shut by a stuffing box.

B.C.56.

165 Well head tanks shall be securely constructed and placed and shall be covered in and, if the oil is from a well which makes gas, shall be fitted with a chimney at least 20 feet high or of such greater height as the Commissioner may in writing direct.

B.C.57.

166 All pipes for the conveyance of oil shall be as far as possible laid underground.

167 On a well beginning to flow, no person shall carry on or allow to be carried on further drilling unless and until an oil-charge has been affixed to the casing head.

B.O. 59.

168 The Commissioner may require such reasonable facilities as he may think fit to be provided for the suppression of outbreaks of fire in any oil-field or part thereof. The personnel involved shall be under the direct control of the Commissioner or such person as he may appoint.

B.O. 60-62, 64.

169 A fire master shall be appointed to take immediate charge in the case of fire.

170 A signal shall be determined upon and shall be conveyed to all concerned the sounding of which shall be the fire alarm.

171 As soon as a fire is observed or a fire alarm given:-

- (a) Every workman on the field shall be bound to assist in putting out the fire or in taking measures to prevent its spread as the fire-master may direct.
- (b) Within the area likely to be affected by the fire, or within any area which the fire-master may declare to be likely to be affected by the fire the following rules shall be observed.
 - (1) Every person in charge of a flowing well shall shut the gate valve of the well
 - (11) Every person in charge of a drilled well shall be responsible for seeing that the contents of the site-receiving tanks are, as far as possible,

/drawn

drain off to tanks outside such area.

(12) All persons working at an open well shall be responsible for seeing that any sludge working in the well is brought to the surface without delay.

(13) Every person in charge of a pumping well shall be responsible for seeing that pumping is stopped.

B.O.83.

172 Every person employed on any oil-field shall take all reasonable precautions against fire, whether such precautions are prescribed by the Commissioner or not.

B.O.85.

173 Borings in progress must be under the constant supervision of a competent person appointed by the field-manager.

T & T Borings Regs. 8.

174 Every workman who notices gas issuing from a boring, or anything that appears unsafe or likely to produce danger shall forthwith report it to the person in charge.

T & T Borings Regs. 15.

175 Every derrick shall be provided with a life line of suitable material securely fixed to the upper scaffold and to the ground at least fifty feet from the base of the derrick to afford a means of escape from the top of the derrick in case of fire.

T & T Borings Regs. 12.

176 Where work is being conducted in the upper part of the derrick or where the casing is being lowered or raised, the workmen must stand at a safe distance from the mouth of the well.

drain off to tanks outside such area.

(12) All persons working at an open well shall be responsible for seeing that any slugs working in the well is brought to the surface without delay.

(13) Every person in charge of a pumping well shall be responsible for seeing that pumping is stopped.

B.O.85.

172 Every person employed on any oil-field shall take all reasonable precautions against fire, whether such precautions are prescribed by the Commissioner or not.

B.O.86.

173 Borings in progress must be under the constant supervision of a competent person appointed by the field-manager.

T & T Borings Regs. 8.

174 Every workman who notices gas issuing from a boring, or anything that appears unsafe or likely to produce danger shall forthwith report it to the person in charge.

T & T Borings Regs. 15.

175 Every derrick shall be provided with a life line of suitable material securely fixed to the upper scaffold and to the ground at least fifty feet from the base of the derrick to afford a means of escape from the top of the derrick in case of fire.

T & T Borings Regs. 12.

176 Where work is being conducted in the upper part of the derrick or where the casing is being lowered or raised, the workmen must stand at a safe distance from the mouth of the well.

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ANNEXE.FORMS.

(See Regulation 129 footnote).

66

SCHEDULE III

Fees, Rents, & Royalties,

Part I

Fees

Part II

Rents

Part III

Royalties.

PART I.Fees.

1. The following fees shall be payable:

(1) On issue and on renewal of a prospecting permit the fee of Rs.5.

(2) On issue and on renewal of a prospecting licence the fee of Rs.10.

[(3) In respect of the reservation of a claim or block of claims under the provisions of section 42 of the Ordinance on taking up such reserved claim or block of claims the fee of Rs.5. per claim.]

(4) On issue and renewal of a mining right the fee of Rs.10.

(5) On issue and renewal of a mining lease the fee of Rs.500.

(6) On issue and renewal of a licence to be granted under the provisions of section 47 of the Ordinance for the purposes of depositing or treatment the fee of Rs.100.

[(7) On the renewal of a claim licence the fee of Rs.5 per claim.]

(8) On the issue of a digger's licence, the fee of Rs.5 per claim.

(9) On the issue of a prospecting oil licence a fee of Rs.1000

(10) On the issue of a mining oil licence a fee of Rs.100.

(11) On the issue of a trader's licence a fee of Rs.50.

(12) Prior to the hearing into an objection to the grant of a water right or a hearing under the provisions of section 94 of this Ordinance the

fee of Rs.10 for each day or 5 hours for which such
 working lasts with a minimum fee of Rs.20 such fee
 to be paid in the first instance by the objector or
 the person showing cause respectively and to be deemed
 costs in the cause.

(13) On application for the enlargement of a water right
 the fee of Rs.100.

(14) On the grant of any surface right or easement under
 the provisions of Section 96 of this ordinance, not
 exceeding Rs.250 as the Governor may decide, such fee

(15) On the registration of a document in the Mines
 Department a fee of Rs.5

shall be payable to search the registry at the Mines
 Department a fee of Rs.10 per hour.

(17) For the purpose of a search of the registry of the
 Mines Department a fee of Rs.10 shall be payable.

(18) On inspection of a mine of an area to be proclaimed the
 fee of Rupee 1.

PART II

Rents.

2. The following annual rents shall be payable

(1) By the grantee of a mining right a rent of Rs.5
 for every acre or part thereof the subject matter
 of the mining right, payable in advance.

(2) By a mining lessee:

(a) in the case of a lessee giving the right to
 work precious minerals a rent of Rs.5
 for every acre or part thereof the subject
 matter of the mining lease;

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(b) in the case of a lease giving the right to work non-precious minerals a rent of Rs.2 for every acre or part thereof the subject matter of the mining lease;

(c) in either case (a) or (b) a further rent of Rs.10 for every acre or part thereof of surface let for occupation for shafts, pits, surface works, plant, and stores under the provisions of section 27 of this Ordinance.

(3) By a lease holding under a surface and lease a rent of Rs.10 for every acre or part thereof the subject matter of the lease.

PART III.

Royalties.

3. The following royalties shall be payable:-

- (a) On coal one-eighth of a rupee per ton raised;
- (b) On mica 5 per centum of the value;
- (c) On precious minerals 4 per centum of the value;
- (d) On non-precious minerals other than coal, mica, or oil 2 per centum of the value;
- (e) On oil 7½ per centum of the value.

4. The value shall be the value of the mineral as it is found in the ground and shall for the purpose of assessing the amount

amount of royalty payable be such sum as the Commissioner of Mines may from time to time assess as the local average value of the mineral in question in the locality in which the mine, quarry, or well is situated.

Provided that in any case in which the person paying such royalty can prove by properly authenticated vouchers that the assessed value on which such royalty was paid is in excess of the actual price realised from the sale of the mineral on which such royalty was paid after deducting from such sale value the cost of transport from the mine to the place of sale, the Commissioner of Mines shall cause to be refunded the difference between the royalty paid and 5 per centum of such sale value after the aforesaid deduction has been made. Any claim to a refund shall be made within six months of the despatch of the mineral from the Colony/Protectorate.

In cases where none of the rates prescribed in Part II of the Schedule Regulation 2 (1) and 2 (2) (a), and 2 (2) (b) is payable if the royalty payable during any one year exceeds the rent aforesaid paid for such year, the amount paid as rent may be deducted from the sum payable as royalty but if such royalty amounts to less than the rent paid for such year, the lessee or holder of a mining right shall not for such year be required to pay royalty.

amount of royalty payable be such sum as the Commissioner of Mines may from time to time assess as the local average value of the mineral in question in the locality in which the mine, quarry, or well is situated. Provided that in any case in which the person paying such royalty can prove by properly authenticated vouchers that the assessed value on which such royalty was paid is in excess of the actual price realised from the sale of the mineral on which such royalty was paid after deducting from such sale value the cost of transport from the mine to the place of sale, the Commissioner of Mines shall cause to be refunded the difference between the royalty paid and 5 per centum of such sale value after the aforesaid deduction has been made. Any claim to a refund shall be made within six months of the despatch of the mineral from the Colony/Protectorate.

- 5. In cases where any one of the rents prescribed in Part II of the Schedule Regulation 2 (1) and 2 (2) (a), and 2 (2) (b) is payable if the royalty payable during any one year exceeds the rent aforesaid paid for such year, the amount paid as rent may be deducted from the sum payable as royalty but if such royalty amounts to less than the rent paid for such year, the leasee or holder of a mining right shall not for such year be required to pay royalty.

Schedule IV.

ORDINANCES REPEALED.

Kenya

The Mining Ordinance, 1912.

The Mining Amendment Ordinance, 1915.

Nyasaland

The Mining Ordinance, 1906.

The Mining (Amendment) Ordinance, 1914.

The Mining Regulation (Oil) Ordinance, 1910.

Uganda

The Uganda Mining Regulations, 1902.

The Mining (Minor Oil) Ordinance, 1914.

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