

## CHAPTER 167

## WANKIE COALFIELD

To enable the Minister to undertake the work of searching and boring for coal deposits in the Wankie coalfield; to provide for the granting of mining leases in the Wankie coalfield; and for other purposes connected with the foregoing.

*Acts 20/1950, 10/1954,  
3/1956, 24/1962 (s.2),  
14/1972;  
R.G.N.s 97/1969,  
217/1970.*

[28th July, 1950.]

## ARRANGEMENT OF SECTIONS

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- SCHEDULE: Reduced Concession Area.

WHEREAS the Wankie Colliery Company Limited is the holder of Special Grant No. 6 dated the 10th December, 1901, and Special Grant No. 82 dated the 20th October, 1925;

AND WHEREAS the said Company has surrendered to the Government its rights under the said Special Grants in respect of a portion of the area of land to which the said Special Grants relate;

AND WHEREAS it is desired to make special provision relating to the searching and boring for coal deposits in the said portion of the said area of land and for the granting of mining leases in respect of coal deposits which might be found therein;

BE IT ENACTED: —

1. This Act may be cited as the Wankie Coalfield Act [*Chapter 167*]. Short title.

2. In this Act—

“company” means the Wankie Colliery Company Limited;

Interpretation of terms.

“concession area” means the area of land over which the company held mining rights under the Special Grants immediately prior to the 1st January, 1950;

“mining lease” means an agreement made under section *nine*;

“Minister” means the Minister of Mines or such other Minister to whom the President may assign the administration of this Act;

“reduced concession area” means that portion of the concession area described in the Schedule;

“Special Grants” means Special Grant No. 6 dated the 10th December, 1901, and Special Grant No. 82 dated the 29th October, 1925, conferring certain mining rights upon the company;

“surrendered area” means the concession area excluding the reduced concession area.

Company's rights confined to reduced concession area.

3. The rights of the company under the Special Grants, having been duly terminated in respect of the surrendered area, may be exercised in respect of the reduced concession area only.

Company to continue to exercise rights under Special Grants over reduced concession area.

4. The company shall exercise its rights under the Special Grants in respect of the reduced concession area subject to the terms and conditions of such Special Grants and to such provisions of the Mines and Minerals Act [*Chapter 165*] as are not inconsistent therewith.

Restriction on alienation of land in surrendered area.

5. (1) The Minister may grant mining leases in terms of section *nine* or special grants in terms of section *eighteen* over land in the surrendered area.

(2) Save as is otherwise provided in subsection (1), and notwithstanding anything contained in the Agricultural Land Settlement Act [*Chapter 137*] or any other enactment, State land in the surrendered area shall not be granted, sold, leased or otherwise disposed of unless the Minister certifies that the grant, sale, lease or other disposition concerned would not be contrary to the national interest.

(3) The provisions of this section shall not be construed as derogating from the provisions of Part IV of the Land Tenure Act [*Chapter 148*].

(4) Any land in the surrendered area which is alienated in accordance with the provisions of this section or which ceases to form part of Tribal Trust Land shall not by virtue thereof cease to be part of the surrendered area.

Land in surrendered area not open to prospecting.

6. Notwithstanding anything contained in the Mines and Minerals Act [*Chapter 165*], the land in the surrendered area shall not be land open to prospecting in terms of the said Act.

Minister may carry out prospecting in surrendered area.

7. The Minister may cause to be carried out in the surrendered area such prospecting, surveying, boring and other work as he deems fit for the purpose of examining coal deposits in such area and determining the quantity and quality thereof.

Applications for mining leases.

8. (1) Any person who desires to mine coal in the surrendered area may apply to the Minister for a mining lease.

(2) Every applicant for a mining lease shall furnish to the Minister—

- (a) full information as to his financial status;
- (b) proof of his ability to develop successfully and equip a colliery and to carry on the business of coal mining;
- (c) details of any proposals for the utilization of coal as a raw material in a process for the production of oils, plastics and other commodities and the generation of electricity for sale;
- (d) any other information required of him by the Minister to assist him in the consideration of the application.

9. (1) Subject to the provisions of this Act, the Minister may grant a mining lease for the mining of coal to any applicant on such terms and conditions, including the payment of rent, as he may deem fit.

Minister may grant mining lease.

(2) The terms and conditions of every lease in terms of subsection (1) shall be laid before the House of Assembly as soon as may be after the House of Assembly next sits after such lease is granted.

10. (1) Save as is otherwise provided in subsection (2), the holder of a mining lease or special grant the area of which includes any land granted, sold, leased or otherwise disposed of in terms of subsection (2) of section six shall not exercise any right to carry out mining operations under that mining lease or special grant beneath such land.

Mining permitted under alienated land on certain conditions only.

(2) The Chief Government Mining Engineer, or other official authorized thereto by him, may grant permission in writing to a holder referred to in subsection (1) to carry out mining operations beneath any land referred to in subsection (1) subject to such terms and conditions as may be fixed by the Chief Government Mining Engineer or such other official, as the case may be:

Provided that no such permission shall be given until the owner of the land or other person interested therein has been given an opportunity to submit any objections which he may have.

(3) Nothing in this section shall be deemed in any way to prejudice the right of any person to recover from the holder of a mining lease or special grant damages for any injury which he may satisfactorily prove to have been in fact sustained by him in consequence of any act or thing done by that holder even though the permission referred to in subsection (2) has been given.

(4) Any person who contravenes the provisions of this section shall be guilty of an offence and liable—

- (a) on first conviction, to a fine not exceeding one thousand dollars;
- (b) on a second or subsequent conviction, to a fine not exceeding two thousand dollars.

11. It shall be a condition of every mining lease that the lessee shall permit the construction or erection upon or over the land included within the area of the lease of such aqueducts, roads, railways, wires, electric power lines or other works as in the opinion of the Minister are necessary:

Special condition of all mining leases.

Provided that nothing herein contained shall be deemed in any way to prejudice the right of the lessee to recover damages for any injury which he may satisfactorily prove to have been in fact

sustained by him in consequence of any act or thing done pursuant to such condition.

Rights under mining lease personal to lessee.

12. The rights granted under a mining lease shall be personal to the lessee who may not cede or assign any such rights to any other person unless authorized to do so by the Minister.

Area of mining lease.

13. (1) A mining lease shall not be issued in respect of an area in excess of three thousand hectares.

(2) No person shall hold more than one mining lease:

Provided that the Minister may grant an additional mining lease in any case where he is satisfied that such additional lease is necessary—

- (a) owing to the nature of the coal formation in the area; or
- (b) by reason of the fact that the coal deposits in the area of an existing lease are approaching exhaustion.

Cancellation of mining lease.

14. (1) If a lessee contravenes the terms and conditions attached to his mining lease, the Minister may cancel such lease.

(2) No lease shall be cancelled in terms of this section unless written notice has been given to the lessee of the proposed cancellation twelve months before such cancellation.

(3) All buildings erected and improvements made by a lessee shall be at his own cost and no compensation shall be payable to a lessee in respect of such buildings or improvements on the termination of his lease. The lessee shall have the right to remove such buildings or improvements before the termination of his lease subject to the conditions that—

- (a) no rent is due and unpaid; and
- (b) such removal is effected without injury to the land.

Mining operations under mining lease to be subject to terms and conditions of lease and to mining regulations.

15. Every lessee shall carry on mining operations under his mining lease in accordance with the terms and conditions of such lease and subject to any regulations which are applicable thereto in terms of a notice published under section *sixteen*.

Minister may declare mining regulations to apply to mining lease.

16. The Minister may, by notice in the *Gazette*, declare that such regulations made under the Mines and Minerals Act [*Chapter 165*] as are specified in the notice shall, *mutatis mutandis*, and subject to such modifications and adaptations as may be specified in the notice, apply to such mining lease as if such mining lease were a mining location.

Power of Minister to grant an option to the company.

17. Notwithstanding anything to the contrary contained in this Act, the Minister, pursuant to the Agreement which was entered into by and between the Government and the company on the 9th October, 1953, may—

- (a) grant to the company an option to lease a portion of the surrendered area on the terms and conditions specified in the said Agreement;
- (b) grant a mining lease to the company in terms of the said Agreement in respect of an area which is in excess of three thousand hectares.

Minister may issue special grants.

18. Notwithstanding anything to the contrary contained in this Act, the Minister may, in respect of land in the surrendered

area, authorize the issue to any applicant of a special grant under the provisions of Part XVI of the Mines and Minerals Act [Chapter 165] or a special grant in respect of mineral oils or natural gases under the provisions of Part XVII of that Act.

### SCHEDULE (Section 2)

#### REDUCED CONCESSION AREA

The area bounded as follows—

Commencing from the original northern concession boundary beacon PUMP and thence along the original concession boundary line PUMP to GRADE for a distance of 4 157,111 metres to a point G in the direction  $243^{\circ} : 15' : 33''$ , thence from G in a direction  $336^{\circ} : 54' : 27''$  to a point which is 15,240 metres south of the intersection of this line with the centre line of the by-pass road, Bulawayo to the Victoria Falls, thence in a direction eastwards to a point on the Wankie Farm boundary positioned 15,240 metres south of the centre line of the by-pass road, thence along the Wankie Farm boundary southwards to a point H where the Wankie Farm boundary intersects the original concession boundary line KING to CRAWL, thence in a direction  $61^{\circ} : 42' : 13''$  along the original concession boundary line KING to CRAWL for a distance of 8 925,946 metres to the original concession boundary beacon CRAWL, thence in a direction  $318^{\circ} : 00' : 03''$  for a distance of 6 130,173 metres to the original concession boundary beacon ECC, thence in a direction  $67^{\circ} : 01' : 53''$  along the original concession boundary line ECC to SUL for a distance of 10 536,918 metres to a point A, thence in a direction  $156^{\circ} : 56' : 21''$  for a distance of 10 710,605 metres to the intersection of the original concession boundary line TEA to BISA at point B, thence in a direction  $232^{\circ} : 54' : 43''$  for a distance of 4 145,273 metres to the original concession boundary beacon BISA, thence in a direction  $226^{\circ} : 50' : 33''$  along the original concession boundary line BISA to PUMP to the beacon PUMP.

[NOTE.—In the foregoing description the directions are based on the Lo.  $27^{\circ}$  (Union Datum) Trigonometrical system in which the zero direction is south. The distances are calculated on co-ordinates obtained from the Wankie Colliery Survey system.]