

8. (1) The Secretary, who shall be chairman of the Board, the Commissioner of Taxes, the Under-Secretary, Department of Mines, the Accountant, Division of Mines and Transport, the Chief Government Mining Engineer and the Director of Geological Survey shall by virtue of their offices be members of the Board. The other members of the Board shall be appointed by the Minister in terms of this section and shall hold office during the Minister's pleasure.

Constitution  
of the Board.

(2) Of the members appointed by the Minister—

- (a) either one or two, as the Minister thinks fit, shall be selected by the Minister from a panel of names submitted by the Chamber of Mines of Rhodesia;
- (b) either one or two, as the Minister thinks fit, shall be selected by the Minister from a panel of names submitted by the Rhodesian Mining Federation;
- (c) one shall be selected by the Minister from a panel of names submitted by the Rhodesia National Farmers' Union;
- (d) one shall be a member of the Rhodesia Society of Accountants who is publicly practising as an accountant.

(3) The Chief Government Mining Engineer and the Director of Geological Survey may each appoint another member of the public service of the Colony, who is not a member of the Board, to be his alternate member on the Board, and such alternate member shall be entitled to attend and vote at any meeting of the Board in the absence of the officer who appointed him.

(4) If any body which is entitled to submit a panel of names in terms of sub-section (2) of this section for any cause whatsoever fails or neglects or refuses to submit such panel, it shall be lawful for the Minister to appoint to the Board any person as a member.

(5) There shall be a secretary to the Board who shall be appointed by the Minister and who shall not be a member of the Board.

9. (1) The office of a member of the Board, who is not a member of the public service of the Colony, shall upon the declaration of the Minister be vacated—

- (a) if his estate is sequestrated or assigned;
- (b) if he is absent from three consecutive meetings of the Board without the permission of the Board;

- (c) if he gives one month's notice in writing to the Minister of his intention to resign office and his resignation is accepted by the Minister;
- (d) if he is incapacitated by physical or mental illness or is otherwise unable or unfit to discharge the functions of a member; or
- (e) if he is convicted of an offence and sentenced to imprisonment therefor without the option of a fine, whether such sentence is suspended or not.

(2) When a member's office is declared vacant, the Minister shall appoint a person chosen as such member was chosen to fill the vacancy.

(3) If any member of the Board, other than the chairman, is prevented by illness, absence from the Colony or other specific cause from exercising his functions on the Board, the Minister may appoint any person to act for such member during his absence.

(4) If the chairman is prevented by illness, absence from the Colony or other specific cause from exercising his functions on the Board, the Minister may appoint any person to act as chairman during his absence and the person so appointed shall during the term of his appointment exercise all the powers and fulfil all the duties of the chairman.

If a member of the Board is appointed to act as chairman, the Minister may appoint any person to act as a member of the Board during the period of the chairman's absence.

Remuneration  
of members  
of the Board.

**10.** The members of the Board who are not members of the public service of the Colony shall be paid, out of moneys voted by Parliament for the purpose, such remuneration or allowances or both as the Minister, after consultation with the Minister of Finance, may from time to time determine.

Procedure of  
the Board.

**11.** (1) The Board may meet together for the dispatch of business, adjourn and otherwise regulate its meetings and proceedings as it thinks fit.

(2) Six members of the Board shall form a quorum at any meeting thereof.

(3) The chairman of the Board may himself at any time call a special meeting of the Board.

(4) The decision of the majority of the members of the Board present at any meeting shall constitute the decision of the Board:

Provided that in the event of an equality of votes at any such meeting the chairman at the meeting shall have a casting vote in addition to his deliberative vote.

(5) At all meetings of the Board the chairman or, in his absence, such member as the members present shall elect shall act as chairman.

(6) No member of the Board shall vote upon or take part in a discussion if he has, directly or indirectly, any pecuniary interest in the matter before the Board.

**12.** (1) In the exercise of its functions and duties the Board shall have power—

Powers of the Board in relation to applications.

- (a) to require any area of ground or mining location which is the subject matter of an application or an investigation to or by the Board to be examined by such person or persons as the Board may appoint for the purpose;
- (b) to summon any applicant, the holder of any mining location, an owner of any land or any person having an interest in or knowledge of any matter before the Board to appear before the Board to give any evidence or explanations which the Board may require; and
- (c) to require the production of books, plans, accounts and other documents relating to any application or matter before the Board.

(2) Any person appointed under paragraph (a) of subsection (1) of this section, shall, if authorised by the Board, have power to take and remove samples of ore from the area of ground or mining location in question.

**13.** (1) The Board may examine persons appearing before it on oath, which oath the chairman of the Board is hereby empowered to administer.

Witnesses may be examined on oath.

(2) Any person who, after having been duly sworn, wilfully makes a false statement to the Board on any matter relevant to the enquiry knowing such statement to be false, or not knowing or believing it to be true, shall be guilty of an offence and shall be liable to the same punishment as if he had been convicted of perjury.

(3) If any person summoned to give evidence or to produce books, plans, accounts and other documents fails to appear before the Board or fails to produce such books, plans, accounts and other documents to the Board or refuses to be examined on oath or to answer any question he shall be guilty

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of an offence and shall be liable to a fine not exceeding one hundred pounds, or, in default of payment, to imprisonment for a period not exceeding twelve months.

Penalty for obstruction.

14. Any person who obstructs or hinders any person authorised by the Board in his examination of a mining location or other area of ground shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds, or, in default of payment, to imprisonment for a period not exceeding twelve months.

Board to assume functions of the Royalty Review Committee and Mining Affairs Board established under Act No. 19 of 1947.

15. The powers, duties, and functions conferred and imposed upon the Royalty Review Committee established under the Mines and Minerals Act [*Chapter 195*] as amended by the Mines and Minerals Amendment Act, 1941, and upon the Mining Affairs Board established under the Mines and Minerals Amendment Act, 1947, by the Gold Premium Taxation Act, 1939, or by the Gold Mining Subsidy Act, 1949, and by the Silicosis Act, 1949, respectively or by any other law, are hereby transferred to the Board and, accordingly, any references in those laws to the Royalty Review Committee or the Mining Affairs Board shall be construed as a reference to the Board.

## PART II.

### ACQUISITION AND REGISTRATION OF MINING RIGHTS.

Prospecting licences.

16. (1) Subject to the provisions of this section and of section *seventeen*, any person and any duly appointed agent of any person may take out at the office of any mining commissioner one or more prospecting licences on payment of a fee of one pound for each such licence.

(2) The mining commissioner may refuse to issue a licence, but must forthwith report such refusal to the Secretary. Thereupon the Secretary shall, if so instructed by the Minister, direct the mining commissioner to issue such licence; if the Minister does not so instruct the Secretary, he shall refer the matter to the Governor for final decision.

(3) (a) Any holder of a prospecting licence may make written application to the mining commissioner for permission to appoint a representative to act under such licence. Such holder shall furnish to the mining commissioner the full name and permanent postal address of the proposed representative.

(b) If the mining commissioner does not approve of the proposed representative he shall refuse his permission but must forthwith report such refusal to the Secretary. Thereupon the Secretary shall, if so instructed by the Minister,

direct the mining commissioner to approve of the proposed representative; if the Minister does not so instruct the Secretary, he shall refer the matter to the Governor for final decision.

(c) If the mining commissioner approves of the proposed representative, he shall notify the applicant accordingly and thereafter the applicant may by writing under his hand appoint the approved representative to act under the prospecting licence of the applicant, but the representative shall act under such licence solely for the benefit of the holder of the licence.

(d) If any holder of a prospecting licence appoints a representative to act under such licence who has not been approved in terms of this sub-section, he shall be guilty of an offence and the appointment shall be of no force.

(4) If the holder of a prospecting licence has lost such licence, he may apply to any mining commissioner for a duplicate copy thereof. On such application he shall furnish a solemn declaration in a form to be approved by the mining commissioner which shall state—

- (a) that the licence has been lost or destroyed;
- (b) from what mining commissioner's office he originally obtained the licence; and
- (c) the number of the licence.

On receipt of such application and such solemn declaration the mining commissioner shall make any necessary enquiries at the office from which the original licence was obtained and shall, if he is satisfied that no good reason to the contrary exists, issue a duplicate copy of such licence to the applicant on payment of a fee of five shillings for each such copy. A duplicate copy of a licence issued in terms of this sub-section shall be available for all purposes for which the original would have been available.

(5) On making application for a prospecting licence the applicant shall furnish to the mining commissioner his full name and permanent postal address, which shall appear on the licence issued to him.

17. No person who is under the age of majority shall hold any prospecting licence or shall be appointed as a representative of the holder in terms of sub-section (3) of section *sixteen*. Holder of prospecting licence to be of full age.

18. No person shall sell or otherwise dispose of any prospecting licence. Any such sale or other disposition shall be void and the seller and purchaser respectively shall be guilty of an offence. Sale of prospecting licence forbidden.

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Land open to prospecting.

19. Subject to the provisions and limitations contained in section *twenty-five*, in sections 43 and 45 of the Constitution and in any regulations framed under the powers conferred by section 42 (2) of the Constitution, the following land is open to prospecting—

- (a) all Government land and native reserves;
- (b) all private land in the title to which there has been reserved either to the British South Africa Company or to the Government of the Colony the right to all minerals or the power to make grants of the right to prospect for minerals;
- (c) all land held by any person under any agreement whereby such person is entitled to obtain from the Governor title thereto on the fulfilment by him of the conditions prescribed by such agreement.

Rights of prospecting and pegging conferred by prospecting licence.

20. Every holder of a prospecting licence shall be entitled to the following rights—

- (a) the right, subject to the provisions and limitations hereinafter contained, of prospecting and searching for any minerals, mineral oils and natural gases on land open to prospecting;
- (b) the right, subject to the provisions hereinafter contained, of pegging—
  - (i) one block of precious metal claims;
  - (ii) one block of base mineral claims;
  - (iii) one block of precious stones claims.

Surface rights of holders of prospecting licences.

21. The holder of any prospecting licence shall, when *bona fide* employed in the pursuit of any of the rights conferred by section *twenty*, the onus of proof whereof shall lie upon him, be entitled to the following rights—

- (a) the right of grazing, free of charge, upon any land in the vicinity of his operations and open to prospecting not more than ten draught animals free from contagious or infectious diseases, and the right of grazing ten additional draught animals on payment to the owner or occupier of the land of a fee of one shilling per head per month:

Provided that he shall not introduce or take any bovine animals or entire male herbivorous animals of any description upon occupied land without the consent of the owner or occupier of such land;

- (b) (i) the right, subject to the provisions of the Forest Act, 1949, and subject to such conditions, and on payment of such tariff rate as may be pre-

scribed, of taking for domestic use or for the purpose of his mining location from land, which is not within a native reserve and which is open to prospecting, indigenous wood or timber in regard to which no reservation has been made under section *twenty-nine*;

- (ii) the right, subject to the provisions of the Forest Act, 1949, and subject to such conditions as may be prescribed, of taking free of charge for domestic use or for purposes of his mining location indigenous wood or timber from Government land or from private land held under Gold Belt title which is open to prospecting and in regard to which no reservation has been made under section *twenty-two* or section *twenty-nine*;
- (c) the right of taking free of charge for primary purposes any public water or private water from any land open to prospecting, but only in so far as such taking does not interfere with the use of such water for primary purposes by the owner or occupier of the land;
- (d) (i) the right, after having posted his prospecting notice, of erecting within the limits of his location any temporary buildings and machinery for the purpose of his work:
 

Provided that this shall not be deemed to confer any right, title or interest in any land upon which such buildings or machinery may have been erected;

 (ii) the right of removing, within ten days after the expiration of his prospecting notice, any buildings or machinery which may have been so erected.

**22.** Notwithstanding the provisions of sub-paragraph (ii) of paragraph (b) of section *twenty-one* and paragraph (d) of sub-section (1) of section *one hundred and seven*—

Division of timber between miner and landowner on Gold Belt title farms.

- (a) when the title to any piece of land states that all indigenous timber is reserved and may be cut free of charge by holders of mining locations or of prospecting licences (which title is referred to in this Act as "Gold Belt Title"), or, in the case of land held from the Crown under an Agreement of Purchase, when the title issuable is Gold Belt Title, the landowner may apply for and shall be granted by the mining commissioner, whenever timber on

his land is required for mining purposes, a reservation of fifty *per centum* of such indigenous timber as is existing on such a piece of land at the date of his application for the reservation. Such reservation, however, shall not prevent prospecting or the pegging and working of mining locations on any such area which is open to prospecting. Any indigenous timber within any area described in paragraph (a) of section *twenty-five* shall be part of and shall be included in any timber reservation granted to the landowner;

- (b) in the exercise of prospecting or mining rights in the area in which the timber is reserved in terms of this section, a prospector or miner shall be entitled to cut such timber and no more as is required for clearing, and shall pay for such timber at such tariff rate as may be prescribed;
- (c) the beaconing and demarcation of such area as is reserved for the landowner, in terms of this section, shall be carried out by the landowner in such manner and within such time as the Secretary may from time to time direct;
- (d) if any dispute arises as to the equal division of timber under this section, the matter shall be referred to a Disputes Board for decision. Equal division shall not be deemed to be a division according to the acreage of a piece of land;
- (e) if the owner of any piece of land is granted a reservation of timber under this section he may cut and use for his own farming and domestic purposes the whole of the timber so reserved, or he may sell or otherwise dispose of to any other person not more than half of the timber so reserved; the remaining half he may not sell or dispose of to any other person except that he may, with the consent of the mining commissioner, sell or dispose of it to a miner.

Cutting and transport of timber.

**23.** If, in regard to any timber or wood required for his mining location, any miner does not carry out either by his own labour or by the labour of his servants or with his own transport all or any of the following operations—

- (a) the cutting of such timber or wood;
- (b) the transporting of such timber or wood;
- (c) the burning therefrom of any charcoal;

then the occupier of the land on which such timber or wood is situated shall have the first option of carrying out such

cutting or transporting or burning or all such operations, as the case may be, on such terms and conditions as may be mutually agreed upon. If no mutual agreement is reached, the matter shall be referred to a Disputes Board to decide on what terms and conditions and within what time the occupier of the land may exercise his option. If an occupier of land enters into any contract with a miner under the provisions of this section, the miner shall not be deemed to be the employer of any servant of the farmer, notwithstanding the provisions of section 20 of the Native Labour Regulations Act [*Chapter 86*].

**24.** (1) Every person, before exercising any of his rights under a prospecting licence or under a special grant on town lands or on private lands, the boundaries of which are either fenced or clearly marked by beacons and cut lines, or on any area of land declared under the Forest Act, 1949, to be demarcated forest or protected private forest shall give notice of his intention to do so in whichever of the following forms is applicable to the case—

Notice of  
intention to  
prospect.

- (a) if the land is town land, he shall give notice in writing by registered letter addressed to the local authority concerned;
- (b) if the land is occupied private land, he shall give notice in writing to the occupier of the land;
- (c) if the land is unoccupied private land, he shall give notice in writing to the mining commissioner or notice by registered letter addressed to the owner at his ordinary postal address;
- (d) if the land has been declared a demarcated forest, he shall give notice in writing to the Conservator of Forests;
- (e) if the land has been declared a protected private forest, he shall give notice in writing to the owner of such land or if such land is unoccupied to the mining commissioner.

In every such notice there shall be stated the permanent postal address of the person giving the notice.

(2) A notice which has been duly delivered or posted in terms of this section shall be valid for a period of ninety days from the date of such delivery or posting. If the person giving such notice has not pegged and registered a block of claims on such land within such period of ninety days, he shall be required to give fresh notice before exercising any of his aforesaid rights.

Ground not  
open to  
prospecting.

25. Save as is provided in Part III and Part V, no person shall be entitled to exercise any of his rights under any prospecting licence or special grant—

- (a) upon any holding of private land except with the consent in writing of the owner or of some person duly authorised thereto by the owner or upon any Crown land except with the consent in writing of the Governor or of some person duly authorised thereto by the Governor—
- (i) within five hundred yards of the site of the principal homestead of such holding or on such Crown land whether such homestead is already erected or actually in the course of erection;
  - (ii) within five hundred yards of the site of any intended principal homestead, which site has been registered with the mining commissioner by the landowner:
 

Provided that if a principal homestead is not erected on such a site within one year of such registration, such site shall thereupon become open to prospecting;
  - (iii) within one hundred yards of any other building or permanent improvement of a value of not less than one hundred pounds;
  - (iv) within one hundred yards of any cattle dip tank;
  - (v) upon any land under cultivation or within fifty feet thereof;
  - (vi) within thirty feet of any other permanent *bona fide* farm building other than a native hut, except on payment to the landowner of such compensation as may be fixed by agreement, or failing agreement, by a Disputes Board to whom the matter shall be referred for decision; if the exercise of his rights by the holder of a prospecting licence or of a special grant necessitates the removal of any native hut, such holder shall bear the expense of removal and re-erection of such hut;
- (b) upon any mining location, other than one in respect of which he may have acquired the exclusive privilege of prospecting under such licence and in accordance with the provisions of this Act;
- (c) upon the surveyed site of any municipality, town or village or upon a belt two hundred feet in width outside the surveyed limits thereof;

- (d) upon any licensed aerodrome or any Government emergency landing ground or Government aerodrome;
- (e) upon any Government rifle range, any railway reserve, any land which has been declared to be a nature reserve under the provisions of the Forest Act, 1949, or any cemetery;
- (f) upon any race course, public park or playground which is situated on any town lands or which has been reserved under section *twenty-nine*;
- (g) except with the consent in writing of the owner or of some person duly authorised thereto by the owner, upon any occupied plot of ground which does not exceed two hundred acres in extent and is held by such owner under one separate title:  
 Provided that if such owner has one or more holdings which are contiguous and the total area of such contiguous holdings exceeds two hundred acres, the provisions of this paragraph shall not apply to such holdings;
- (h) upon any other area reserved by notice under sub-section (1) of section *twenty-nine* to the extent of such reservation.

26. (1) For the purposes of section *twenty-five* "land under cultivation means—

Land under cultivation and fallow land.

- (a) land which has been cleared or ploughed or *bona fide* prepared for the growing of farm crops; and
- (b) ploughed land on which farm crops are growing; and
- (c) ploughed land from which farm crops have been reaped, for a period of twelve months from the date of completion of such reaping:  
 Provided that the landowner may, by notice to the mining commissioner in terms of sub-section (2) of this section, extend such period for a further period of two years;
- (d) land which has been *bona fide* prepared for the planting of such permanent crops as orchards or timber plantations, and land on which such crops have been planted and are being maintained; and
- (e) ploughed land on which grass has been planted and maintained for harvesting, rotation of crops or stock feeding, for a period of five years from the date of planting:

Provided that, if any land such as is described in paragraphs (a) and (d) of this sub-section is not utilised for the

growing of farm crops or of such permanent crops as orchards or timber plantations within eighteen months of its having been cleared or ploughed or *bona fide* prepared for such crops, such land shall forthwith become open to prospecting.

(2) Whenever a landowner has decided to let any portion of his cultivated land lie fallow for a period of more than twelve months after the completion of reaping of farm crops therefrom, he shall forthwith lodge with the mining commissioner a sketch plan showing its approximate position and area and shall inform him of the date on which the crops were reaped.

(3) For the purposes of this section, "landowner" includes the lessee of land or any person lawfully exercising the right of cultivating any land.

Exclusions from permanent improvements.

27. For the purposes of section *twenty-five* "permanent improvements" does not include fences of any description, aqueducts, pipe-lines, wells, boreholes, dams or reservoirs.

Roads, railways, etc., may be included in location under certain conditions.

28. (1) Subject to the provisions of this section, the holder of a prospecting licence or of a special grant may peg a mining location across and include in his location any road, railway track, electric power line, aqueduct, pipe-line, well, borehole, dam, reservoir or works designed to prevent soil erosion.

(2) No person shall carry on prospecting or other mining or development operations upon any road, nor within fifty feet of either side of the middle of any road.

(3) No person shall carry on prospecting or other mining or development operations or erect any building for the purposes of a mining location upon any railway track, nor within one hundred and fifty feet of either side of any railway track.

(4) No person shall hinder or impede the use of any road or railway track by mining operations.

(5) Notwithstanding the provisions of this Act relating to the erection and maintenance of pegs and beacons, no person shall erect any pegs or beacons of a mining location on any road or railway track, nor within fifty feet of either side of the middle of any road, nor within one hundred and fifty feet of either side of any railway track, but in lieu thereof there shall be fixed such means of indicating the position of the location as shall be prescribed by regulation.

(6) No person shall carry on prospecting or other mining or development operations within fifteen feet of any pipe-line or electric power line, nor within one hundred feet of any

aqueduct, well or borehole, nor within three hundred feet of any dam or reservoir, without the consent of the owner of such work, and no person shall impair or interfere with any such work by mining operations.

(7) No person shall carry on any mining operations beneath any road, railway track, electric power line, aqueduct, pipe-line, well, borehole, dam or reservoir without the consent of the Director of Mines, and then only subject to such conditions as he may impose; the Director of Mines shall not give his consent to any such operations until he has given the owner of such work or other person interested an opportunity to submit to him any objections which he may have.

(8) The holder of any mining location which is pegged across any works designed to prevent soil erosion shall maintain such works in good condition, so that they continue to function for the purposes for which they were made.

(9) Nothing in this section contained shall be deemed in any way to prejudice the right of any person to recover from the holder of a prospecting licence or of a mining location damages for any injury which he may prove to have been sustained by him in consequence of any act or thing done by such holder even though such holder has complied with the provisions of this section.

29. (1) The mining commissioner may, when authorised thereto by the Minister, reserve by notice posted at his office any area against prospecting and pegging, and all rights possessed by the holder of any prospecting licence or special grant to prospect for and peg minerals shall cease and may not be exercised within such area as from the date and hour of the posting of such notice :

Reservations against prospecting and pegging and reservation of timber.

Provided that the holder of a mining location within any such area shall retain and may exercise all rights lawfully held by him which existed at the date and hour of posting such notice.

Every reservation made under this sub-section shall be published once in the *Gazette* within fourteen days of the date of posting such notice.

(2) In like manner the mining commissioner may reserve all wood and timber or any specified wood and timber on any area, and all rights conferred by this Act upon any holder of a prospecting licence or special grant or upon any holder of a mining location to cut such wood or timber shall cease and may not be exercised within such area as from the date and hour of the posting of the reservation notice, but any such reservation of wood or timber shall not restrict prospecting

or pegging within such area. It shall not be necessary to publish in the *Gazette* a reservation made under this sub-section.

(3) The beaconing and demarcation of any area reserved under this section shall be carried out in such manner as the Secretary may direct.

(4) The mining commissioner may, under the same conditions and in the same manner, withdraw any reservation made under this section.

(5) For all the purposes of this Act, every special reservation of any area against prospecting and pegging, which was lawfully made by the Administrator, the Governor or a mining commissioner before the 1st September, 1935, and which was still in force on the 1st September, 1935, shall be deemed to be a reservation made by notice under sub-section (1) of this section.

Cancellation  
of certificate  
of registration.

**30.** (1) If the mining commissioner is satisfied that a certificate of registration has been issued in respect of a block or site which at the time when it was pegged was situated on ground reserved against prospecting and pegging under section *twenty-five* or *twenty-nine*, he may cancel such certificate of registration.

(2) Upon such cancellation the mining commissioner shall post upon the board whereon notices of forfeiture are posted a notice giving particulars of such cancellation and shall, in addition, publish those particulars in the *Gazette* and in a newspaper circulating in his district.

(3) A mining location the certificate of registration of which has been cancelled in terms of this section shall, for the purposes of sections *one hundred and sixty-five*, *one hundred and sixty-six*, *two hundred and sixty-six*, and *two hundred and eighty-three* be deemed to have been forfeited and, accordingly, any reference in section *one hundred and sixty-six* to the posting of a forfeiture notice shall be read as including a reference to the posting of the notice of such cancellation.

Disputes  
between land-  
owners and  
prospectors.

**31.** If any dispute arises between the holder of a prospecting licence and a landowner as to whether land is open to prospecting or not, the matter shall be referred for decision to a Disputes Board.

Prospecting  
notices.

**32.** (1) Subject to the provisions of this Act, any holder of a prospecting licence may post a notice to be called a "prospecting notice" on ground open to prospecting. Such notice shall—

- (a) in so far as material be in the prescribed form, and all the particulars required by such form shall be duly filled in;
- (b) be carried on a peg erected in a conspicuous and accessible place.

On posting any prospecting notice a certified copy of such notice together with a sketch plan or other means of identifying the locality where such notice has been posted may be forwarded immediately to the mining commissioner and the mining commissioner shall record on such copy the date on which it was received in his office.

No person shall post a second prospecting notice by virtue of any licence until such time as notice of abandonment has been posted on the ground previously located in the manner provided in section *one hundred and fifty-seven* or until the prospecting notice previously posted under the same licence has lapsed.

(2) Posting of a prospecting notice in the manner set forth in sub-section (1) of this section shall confer upon the holder of the prospecting licence under which it is posted the exclusive right of prospecting for a period of thirty-one days from the time of such posting as aforesaid on all ground which is open to prospecting at the time of posting such notice within an area described by a radius of one thousand feet from the point where the prospecting notice has been posted:

Provided that on the posting of a registration notice in terms of section *thirty-four* all such rights outside the area of the block pegged shall lapse.

**33.** (1) If the holder of a prospecting licence, after posting his prospecting notice, by the work of himself or his agents, discovers within the area covered by such notice any ore or deposit of precious metals or precious stones, he shall mark the point of such discovery by a peg marked "D.P." The intersection of a reef by a borehole shall be deemed to constitute a discovery within the meaning of this section.

Discovery of  
minerals or  
precious  
stones.

(2) If the holder of a prospecting licence, after posting his prospecting notice, in like manner discovers within the area covered by such notice any ore or deposit of any base mineral as defined in this Act, he shall mark the point of such discovery by a peg marked "D.P." and indicate upon a notice to be styled a "discovery notice" in the prescribed form, posted at the spot where his prospecting notice is posted, the position of the "D.P." peg, the nature of the base mineral he has discovered and the date and time of the discovery; thereupon for the remainder of the period of thirty-one days provided in section *thirty-two* he shall be entitled to the sole and exclusive

right of prospecting upon all ground open to prospecting within an area described by a radius of three thousand feet from his prospecting notice.

Registration notices.

**34.** Within the period of thirty-one days from the posting of the prospecting notice, the holder of the prospecting licence who has discovered within the area covered by such notice any ore or deposit of precious metals or precious stones or any ore or deposit of any base mineral may peg a block, and thereafter, within the said period, post a notice, to be styled a "registration notice," in like manner to the posting of the prospecting notice. The block so pegged shall include the point marked "D.P." Failure to peg off such block, and thereafter to post such registration notice within such period as aforesaid, shall be deemed to constitute an abandonment of all rights acquired by the posting of such prospecting notice; but should the discovery of the ore or deposit be by means of a borehole, the period within which a registration notice may be posted and a block pegged shall be extended to ninety days from the time of posting the prospecting notice.

A registration notice shall, so far as material, be in the form prescribed, and particulars required by such form shall be duly filled in.

Pegging of precious metal, base mineral or precious stones blocks.

**35.** (1) A block of precious metal or precious stones claims shall, if possible, be pegged in regular form, and may be pegged in irregular form only if it is not possible to peg it in regular form.

(2) The regular form of a block of precious metal or precious stones claims shall be a parallelogram, which for a ten claim block shall not exceed one thousand five hundred feet in length nor six hundred feet in breadth, and the block shall be pegged in the following manner—

- (a) the pegger shall first measure off a straight line, which in the case of reef claims shall be in the direction of the strike of the reef, extending for a maximum distance of one hundred and fifty feet in respect of each claim, not exceeding ten in all, which he desires to include in the block;
- (b) the line thus established shall be known as the "centre line," and its ends shall be established by pegs, marked E and F respectively, which shall be known as the "centre end pegs";
- (c) the pegger shall then measure off two parallel straight lines drawn as nearly as possible at right angles to the centre line, and passing respectively

through each centre end peg and extending for equal distances not exceeding three hundred feet from each of those pegs on each side of the centre line;

- (d) the lines thus measured off shall be known as the "end lines," and their ends shall be established by pegs, to be known as "corner pegs," marked A, B, C and D respectively in such manner that the line AD passes through E and the line BC passes through F;
- (e) straight lines on either side of the centre line and joining the corner pegs A and B and C and D shall then constitute and be known as the "side lines" of the block;
- (f) the point marked "D.P." shall lie within the boundaries of the block thus established, and no ground not open to prospecting, except as otherwise provided in section *twenty-eight*, shall be included within such boundaries.

(3) A block in irregular form of precious metal or precious stones claims shall be so pegged as to fulfil all the following conditions—

- (a) it shall be bounded on not more than two sides by ground open to prospecting;
- (b) its area shall not exceed the area of a regular block of ten claims;
- (c) the length of any straight line which can be drawn between any two points on its boundary lines, whether the course of such line lies within or without the block, shall not exceed one thousand five hundred feet;
- (d) the point marked "D.P." shall lie within its boundaries, and, except as otherwise provided in section *twenty-eight*, no ground not open to prospecting shall be included within such boundaries;
- (e) in the case of reef claims the pegger shall fix pegs marked "Q" and "R" respectively at two points within the boundaries of his block, and the straight line joining such pegs shall determine the mean direction of the end lines of the block;
- (f) the boundary lines shall be straight lines, and the position of all points at which they intersect shall be established by corner pegs lettered in consecutive alphabetical order commencing with the letter A.

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(4) A block of base mineral claims may be pegged in any form, but shall be so pegged as to fulfil all the following conditions—

- (a) it shall consist of not more than thirty claims, and each claim shall not exceed ninety thousand square feet in extent;
- (b) the length of any straight line which can be drawn between any two points on its boundary lines, whether the course of such line lies within or without the block, shall not exceed four thousand five hundred feet;
- (c) the boundary lines shall be straight lines;
- (d) the pegger shall erect pegs at all points of intersection of the boundary lines, and, if any boundary is more than one thousand five hundred feet in length, he shall erect intermediate pegs, so that no peg shall be more than one thousand five hundred feet from the next adjoining peg on either side;
- (e) all pegs shall be lettered in consecutive alphabetical order, commencing with the letter A;
- (f) the point marked "D.P." shall lie within the boundaries of the block, and no ground not open to prospecting, except as otherwise provided in section *twenty-eight*, shall be included within such boundaries.

(5) Every peg mentioned in this section shall bear on it, in addition to the distinguishing letter, the number of the licence under which the block was pegged and the name of the holder of the licence.

Hours of  
pegging and  
posting  
notices.

**36.** No person shall peg any mining location (which term includes the posting of a prospecting, discovery or registration notice) between six o'clock p.m. and six o'clock a.m., South African standard time. The pegging of any such location as aforesaid during such forbidden time shall not confer any rights whatsoever. No pegging shall be deemed to be illegal by reason of being done on a Sunday or other *dies non*.

Manner in  
which notices  
to be posted.

**37.** (1) If a prospecting, discovery or registration notice is posted on a notice board, such board shall be fixed on a peg.

(2) All notices shall be distinctly and legibly written, printed or painted, and no paper or other material which is liable to be washed off, and no writing liable to be rendered illegible by rain or exposure, shall, except for purely temporary purposes, be deemed a proper marking.

38. (1) The holder of any mining location upon which a registration notice has been posted may, on application to the mining commissioner within a period of thirty-one days after the date of posting such registration notice, and on payment of a fee of five shillings for a precious metal or precious stones or coal location or a fee of one pound for a base mineral location, obtain a certificate of registration.

Registration  
of blocks.

(2) On every such application the applicant shall lodge the following with the mining commissioner—

- (a) the prospecting licence and the power of attorney or other document, if any, under and by virtue of which the block was located;
- (b) a copy of the prospecting notice;
- (c) in the case of a base mineral block, a copy of the discovery notice;
- (d) a copy of the registration notice;
- (e) a sketch plan in duplicate identifying the position of the block to be registered;
- (f) a certificate under his hand stating that the said copies of such notices are true copies and that all facts stated therein are true and correct;
- (g) if the block is pegged on ground for which the consent of the owner is required, the written consent of the owner or some person duly authorised thereto by the owner.

(3) The mining commissioner shall return to the applicant one copy of the plan lodged with the registered number of the block endorsed thereon and shall himself retain the other copy.

(4) When application is made for a certificate of registration of a block which has been previously registered and abandoned or forfeited, the applicant shall furnish, if possible, the previous name and registered number of the block. So far as possible any re-pegging of any location shall perpetuate the original name of such location.

(5) If the holder of any location fails to apply for a certificate of registration in the manner prescribed within the aforesaid period of thirty-one days, he shall be deemed to have abandoned such block:

Provided that, if such holder makes application within the said period to the mining commissioner for an extension of the period and furnishes any reason for such extension which to the mining commissioner seems good and sufficient, the

mining commissioner may extend the said period for a further period not exceeding sixty-two days.

(6) If such holder of a location fails to apply for a certificate of registration in the manner prescribed within such extended period, he shall be deemed to have abandoned such block.

Numbering of locations.

**39.** To every mining location there shall, on the original registration thereof in the books of the mining commissioner, be assigned a registered number and name.

Pegging of sites.

**40.** (1) The holder of a registered mining location may peg on any ground open to prospecting in the vicinity of such location a site or sites for the purpose of erecting thereon residences for himself or his employees, for a mill or other machinery required for the efficient working of his location, or for tailings or waste rock dumps, for a slimes or return water dam or dams, for the purpose of burning charcoal required for his mining location, or for any other legitimate object connected with and necessary for the purposes of his location:

Provided that the maximum area which can be so pegged as sites as aforesaid shall be one hundred acres and no one site shall exceed an area of twenty acres.

(2) The mining commissioner may, upon special application made to him for that purpose, and after consultation with the occupier of the land, grant permission for a site or sites to be pegged and registered on ground open to prospecting, although not in the vicinity of a registered mining location, for the purpose of such location.

(3) In pegging a site, the position of all the points of intersection of the boundary lines, which shall be straight lines, shall be established by pegs, lettered in consecutive alphabetical order commencing with the letter "A," and bear the word "site" and the registered number of the mining location in respect of which such site is pegged, and no ground not open to prospecting shall be included within such boundaries.

Registration of sites.

**41.** (1) Any pegger of any such site as is in the last preceding section mentioned shall, on the same day as such site is pegged, post on it a registration notice as nearly as material in the prescribed form, and shall, within a period of thirty-one days from the date of such pegging, apply to the mining commissioner for a certificate of registration. On such application he shall lodge with the mining commissioner—