

- (a) a copy of the registration notice;
- (b) a sketch plan in duplicate sufficiently identifying the form, position and extent of the site:

Provided that if the block of claims to which such site is attached is or subsequently becomes specially registered the claimholder shall cause the site to be surveyed by a land surveyor and shall submit a diagram framed by him;

- (c) a certificate under his hand that the copy of the registration notice is a true copy and that all the facts therein stated are true and correct; and
- (d) a registration fee of one pound.

(2) The mining commissioner shall, if satisfied that the applicant is legally entitled to peg such site, issue to him a certificate of registration.

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

(4) If the pegger of a site 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 site:

Provided that, if such pegger 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 thirty-one days.

(5) If such pegger fails to apply for a certificate of registration of the site in the manner prescribed within such extended period, he shall be deemed to have abandoned such site.

42. (1) Every site shall be registered as being, whilst so registered, inalienably attached to the mining location in respect of which it was pegged, and every transfer, hypothecation, option, abandonment or forfeiture affecting such mining location shall act as a transfer, hypothecation, option, abandonment or forfeiture affecting any site attached to such mining location; and no separate sale, lease, hypothecation or option purporting to affect any site apart from the mining location to which it is attached shall be valid.

Sites to be attached to location.

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(2) Any order of court affecting any mining location shall be deemed to affect similarly any site attached to such mining location.

(3) At any time prior to the hypothecation, giving of an option or lease, abandonment or forfeiture of a mining location the holder thereof may apply to the mining commissioner for the cancellation of the registration of any site attached thereto, and, on filing with the mining commissioner the certificate of registration of such site, and on payment of the fee prescribed in section *forty-one*, for the simultaneous re-registration thereof under a fresh registered number as attached to any other mining location belonging to him and registered in his name in the same vicinity.

Beaconing of locations.

43. (1) Within a period of two calendar months from the date of issue of a certificate of registration in respect of any mining location all the pegs of such location shall be replaced by stone beacons.

(2) Every such stone beacon shall be at least two feet high and four feet in diameter at the base, and in the centre of such beacon shall be solidly and securely fixed a peg in an upright position and standing not less than two feet above the top of such beacon.

(3) At every beacon on a boundary line there shall be dug two trenches not less than three feet long, one foot wide and one foot deep or other permanent means of demarcation approved by the mining commissioner to indicate the direction of the boundary lines.

(4) The peg of every beacon shall bear a metal plate not less than nine inches square, on which shall be legibly printed or painted, in the order shown, the following particulars—

- (a) a letter corresponding to the letter assigned to such peg in the registration notice;
- (b) the name of the block, or, if a site, the word "site";
- (c) the nature of the mineral in respect of which the location is pegged and, if precious metals, whether the claims are reef, placer deposit, dump, alluvial or rubble deposit, and, if precious stones, whether the claims are alluvial or non-alluvial;
- (d) the registered number of the location;
- (e) the date of the original registration of the location;
- (f) the mines office at which the location is registered;
- (g) the name or names of the holder or holders; and

(h) in the case of a site, the registered number of the block of claims to which it is attached.

(5) All beacons, pegs, claim plates and direction trenches shall be kept and maintained in good order until a quit-tance certificate has been issued in terms of section *one hundred and sixty-six* in respect of the mining location in question and holders of mining locations shall make a certificate to the mining commissioner annually that the beacons, pegs, claim plates and direction trenches of such location are in good order and condition and that they comply with the requirements of this Act.

44. (1) Any holder of a registered mining location may apply to the mining commissioner within whose district the location is situated for a certificate of special registration. Such registered holder shall, upon application and on payment of a fee of one pound, deposit with the mining commissioner the last certificate of registration issued in connection with such location, and also a written undertaking to defray the actual cost of survey and diagram in duplicate of the location which shall be undertaken and furnished by a land surveyor, and shall likewise deposit the sum of two pounds in respect of each block of claims, payable on the issue of the said certificate of special registration.

(2) The applicant for a certificate of special registration shall with his application file a certificate under his hand setting forth that the pegs or beacons of the said location have been *bona fide* erected and properly maintained and continued, and also where possible stating all the adjoining locations, if any. The certificate shall further set forth that the applicant and his predecessor in title, if any, have for the period of six months prior to the date of the application been in undisturbed and *bona fide* possession and occupation of the mining location with respect to which a certificate of special registration is sought to be obtained.

(3) The mining commissioner, upon receipt of such application and after the necessary survey has been made and the diagram lodged, shall, at the expense of the applicant, cause a notice containing particulars of the application to be inserted once in the *Gazette* and three times in a newspaper circulating in the district at intervals of not less than a week. The mining commissioner shall also give written notice to any person having an adverse interest and to all holders, if any, of adjoining locations. In the event of the application for a certificate of special registration embracing two or more contiguous blocks or mining locations belonging to the same holder,

a survey and general plan or diagram in duplicate of the whole shall be sufficient instead of a separate diagram of each block.

(4) Objections in writing against any such application may be lodged with the mining commissioner by any person deeming himself interested in the matter at any time within the period of ninety days from the date of the last publication in sub-section (3) of this section mentioned. No objections shall be received or considered if not lodged within the said period of ninety days.

(5) If any objections are lodged as aforesaid, such objections shall, unless both parties have agreed in writing to have the objections heard and determined by the mining commissioner, be heard and determined by the High Court, which shall make such order thereon as the justice of the case may require. The party lodging his objections shall, within twenty-eight days from the date of expiry of the said period of ninety days, unless the High Court grants further time, institute proceedings in the said court. If no such proceedings have been instituted within the aforesaid period, the objections shall be taken to have lapsed.

(6) Where the parties have agreed in writing that the mining commissioner shall investigate and decide upon the objections, he shall be competent to do so after notifying the parties of the time and place of hearing. The mining commissioner shall be entitled to award costs and expenses to the successful party according to such tariff as may from time to time be prescribed. From the decision and award of the mining commissioner there shall be an appeal to the High Court.

(7) The party desirous of appealing from the decision or award of the mining commissioner shall, within twenty-eight days after the date of such decision or award, give notice of appeal to the opposite party, and shall, within three months of such notice, prosecute the appeal to a hearing before the High Court.

(8) Where no objections have been lodged with the mining commissioner against the application for a certificate of special registration within the prescribed time, or any objections have been disallowed or have lapsed, the mining commissioner shall issue to the applicant a certificate of special registration. Before, however, issuing such certificate, the mining commissioner shall satisfy himself that proper corner beacons of solid mason work four feet high have been erected and that every such beacon bears a notice board containing, in addition to the particulars prescribed by section *forty-three*, the

letters "S.R.", signifying "special registration," and, further, that trenches have been dug as provided for in section *forty-three*.

(9) Every certificate of special registration shall be accompanied by a diagram fully framed by a land surveyor showing the exact position of the mining location in respect of which the certificate of special registration is issued and its corner beacons, as well as specifying accurately all the ground adjoining such location :

Provided that when such certificates are issued in the case of contiguous blocks, a general plan as provided for in sub-section (3) of this section may accompany all such certificates instead of a diagram.

No certificate of special registration shall be issued by the mining commissioner until after payment by the applicant of the expense of publication of the notice and of the survey and framing of the diagram or plan as the case may be.

(10) The mining commissioner shall keep a duplicate of every diagram or general plan issued by him as in sub-section (9) of this section mentioned, to be filed and preserved as the Secretary may direct.

45. (1) If at any time the mining commissioner has reason to believe that the number of claims in any block exceeds the number registered in such block, he may cause the boundaries of such block to be surveyed by a land surveyor. Survey for
excess areas.

(2) If the number of claims in such block is found on such survey to exceed the number registered as aforesaid, the holder thereof shall be liable to pay to the mining commissioner the cost of such survey, in addition to any amount which he may be liable to pay under section *forty-six* or section *forty-seven*.

(3) The mining commissioner may, before authorising any such survey, require any person who has filed information regarding the excess to lodge with him such sum of money as may, in his opinion, be necessary to cover the cost of such survey.

(4) The money so lodged shall, in the event of any excess being established by any such survey, be repaid to the person so informing as aforesaid; but, if no excess is established, the cost of such survey shall be paid with or out of such money, and any balance returned to the person so informing.

Excess areas
lawfully
pegged.

46. If more than ten precious metal claims have been pegged under one prospecting licence or special authority issued before the 1st September, 1935, which entitled the holder of such licence or authority to peg more than ten precious metal claims as one mining location, and have been registered under one certificate of registration, then at the option of the holder all claims so registered may be held as one block for all purposes of this Act or every ten claims or portion of ten claims so registered may be reckoned as a separate block for the purposes of inspection certificates, beaconing and working for profit.

Excess areas
not lawfully
pegged.

47. (1) If at any time after the registration thereof it is found that the number of claims in a block pegged and registered under one prospecting licence or other authority, which entitled the holder of such licence or authority to peg not more than ten precious metal claims or ten precious stones claims or thirty base mineral claims as one mining location, exceeds the number of claims registered in such block, the mining commissioner shall notify the holder thereof.

(2) The holder thereof shall, within thirty-one days of a date to be fixed by the mining commissioner in such notice, forward to the mining commissioner the certificate of registration of such block, together with—

- (a) in the case of a precious metal block or a precious stones block, a fine which shall consist of a sum of three pounds for each claim or portion of a claim in excess of the number of claims originally registered in such block; and
- (b) in the case of a base mineral block in which there is an excess area, as defined in section six, a fine which shall consist of a sum of three pounds for each claim or portion of a claim in the excess area; if there is no excess area, no fine shall be payable.

(3) Upon receipt of the certificate of registration and the fine, if any, the mining commissioner shall register such excess claims as part of the original block and shall endorse upon the certificate of registration of such block the number of the excess claims so registered and the date of registration.

(4) Any excess claims so registered under this Act and any excess claims similarly registered under any law relating to mines and minerals which was in force before the 1st September, 1935, shall be held, together with the claims originally registered in the block, as one block for all purposes of this Act.

48. (1) The number of claims in any precious metal or precious stones block shall be determined in a regular block by the length of the longest line which can be drawn within the block parallel to either side line, and in an irregular block by the length of the longest 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, or in either case by the area, whichever may show the greater number of claims. For the purpose of this sub-section every one hundred and fifty feet in length and every ninety thousand square feet in area shall represent a precious metal or precious stones claim.

Determination of number of claims in a block.

(2) The number of claims in any base mineral block shall be determined by its area :

Provided that, if in a regular block the length of the longest line which can be drawn within the block parallel to either side line, or if in an irregular block the length of the longest 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, exceeds four thousand five hundred feet, then, notwithstanding the fact that the total area of such block does not exceed thirty claims, any area within which such excess of length falls shall be deemed to be an excess area.

49. Notwithstanding the provisions of sections *forty-five*, *forty-seven* and *forty-eight*, the Secretary may authorise the holder of any group of contiguous base mineral mining locations, after a survey thereof has been made by a land or Mine surveyor, to adjust the beacons of blocks within the outside boundaries of such group of mining locations. Thereupon fines in respect of excess claims shall only be payable on the claims in any excess areas existing after the adjustment of the internal beacons of the mining locations within the area. No additional ground outside the boundary of the area originally pegged may be included in any adjustment of beacons nor may the total area originally pegged be reduced.

Readjustment of internal beacons of groups of base mineral locations.

50. Nothing in sections *forty-five*, *forty-six*, *forty-seven*, *forty-eight* and *forty-nine* contained shall be deemed to relieve any person from liability under this Act to any penalty prescribed for the wilful pegging of a mining location of a larger size than he is entitled to or purports to peg.

Wilful over-pegging.

51. When any mining location or any secondary reef in any mining location—

Impeachment of title, when barred.

(a) has been registered for a period of two years; or

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- (b) has been registered for a period of not less than six months and has been transferred to a *bona fide* purchaser for value;

it shall not be competent for any person to allege that the pegging of such location or reef was invalid or illegal or that the provisions of this Act were not properly carried out prior to the issue of the certificate of registration.

Lost
certificates of
registration.

52. (1) If the holder of the certificate of registration or of special registration last issued in respect of any mining location has lost or mislaid such certificate, he may, thirty days after publication in the *Gazette*, in a form to be approved by the mining commissioner, of notice of his intention to do so, apply to the mining commissioner for a duplicate copy thereof.

(2) Such holder shall furnish to the mining commissioner with his application a solemn declaration, which *inter alia* shall state—

- (a) the fact of the loss or destruction of the certificate or that the same has been mislaid;
- (b) that he has not delivered or pledged the certificate to any person either as security for money advanced to or owing by him or otherwise; and
- (c) that he is of right entitled to the mining location mentioned in the certificate of which a duplicate is required.

(3) On receipt of such application and such solemn declaration the mining commissioner shall, if he is satisfied that no good reason to the contrary exists, issue a duplicate copy of such certificate to the applicant.

(4) A duplicate copy of a certificate issued in terms of this section shall supersede and take the place of the original.

Fees for
duplicate
certificates.

53. A fee of five shillings shall be paid to the mining commissioner for every duplicate copy of any certificate issued under this Act, whether issued in terms of section *fifty-two* or otherwise.

Claim-holder's
address to be
given to mining
commissioner.

54. Every holder of a mining location on registration of such location in his name at the office of the mining commissioner and every lessee and assign of such holder shall furnish such mining commissioner with an address within the Colony at which all notices, orders or other processes shall be served by the mining commissioner or other officer duly appointed for the purpose of this Act, and service of any such notice, order or other process at such registered address shall be deemed to have the same effect as personal service:

Provided that any such holder, lessee or assign may at any time change such address by registering at the office of such mining commissioner any other address within the Colony. In default of any address being registered, the posting in the office of the mining commissioner of any such notice, order or other process shall be deemed to have the same effect as personal service.

Nothing in this section contained shall preclude the High Court from giving such directions with regard to service as seem proper and expedient.

55. (1) No more than six persons shall be registered as the joint holders of a mining location. Obligations of partnerships and companies.

(2) When two or more persons are registered as the joint holders of a mining location, each and every such person shall be jointly and severally responsible for every obligation and liability attaching to the registered holder of such location.

(3) Every partnership or company which is the holder of a mining location shall at the time of registration register at the office of the mining commissioner the name of an accredited agent or manager residing in the Colony, and such agent or manager, as the case may be, shall, when registered, be personally responsible under the provisions of this Act for all matters, acts and omissions in connection with such location in the same manner as if such location were registered in his name as his own property.

(4) If such partnership or company at any time revokes the registration of any such accredited agent or manager, it shall register some other person as its accredited agent or manager.

(5) A registered accredited agent or manager may at any time resign his appointment as such by giving notice in writing to the mining commissioner. Such resignation shall not take effect until the expiration of forty-eight hours after the receipt of such notice by the mining commissioner. The partnership or company concerned shall, within forty-eight hours after receipt of notice from the mining commissioner of the fact of such resignation, register some other person as its accredited agent or manager, as the case may be.

(6) The provisions of sub-sections (3), (4) and (5) of this section shall apply to every partnership or company which is working a mining location under tribute or option:

Provided that the time of registration shall be within two weeks of the start of such working.

(7) Nothing in this section shall be taken in any way to relieve a company or the members of a partnership of any liability incurred or any duty imposed under this Act in regard to any mining location held by such company or such partnership.

Cancellation of certificate of registration, without abandonment.

56. (1) On application by the holder of any registered mining location, and on the production of the certificate of its registration, the Secretary may, at his discretion, authorise a mining commissioner to cancel such certificate of registration of such location without abandonment or forfeiture of such location, and cause to be issued to the said holder at one and the same time a fresh certificate or certificates of registration of the whole or any portion or portions of such location which have been previously beacons off within such location in the manner prescribed in this Act, assigning to such certificate or certificates fresh registered numbers.

(2) The said holder shall pay to the mining commissioner the sum of five shillings for each such fresh certificate.

(3) Within a period of seven days from the date of issue of such fresh certificate or certificates, or within such period as the mining commissioner may prescribe, the holder of such location shall remove all the beacons of the original mining location not used for the beaconing of the new portion or portions, and on the beacons of the new portion or portions shall replace the registered number originally assigned to such location by the new registered number assigned to such portion or portions.

PART III.

PROSPECTING AND PEGGING ON GROUND RESERVED AGAINST PROSPECTING AND PEGGING.

Interpretation of terms.

- 57.** In this Part, unless inconsistent with the context—
- “order” means an order issued under this Part authorising a prospector to prospect on reserved ground;
 - “owner” in relation to Crown land, means the Minister of Agriculture;
 - “prospector” means a person who is the holder of a prospecting licence;
 - “reserved ground” means land upon which a prospector is prohibited in terms of paragraph (a) of section *twenty-five* from exercising any of his rights under his prospecting licence without the consent in writing of the owner of the land, and which was covered

by a registered mining location which has been abandoned or forfeited after the 1st July, 1947.

58. (1) Any prospector may make written application ^{Application for order.} to the Board for an order authorising him to prospect on reserved ground. The prospector shall furnish to the Board—

- (a) full details of the reserved ground and of the abandoned or forfeited mining location and the date of its abandonment or forfeiture;
- (b) the reasons why he thinks that such reserved ground may warrant the making of an order;
- (c) full information as to his financial status;
- (d) any other information required of him by the Board.

(2) The Board may refuse an application or may approve it provisionally.

59. (1) If the Board provisionally approves an application it shall— ^{Procedure on provisional approval.}

- (a) issue a direction to the mining commissioner to reserve such reserved ground against prospecting and pegging in terms of section *twenty-nine*, and the mining commissioner shall, without obtaining the authority of the Minister, forthwith reserve such ground accordingly;
- (b) notify the owner and occupier, if any, of the reserved ground, of the application and require them to lodge within thirty days of such notification their objections, if any, to the grant of the application.

(2) Notification in terms of paragraph (b) of sub-section (1) of this section shall be given by posting a registered letter to the owner and occupier.

60. (1) If any owner or occupier of reserved ground lodges objections to the grant of the application, the Board shall on a day fixed by it and notified to the applicant and the objector hear such evidence and arguments as those persons may wish to lay before it in regard to the grant or refusal of the application. ^{Grant or refusal of application.}

(2) If no objections have been received or if no notification was given in terms of paragraph (b) of sub-section (1) of section *fifty-nine* owing to the whereabouts of the owner and occupier being unknown to the Board the Board shall proceed with the consideration of the application.

(3) After holding a hearing in terms of sub-section (1) of this section or considering the application in terms of sub-section (2) of this section, the Board may refuse the application or grant it subject to such terms and conditions as it may fix:

Provided that an application shall not be granted unless the Board is satisfied that the financial status of the applicant is such that he will be able to pay any compensation payable under section *sixty-seven*.

(4) Within ten days of the grant of an application the owner or occupier of the reserved ground may appeal to the Minister to reverse or alter the decision of the Board and the Minister, whose decision shall be final, may revoke the grant of the application or amend the terms and conditions fixed by the Board.

Publication
of order.

61. (1) If no appeal is made to the Minister within the prescribed time or if an appeal is made on receipt of the Minister's decision thereon, the Board shall make an order consistent with the terms and conditions fixed by it or the Minister, as the case may be, authorising the applicant to prospect on the reserved ground.

(2) Every order shall be published in the *Gazette* and a copy of the order shall be sent to the applicant and to the mining commissioner of the district in which the reserved ground is situated and to the owner or occupier of the reserved ground affected by such order.

Order may
not be ceded.

62. The rights granted under an order shall be personal to the holder thereof who may not cede or assign any such rights to any other person.

Rights of
applicant.

63. The person in whose favour an order has been made shall subject to the terms and conditions of such order and in terms of this Act have the sole and exclusive right of prospecting, pegging and registering a mining location on such reserved ground.

Revocation
of order.

64. (1) If the holder of an order fails to comply with the terms and conditions attached thereto, he 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.

(2) In addition the Board may revoke the order and may direct the mining commissioner to declare any mining

location registered by virtue of such order and held by such person to be forfeited and the mining commissioner shall comply with such direction.

65. (1) A mining location which has been registered under an order may not be transferred except to a person approved of by the Board. Approval of transfer of mining location.

(2) The Board shall not approve of the transfer of such a mining location to any person unless it is satisfied that his financial status is such that he will be able to pay any compensation payable under section *sixty-seven*, and that the existing holder of such location has paid all compensation payable by him in terms of section *sixty-seven*.

66. The terms and conditions of every order which relate to mining on reserved ground shall be binding on any person to whom a mining location registered under such order is transferred and on the tributor thereof. If any such person fails to comply with any such terms or conditions, the Board may forthwith direct the mining commissioner to declare such mining location forfeited and the mining commissioner shall comply with such direction. Forfeiture of mining location.

67. Any owner or occupier of reserved ground who is injuriously affected by the exercise of any rights under an order or by any mining operations on any mining location registered by virtue of such order shall be entitled to recover compensation from the person in whose favour such order was made or the holder of the location, as the case may be, in such amount as may be agreed or failing agreement as shall be determined by arbitration. Compensation.

PART IV.

EXCLUSIVE PROSPECTING RESERVATIONS.

68. In this Part, unless inconsistent with the context— Interpretation of terms.

“concession holder” means a person in whose favour an order has been made;

“order” means an exclusive prospecting order made in terms of this Part;

“reservation” means the area embraced by an order.

69. (1) Any person may make written application to the Board for the making of an order in his favour over any defined area in the Colony. The applicant shall furnish to the Board— Application for order.

- (a) full information as to his financial status;
- (b) particulars of any guarantees that may be required for the performance of his obligations under the order;
- (c) particulars of the minerals which he wishes to seek and mine;
- (d) details illustrated by a sketch plan of the area to be embraced by the order and the size of such area;
- (e) a statement whether or not he wishes the order to authorise him to prospect for specified minerals on any registered base mineral blocks within the reservation;
- (f) any further information required of him by the Board;
- (g) if the applicant is a company, the full names and nationality of the directors and the full names by which those directors have at any time been known in any part of the world.

(2) The Board may refuse an application or may approve it provisionally. Any such refusal shall be final and without appeal.

Procedure on provisional approval.

70. (1) If the Board provisionally approves an application it shall—

- (a) issue a direction to the mining commissioner to reserve the area embraced by the application against prospecting and pegging in terms of section *twenty-nine*, and the mining commissioner, without obtaining the authority of the Minister, shall forthwith reserve such area accordingly.
- (b) publish a notice in the *Gazette* giving details of the application and inviting objections thereto; and
- (c) if in any application authorisation is sought to prospect on any registered base mineral blocks within the proposed reservation, give written notice to every registered holder of any such block.

(2) The Board shall at a place and day fixed by it and notified to the applicant and to any person who has lodged written objection with the Board to the grant of the application, hear such evidence and arguments as those persons may wish to lay before it in regard to the grant or refusal of the application or any part thereof.

71. (1) If on any application under this Part the Board is satisfied— Consideration of application by Board.

- (a) that the applicant is a fit and proper person to obtain an order and is of adequate financial standing to undertake the operations under an order; and
- (b) that it would not be against the national interest to make such an order;

the Board may, subject to the provisions of section *seventy-five*, recommend to the Minister the making of an order in favour of the applicant over such area and subject to such conditions as the Board may think fit to recommend.

(2) If on any such application the Board is not satisfied in terms of sub-section (1) of this section, it shall refuse to recommend the application and shall notify the applicant accordingly. Such refusal shall be final and without appeal.

72. (1) Whenever on any application under this Part the Board recommends the making of an order, it shall submit to the Minister the application together with all relevant documents, its written report and recommendation in regard thereto. Governor may approve or refuse order.

(2) The Minister shall submit such recommendation to the Governor who may refuse the application or authorise the issue of an order in terms of the recommendation of the Board or on such amended terms and conditions as he may think fit to fix.

73. (1) If the Governor has approved of the making of an order, the Minister shall forthwith make an order in favour of the applicant which shall be in accordance with the terms and conditions fixed by the Governor. Issue of order.

(2) Every order shall be published in the *Gazette* and a copy of such order shall be sent to the applicant, to the Board and to the mining commissioner of the district in which the reservation is situated.

(3) Every order shall be laid before Parliament at its next ensuing session.

74. The rights granted under an order shall be personal to the concession holder who may not cede or assign any such rights to any other person. Rights granted under order may not be ceded.

75. (1) No reservation shall exceed—

- (a) in the case of an order made solely in respect of coal, mineral oils or natural gases, one thousand square miles; and

Conditions in orders.

- (b) in the case of any other order, five hundred square miles.

The length of a reservation in case of an order made otherwise than solely in respect of coal, mineral oils or natural gases shall not be greater than six times its width.

(2) Every order made solely in respect of coal, mineral oils or natural gases shall specify the period thereof and the amount to be spent on operations in the reservation during the period of the order in accordance with the following provisions—

- (a) in respect of a reservation which does not exceed fifty square miles, the expenditure specified shall be at least seven thousand five hundred pounds and not more than twelve thousand five hundred pounds, and the period of the order shall be two years;
- (b) in respect of a reservation which exceeds fifty square miles but does not exceed one hundred square miles, the expenditure specified shall be at least ten thousand pounds and not more than twenty thousand pounds, and the period of the order shall be three years;
- (c) in respect of a reservation which exceeds one hundred square miles but does not exceed two hundred and fifty square miles, the expenditure specified shall be at least twenty thousand pounds and not more than thirty-nine thousand pounds, and the period of the order shall be three years;
- (d) in respect of a reservation which exceeds two hundred and fifty square miles but does not exceed five hundred square miles, the expenditure specified shall be at least thirty-five thousand pounds, and not more than sixty-five thousand pounds, and the period of the order shall be three years;
- (e) in respect of a reservation which exceeds five hundred square miles but does not exceed one thousand square miles, the expenditure specified shall be at least fifty thousand pounds and not more than one hundred and twenty-five thousand pounds, and the period of the order shall be five years.

(3) Every order, other than an order made solely in respect of coal, mineral oils or natural gases, shall specify the period thereof and the amount to be spent on operations in the reservation during the period of the order in accordance with the following provisions—

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- (a) in respect of a reservation not exceeding one square mile, the expenditure specified shall be one thousand pounds, and the period of the order shall be one year;
 - (b) in respect of a reservation which exceeds one square mile but does not exceed five square miles, the expenditure specified shall be at least two thousand five hundred pounds and not more than five thousand pounds, and the period of the order shall be two years;
 - (c) in respect of a reservation which exceeds five square miles but does not exceed ten square miles, the expenditure specified shall be at least four thousand pounds and not more than seven thousand five hundred pounds, and the period of the order shall be two years;
 - (d) in respect of a reservation which exceeds ten square miles but does not exceed twenty-five square miles, the expenditure specified shall be at least seven thousand five hundred pounds and not more than twelve thousand five hundred pounds, and the period of the order shall be two years;
 - (e) in respect of a reservation which exceeds twenty-five square miles but does not exceed fifty square miles, the expenditure specified shall be at least ten thousand pounds and not more than twenty thousand pounds, and the period of the order shall be two years;
 - (f) in respect of a reservation which exceeds fifty square miles but does not exceed one hundred square miles, the expenditure specified shall be at least sixteen thousand pounds and not more than thirty-two thousand pounds, and the period of the order shall be three years;
 - (g) in respect of a reservation which exceeds one hundred square miles but does not exceed two hundred and fifty square miles, the expenditure specified shall be at least thirty-five thousand pounds and not more than sixty-five thousand pounds, and the period of the order shall be three years;
 - (h) in respect of a reservation which exceeds two hundred and fifty square miles but does not exceed five hundred square miles, the expenditure specified shall be at least fifty thousand pounds and not more than one hundred and twenty-five thousand pounds, and the period of the order shall be five years.

(4) An order may require a concession holder to furnish guarantees to the Minister to his satisfaction that the prescribed expenditure will be incurred.

(5) Subject to such terms and conditions as may be prescribed in the order, an order may authorise the concession holder to prospect on all registered base mineral blocks or specified registered base mineral blocks in his reservation which are not being worked or developed on the date of the making of the order, but save as aforesaid no order may be made to authorise prospecting on any other registered blocks.

(6) Nothing in this section contained shall be deemed to prohibit the fixing of other terms and conditions under an order.

(7) The Minister may, after considering the recommendation of the Board, extend the period of an order—

- (a) if granted for a period of two years, for a further period not exceeding one year; and
- (b) if granted for a period of three or five years, for a further period not exceeding two years.

**Rights of
concession
holders.**

76. (1) Save as is provided in section *seventy-seven*, within a reservation no person, other than the concession holder, may in terms of this Act prospect or peg and register any mining location or be issued with a special grant in respect of coal, mineral oils or natural gases.

(2) Subject to any provision in his order limiting the minerals for which he may prospect or peg and register mining locations, a concession holder shall, in terms of this Act, have the right of prospecting and pegging and registering mining locations in his reservation or may within his reservation be issued with a special grant in respect of coal, mineral oils or natural gases:

Provided that such concession holder need not take out a prospecting licence or post a prospecting or discovery or registration notice in terms of this Act.

(3) Within his reservation a concession holder may exercise the rights conferred upon the holder of a prospecting licence under section *twenty-one*, and for this purpose the date of the publication of the order in the *Gazette* shall be deemed to be the date of the posting of a prospecting notice by the concession holder:

Provided that a concession holder shall have the right of removing any buildings or machinery which have been erected on his reservation within six months after the expiration or revocation of the order granted to him.

77. (1) A concession holder may not for a period of thirty days from the date of the publication of his order in the *Gazette*, prospect or peg within five hundred yards of the boundaries of any property or registered block within the reservation which is being developed, or for which claim licences have been paid within three months before such date in respect of production therefrom.

Concession holders' rights limited in certain areas.

(2) Notwithstanding the provisions of sub-section (1) of section *seventy-six*, the holder of any such property or registered block shall during the said period of thirty days have the right to prospect and peg and register blocks and sites not exceeding six in all within five hundred yards of the boundaries of his property or registered block.

(3) For the purposes of this section a "property" means two or more blocks of claims, whether contiguous or otherwise, owned by one person, from which the ore is being treated at the same milling or reduction plant, or which are under the control of one mine manager registered with the mining commissioner.

78. (1) An order shall not affect the rights of the holder of a mining location within a reservation to mine and develop his mining location.

Rights of holder of existing location unaffected.

(2) If the holder of a mining location in a reservation hinders or obstructs a concession holder in the exercise of any rights conferred upon him by the order to prospect on such location, he 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.

(3) If a concession holder unlawfully hinders or obstructs the holder of a mining location in the exercise of his rights, he 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.

79. A concession holder shall demarcate the boundaries of his reservation in such manner as the Secretary may direct.

Demarcation of reservation.

80. (1) Every concession holder shall, when required by the Minister, furnish him with such information as may be necessary to satisfy the Minister that the conditions of the order are being complied with.

Performance of conditions of order.

(2) If any concession holder is found to have given incorrect or incomplete information for the purposes of para-

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graph (g) of sub-section (1) of section *sixty-nine*, or fails to comply with the provisions of sub-section (1) of this section, or in the opinion of the Minister is not complying with any terms or conditions of the order, the Minister may forthwith revoke such order, and the rights of the concession holder thereunder shall immediately cease.

(3) If a concession holder fails to comply with the conditions of the order relating to expenditure, the Minister may by action in any competent court recover any balance of expenditure not incurred from the concession holder or any person who has given a guarantee for the due performance of the concession holder's obligations under the order. Any sums so recovered shall be paid into the Consolidated Revenue Fund.

Abandonment
of reservation.

81. If a concession holder satisfies the Minister—

- (a) that he has carefully prospected his reservation in accordance with the terms of the order; and
- (b) that he has spent a sum of money in prospecting his reservation sufficient to establish beyond a reasonable doubt the non-existence of economic deposits of the minerals, mineral oils or natural gases that he is authorised to prospect for under his order;

the Minister shall, upon written application by such concession holder to abandon his reservation, revoke the relevant order.

Compensation
for interference
with registered
mining location.

82. If a concession holder lawfully exercises on a registered base mineral block any prospecting rights conferred upon him by his order, he shall be liable to pay compensation to the holder of such location for any loss or damage caused thereby in such amount as may be agreed upon or, failing agreement, as shall be determined by arbitration.

Concession
holder may
expropriate
dormant
location.

83. If in the exercise of his rights under an order a concession holder discovers in a registered base mineral block upon which on the date of the making of such order *bona fide* development work or mining was not being done, a mineral for which he may prospect under such order, he may upon the authority of the Governor expropriate such base mineral block upon the payment of such compensation as may be agreed upon or, failing such agreement, as shall be determined by arbitration:

Provided that in assessing such compensation no allowance shall be made for the actual or potential value of the mineral discovered by the concession holder.