

CONCESSIONS REGULATIONS, 1962

IN exercise of the powers conferred on the Minister by section 14 of the Concessions Act, 1962 (Act 124) (hereinafter referred to as "the Act"), the following Regulations are hereby made this 30th day of October, 1962.

PART I—THE TRIBUNAL AND RELATED MATTERS

Secretary
of Tribunal.

1. Where a Tribunal is established under section 8 of the Act the Minister shall appoint to act as Secretary to that Tribunal a person who is entitled to practise as a lawyer (any such person being hereinafter referred to as a "lawyer") and who is also a public officer not below the rank of Assistant State Attorney or a rank equivalent thereto.

Applications
to Tribunal.

2. Every application made by the Minister to the Tribunal under the Act shall be accompanied by a copy of the application, and the Tribunal shall, not later than one week after the receipt of the application, serve on the holder of the concession a copy of the application together with a notice stating the date on which it is proposed to hear the application.

Service of
copy
application
and notice.

3. (1) Any document required to be served on the holder of a concession under the last foregoing regulation shall be deemed to be properly served if—

- (a) it is served on the holder personally;
- (b) where the holder is a corporate body or an unincorporated body of persons, it is delivered to the secretary or clerk of the body at the registered or principal office of the body, or it is served by post in accordance with the next following sub-regulation, or it is delivered at the last known address of an attorney appointed to act on behalf of the body under section 9 of the Act; or
- (c) where it is impracticable to effect service in accordance with either of the two last foregoing paragraphs, it is published in the *Gazette*.

(2) Service by post may be effected by prepaying, registering and posting an envelope containing the document, addressed to the person on whom the document is to be served at his last known postal address, and, unless the contrary is proved, the document shall be deemed to have been served at the time at which the envelope would have been delivered in the ordinary course of post.

(3) A copy of the *Gazette* in which any document is published in accordance with sub-regulation (1), or an affidavit made by a public officer that service has been effected under paragraph (a) or (b) of that sub-regulation, shall be sufficient proof of service for the purposes of this regulation.

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4. (1) The Minister shall be represented before the Tribunal by a lawyer who is also a public officer. Representa-
tion before
Tribunal.

(2) Where the holder of a concession appears before the Tribunal by a representative, that representative shall be a lawyer.

5. (1) The rules of evidence which apply to the hearing of a civil case by the High Court shall, with any necessary modifications, apply to the hearing of an application under the Act by the Tribunal. Evidence
and pro-
cedure.

(2) The Tribunal may, if it thinks fit, require any person to give evidence before it on any matter concerning the application (whether or not that person also gives evidence on behalf of the Minister or the holder of the concession), and may call for the production of any document in the possession of a party to the application or of any other person, being a document which, in the opinion of the Tribunal, is material to the application.

(3) Any person requested by the Tribunal to give evidence or to produce any document in pursuance of the last foregoing sub-regulation shall comply with that request; and any person who wilfully refuses or neglects to comply with any such request shall be guilty of an offence and liable on conviction by a District Court to a fine not exceeding one hundred pounds or to a term of imprisonment not exceeding six months.

(4) Every party to an application before the Tribunal shall, as far as is reasonably practicable, ensure that all evidence to be adduced by him is available at the times fixed for the hearing, and no party shall be entitled to have the hearing of an application adjourned by reason only of the absence of himself or his lawyer unless the Chairman, being satisfied that exceptional circumstances exist which justify such absence, directs accordingly.

(5) Subject to the provisions of this regulation the procedure at a hearing by the Tribunal shall be in the discretion of the Chairman.

6. (1) Any notification by the Tribunal to the Minister under subsection (3) of section 4 of the Act shall be made not later than one week after the expiry of the three months referred to in that subsection. Notifica-
tions by
Tribunal to
Minister.

(2) Any request by the Tribunal to the Minister under subsection (5) of the said section 4 shall be made not later than one week after the date on which the Tribunal decided, in pursuance of that subsection, not to take into account the boundaries selected by the holder of the concession.

7. Each party to a hearing before the Tribunal shall pay his own costs and the costs incurred by the Tribunal in calling any additional evidence in pursuance of sub-regulation (2) of regulation 5, the last-mentioned costs to be paid by the parties in such proportions as the Tribunal may direct. Costs.

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Applications forwarded under section 5 (3) of the Act.

8. Where the Minister attaches any comments to an application forwarded by him to the Tribunal under subsection (3) of section 5 of the Act, the Tribunal shall, not later than one week after the receipt of the application, furnish the applicant with a copy of the Minister's comments.

Forms of applications, notices, etc.

9. Every application, notification, recommendation or request made in pursuance of any provision of section 3, 4 or 5 of the Act shall be made in the appropriate form specified in relation thereto in the First Schedule to these Regulations.

PART II—GENERAL

Use of roads in concessions.

10. It shall be lawful for the holder of any concession referred to in section 2 of the Act to prevent any person (being a person authorised by the Minister under paragraph (b) of the proviso to that section to use a road made on land specified in that concession) from using the road, if that road was made by the holder,—

- (a) during any period in which, in the opinion of the holder and with the approval of the District Commissioner, there is danger to any traffic on the road from tree felling or from the transport of logs; or
- (b) to such extent as the holder, with the prior approval of the Minister responsible for mines, thinks fit for the purpose of maintaining the security of any mine or the safety of any person, equipment or works at a mine.

Applications and consents under section 13 of the Act.

11. (1) Every application made to the Minister in pursuance of subsection (1) of section 13 of the Act for his written consent under that subsection shall—

- (a) contain the following particulars, that is to say—
 - (i) the reasons why the applicant wishes to assign, sub-demise, mortgage or surrender the rights;
 - (ii) whether the proposed grantee of the rights stands in such a relationship to the applicant (whether as a result of any contract, agreement, arrangement or otherwise) as to indicate that there is a substantial community of commercial interest between the two persons; and
- (b) be accompanied by a copy of the instrument effecting the proposed transaction.

(2) The Minister may require any applicant to furnish him with such additional information relating to the application as he thinks fit.

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(3) The foregoing provisions of this regulation shall, with any necessary modifications, apply to any case in which application is made for the Minister's written consent in respect of a transaction to which subsection (2) of the said section 13 applies.

(4) The Minister shall cause notice of every consent granted by him under the said section 13 to be published in the *Gazette*, and shall direct the District Commissioner of the District in which the land to which the consent relates is situate to give such further publicity to the consent as may be specified in the direction.

12. Particulars of all concessions to which the Act applies shall be recorded and kept by the Chief Registrar of Lands in such form as the Chief Registrar may determine. Records of concessions.

13. Every person who makes any payment in accordance with the terms of a concession to which the Act applies shall furnish the Minister with particulars in relation to that payment in the form specified in the First Schedule hereto. Particulars of payments in respect of concessions.

14. Any person who makes any application or receives any consent specified in the Second Schedule hereto shall pay into a Stool Lands Account the appropriate fee specified in relation to that application or consent (as the case may be) in that schedule. Fees.

15. The following statutory instruments made under the Ordinance shall, on the coming into operation of these regulations, cease to apply to any land to which the Act applies— Revocations.

The Payment of Rents on Certified Concessions Regulations;

The Procedure Rules (Southern Ghana); and

The Procedure Rules (Ashanti and Brong Ahafo).

*FIRST SCHEDULE**Form 1*

REPUBLIC OF GHANA

THE CONCESSIONS ACT, 1962 (ACT 124)

THE CONCESSIONS REGULATIONS, 1962

APPLICATION UNDER SECTION 3 BY THE MINISTER
TO THE TRIBUNAL

IN THE MATTER OF.....CONCESSION, C.V. No.....

Name

WHEREAS.....: and

(statement of reasons for application)

CONCESSIONS REGULATIONS, 1962

WHEREAS the conditions specified in subsection (1) of section 3 of the Act have been fulfilled:

NOW THEREFORE a recommendation by the Tribunal is sought that the concession be determined.

.....
Minister.

ACCRA, this.....day of.....196.....

Form 2

REPUBLIC OF GHANA
THE CONCESSIONS ACT, 1962 (ACT 124)
THE CONCESSIONS REGULATIONS, 1962
NOTICE UNDER SECTION 3 (2) BY THE TRIBUNAL

IN THE MATTER OF THE.....CONCESSION, C.V. No.....

Name

To.....

holder

Take notice that the Minister, having applied to the Tribunal under section 3 (1) for reasons stated in the enclosed copy of application that a recommendation be made that the concession named in the application be determined, the Tribunal will proceed to hear the application on the.....day of.....196..... and on such other days as may be announced by the Tribunal.

.....
Chairman.

ACCRA, the.....day of.....196.....

Form 3

REPUBLIC OF GHANA
THE CONCESSIONS ACT, 1962 (ACT 124)
THE CONCESSIONS REGULATIONS, 1962
APPLICATION UNDER SECTION 4 (1) BY THE MINISTER
TO THE TRIBUNAL

IN THE MATTER OF THE.....CONCESSION, C.V. No.....

(Delete bracketed words if inappropriate)

CONCESSIONS REGULATIONS, 1962

WHEREAS the concession includes square miles (and the term of the concession isyears): and

WHEREAS the limits of the area (and of the term) of the concession appropriate under the law now in force have been exceeded: and

WHEREAS the holder of the concession holds also (number)

other concessions including an aggregate area of square miles:

NOW THEREFORE a recommendation is sought that the terms of the concession be modified by restriction of the area to square miles (and by limitation of the term toyears).

..... Minister

ACCRA, the day of 196.....

Form 4

REPUBLIC OF GHANA THE CONCESSIONS ACT, 1962 (ACT 124) THE CONCESSIONS REGULATIONS, 1962

NOTICE UNDER SECTION 4 (2) BY THE TRIBUNAL

IN THE MATTER OF THE CONCESSION, C.V. No.....

To (holder)

Take notice that the Minister, having applied under section 4 (1) of the Act for reasons stated in the enclosed application that the Concession be modified, you are hereby requested to select, within three months from the date of this notification, the boundaries of the area within the concession which you are desirous of retaining and that the Tribunal will proceed to hear the application on theday of196..... and on such other days as may be announced by the Tribunal.

..... Chairman.

ACCRA, the day of 196.....

CONCESSIONS REGULATIONS, 1962

Form 5

REPUBLIC OF GHANA

THE CONCESSIONS ACT, 1962 (ACT 124)

THE CONCESSIONS REGULATIONS, 1962

NOTICE UNDER SECTION 4 (3) BY THE TRIBUNAL TO THE MINISTER

IN THE MATTER OF THE..... CONCESSION, C.V. No.....
(Name)

Take notice that the holder of the concession has not selected the boundaries of the concession which he is desirous of retaining.

.....
Chairman.

ACCRA, the.....day of....., 196.....

Form 6

REPUBLIC OF GHANA

THE CONCESSIONS ACT, 1962 (ACT 124)

THE CONCESSIONS REGULATIONS, 1962

RECOMMENDATION BY THE MINISTER UNDER SECTION 4 (3) TO THE TRIBUNAL

IN THE MATTER OF THE.....CONCESSION, C.V. No.....

WHEREAS the holder of the concession has not selected the boundaries of the area of the Concession which he is desirous of retaining, I have selected the following boundaries of the area which in my opinion the holder should retain, namely:

and I recommend that the area of the concession be restricted to these boundaries.

.....
Minister.

ACCRA, the.....day of....., 196.....

CONCESSIONS REGULATIONS, 1962

Form 7

REPUBLIC OF GHANA
THE CONCESSIONS ACT, 1962 (ACT 124)
THE CONCESSIONS REGULATIONS, 1962

REQUEST UNDER SECTION 4 (5) TO THE MINISTER
BY THE TRIBUNAL

IN THE MATTER OF THE.....CONCESSION, C.V. No.....

WHEREAS the Tribunal is satisfied that neither condition (a) nor condition (b) of subsection (4) of section 4 of the Act has been fulfilled:

NOW THEREFORE you are hereby requested to select the boundaries of the area which the holder should retain and to make an appropriate recommendation.

.....
Chairman.

ACCRA, the.....day of....., 196.....

Form 8

REPUBLIC OF GHANA
THE CONCESSIONS ACT, 1962 (ACT 124)
THE CONCESSIONS REGULATIONS, 1962

RECOMMENDATION UNDER SECTION 4 (5) BY THE
MINISTER TO THE TRIBUNAL

IN THE MATTER OF THE.....CONCESSION, C.V. No.....

WHEREAS the Tribunal has requested me under subsection (5) of section 4 of the Act to select the boundaries of the area which the holder of the concession should retain: I have therefore selected the following boundaries:—

and I recommend that the area of the Concession be restricted accordingly.

.....
Minister.

ACCRA, the.....day of....., 196.....

CONCESSIONS REGULATIONS, 1962

Form 9

THE CONCESSIONS ACT, 1962 (ACT 124)

THE CONCESSIONS REGULATIONS, 1962

APPLICATION UNDER SECTION 5 (2) TO THE MINISTER

IN THE MATTER OF THE..... CONCESSION, C.V. No.....
(Name)

(Delete what is inappropriate)

WHEREAS the President of the Republic has cancelled the above
Concession on the.....day of.....19.....and

WHEREAS such cancellation affects the applicant, and

WHEREAS the applicant submits that variations of rights have
occurred, namely,and
(specify)

WHEREAS the applicant submits that the circumstances and
justice of the case require in settlement of such variations an
order by the Tribunal to the effect that.....
(specify)

NOW THEREFORE the applicant applies to the Minister that
this application be transmitted to a Tribunal for the making of an
order, and the applicant in support of this application encloses:

.....
(specify documents)

And the applicant shall move at the hearing that the Tribunal
accepts these documents in evidence and hears verbal evidence
to be given by.....

.....
(Names of persons to be called)

The.....day of....., 196.....

.....
Signature of Applicant.

CONCESSIONS REGULATIONS, 1962

Form 10

REPUBLIC OF GHANA

THE CONCESSIONS ACT, 1962 (ACT 124)

THE CONCESSIONS REGULATIONS, 1962

TRANSMISSION BY THE MINISTER TO THE TRIBUNAL
UNDER SECTION 5 (3) OF APPLICATION MADE
UNDER SECTION 5 (2)

IN THE MATTER OF THE..... CONCESSIONS, C.V. No.....

WHEREAS.....

(Name of applicant)

has applied for transmission to the Tribunal of an application for an Order in settlement of variation of rights between the parties in the above Concession cancelled by the President of the Republic:

NOW THEREFORE the enclosed application is transmitted to the Tribunal for consideration whether the circumstances and justice of the case require that the Tribunal makes such Order, and these comments are made on the said application for consideration by the Tribunal.....

(Specify comments)

ACCRA, the..... day of....., 19.....

.....
Minister.

Form 11

THE CONCESSIONS ACT, 1962 (ACT 124)

THE CONCESSIONS REGULATIONS, 1962

STATEMENT OF PAYMENT OF RENT ON
A CONCESSION

Name of holder:

Name of Concession:

THE CONCESSIONS REGULATIONS, 1962

Number and name of Concession Enquiry or of Certificate of Validity, if certified:

Amount paid:

Details of payment (detailed computation of royalties, rents, etc.):
.....

Period for which paid:

Date when paid:

If paid by cheque, number of cheque and name of bank on which drawn:

.....
(Date)

.....
*Signature and description of person
making payment (e.g. whether
holder's agent, etc.)*

Reg. 14

SECOND SCHEDULE

FEES

	£	s.	d.
For an application for consent to a transfer of rights other than a mortgage	26	5	0
For a consent to such a transfer	75	0	0
For an application for consent to a mortgage	5	5	0
For a consent to a mortgage	20	0	0

K. A. OFORI ATTA
Minister of Justice.

Date of *Gazette* notification: 2nd November, 1962

Printed by the Government Printing Department, Accra, Ghana
GP/A/167/3.896/10/62-63

Price 6d.