

Minerals Act

CHAPTER 226

MINERALS ACT

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CHAPTER 226
MINERALS ACT*
(Federation)

55 of 1945
35 of 1946
8 of 1948
22 of 1954
13 of 1956
31 of 1956,
s. 32 and Sch.
4 of 1958
52 of 1958
P.N. 137 of
1951
Order 47 of
1951
L.N. 131 of
1954
1 of 1955
76 of 1955
120 of 1957.

An Act to amend and consolidate the Law relating to mines and minerals.

[25th February, 1946]

PART I.—GENERAL

Short title
and
application.

1. (1) This Act may be cited as the Minerals Act.

(2) The provisions of this Act shall apply to all prospecting licences, mining rights and mining leases given or granted on and after the date on which this Act comes into operation whether or not application for any such licence, right or lease has been made prior to that date under the provisions of any repealed Act, enactment or Proclamation.

(3) The provisions of this Act shall apply to all mining rights and mining leases and to all renewals thereof granted under the provisions of any repealed Act, enactment or Proclamation and to renewals of any such rights or leases granted on or after the date on which this Act comes into operation and to any exclusive prospecting licence granted under the provisions of any such Act, enactment or Proclamation and renewed on or after the date on which this Act comes into operation.

Interpreta-
tion.

2. In this Act, unless the context otherwise requires—
“alluvial” includes all forms of mineral deposits, other than carbonaceous deposits, which do not fall within the definition of “lode”;
“basalt area” means an area which in the opinion of the Chief Inspector should be so designated;

The measurements in this Act are in English measurements, but should be converted to the metric system of measurements when intended to be applied.

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- “Chief Inspector” means the Chief Inspector of Mines appointed by the Federal Civil Service Commission in accordance with the provisions of this Act;
- “congested area” means any area which the President by notice in the Federal *Gazette* may declare to be a congested area;
- “court” means any duly constituted court other than a customary court;
- “holder” of a prospecting right or exclusive prospecting licence or mining right or water licence means the person to whom such right or licence was granted and in the case of an exclusive prospecting licence, mining right or water licence includes a person in whom such licence or right or a part of the rights thereunder has become vested by assignment or otherwise;
- “inspector” means an inspector of mines appointed by the Federal Civil Service Commission with the provisions of this Act, includes the Deputy Chief Inspector and includes a senior inspector of mines;
- “lessee” of a mining lease means any person to whom a mining lease has been granted, whether alone or in partnership with others, and the executors, administrators and lawful assigns of any such person; 1958 No. 4.
- “lode” means and includes all true fissure veins, contact veins, segregated veins, bedded veins, metalliferous bankets, stockworks, such irregular deposits as conform generically to the above classification, all igneous rocks containing metalliferous or radio-active minerals when worked for such minerals, and beds of any mineral such as beds of iron-stone; 13 of 1956.
- “mine” includes any place, excavation or working whereon, wherein or whereby any operation in connection with mining is carried on;
- “to mine” means intentionally to win minerals and includes any operations necessary for the purpose;
- “mineral” does not include mineral oils but includes the following as classed hereunder—
- (a) metalliferous minerals, including antimony, arsenic, bismuth, cerium, copper, cobalt, columbium, chro- metalliferous minerals
35 of 1946.

mium, cadmium, iron, lead, manganese, mercury, molybdenum, nickel, tantalum, tin, tungsten, zinc and all others of a similar nature to any of them, and all ores containing them and combinations of any of them with each other or with any other substance, excepting only those that occur in the form of precious minerals;

carbonaceous minerals.

(b) combustible carbonaceous minerals, including—

(i) coal,

(ii) lignite which shall include brown coal and any coal which the Minister may declare to be lignite if advised by the Chief Inspector that the estimated average ash content is so high or the estimated average thermal value is so low that such coal may properly be classed as lignite;

non-metallic minerals.

(c) non-metallic minerals, including minerals used for their abrasive or refractory qualities and asbestos, barytes, bauxite, china clay, Fuller's earth, graphite, gypsum, limestone, marble, mica, nitrates, phosphates, pipeclay, potash, salt, slate, soda, sulphur, talc and all other substances of a similar nature to any of them;

precious minerals.

(d) precious minerals including—

(i) precious stones, namely: amber, amethyst, beryl, cat's eye, chrysolite, diamond, emerald, garnet, opal, ruby, sapphire, turquoise and all other substances of a similar nature to any of them;

(ii) precious metals, namely: gold, silver and metals of the platinoid group in the unmanufactured state, including ores containing any such metal, but not including ores containing any such metal in combination with another mineral when such metal cannot be worked apart from such mineral and the value of such metal is less than the cost of producing both the metal and the mineral;

(e) radio-active minerals namely minerals either raw or treated (including residues and tailings) which contain by weight at least 0.05 per cent of uranium or thorium or any combination thereof, including but not limited to—

13 of 1956

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(i) monazite sand and other ores containing thorium, and

(ii) carnotite pitchblende and other ores containing uranium;

(f) the valuable parts of ores or other substances when unmanufactured; and

(g) the product of treating or dressing ores or other substances for marketing or export;

“open-cast” means any uncovered excavation which has been made from the surface for the purpose of winning minerals;

“owner” in relation to private land includes a lessee and in relation to land or other property of a community means the chief or head of the community, provided that when any payment is required to be made under this Act to such owner, the Minister may direct either that the payment be made to such chief or headman to be disposed of by him in accordance with customary law, or that the payment shall be made into some fund specified by the Minister to be utilised for the benefit of the community;

“pollution” means contamination with any chemical or other substances in such a quantity as to be injurious to animal or vegetable life;

“prospect” and “prospecting” mean to search for minerals and include such working as is reasonably necessary to enable the prospector to test the mineral-bearing qualities of the land but do not include the removal of overburden from ground which can reasonably be sampled by pits not exceeding seven feet square or by boreholes;

“protected trees” means trees which are for the time being declared to be protected trees under the Forestry Law of a State and includes all trees within a forest reserve;

“public purposes” has the meaning assigned to that term by Cap. 202 the Land Use Act;

“public road” means any road constructed by the Government or a community for the use of the public, and includes any road, by whomsoever constructed, declared by Government notice to be a public road;

“the Regulations” means any Regulations made under this Act;

Cap. 202.

“right of occupancy” means a right of occupancy as defined in the Land Use Act;

“shaft” means any vertical or inclined tunnel other than a stope or winze which is or might be used for winding, travelling, draining or ventilating purposes in connection with prospecting or mining operations;

“tailing” means all gravel, sand, slime or other substance which is the residue of *bona fide* mining operations;

13 of 1956.

“tributer” means a person who is employed to win minerals by the holder of a mining right, the grantee of a temporary mining right or temporary mining lease, or the lessee of a mining lease, being a person who may choose his own working place and who receives in return remuneration in accordance with the quality and quantity of the minerals so won paid directly by the person employing him or by his accredited agent;

“watercourse” means any channel or duct whether natural or artificial which confines, restricts or directs the flow of water.

Control of and property in minerals, and in water vested in the State.
1969 No. 51.

3. (1) The entire property in and control of all minerals, in, under or upon any lands in Nigeria, and of all rivers, streams and watercourses throughout Nigeria, is and shall be vested in the State, save in so far as such rights may in any case have been limited by any express grant made before the commencement of this Act.

Prohibition of prospecting, mining or diverting or impounding water without authority.

(2) Except as in this Act provided no person shall prospect or mine on any lands in Nigeria or divert or impound water for the purpose of mining operations.

Prohibition of underground mining except under licence.
13 of 1956.

4. Notwithstanding anything in this Act contained no person shall prospect or conduct mining operations underground unless he holds a licence from the Chief Inspector authorising him to do so. Such licence shall be subject to such conditions as may be prescribed therein or by the regulations.

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5. (1) Nothing in this Act contained shall be deemed to prevent any citizen of Nigeria from winning, subject to such conditions as may be prescribed, iron ore, salt, soda, potash or galena from lands (other than lands within the area of a mining lease or mining right) from which it has been since before the material date the custom of the members of the community to which he belongs to win the same.

Saving as to winning of certain minerals.
13 of 1956.

(2) The President may by Order direct that the provisions of subsection (1) shall apply, within such local limits as may be prescribed by the Order, to any mineral which he is satisfied has since before the material date been customarily won by any community.

13 of 1956.

(3) In this section "the material date" means—

13 of 1956.

(a) in relation to iron ore, salt, soda or potash the 30th day of March, 1916;

(b) in relation to galena the 3rd day of March, 1927;

(c) in relation to any mineral in respect of which an Order is made under subsection (2), the date declared in the Order to be the material date.

6. Nothing in this Act contained shall be construed so as to confer any right to prospect for or to win any mineral oil.

Act does not apply to mineral oils.

7. (1) Nothing in this Act contained shall be constructed so as to sanction prospecting or mining on, in or under any area held to be sacred or to sanction the injury or destruction of any tree or other thing which is the object of veneration.

Saving of sacred areas, trees and other objects of veneration.

(2) If any question arises under this section as to whether any area is held to be sacred or whether any tree or other thing is the object of veneration, such question shall be decided by the Governor of the State, whose decision shall be final.

8. (1) It shall be lawful for the Minister by notice in the *Federal Gazette*, to declare any area to be closed to prospecting either generally or for any specified mineral for such period as may be specified in such notice or without period assigned. No person other than the holder of an exclusive

Minister may close areas to prospecting.
13 of 1956.

prospecting licence (or his agent or agents) prospecting on the area of such licence shall prospect or erect beacons within an area which is closed to prospecting and any person other than the holder of an exclusive prospecting licence (or his agent or agents) prospecting on the area of such licence who shall prospect within an area which is closed to prospecting shall be guilty of an offence.

13 of 1956.

(2) The Minister may grant authority on such terms as he may think fit to any person to prospect and to erect beacons on any land which has been declared to be closed to prospecting.

Certain holders of licences and rights and certain lessees to appoint a resident attorney.
13 of 1956
4 of 1958
L.N. 131 of 1954
120 of 1957.

9. (1) Every holder of an exclusive prospecting licence or mining right and every lessee of a mining lease when not personally resident in Nigeria and every company shall appoint and at all times have an attorney resident in Nigeria with full powers to represent the holder or lessee in all matters relating to his licence, right or lease except the surrender thereof and shall, as soon as possible after making such appointment or any change in such appointment, send to the Minister and the Chief Inspector a copy of the power of attorney and of any document by which such power of attorney is altered.

(2) Should the holder of an exclusive prospecting licence or mining right or the lessee of a mining lease fail either to appoint an attorney or to confer adequate powers upon the attorney as provided in the preceding subsection the Minister may, by a notice published in the *Federal Gazette*, prohibit the continuance of operations in the area comprised within the licence, right or lease.

L.N. 120 of 1957.

(3) If no copy of a valid power of attorney conferring adequate powers on the attorney is received by the Minister within three months of the publication of the notice mentioned in the last preceding subsection the Minister may, by a further notice published in the *Federal Gazette*, revoke the exclusive prospecting licence, mining right or mining lease.

Plans of prospecting and mining operations.

10. (1) Every holder of an exclusive prospecting licence or mining right and every lessee of a mining lease shall at all times keep correct plans of all prospecting or mining done

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and correct records of all mineral values found and ore reserves calculated on the area of his licence, right or lease, and shall supply to the Chief Inspector on request, copies of such plans and records.

(2) The plans required to be kept by subsection (1) shall be on the prescribed scale.

11. (1) The Minister may require an applicant for an exclusive prospecting licence, mining right or mining lease to show to his satisfaction that he commands sufficient working capital to ensure the proper prospecting, development or working as the case may be, of the area applied for and may require the applicant to furnish a banker's guarantee in Form L of the First Schedule for such amount as may be prescribed. Capital.
Form L.

(2) The Minister may require any reports on the area of a mining lease made by prospectors or engineers to be submitted for his information.

(3) In the event of the applicant failing to satisfy the Minister as aforesaid the Minister may refuse the application but the applicant may make a new application at any time.

12. (1) If application is received from the same area or for overlapping areas from two or more persons on the same business day that application which is first received in order and in proper form by the prescribed officer shall be deemed to have the priority over the others. Priority.

(2) The decision of the Minister on any question of priority shall be final unless he shall direct that the matter be referred to arbitration.

13. (1) The holder of an exclusive prospecting licence or mining right or the lessee of a mining lease shall not assign his licence, right or lease, or any portion of the rights or interests conferred thereby without the consent in writing of the Minister signified by endorsement on the instrument of assignment and every such instrument shall be for all purposes null and void without the said endorsement. Assignment
of mining
titles.

(2) The assignee shall be liable for all rents and obligations under this Act which may have accrued at the time of assignment.

Form H.

(3) An assignment shall be in Form H in the First Schedule or to the like effect.

4 of 1958.

(4) Where an application has been made for an exclusive prospecting licence, mining right or mining lease the provisions of this section shall apply in respect of such application, and any consequential amendment for such purpose shall be made in Form H of the First Schedule. Upon such assignment being effected and approved, the assignee shall be entitled to any rights which the assignor would otherwise have had in accordance with subsection (1) of section 19, subsection (2) of section 26, subsection (1) of section 27 and subsection (1) of section 33.

Lands excluded from prospecting and mining 8 of 1948.

14. (1) No prospecting right, exclusive prospecting licence, mining right or mining lease granted under this Act shall authorise prospecting or mining on or in, the erection of beacons on or the occupation of, any of the following lands—

31 of 1956,
s. 32 and Sch.
Cap. 338.

- (a) land set apart for, or used for or appropriated or dedicated to, any public purpose (other than mining) except with the prior consent of the President;
- (b) land included within the area of an oil pipeline licence granted under the Oil Pipelines Act without the consent of the Minister as defined in section 2 of that Act;
- (c) land situate within any township or Government station except with the prior consent of the owner or holder of the surface rights and of the Minister;
- (d) land occupied by any town, village, market, burial ground or cemetery or any land declared to be a congested area except with the prior permission of the Minister and the Minister may from time to time by order determine the boundaries of any town, village, market, burial ground or cemetery where any doubt arises as to such boundaries;
- (e) land appropriated for any railway or situate within one hundred yards of any railway except with the

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- prior consent in writing of the Minister and subject to such conditions as the Minister may prescribe;
- (f) land which is the site of, or is within fifty yards of, any Government or public building, reservoir, dam, public road or tramway without the prior consent in writing of the Minister and subject to such conditions as the Minister may prescribe;
- (g) land within an area declared to be an unsettled district under section 2 of the Unsettled Districts Ordinance without the prior consent in writing of the Minister and subject to the conditions, if any, prescribed by the Minister; Cap. 223 of the 1948 edition.
- (h) land actually under cultivation without the prior consent of the owner or occupier of the land;
- (i) land which is the site of, or is within fifty yards of, any building without the prior consent of the occupier of the building;
- (j) land over which exclusive prospecting licences, mining rights or mining leases have previously been granted by the Minister and are still subsisting except by the holder of or lessee of such licence, right or lease; for the purposes of this paragraph an exclusive prospecting licence shall be deemed to be still subsisting until the expiry of the three months prescribed in section 22 (b) of this Act;
- (k) land declared by a Governor in the Northern States to be a restricted area under section 10 of the Sleeping Sickness Ordinance except by a person duly authorised in accordance with the provisions of that Act to enter a restricted area; Order 7 of 1951. Cap. 208 of the 1948 edition.
- (l) land which has within the preceding three months been the subject of a notice under subsection (1) of section 13 of the National Commission for Museums and Monuments Act, or which has been declared to be a monument by a notice under subsection (5) of the said section, unless the right, licence or lease was granted or became effective before the date on which the notice aforesaid was given and the holder of the right, licence or lease has given to the Director of Antiquities the notice in writing prescribed by the 13 of 1956. Cap. 242.

proviso to subsection (3) of section 13 of the National Commission for Museums and Monuments Act, or by subsection (3) of section 18 of the said Act, as the case may be:

Provided that if the Minister shall be satisfied that the consent required under paragraph (h) or (i) is withheld unreasonably the Minister may authorise the holder of the licence or right or lease to prospect or mine on or in any such land subject to such conditions as he may prescribe.

(2) Any person prospecting or mining on or under any lands specified in subsection (1) without the requisite consent or authority shall be guilty of an offence.

Royalties.
13 of 1956.

15. All minerals obtained in the course of prospecting or mining operations shall be liable to such royalties as may be prescribed:

Provided that the Chief Inspector may reduce or waive royalty on any mineral which he is satisfied is being exported solely for the purpose of analysis or experiment or as a scientific specimen and not being a greater quantity than in his opinion is necessary for such purpose.

Certificate
of analysis
required in
certain cases.
13 of 1956.

16. (1) Whenever mineral is exported solely for the purpose of analysis or experiment or as a scientific specimen the Chief Inspector may require the result of analysis to be forwarded to him and the person exporting such sample shall obtain a certificate of the result of analysis of such sample and shall deliver within six months of the export of such sample a true copy thereof to the Chief Inspector and a further true copy to the Director of Geological Survey.

13 of 1956.

(2) Any person failing to comply with the provisions of this section shall be guilty of an offence.

PART II.—PROSPECTING

When
prospecting
lawful.

17. (1) Prospecting shall be lawful under a prospecting right or an exclusive prospecting licence:

Provided, however, that the Minister may by notice in the *Federal Gazette* prohibit prospecting for any specified mineral, and in such case a prospecting right or exclusive prospecting licence, whether such right or licence be granted before or after such notice, shall not authorise the

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holder thereof to prospect for such mineral unless the contrary is expressly provided in the right or licence.

(2) (a) Minerals raised or obtained in the course of prospecting under a prospecting right or an exclusive prospecting licence shall be the property of the State and shall not be removed from the land or disposed of by the holder of the right or licence or by any other person except with the consent of the Chief Inspector.

Minerals raised by holder of a prospecting right or of an exclusive prospecting licence to be the property of the State and not to be removed except with consent.
13 of 1956.

(b) If the holder of a prospecting right or an exclusive prospecting licence or his agent discovers during the course of prospecting any radio-active mineral or any mineral which may reasonably be expected to be radio-active, he shall forthwith notify such discovery in writing to the Chief Inspector and the Director of Geological Survey.

(3) The Chief Inspector may authorise the removal of such minerals from the land from which they have been obtained to any place approved by him for safe custody, subject to such conditions, if any, as he may think fit.

(4) If the holder of a prospecting right or an exclusive prospecting licence desires to retain or dispose of any minerals raised or obtained in the course of prospecting he shall make application to the Chief Inspector in the prescribed manner, and if the said Chief Inspector is satisfied that the prospector has been conducting such work only as was reasonably necessary to enable him to test the mineral bearing qualities of the land, he may authorise the applicant to retain and dispose of the minerals in respect of which application is made on payment of the prescribed royalties.

Conditions on which minerals raised may be retained or disposed of.

Prospecting Rights

18. (1) The prescribed officer may in his absolute discretion issue to any person, upon payment of the prescribed fee, a prospecting right in Form A in the First Schedule to this Act: and he may by endorsement thereon restrict the use of the prospecting right—

Grant and duration of a prospecting right.
Form A.
13 of 1956.

(a) to specified divisions;

(b) to specified minerals;

and may in like manner impose any conditions he may consider necessary:

Provided that a prospecting right shall not be granted—

(i) to any person who in the opinion of the prescribed officer is not able to read and understand this Act in such a way as to form a reasonable guide to and restriction on his actions;

(ii) to any person who is under twenty-one years of age;

35 of 1946.

(iii) except with the consent of the Minister, to any person who or whose present employer or partner has been convicted of an offence under this Act, or who or whose present employer or partner has previously held any right, licence, or lease granted under this Act or under any previous enactment relating to minerals which has been revoked by reason of a breach of the terms or conditions of the same:

Provided that, if such consent has once been given after such conviction or revocation, it shall not be necessary in respect of any subsequent application;

(iv) to any person who is unable to give satisfactory proof that he possesses sufficient money or credit to enable him to pay any expenses which may be incurred by prospecting in an adequate manner and any compensation which may be payable by him in the exercise of the rights conferred by a prospecting right;

(v) to any person who is not in possession of a copy of this Act and the Regulations thereunder.

(2) Any person aggrieved by the refusal of the prescribed officer to grant him a prospecting right may appeal to the Minister whose decision thereon shall be final.

(3) A prospecting right granted to a person in the employ of another person and paid for by the employer, may, at the request of the employer be cancelled by the prescribed officer if the holder leaves the service of such employer, and the employer at the same time returns the said right to the office of the prescribed officer for cancellation.

(4) (a) A prospecting right shall not be granted to a company or partnership as such but may be granted to an individual as agent of the company or partnership. In such case

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the application shall be made by the agent and shall be supported by a written undertaking by the company or partnership to be responsible for the acts and omissions of the agent who shall also be responsible for his own acts and omissions.

(b) The grant of a prospecting right to an agent shall not imply that the agent is accepted as a person who would be granted a prospecting right in his own name; and the prescribed officer may in considering an application by such an agent for a prospecting right take into consideration the degree of control which the principal is likely to exercise over the agent.

(5) A prospecting right shall remain in force for one year from the date thereof unless previously revoked or determined in accordance with the provisions of subsection (3) of this section.

(6) A prospecting right shall not be transferable.

(7) A prospecting right shall be produced whenever demanded by any administrative, mines or police officer or by the owner or occupier of private land or by the occupier of land occupied under a State lease or a right of occupancy on which the holder of the prospecting right is prospecting or intends to prospect.

19. (1) The holder of a prospecting right may—

- (a) enter upon and prospect on any land within the divisions specified in the prospecting right (not being land closed to prospecting under section 8 of this Act) including any of the lands referred to in section 14 of this Act if he has first obtained the consent of the authority or person therein stated to be entitled to give such consent but not otherwise;
- (b) whilst engaged in *bona fide* prospecting construct a camp and take timber (other than protected trees), and water from any lake, or watercourse not the subject of a water licence for domestic purposes or for the purposes of prospecting;
- (c) sink shafts or wells and dig holes or trenches;

Rights and obligations under a prospecting right.

Provided as follows:

(i) the holder shall not divert water from any watercourse without the consent in writing of an inspector or of an administration officer;

(ii) the holder shall not prospect in any forest reserve except with the consent of the Governor and such consent may be made subject to such conditions as the Governor may deem necessary;

(iii) any holder intending to prospect on private land or on land occupied under State lease or the subject of a right of occupancy shall give notice to the district officer concerned and, where practicable, give notice of his intention to the occupier of such land before commencing prospecting operations thereon;

(iv) permits to take protected trees without the payment of royalties and fees may be granted by the proper authority to persons who are carrying out underground prospecting for the purposes of such prospecting. If any question arises as to whether the operations for which such timber is required or is being used are or are not prospecting the matter shall be referred to the Chief Inspector whose decision shall be final.

(2) Any holder of a prospecting right who fails to give any notice required under the last preceding subsection or fails to comply with the conditions imposed by the Governor shall be guilty of an offence.

Exclusive Prospecting Licences

Grant of an
exclusive
prospecting
licence.

20. (1) The Minister may in his absolute discretion grant an exclusive prospecting licence to prospect for such minerals as are stated in the licence to any person who, being the holder of a prospecting right, has beaconed the area over which the licence is applied for or who has, by an agent who is the holder of a prospecting right on his behalf, beaconed such area. On the application of any licensee the Minister may add to or vary the minerals so stated in any exclusive prospecting licence.

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(2) The applicant for an exclusive prospecting licence shall be informed at the time of approval of his application of any special conditions which it is proposed to include in any lease granted by virtue of his exclusive prospecting licence.

(3) The holder of an exclusive prospecting licence or any person who in the opinion of the Minister in the exercise of his absolute discretion is associated with or employed by him on the said exclusive prospecting licence shall not be granted, within one year after the expiry or revocation of the said exclusive prospecting licence, an exclusive prospecting licence in respect of any portion of the area covered by the original exclusive prospecting licence.

(4) An exclusive prospecting licence shall be in Form B in ^{Form B.} the First Schedule.

(5) An exclusive prospecting licence shall not be granted in respect of an area exceeding eight square miles.

(6) An exclusive prospecting licence shall be granted for ^{Renewal.} one year from the date specified therein but may be renewed in whole or in part at the discretion of the Minister for further terms of one year each up to a maximum of two renewals where the mineral is in alluvium, four renewals where the mineral is covered by basalt and five renewals where the mineral is in lode:

Provided that the President may grant renewals of such licence in whole or part for such further periods of one year each if it be shown that all obligations have been fulfilled or that prospecting operations have been stopped or seriously hindered by circumstances beyond the control of the licensee:

Provided further that should the application for renewal be refused the licence shall be valid for a further period of three months from the date on which it would otherwise have expired.

(7) Application for the renewal of an exclusive prospecting licence shall be made in writing at least one month before the date of the expiry thereof and the licence and a copy of the plans required by section 10 of this Act and the rent due for the following year shall be forwarded together

with the application. When such application has been made as aforesaid but the applicant has not been notified whether his application is granted before the date on which the licence expired, the holder may continue his prospecting operations until he is notified that his application is refused. If approved the renewal shall date from the date on which the licence would but for such renewal have expired. If not approved the applicant but no other person may during a period of three months commencing on the day after the notice of refusal, or the date of the expiration of the licence, whichever shall be later, be and apply for mining rights and mining leases within the area of the exclusive prospecting licence.

(8) When the holder of an exclusive prospecting licence is prevented from prospecting by reason of the area of his prospecting licence being included in an unsettled district declared under the Unsettled District Ordinance, the time during which prospecting is so prevented shall not be reckoned in the currency of the licence.

Cap. 233 of
the 1948
edition.

Notice to be
given to
owner or
occupier of
land.

21. When application is made for an exclusive prospecting licence in respect of an area which includes any private land or land occupied under a State lease or right of occupancy, notice of such application shall be given in the prescribed manner to the owner or occupier of such land before the licence is granted.

Rights under
an exclusive
prospecting
licence.
22 of 1954.

22. The holder of an exclusive prospecting licence—
(a) shall have the sole right of prospecting upon the land within the area of his licence, and for such purpose may—

(i) enter upon such land with his agents and workmen and thereupon exercise all or any of the rights conferred upon the holder of a prospecting right,

(ii) employ in prospecting on such land any number of persons who for the purpose of such prospecting shall not be required to hold prospecting rights, and

(iii) erect and maintain such machinery and plant and, subject to the provisions of Part IX of this Act,

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construct such ways as may be necessary for or in connection with his prospecting operations;

- (b) who shall have fulfilled all the conditions attached shall be entitled within a period of three months from the date of expiry of the licence and subject to the provisions of this Act to the grant of a mining lease for any mineral for which he was authorised to prospect (the authority not having been determined by a notice under section 17(1) of this Act, in respect of any portion of the area included in the licence:

Provided that the Minister may for any reason he may think proper (which may include an objection by the owner or occupier of any portion of the area for which application is made) exclude from the lease any portion of the area for which application is made.

23. (1) The holder of an exclusive prospecting licence shall, during the currency of the licence, carry on in a safe, orderly, skilful, efficient and workmanlike manner in accordance with the regulations prospecting operations on the land included in the area in respect of which the licence has been granted:

Obligations of the holder of an exclusive prospecting licence.

Provided that the Minister may, on the application of the holder and for good cause shown, by writing under his hand suspend the obligation to work imposed by this section in respect of any licence for such time as the Minister may deem proper; and may in the same manner direct that any such time or any part thereof shall not be reckoned in the currency of the licence, if during such time no work is done by the holder on the lands included in the area covered by the licence.

(2) Unless otherwise provided the rights and obligations imposed by section 19 of this Act on the holder of a prospecting right shall apply to the holder of an exclusive prospecting licence.

(3) The holder of an exclusive prospecting licence if not personally residing on the land the subject of the licence or in the opinion of the Chief Inspector not residing sufficiently near to give continuous supervision to prospecting operations on such land shall at all times have a responsible agent supervising such operations.

Surrender of
exclusive
prospecting
licences.
Form C.

24. The holder of an exclusive prospecting licence may, on payment of the prescribed fee, surrender his licence and such surrender shall be in Form C in the First Schedule or to the like effect:

Provided that such surrender shall not affect any liability incurred by the holder before such surrender shall have taken effect and that no rent shall be refunded.

Grant of
special
exclusive
prospecting
licence.

25. The Minister may in his absolute discretion notwithstanding anything in this Act or the Regulations contained grant a special exclusive prospecting licence in respect of any area exceeding the area specified in subsection (5) of section 20 of this Act, and for a period exceeding one year upon such special terms and conditions, whether in accordance with the provisions of this Act and the regulations or not, as he may think fit.

Act and
regulations
applicable
to exclusive
prospecting
licences to
apply.

26. Every special exclusive prospecting licence shall be granted subject to the provisions of this Act and the regulations applicable to an exclusive prospecting licence save where such provisions are at variance with any special terms and conditions imposed by the Minister. A special exclusive prospecting licence may be renewed at the discretion of the Minister for further terms of one year each up to a maximum of five renewals.

PART III.—MINING

Mining,
when lawful.

27. (1) Mining shall be lawful under a mining right or a mining lease.

Temporary
grants.

(2) When under the provisions of this Act application has been made for a mining right or a mining lease and it is probable that delay will ensue in the consideration of such application owing to difficulty in the completion of the survey or for any other reason the Minister, in his absolute discretion, may grant to the applicant a temporary mining right or a temporary mining lease which may be in the Form D in the First Schedule and such temporary grant may be subject to such covenants and conditions as may be imposed under the provisions of this Act in respect of a mining right or a mining lease and to such further conditions and restric-

Form D

tions as the Minister, in his absolute discretion, may deem necessary.

(3) Any such temporary grant shall be for such period as the Minister may decide and shall entitle the grantee, subject to the provisions of this Act and the Regulations, to mine in the area applied for and shown on a plan to be supplied by the applicant and to dispose of the minerals won therefrom but shall not entitle or give any claim to the grantee of such temporary grant to a mining right or a mining lease over the area concerned or affect the consideration of the application for the mining right or mining lease in respect of which the temporary grant is made.

Rights under a temporary grant.

(4) A mining right shall be in Form E in the First Schedule with any necessary modification concerning the period of validity of the right, and shall remain in force for such period of not less than one year and not exceeding five years from the date thereof as may be decided on by the Minister, but may be renewed by the Minister for any further period within such limits.

First Schedule.

1958 No. 4.

(5) The Minister, in his absolute discretion, may at any time cancel a temporary mining right or mining lease and nothing done, granted or permitted under the provisions of this section shall in any way be construed to limit the discretion conferred upon the Minister under the provisions of this section or of section 28 or of section 34 of this Act.

Temporary grant may be cancelled.

(6) If the lessee of a mining lease, the holder of a mining right or the grantee of a temporary mining lease or mining right granted under the provisions of this Act, or the agent of such lessee, holder or grantee, discovers during the course of mining any radio-active mineral or any mineral which may reasonably be expected to be radio-active, he shall forthwith notify such discovery in writing to the Chief Inspector and to the Director of Geological Survey.

13 of 1956.

A—Mining Rights

28. (1) The Minister may, in his absolute discretion but subject to the provisions of section 36 of this Act and the other provisions of this Act, grant a mining right to any person who, being the holder of a prospecting right, has

Grant of a mining right.

beaconed the area over which the mining right is applied for or who has, by an agent who is the holder of a prospecting right on his behalf, beaconed such area, or to the holder of an exclusive prospecting licence, provided that in the latter case the area over which the mining right is applied for lies wholly within the boundaries of the area covered by that licence.

(2) The provisions of section 21 of this Act shall apply, *mutatis mutandis*, to an application for a mining right.

(3) Mining rights may be granted in respect of such areas as may be prescribed.

4 of 1958.
Form E.

(4) A mining right shall be in Form E in the First Schedule to this Act with any necessary modification concerning the period of validity of the right, and shall remain in force for such period of not less than one year and not exceeding five years from the date thereof as may be decided on by the Minister, but may be renewed by the Minister for any further period within such limits.

(5) The Minister may, in his absolute discretion, impose such covenants and conditions in the grant of a mining right as he may deem necessary and the provisions of section 34 of this Act relating to any covenants and conditions in respect of the restoration of any area used for mining operations shall, *mutatis mutandis*, apply to the grant or renewal of a mining right.

Renewal.

(6) Application for the renewal of a mining right shall be made in writing at least one month before the date of expiry thereof and the title and the rent due for the following year shall be forwarded together with the application. When such application has been made as aforesaid but the holder has not been notified whether his application is allowed before the date on which the right expires the holder may continue his mining operations unless and until notified that his application is refused. If approved the renewal shall date from the date on which the right would but for such renewal have expired.

Right
conferred by
mining right

29. (1) A mining right shall confer upon the holder thereof the right to enter upon the lands in respect of which the mining right is granted and the exclusive right to mine

Minerals Act

therein the alluvial minerals specified in the right and to take and dispose of any such minerals obtained subject to the payment of the prescribed royalties, and, for and in connection with his mining operations, the holder may exercise all or any of the rights conferred by section 40 on a mining lessee, with the exception of the rights specified in paragraph (e) of the said section.

(2) A holder of a mining right shall not divert water from any watercourse within the area of his right without the consent in writing of an inspector.

(3) The provisions of section 41 of this Act shall apply, *mutatis mutandis*, to a mining right.

30. (1) The Minister may grant to the holder of a mining right authority upon such terms as he may think fit to mine in the area covered by his right for any alluvial mineral other than those specified in the mining right and may vary or revoke such authority.

Mining for minerals other than those specified in the mining right.

(2) If the holder of a mining right mines for any minerals other than those specified in his mining right without authority being granted under the preceding subsection his right shall become liable to forfeiture.

31. The holder of a mining right shall adequately carry on mining operations in the lands the subject of the mining right to the satisfaction of the Chief Inspector, and shall furnish such reports and returns and shall keep such books and plans as may be prescribed:

Obligations of holder of mining right.

Provided that the Minister may on the application of the holder and for good cause shown by writing under his hand suspend the obligations imposed by this section as regards the mining operations to be conducted for such time and subject to such conditions as the Minister may think fit.

32. The provisions of sections 36, 42, 43, 44 and 45 of this Act, shall apply, *mutatis mutandis*, to a mining right.

Application of certain sections, *mutatis mutandis*, to mining rights.

B—Mining Leases

Kinds of leases to be prescribed by Regulations.

Grant of a mining lease.

33. Mining leases shall be of such kinds and in respect of such areas as may be prescribed by the regulations.

34. (1) The Minister may grant a mining lease—

- (a) in his absolute discretion to any person who, being the holder of a prospecting right has beaconed the area over which the lease is applied for or who has, by an agent who is the holder of a prospecting right on his behalf, beaconed such area and who has given the notice prescribed under section 21 of this Act; or
- (b) to the holder of an exclusive prospecting licence in respect of an area lying wholly within the boundaries of his licence who has by himself or his agent carried on adequate prospecting operations on such area; or
- (c) in his absolute discretion to the holder of a mining right in respect of any portion of the area of his right,

and he may in any case make such grant subject to such covenants and conditions as he may think fit and in particular may require the reasonable restoration of any area used for mining operations by the replacement of the surface soil, the filling in of worked areas, the removal of any tailing or other dumps or heaps caused by mining operations and such other methods as may reasonably be required and any such covenants and conditions may be general or in respect of any particular mining operations or method of mining.

(2) The Minister, in his discretion, may by order require the holder or grantee of any mining right or mining lease given or granted under the provisions of any repealed Act, enactment or Proclamation reasonably to restore any area in respect of mining operations being or to be carried out on or after the date on which this Act comes into operation and any such order may contain all or any of the provisions of the covenants and conditions with may so be imposed under the provisions of subsection (1) of this section, and, upon due service of such order, the provisions thereof shall be deemed to be covenants and conditions of the lease or grant concerned.

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(3) A mining lease shall be in the Form F in the First Schedule. Form F.

(4) A mining lease shall specify the minerals which the lessee is entitled to mine within his lease:

Provided that the Minister, if an applicant so desires, may add to or vary the minerals endorsed thereon.

35. (1) The Minister may offer and grant a special mining lease of any land if he is satisfied that by reason of the difficulties and cost attending the mining in, on, or under such land or for any other cause it is necessary that such a lease be granted. Special mining leases.

(2) The Minister may fix the form of and the area to be comprised in any such special mining lease, the rent and royalty to be paid and the labour and other conditions, reservations and exceptions to be contained in the same but in all other respects such special mining lease and the application for the same shall be subject to the provisions of this Act and the regulations.

36. (1) A mining lease shall not be granted to any person unless the Minister is satisfied— Technical supervision of mining under a mining lease.

(a) that he possesses either adequate mining experience or qualifications in mining; or

(b) that he will employ during the currency of the lease a person who possesses either adequate mining experience or qualifications in mining.

(2) Where a mining lease has been granted—

(a) to a person who comes within paragraph (a) of subsection (1) of this section, such lease shall remain in force during such time only as the lessee personally supervises or employs some person, who the Minister is satisfied possesses adequate mining experience or qualifications in mining, personally to supervise the mining operations being undertaken under the lease, and in the latter event that such person does in fact so supervise the operations;

(b) to a person who comes within paragraph (b) of subsection (1) of this section, such lease shall remain in

force during such time only as the lessee employs some person who the Minister is satisfied either possesses adequate mining experience, or qualifications in mining, personally to supervise the mining operations being undertaken under the lease and such person does in fact so supervise the operations:

Provided that where no person, who to the satisfaction of the Minister either possesses adequate mining experience or qualifications in mining, is available to supervise the mining operations being undertaken under a lease such lease shall not cease and determine if the Minister is satisfied—

(i) that the cessation of supervision is of a purely temporary nature; and either

(ii) that the operations cease until suitable supervision is again available; or

(iii) that the operation can continue without detriment to the mineral resources of Nigeria.

Duration of
lease.
L.N. 131 of
1954.
1959 No. 1.

37. (1) A mining lease may be granted for such term not being more than twenty-one years (or not being more than seventy years in the case of non-metallic minerals as classified in paragraph (c) of the definition of minerals in section 2 of this Act,) as the Minister may think proper.

1969 No. 26.

(2) In the case of the following non-metallic minerals, that is to say, asbestos, china clay, fuller's earth gypsum, limestone, marble, mica, pipe-clay and slate, a mining lease may be granted for such terms not being less than 5 years and a day or more than 70 years.

Renewal.

(3) If at the expiration of the term originally granted the lessee shall be carrying on work in a normal and business-like manner, and the mining lease is not at that time liable to be forfeited under any of the provisions of this Act, and the lessee has given to the Chief Inspector six months' notice in writing in that behalf, then the lessee shall be entitled on payment of the prescribed fee and subject to the provisions of this section, to obtain the renewal of the lease for such term as may be approved, not exceeding twenty-one years, upon the conditions which are then applicable to new leases and subject to all covenants and conditions which may be imposed under the provisions of this Act.

1961 No. 41

(4) Where a lessee not less than six months before the expiry of his lease makes application in writing to the Chief Inspector for any further renewal of his lease, and the Chief Inspector is satisfied that work under the lease is being done in a proper manner according to the nature of the lease and the lease is not liable to forfeiture on any other grounds the Minister, after considering the advice of the Chief Inspector, may in his discretion and upon such terms and conditions as he thinks fit authorise the further renewal, or without being called upon to assign a reason may refuse the further renewal.

(5) The Minister in his discretion may direct a lessee who has applied for the renewal of a lease under the provisions of subsection (3) of this section, to surrender any part of the area covered by such lease which has been worked out or is no longer reasonably required for mining operations and such direction being given such lease shall not be renewed until such surrender has been effected and if such surrender be not made within a reasonable time of the service of such direction the lessee shall lose the right to renew under the provisions of subsection (3) of this section.

Surrender of
mining lease
L.N. 131 of
1954.

(6) When on the renewal of any mining lease it is considered desirable to correct any defects existing in the plan of the area of the said lease a corrected plan shall be made, and when endorsed on or attached to the lease shall be deemed to be the plan of such area.

(7) A lessee who has given six months' notice in writing to the Minister or such lesser period as the Minister may accept, may surrender his mining lease in whole or, with the consent of the Minister, in part, on forwarding the original lease and on payment of all sums due in respect thereof and of all fees and charges prescribed for the surrender of a lease and on carrying out all obligations in respect of such leases.

L.N. 131 of
1954.

(8) If part only of the area of a mining lease is to be surrendered, the lessee shall have the area surveyed into parts either by an agent of the lessee or by a Government surveyor, and in the latter case he shall deposit such a sum as may in the opinion of the Minister be sufficient to cover the amount of all fees and charges incident to such surrender.

L.N. 131 of
1954.

(9) When the part of the area to be retained has been surveyed a new mining lease shall be prepared for that part and on preparation thereof the lessee shall surrender the original lease in exchange for the new lease.

(10) Any such substituted mining lease may be subject to the same covenants and conditions as the original lease and to such other covenants and conditions as may be imposed under the provisions of this Act.

L.N. 131 of
1954.

(11) If the surrender has not been effected before the expiry of the notice, the Minister may, unless he is satisfied that the delay is due to no fault of the applicant, treat the application as having elapsed.

(12) Any surrender which does not comply with any of the requirements of subsections (7) to (11) of this section shall be null and void.

(13) It shall be the duty of the applicant to obtain the consent of any parties who may have an interest in such mining lease before making an application to surrender in whole or in part.

Form G.

(14) A surrender of a mining lease shall be in the Form G in the First Schedule of this Act or to the like effect.

Implied
conditions
on part of
lessee.

38. There shall be implied in every mining lease, in the absence of any express condition to the contrary, the following covenants and conditions on the part of the lessee—

35 of 1946.

(a) that the lessee shall duly pay the rent and any royalty that may become due to the Minister at such time and place and in such manner as may from time to time be prescribed, and to such persons as may from time to time be authorised to receive the same;

(b) that the lessee shall duly maintain all beacons in good condition and repair and shall when so required by the Chief Inspector at each corner beacon and at each point where the boundary crosses any river, road or railway, keep the boundary lines for a distance of fifty yards in each direction cut and cleared of vegetation for a width of four feet and shall if required by an inspector clear of vegetation all or any of the boundary lines specified by him;

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- (c) that, subject to the provisions of this Act, the lessee shall commence mining operations in the area of the mining lease within a period of six months from the date of the lease, and shall thereafter during the continuance of the lease, unless prevented by circumstances beyond his control, continuously, vigorously and effectively carry on mining operations in such area;
- (d) that the lessee shall fulfil the working obligations prescribed by the regulations;
- (e) that the lessee shall carry on all his mining operations in a safe, orderly, skilful, efficient and workmanlike manner and shall not cause danger or damage to the occupiers (if any) of the lands within the area of the lease and shall observe and perform all regulations and orders made, and directions given, in accordance with the provisions of this Act;
- (f) that the lessee shall not use any portion of the area included in his lease for any purpose other than those mentioned in section 40 of this Act;
- (g) that any of the persons mentioned in section 113 of this Act shall at all reasonable times have free access to the area of the lease and to all the workings therein;
- (h) that the lessee shall keep, or cause to be kept, plans and true and sufficient books of account of the mining carried on within the area of the lease, and of the disposal of the minerals won, and shall, if so required, produce or cause to be produced such plans and books for the inspection of an inspector or of any person duly authorised by him in that behalf; and
- (i) that the lessee shall take all due and proper precautions and shall comply with all requirements of mines officers as to the safety of all persons employed by him in mining operations.

39. A mining lease shall confer upon the lessee the right to enter upon the lands the subject of the lease, and, subject to the provisions of this Act and the regulations, the exclusive right to mine in such lands and the right to remove and dispose of the minerals specified in the lease on payment of the prescribed royalties.

Rights of
lessee.

Surface
rights of
lessee.

40. In so far as it may be necessary to a lessee or to the grantee of a temporary title under the provisions of section 27 of this Act for or in connection with his mining operations and subject to the provisions of this Act and to the regulations, the lessee or such grantee, who has complied with the provisions of this Act relating to compensation and the payment of surface rent, shall have on the lands included in his mining lease or in the area over which a temporary title has been granted (as the case may be) the following rights—

- (a) to make all necessary excavations;
- (b) to erect, construct and maintain such houses and buildings as in the opinion of the Chief Inspector are necessary for his use and for the use of his agents and servants;
- (c) to erect, construct and maintain such engines, machinery, buildings and workshops and other erections as may be necessary or convenient;
- (d) to stack or dump any of the products of mining;
- (e) to lay water pipes and to make watercourses and ponds, dams and reservoirs;
- (f) to construct and maintain all such electrical transmission lines, tramways, railways, roads, landing grounds, communications and conveniences as may be necessary;

Provided that nothing in this section shall authorise the lessee or the grantee of a temporary title to make such alteration in the flow of water in any navigable waterway as would obstruct or interfere with or be likely to obstruct or interfere with the free and safe passage of any vessel, boat, canoe or other craft.

Surface
rents.

41. (1) The lessee of a mining lease shall pay rent (hereinafter called "surface rent") at such rate *per annum* as shall be determined by the Minister for all land occupied or used by him for any of the purposes mentioned in section 40 of this Act, or otherwise for or in connection with his mining operations.

(2) The Minister shall, before granting a mining lease which includes any private land or State land, cause the owner or occupier of the land to be informed of his intention to grant such lease, and require the owner or occupier of the

land to state in writing within such time as the Minister may determine the rate of the annual surface rent which he desires shall be paid to him by the lessee for any land occupied or used by him for or in connection with his mining operations.

If within the time specified the owner or occupier of the land shall state the rate of the rent which he desires shall be paid, and the Minister is satisfied that such rent is fair and reasonable, the surface rent payable in respect of the land of such owner or occupier shall be at the rate stated by him.

(3) Subject to the provisions of subsection (2) of this section, the Minister shall fix the rate of the surface rent payable under this section and shall cause the lessee to be notified of the rate so fixed before or as soon as conveniently may be after the granting of the mining lease:

Provided that—

- (a) the rate of surface rent, whether fixed by the owner or occupier or by the Minister, shall be subject to revision by the Minister at intervals of seven years;
- (b) in fixing the surface rent payable the Minister shall not take into consideration the damage which may be done to the surface of the land by the mining or other operations of the lessee, for which compensation is payable under section 77 of this Act.

(4) The surface rent payable under this section by a lessee shall be paid without demand annually in advance to the prescribed officer who shall pay out of the rent received any rent payable to the owner of the private land or to the occupier under a State lease.

(5) If any question shall arise as to the extent of the lands occupied or used by a lessee, or as to the date on which he commenced or ceased to occupy or use any land, or as to the proportion of the surface rents payable to the persons entitled to receive any portion thereof, the decision of the Governor of the State shall be final and binding on all persons, subject only to an appeal to the Minister.

(6) All expenses incurred by the Government in surveying, measuring or otherwise ascertaining the extent of

the land in respect of which surface rent is payable under this section shall be paid by the lessee.

(7) If in any case, it is in the opinion of the Minister impracticable or undesirable to determine the extent of the lands occupied or used by a mining lessee he may permit the lessee to pay surface rent at such rate as he may determine over the whole area of his lease, but in such case the proviso to section 77 of this Act shall not apply.

(8) Where the Minister permits a surface rent to be paid over the whole area of a lease under the provisions of subsection (7) of this section, it shall not be lawful for the holder of such mining lease to disturb the owners or occupiers of any part of the land included within such lease during the course of mining operations until the land is actually required for any of the purposes set out in section 40 of this Act.

Right of
lessee to take
timber

42. (1) A lessee may, on the lands included within the area of his mining lease, cut, take and use any tree when necessary in the course of mining operations or when required for mining or domestic purposes, provided that he shall not cut or take any protected tree except within the consent of the proper forestry officer and on payment of the fees and royalties prescribed under the Forestry Law of a State.

(2) The owner of any protected tree cut or taken shall be entitled to the royalties payable in respect of such tree, and in the case of any other tree cut or taken such compensation as may be agreed upon between the owner and lessee, or in default of agreement, as may be determined in the manner prescribed in section 78 of this Act.

Provided, however, that a lessee shall not be liable to pay compensation in respect of any tree other than a protected tree or an economic tree taken on land in respect of which he is paying surface rent under section 41 of this Act.

Compensation to be paid by lessee on revocation of a certificate of occupancy or on resumption of lands leased by the State.

43. (1) Whenever, by reason of the grant or existence of a mining lease, the President revokes a right of occupancy over land the subject of a certificate of occupancy or resumes possession of any lands occupied under State lease the mining lessee shall pay to the Government the amount of the compensation paid by the Government to the holder

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of the certificate of occupancy or to the State lessee by reason of the revocation or resumption of possession as the case may be.

(2) Whenever, after the grant of a mining lease a State lease or certificate of occupancy shall be granted in respect of any land included within the area of the mining lease and not occupied prior to the grant of the mining lease, the State lessee or holder of the certificate of occupancy shall not be entitled to compensation under section 77 of this Act.

Rights under State leases and certificates of occupancy granted after a mining lease.

44. (1) The lessee of a mining lease who shall have paid all rents, royalties and other payments to be made by him under this Act or under the terms of his lease may, within three months in the case of an alluvial lease and six months in the case of a lode lease after the expiration or other determination of his lease, remove all or any of the plant, buildings or other property of the lessee.

Right of lessee to remove fixtures.

(2) In the case of any lessee who on the expiration or determination of his mining lease is in default in the payment of any rent, royalties or other payments, and in the case of a lessee who has not removed his property within three months in the case of an alluvial lease and six months in the case of a lode lease as aforesaid or within such further time, if any, as the Minister may allow, all the plant, buildings and property of the lessee on the land the subject of the lease shall become the property of the Government and may be dealt with and disposed of in such manner as the Minister may direct.

When property of the lessee becomes vested in the Government.

45. The acceptance by or on behalf of the State of any rent shall not be held to operate as a waiver by the State of any forfeiture accruing by reason of the breach of any of the provisions of this Act, of the regulations or of any covenant or condition, express or implied, in any lease granted under this Act or under any previous Act or Proclamation.

Acceptance of rent not to act as a waiver of forfeiture.

PART IV.—PROVISIONS REGARDING WATER

46. No person shall in the course of mining or prospecting operations or in any works connected therewith pollute or permit to become polluted the water of any watercourse.

Pollution of watercourse prohibited.

Purification
of water.

47. Every person who uses water in connection with mining operations, whether for the generation of power or for the removal of mineral substances or for concentrating, milling or otherwise, shall, whatever may be the nature and date of the document of title under which such use is enjoyed, make such provisions as will ensure that all water so used shall not contain injurious substance in quantities likely to prove detrimental to animal or vegetable life when it leaves the mining area in which it has been so used.

Deposit of
tailing.

48. (1) No lessee or holder of a mining right shall, without permission, deposit a greater quantity of tailing in any natural watercourse than that prescribed by the regulations.

(2) On the application of any mining lessee or holder of a mining right, and on good cause being shown, the Minister may grant permits authorising the deposit of greater quantities of tailing than that prescribed by the regulations and may make the grant subject to such conditions as he may deem necessary. Such conditions shall be endorsed on the permit.

Form J.

(3) Every permit granted in accordance with the provisions of the last preceding subsection shall be in Form J in the First Schedule and shall specify the maximum amount of tailing which may be deposited in a natural watercourse by the holder thereof.

(4) The Minister may revoke, or vary the conditions of, any permit granted under this section if the holder shall commit a breach of any of the conditions of his permit.

Alterations
in water
supply
prohibited.

49. (1) No person shall make or permit any other person to make, without the permission of the Minister, any such alterations in the water supply of any lands as may prejudicially affect the water supply enjoyed by any other person or lands.

(2) Whenever any such alteration has been made the lessee or the holder of the right benefited thereby shall, in the absence of proof to the contrary, be presumed to have made it.

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50. Any person who offends against any of the provisions of any of the last four preceding sections may, by order in writing, be required to take such action as may be directed to prevent a continuance or recurrence of the offence and within such time as may be directed in the order. Such order may be made by the Minister or by such officer as may be prescribed.

Action to be taken to prevent continuance or recurrence of offence.

51. (1) Any person who in the course of mining operations unlawfully interferes with the bank of any watercourse may, by written order, be required to restore the same to the condition in which it was immediately prior to such interference or to remake the same in such manner as may be specified in the order.

Restoration of river banks.

(2) Such orders may be made by the Governor in the case of watercourses or parts thereof as to which the Minister may have notified in the *Federal Gazette* that orders under this section shall only be made by the Governor; in other cases orders under this section may be made by the Chief Inspector.

Water Licences

52. If it shall appear necessary for the proper working of the area of any mining lease, or of the area covered by more than one mining lease held by the same lessee, or the area covered by an application by him for another mining lease or other mining leases and in respect of which he has been granted a temporary title under section 27 of this Act, the Minister may, on such terms as he may think fit, grant to the lessee or grantee of a temporary title a licence hereinafter referred to as a water licence—

Grant of a water licence.

- (a) to obtain and convey to the area of his lease or leases or to any area the subject of a right of occupancy held by the lessee, such volume of water as may be required for the purpose of his mining operations;
- (b) to occupy such land as may be required for a dam, reservoir or pumping station and for the conveyance of such water to the area of his lease or leases by

means of pipes, ducts, flumes, furrows or otherwise;
and

- (c) to construct any works necessary for the collection, storage or conveyance of such water:

Provided always that—

(i) no water licence shall be granted until after the expiration of one month from the date on which notice of the application for it has been published in the *Federal Gazette* and posted in a conspicuous place at the office of the Chief Inspector;

(ii) no water licence shall be granted if it is shown to the satisfaction of the Minister that the exercise thereof will prejudicially affect any existing right in or over the water supply to which it relates, unless the applicant shall pay to the person whose rights will be prejudicially affected such compensation as may be agreed upon between the parties or as may be determined by arbitration;

(iii) the provisions of sections 12, 41 and 77, and the provisions of subsections (1) and (2) of section 78 shall apply, *mutatis mutandis*, to every water licence granted under this section except that no surface rent will be levied in the Northern States on any area of land used for the purposes of a leat.

Prior permission to dig a leat or to use water.

53. Pending the grant of a water licence for which application has been made the Minister may grant to the applicant on such terms as he thinks fit prior permission to exercise and enjoy the powers and rights for which such application has been made:

Provided always that no such prior permission to use water shall be granted until after the expiration of one month from the date on which notice of the application has been published and posted in accordance with proviso (i) of section 52 of this Act:

Provided further that the provisions of this Act and the Regulations which are applicable to water licences shall apply to such prior permission.

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54. (1) When a person has made application for a lease in respect of any area and it appears that, in the event of such lease being granted, the grant of a water licence under this section will be necessary for the proper working of the area, the Minister may, on such terms as he may think proper, grant to the applicant a provisional water licence under this section.

Power to grant water licence in anticipation of issue of lease.

Such provisional water licence—

(a) shall not become operative unless and until a lease over the said area shall be granted to the applicant:

Provided that, if the applicant has been granted a temporary title under section 27 of this Act to mine on the area prior to the grant of the lease, the Minister may, subject to such terms as he thinks fit, permit such provisional water licence to become operative at any time after the expiration of one month from the date on which notice of the application for it has been published and posted as prescribed;

(b) shall be subject to the provisions set out in section 52 of this Act, save that the payment of compensation required by proviso (ii) shall not be required to be made prior to the granting of the provisional water licence;

(c) shall become operative and have the same force and effect as a water licence granted under section 52 of this Act upon the applicant paying the compensation set out in proviso (ii) to section 52 of this Act and receiving a grant of a lease over the said area.

(2) The provisions of section 53 of this Act shall apply, *mutatis mutandis*, to a provisional water licence.

55. A water licence may be amended on application by the holder at any time by the Minister in respect of—

Amendment of water licence.

(a) the volume of water which may be diverted;

(b) the leases to be served; or

(c) the name of the holder,

by endorsement thereon, provided that no such endorsement shall be made in respect of an increase in the volume of water to be diverted unless notice of such application has

been given in the manner provided in proviso (i) to section 52 of this Act and no objections have been received.

Agreement
of other
interested
parties.

56. It shall be the duty of every applicant for a water licence to reach agreement with all persons likely to be adversely affected by the grant of such water licence at or before the time of making his application and to inform the Chief Inspector of any conditions which such persons may desire to be incorporated as conditions in the water licence.

Duration of
water
licence.

57. A water licence shall remain in force during the life of the mining leases which it serves and any renewals thereof.

Form of
water
licence
Form I.

58. A water licence shall be in the Form I in the First Schedule to this Act.

Transfer.

59. (1) The holder of a water licence desiring to transfer his licence shall apply to the Minister who, if satisfied that the leases which the water licence serves have been transferred, may consent to the transfer of the licence and endorse it accordingly.

(2) The transferee of a water licence shall be liable for all rents and obligations which may have accrued at the time of transfer.

Cancellation
of water
licence.

60. A water licence may upon application being made, be cancelled by the Minister at any time subject to the following conditions—

- (a) that the holder of such licence shall give notice in writing to the Chief Inspector;
- (b) that such cancellation shall not affect any liability incurred by the holder before such cancellation shall have taken effect;
- (c) that all rents due and fees prescribed (if any) upon such cancellation are paid;
- (d) that the original licence is forwarded for cancellation.

Powers of
Minister
as regards
overflow

61. The Minister may require a person to whom a water licence has been granted under section 52 of this Act to permit any other lessee to take from the water supply

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obtained under the water licence any water which is not required by the holder of the water licence, subject to such terms and conditions as to the Minister may appear just, and may grant to such other lessee a water licence to construct and maintain any pump, pipes, ducts, flumes or furrows as may be necessary to convey such water to the area of his lease.

62. A water licence shall be granted on such terms as the Minister may think proper, and subject to the provisions of sections 52 to 54 of this Act.

A water licence may be subject to terms and conditions.

63. The provisions of sections 55, 57, 59, 60 and 61 of this Act shall apply, *mutatis mutandis*, in respect of water rights granted under the provisions of any repealed Act, enactment or Proclamation.

Water rights under earlier laws. 13 of 1956.

64. (1) Subject to the provisions of this section, the Minister shall, before granting any mining lease or exclusive prospecting licence, and may, before granting any mining right or water licence, require the area to be surveyed in accordance with the provisions of the Survey Co-ordination Act, and the cost of the survey shall be paid by the applicant for the lease, licence or right as the case may be at the rate prescribed by this or any other Act.

Requirement as to survey.

Cap. 426.

(2) The Minister may if he thinks fit waive the requirements of this section as to survey in the case of any exclusive prospecting licence.

65. When the survey prescribed by the last preceding section is performed by a licensed surveyor it shall be completed within such period as may be prescribed by the regulations and when any such survey is performed by a Government surveyor such Government surveyor shall, for the purposes of such survey, be deemed to be the servant and agent of the applicant.

Time for completion.

PART VI.—POSSESSION AND PURCHASE OF MINERALS

66. The provisions of this Part shall not apply to *bona fide* specimens of mineralogical, geological or educational interest or to the receipt by an employer of minerals from his tributers.

Exemption.

Definition of
controlled
mineral.
13 of 1956.

67. For the purpose of this Part "controlled mineral" means—

- (a) the ores of tin, columbium, tantalum, tungsten and zinc;
- (b) radio-active minerals;
- (c) uncut diamond;
- (d) amethyst;
- (e) apatite;
- (f) beryl;
- (g) garnet;
- (h) sapphire;
- (i) topaz;
- (j) tourmaline;
- (k) zircon;
- (l) corundum;
- (m) emerald;
- (n) chrysoberyl; and
- (o) any other mineral which the Minister may by notice in the *Federal Gazette* declare to be a controlled mineral.

1984 No. 29.

Possession of
controlled
mineral.
13 of 1956.

68. No person other than a Government servant acting in the execution of his duty shall possess any controlled mineral unless—

- (a) such mineral has been won from ground held under a mining lease or temporary mining lease of which he is the lessee and which entitled him to mine that mineral; or
- (b) such mineral has been won from ground held under a mining right or temporary mining right of which he is the holder and which entitled him to mine that mineral or obtained in the course of prospecting under a prospecting right or exclusive prospecting licence of which he is the holder and which entitled him to prospect for that mineral; or
- (c) he holds a licence issued under section 70 of this Act in respect of that mineral; or

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(d) he is in respect of that mineral within the meaning of the regulations a duly authorised agent or employee of a person permitted by paragraphs (a), (b) and (c) of this section to possess that mineral.

69. No person shall purchase any controlled mineral unless he holds a licence to purchase it issued under section 70 of this Act.

Purchase of controlled minerals.
13 of 1956.

70. (1) The Chief Inspector may on payment of the prescribed fee issue a licence in Form K in the First Schedule authorising the person named therein to possess any controlled mineral or to purchase any controlled mineral or to do both.

Licences.
13 of 1956.
Form K.

(2) The Chief Inspector may by endorsement on the licence impose such conditions as he thinks fit.

13 of 1956.

(3) Subject to the provisions of subsection (5) of this section, every such licence shall continue in force for one year from the date on which it is issued.

13 of 1956.

(4) A licence issued under this section shall not be transferred without the consent of the Chief Inspector.

13 of 1956.

(5) The Chief Inspector may cancel any licence issued under this section if the holder thereof is convicted of an offence under this Act or the regulations or commits a breach of any of the conditions of the licence.

13 of 1956.

71. No person shall sell any controlled minerals unless he has first satisfied himself that the purchaser is the holder of a licence to purchase such controlled minerals.

Duty of seller of controlled minerals to satisfy himself that purchaser is licensed to buy.
13 of 1956.

72. The holder of a licence to purchase controlled minerals shall not purchase any controlled minerals unless he has first satisfied himself that the vendor is authorised to be in possession of such controlled minerals and to dispose of the same.

Holder of licence to satisfy himself that the seller is authorised to possess and dispose of controlled minerals.
13 of 1956.

Duty of
licensee.
13 of 1956.

73. The holder of a licence to purchase controlled minerals shall—

(a) keep books showing—

(i) all purchases made by him and the nature and weight of the controlled minerals purchased;

(ii) the date of each purchase;

(iii) the name of the vendor and his title of authority to be in possession and to dispose of the controlled minerals;

(iv) details of the means of disposal of the controlled minerals after purchase by the licensee; and

(b) produce such books for the inspection of any administrative, mines or police officer whenever required to do so.

Penalties.

74. The holder of a licence who commits any breach of the provisions of either of the two last preceding sections or of the conditions of his licence shall be liable to have the licence cancelled in addition to the penalties prescribed by section 99 of this Act.

PART VII.—COMPENSATION

Minister or
Governor
or owner
or occupier
may require
security.

75. (1) The Minister may either of his own accord or when so requested by any interested party before granting to any person a prospecting right, exclusive prospecting licence, mining right or mining lease require that person to give security by depositing with the Government such sum as may be prescribed or if not prescribed, as the Governor of the State may direct for the payment of the compensation prescribed in this Part.

(2) A Governor or the owner or occupier of any private land or of any land held under a State lease or the subject of a right of occupancy may require any holder of a prospecting right or exclusive prospecting licence intending to prospect on any such land to give the security prescribed in subsection (1) of this section.

(3) The President may accept a banker's guarantee in the Form L in the First Schedule in lieu of the deposit prescribed by this section.

Form L.

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76. Where it has since before the material date as defined in section 5 of this Act been the custom of the members of any community to win any of the minerals to which section 5 applies from any lands over which a mining right or mining lease is granted, the holder or lessee shall during the continuance of the right or lease pay to the owners an annual sum equivalent to the average annual value to the community of the mineral won by the community from the lands.

Compensation where community has been accustomed to win certain minerals.
13 of 1956.

77. Any person prospecting or mining shall, in addition to any other amounts payable under the provisions of this Act, pay the owner or occupier of private land or the occupier of land held under a State lease or the subject of a right of occupancy such sums as may be a fair and reasonable compensation for any disturbance of the surface rights of such owner or occupier and for any damage done to the surface of the land upon which his prospecting or mining is being or has been carried on and shall in addition pay to the owner of any crops, economic trees, buildings or works damaged, removed or destroyed by him or by any agent or servant of his compensation for such damage, removal or destruction:

Compensation to be paid.

Provided that the holder of a mining right or the lessee of a mining lease who is paying surface rent in respect of any private land included within the area of his right or lease shall not be liable to pay compensation in respect of any building erected, economic tree or crops planted or works constructed on such land after the date on which surface rent began to be payable.

78. (1) The amount of the compensation payable under the provisions of this Part shall be determined by agreement between the parties or if the parties are unable to reach agreement, by the Local Government Chairman who shall as soon as possible assess and determine the amount of the compensation payable at the date of such assessment and shall notify the parties of the sum awarded. The decision of such officer shall be final and binding on all parties subject only to an appeal to the Minister whose decision shall be final unless he directs that the matters in dispute be determined by arbitration. Notice of such appeal shall be given to the officer concerned within fourteen days of the date on

Assessment of compensation.
13 of 1956.

which his decision is notified to the party desiring to appeal;

Provided that the Governor may direct that in such areas as he may specify the divisional or district officer shall negotiate on behalf of any person or community to whom compensation is due.

(2) The compensation as finally determined shall be paid by the person liable within fourteen days of the date on which the amount of the compensation is notified to him. The payment shall be made to the officer concerned for transmission to the persons entitled thereto.

13 of 1956.

(3) If the compensation is not paid within the time prescribed by the last preceding subsection the person entitled thereto may notify the officer concerned of such non-payment, and such officer may direct payment of such sum to the person entitled thereto out of any money deposited by the person liable under section 75 of this Act.

Suspension and revocation of prospecting right or exclusive prospecting licence for non-payment of compensation.

79. In the case of the holder of a prospecting right or exclusive prospecting licence, the Minister may suspend the prospecting right or exclusive prospecting licence of the person in default until the amount awarded has been paid and until the holder of the right or licence has deposited with the Government such further sum as security for any future payment as the Minister may demand, and if such payment and deposit is not made within such time as the Minister may consider reasonable he may revoke the prospecting right or exclusive prospecting licence of the person in default.

Payment of compensation an implied condition.
13 of 1956.

80. It shall be an implied condition of every exclusive prospecting licence, mining or mining lease that the holder thereof shall pay the compensation prescribed in this Part to the person entitled thereto.

PART VIII.—APPOINTMENT, DUTIES AND POWERS OF MINES OFFICERS

Appointment and duties of mines officers.

81. (1) There may from time to time be appointed a Chief Inspector and such other inspectors and officers as may be considered necessary for carrying out the purposes of this Act.

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(2) The duties and powers of the said officers shall be those assigned to them respectively by this Act and the Regulations.

(3) Any of the powers vested in an inspector by this Act may be exercised by the Chief Inspector.

82. In addition to any other duties prescribed by this Act the Chief Inspector shall—

Duties of
the Chief
Inspector.

- (a) exercise general supervision over all mining and prospecting operations in Nigeria;
- (b) prepare and render such records, reports and returns as may be prescribed by the regulations or which may be required by the Minister; and
- (c) take into his custody any minerals declared by any court to be forfeited to the State; dispose of such minerals by sale and, after such sale, account for the proceeds.

83. The duties of mines officers shall, subject to the provisions of this Act and the Regulations, be defined by the Chief Inspector.

Duties of
mines
officers.

84. (1) Any mines officer may—

Powers of
mines
officers.

- (a) arrest without warrant any person whom he may find committing, or whom he reasonably suspects of having committed, any offence against this Act or the Regulations:

Provided that the person arrested shall be taken, with as little delay as possible, before a magistrate to be dealt with according to law;

- (b) by notice in writing require any lessee, holder of a mining right, or any person employed by such lessee or holder, to appear before him at any reasonable time and place and give such information regarding mining operations in or about the area of the mining lease or mining right as he may possess, and every such lessee, holder or other person shall be legally bound to comply with such notice and to give such information;

13 of 1956.

(c) by order in writing direct that prospecting or mining operations shall be suspended in any area, whether the subject of a mining lease, mining right or exclusive prospecting licence or not, until such arrangements as are in his opinion necessary to prevent danger to life or property have been made; and

(d) cancel or vary the terms of any such notice or order.

(2) In section 82 of this Act, and this section, references to a person who constructs a road shall be interpreted as also referring to a person who maintains a road to which section 82 of this Act and this section apply, and either the person constructing or the person maintaining a road may close the same for the purpose of maintenance, and may by notice disclaim liability for damage or injury occurring by reason of any inadequacy of such road and shall thereupon not be liable to any person to whom such notice shall have been given. A person constructing or maintaining a road shall display and keep displayed adequate notices drawing attention to any bridges or culverts and to any precautions necessary in the use of the same and any person using a motor vehicle who neglects to take precautions that are so notified shall be liable to reimburse the cost of any damage thereby occasioned to a bridge or culvert.

PART IX.—ROADS

85. (1) No person in the course of prospecting or mining operations under this Act shall construct a road over, on or under—

(a) any State land, other than that comprised within his mining lease or mining right, without the consent first obtained of the Chief Federal Land Officer in the case of land situated in the Federal Capital Territory, Abuja, or the principal officer in charge of land in the case of land situated in a State;

(b) any customary lands, other than those comprised within his mining lease or mining right, without the consent first obtained of the Governor of the State;

(c) the area covered by any part of a mining lease or mining right (other than his own) or any area in respect of which an application for a lease of right (other than his own) has been made and a temporary

Construction
of road.
L.N. 131 of
1954.

On State
land.
52 of 1958
L.N. 76 of
1955.

On custom-
ary
lands.

On the area
of leases or
mining rights
granted to
other persons.

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title has been granted under section 27 of this Act without first—

- (i) giving notice in writing to the lessee or holder or applicant; and
- (ii) obtaining the consent of the Minister.

(2) For the purposes of this section, “roads” includes tramways and railways. Definition.

86. (1) No person who has constructed a road in accordance with the provisions of the last preceding section shall hinder or prevent any other person from having access to or using such road: Use of mining road.

Provided that—

- (a) where any person uses such road in such a manner as, in the opinion of the person who constructed such road, to do appreciable damage thereto or to enhance substantially the cost of upkeep thereof, the person who constructed such road may call upon such user to contribute to the cost of upkeep;
- (b) where any person uses such road in such a manner as to interfere materially with the free use and enjoyment of such road by the person who constructed the road, the person who constructed such road may call upon such user to limit his use of the road so as to cause a cessation of such interference;
- (c) a person who has constructed a road over any part of the area covered by a mining lease or a mining right under section 85 of this Act may be required by the lessee or holder of the mining lease or mining right (wishing to mine the area covered by the said road) to deviate the same to some other position on the said lease or right. In such case, the cost of the deviation shall be borne by the person who constructed the said road.

(2) In section 85 of this Act and this section, references to a person who constructs a road shall be interpreted as also referring to a person who maintains a road to which section 85 and this section apply and either the person constructing 4 of 1958.

or the person maintaining a road may close the same for the purpose of maintenance, and may by notice disclaim liability for damage or injury occurring by reason of any inadequacy of such road and shall thereupon not be liable to any person to whom such notice shall have been given. A person constructing or maintaining a road shall display and keep displayed adequate notices drawing attention to any bridges or culverts and to any precautions necessary in the use of the same and any person using a motor vehicle who neglects to take precautions that are so notified shall be liable to reimburse the cost of any damage thereby occasioned to a bridge or culvert.

No obstruction of a public road.

87. No person in the course of prospecting or mining operations under this Act shall impede or obstruct the right of way over any public road.

PART X.—INQUIRY INTO ACCIDENTS

Accidents to be reported.

88. If any accident shall occur in any mine or in connection with the mining or prospecting operations conducted under a lease, temporary title, right or licence granted under this Act involving loss of life or serious injury to any person, the lessee or the holder of the right or licence shall report the same as soon as possible with full particulars to the nearest mines officer, and if there is no mines officer in the province in which the accident has occurred, to the Chief Inspector.

Chief Inspector to decide if inquiry shall be held by Mines Department in certain cases.

89. If upon receipt of the report and after such further investigation, if any, as he may think fit it shall appear to the Chief Inspector or the mines officer as the case may be that there is reason to believe that the accident was due to any failure to comply with the provisions of the Act, or of any regulations made thereunder, or to the neglect of any lawful order given by the Chief Inspector or mines officer and the Chief Inspector or mines officer is not satisfied that the accident might not have been prevented if proper precautions had been taken and observed in the prospecting or working of the land the Chief Inspector or the mines officer shall then, as soon as conveniently may be, hold an inquiry into the cause thereof.

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90. If in the opinion of the Chief Inspector such accident was not attributable to any of the causes referred to in section 89 of this Act, he may direct that the report shall be referred to the nearest magistrate who shall hold an inquiry into the cause thereof. The magistrate shall within fourteen days of the termination of the inquiry send a copy of his findings to the Chief Inspector and, if so requested, a copy of the record of the proceedings.

*Inquiry by
magistrate.*

91. In any such inquiry the officer holding the inquiry shall determine—

*Procedure
on inquiry.
13 of 1956.*

- (a) whether the lessee or holder of the right, temporary title or licence or any agent of such lessee or holder has been guilty of negligence or has not taken all reasonable and proper precautions to prevent such accident; and
- (b) whether the person killed or injured is a person working in the mine or in connection with the mining or prospecting operations at the time of the accident and whether the accident involving the death or injury is attributable to the serious and wilful misconduct of the person so killed or injured or of other persons working in common with the person so killed or injured.

92. (1) The officer holding the inquiry shall, for the purpose of any inquiry under section 89 or 90 of this Act, have the powers of a magistrate to summon witnesses, to call for the production of books and documents and examine witnesses and parties concerned on oath. All summonses may be in the Form M in the First Schedule and shall be served by the police or by such person as the officer issuing the same may direct.

*Power to
summon
witnesses.*

Form M.

(2) Any person summoned to attend or to produce books or documents, as aforesaid, and refusing or neglecting to do so, or refusing to answer any question put to him by or with the concurrence of the officer holding the inquiry, shall be liable on summary conviction to a fine of one hundred naira:

Provided that no person shall be bound to incriminate himself, and every witness shall, in respect of any evidence

given by him at such inquiry, be entitled to the same privileges to which he would have been entitled if giving evidence before a court of justice.

Expenses of witnesses.

(3) Witnesses attending at the request of or upon summons by an officer holding such inquiry shall, subject to any order made by such officer, be entitled to the like expenses as if summoned to attend the court of a magistrate and payment shall be made in the same manner as if such person were a witness in a criminal trial.

Definition of serious injury.
4 of 1958.

93. For the purpose of this Part "serious injury" means—

- (a) a fractured skull, pelvis, arm or thigh, or spine, forearm or leg;
- (b) a dislocated shoulder;
- (c) the amputation of an arm, hand, or of one finger or more on the same hand, or of a leg or foot;
- (d) the loss of the sight of an eye;
- (e) any other serious bodily injury, including internal haemorrhage, or burns or asphyxia, if such injury is likely to endanger life, cause permanent incapacity or impair efficiency substantially.

PART XI.—OFFENCES AND PENALTIES

Salting.

94. Any person who shall place or deposit or be an accessory to the placing or depositing of any metal ore or mineral in any spot or place for the purpose of misleading any person as to the nature, quality or quantity of the mineral naturally occurring at such spot or place, or who shall mingle or cause to be mingled with any sample of metal, mineral or ore any valuable metal or any substance whatsoever which will increase or decrease the value or in any way change the nature of the said metal, mineral or ore, with intention to defraud any person, shall be guilty of a felony and shall on conviction be liable to a fine of one thousand naira or to imprisonment for five years or to both such fine and imprisonment.

95. Any person who represents that he has obtained the grant of an exclusive prospecting licence, mining right, temporary title, or mining lease, and thereby induces or attempts to induce any person to invest capital in any company or syndicate connected therewith, before he has obtained the grant of such exclusive prospecting licence, mining right, temporary title or mining lease, shall be liable to forfeit any claim to the grant of such exclusive prospecting licence or mining right or mining lease, and if he be already the holder of a prospecting right or an exclusive prospecting licence, mining right, temporary title or mining lease, shall be liable to have his licence or mining right or mining lease revoked:

Fraud by applicant for exclusive prospecting licence or mining right or lease.

Provided that nothing in this section shall relieve any person from liability to civil action or a criminal prosecution in respect of the said representation.

96. Any person who without lawful authority shall wilfully break, deface or remove, or in any other way interfere with any boundary mark, beacon, pillar or post erected for any of the purposes of this Act or the regulations shall be guilty of an offence.

Penalty for injuring boundary marks.

97. (1) Any person who wilfully or recklessly gives false information as to any of the matters in respect of which information is required to be given under this Act or the Regulations shall be guilty of an offence.

Wilfully or recklessly giving false information.

(2) Any person who gives false information as aforesaid shall be deemed to have given it recklessly unless he proves that he took reasonable precautions to ensure that it was correct.

13 of 1956.

98. Any person who:—

- (a) interferes with any mining or prospecting operations authorised by or under this Act;
- (b) obstructs any person in the exercise of any right conferred by or under this Act;

Interfering with mining prospecting or exercise of right conferred by this Act, an offence.

(c) interferes with any machinery, plant, works or property established on, in, under or over any land in exercise of a right conferred by or under this Act,

1969 No. 29.

shall be guilty of an offence and liable on conviction in the case of a first offence to a fine of two hundred naira or to imprisonment for a term of twelve months or to both, and in the case of any second or subsequent offence he shall be liable on conviction as aforesaid to double the fine or imprisonment, or both; and whether or not it is a first offence, if it is a continuing one, the person so guilty shall in addition be liable to a fine of twenty naira in respect of each day or part of a day during which the offence continues.

Penalties.
13 of 1956.

99. (1) Any person who contravenes any of the provisions of sections 3, 4, 17(2), 27(6), 46, 49(1), 68, 69, 71, 72 or 97 shall on conviction be liable to a fine of two hundred naira or to imprisonment for twelve months or to both such fine and imprisonment, and in the case of a contravention of sections 3, 4, 68, 69, 71 or 72 shall forfeit all minerals obtained by him, or if such minerals cannot be forfeited, shall pay such sum as the court shall assess as the value of such minerals.

(2) Any person who continues to commit a breach of section 46 after conviction shall be liable to a fine of ten naira for each day during which the offence continues.

13 of 1956.

(3) Any person who contravenes any of the provisions of sections 8, 10, 14, 16, 19, 47, 85, 86, 87 or 96 shall on conviction be liable to a fine of one hundred naira or to imprisonment for six months or to both such fine and imprisonment.

Summary
trial.

100. Any offence against this Act and the regulations may be tried summarily by a magistrate.

Liability of
employer
for offences
committed
by his
servants
13 of 1956.

101. Whenever it is proved to the satisfaction of any court having jurisdiction that an offence against this Act or the regulations has been committed by any miner, workman or other person employed by the holder of any licence, right, temporary title or lease granted under this Act, such

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holder shall be held to be liable for such offence and to the penalty provided therefor, unless he proves to the satisfaction of such court that the offence was committed without his knowledge or consent and that he had taken all reasonable means to prevent the commission of the offence:

Provided that nothing in this section contained shall be deemed to exempt such miner, workman or other person from the penalties provided for the offence committed by him.

PART XII.—REVOCATION OF TITLES

102. Nothing in this Part shall be deemed to restrict or to derogate from any other powers of the Minister in relation to the forfeiture or revocation of licences, rights, temporary titles or leases whether such powers are conferred by this Act or by any other written law. Saving.

103. If any holder of a prospecting right or any attorney, agent or employee of such holder is convicted by a court of competent jurisdiction of a felony or of an offence against the provisions of this Act or the regulations or of any of the Acts or Laws set out in the Second Schedule to this Act or commits a breach of any condition of his prospecting right the Minister may summarily revoke his prospecting right. Power to
revoke a
prospecting
right.
13 of 1956.
Second
Schedule.

104. The Minister may in his absolute discretion revoke any exclusive prospecting licence, mining right, mining lease or water licence in the following cases, that is to say— Power to
revoke
exclusive
prospecting
licence,
mining right,
mining lease,
water licence
or temporary
title.
35 of 1946
13 of 1956.
Second
Schedule.

(a) if the holder or lessee or any attorney, partner, agent or employee of such holder or lessee is convicted by a court of competent jurisdiction of a felony or an offence against the provisions of this Act or the regulations or of any of the Act set out in the Second Schedule to this Act; or

(b) if the holder or lessee or any attorney, partner, agent or employee of such holder or lessee commits any 35 of 1946
13 of 1956.

breach of the provisions of this Act or the regulations or of the terms or conditions whether express or implied of his licence, right or lease or of any order or notice issued or given under the provisions of this Act or the regulations, not amounting to an offence against this Act or the regulations, and if, on being called upon by the Chief Inspector to show cause within a time specified why his licence, right or lease should not be revoked, he fails to comply with such order or if the cause shown is in the opinion of the Minister inadequate; or

- (c) subject to the provisions of this Act in the case of a mining lease, if the lessee wholly discontinues operations under his lease during a continuous period of six months; or
- (d) if the exclusive prospecting licence, mining right, mining lease or water licence has been granted or given in error whether such error relates to the area or to the boundaries or to any other matter whatsoever.

Powers to vary or add to Second Schedule.

105. The Minister may by order vary or add to the Second Schedule to this Act.

Service of notice.

106. A notice sent to the last known address of the holder, grantee or lessee or his attorney in Nigeria or published in the *Federal Gazette* shall be for all purposes sufficient notice to the holder, grantee or lessee of the revocation of his licence, right, temporary title or lease.

Saving.

107. Any such revocation shall be without prejudice to any claim against the lessee or holder which may already have accrued to the State.

Provisions as to revocation of title after a conviction.
13 of 1956.

108. Where a prospecting right, exclusive prospecting licence, mining right, mining lease or water licence has become liable to be revoked under the provisions of section 103 or of paragraph (a) of section 104 of this Act by reason of the conviction of the holder or lessee, or of any attorney,

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partner, agent or employee of the holder or lessee, the Minister—

- (a) shall not revoke the right, licence or lease until the time limit for giving notice of any appeal against the conviction has elapsed, or until any appeal brought against the conviction has been dismissed;
- (b) may, if notice is given of an appeal against the conviction, direct that no prospecting or mining operations except such operations as are necessary to prevent danger to men or animals or injury to property shall be carried on by virtue of the right, licence or lease until the appeal has been determined;
- (c) may revoke the right, licence or lease at any time within six months following the date of the conviction or of the determination or withdrawal of any appeal against the conviction, whichever is the latest, but not thereafter.

PART XIII.—MISCELLANEOUS

109. All exclusive prospecting licences, mining rights, temporary titles or mining leases shall be bounded by vertical planes from the surface boundary lines drawn downwards to an unlimited depth from the surface.

Mining titles are bounded by vertical planes.

110. (1) Whenever any land the subject of an exclusive prospecting licence, mining right, temporary title or mining lease is required for public purposes, the Minister may call upon the holder of the exclusive prospecting licence, mining right or the lessee of the mining lease to surrender his title to such land.

Land required for public purposes.

(2) The holder of an exclusive prospecting licence or mining right or the lessee of the mining lease shall, when so called upon, within a reasonable time surrender such area in accordance with the procedure prescribed by subsections (5) to (12) inclusive of section 37 of this Act.

(3) Compensation shall be payable to any of the persons mentioned in subsection (1) of this section for any interference with his ways, works, buildings or plant or for the expenses incurred in prospecting the area so required and in

the case of a mining lease or mining right for the loss of reasonable expectation of profits from proved minerals on the land required for public purposes. If any question shall arise as to what are proved minerals, it shall be determined by arbitration.

(4) The compensation payable to any of the persons mentioned in subsection (1) of this section shall, if not agreed between the parties, be determined by arbitration.

Rights subsequently granted.
L.N. 1 of 1955.

111. The grant of any mining lease, mining right, temporary title or exclusive prospecting licence under this Act shall not limit the power of the Minister or of the Governor of the State, as the case may be—

(a) to grant any other lease, right of occupancy or licence (not being a mining lease or mining right or exclusive prospecting licence) to any other person in respect of the whole or any portion of the area the subject of a mining lease, mining right, temporary title or exclusive prospecting licence:

Provided that in the case of lands which are the subject of a mining lease, mining right, temporary title or of an exclusive prospecting licence any person to whom any other lease, right of occupancy or licence is subsequently granted shall not be entitled to receive any compensation from the Government for any disturbance of any rights under such lease, right of occupancy or licence by reason of the exercise by the mining lessee, holder of the mining right, temporary title or prospecting licence of any right conferred by such lease, right, title or licence;

(b) to take from the land the subject of the mining lease, temporary title, mining right or exclusive prospecting licence any materials required for the construction of railways, roads, building or other public works:

(c) to use or, subject to the provisions of paragraph (c) of the proviso to section 86 of this Act, to allow the use of any road constructed on the area covered by the grant:

Provided that the Minister or Governor, as the case may be, may, before authorising the use of any such

Materials required for public works.

road for vehicular traffic by persons other than Government officers or servants, require any person desiring to use the road for such purpose to pay to the person who shall have constructed the same such sum as the Minister or Governor, as the case may be, may consider to be a fair contribution to the cost of construction and maintenance.

112. (1) Whenever a lease or licence is granted under the Petroleum Act in respect of any lands included in the area of a mining lease, temporary title, mining right or exclusive prospecting licence, the rights of the holder of a mineral oil licence or lease shall for and in relation to his mining or prospecting operations prevail over the rights of the lessee or holder of the right, temporary title or licence under this Act.

Rights of licensee or lessee under Cap. 350 to have preference.

(2) If it is intended that any mineral oil on or under land included within the area of a mining lease shall be worked by the Government, or if the applicants for or the holder of a licence or lease under the Petroleum Act shall request the Minister to determine any lease under this Act, and shall satisfy the Minister that such determination is necessary in the interests of the applicant, and shall give security for the payment of any compensation payable under subsection (3) of this section, the Minister may, by notice served on the lessee under this Act, determine such lease from such date as may be specified in the licence.

In whose favour a lease under this Act may be determined. Cap. 350.

(3) The lessee whose mining lease shall be determined under this section shall be entitled to receive reasonable compensation for such loss or damage, if any, as may have been sustained by him in consequence of such determination. The compensation shall be paid by the Government when the lease is determined for the purposes of the Government, and in other cases by the person who shall have requested the determination of the lease, and the amount thereof, if not agreed upon between the parties, shall be determined by arbitration.

But subject to the payment of compensation.

113. (1) Any administrative officer or mines officer or any member of the Forestry, Survey or Geological Survey Departments may enter upon any land on which mining or prospecting operations are being carried on or which is the

Right of entry and inspection.

subject of any mining lease, mining right, temporary title or exclusive prospecting licence under this Act, and inspect any prospecting or mining operations or any works in connection therewith or make any survey.

(2) Any mines officer or member of the Geological Survey Department may inspect and take copies or extracts from any books, papers, plans or documents dealing with the operations of a mining lessee or the holder of any temporary title, right or licence under this Act and required by this Act to be kept by such lessee or holder.

(3) Any mines officer or member of the Geological Survey Department may at any time take samples, make surveys and perform any operations that he may deem necessary for the purpose of making a report on any land.

Obligations of exclusive prospecting licensees, lessees and holders of mining titles and rights on surrender, revocation or expiry of licence, lease or mining right and title.

114. (1) Any holder of an exclusive prospecting licence, mining lease or mining right or any applicant for a lease, to whom a temporary title has been granted, whose licence, lease or right or temporary grant is revoked, surrendered or expires by effluxion of time shall, not later than thirty days from the date of notice of revocation or the date of surrender or expiry—

- (a) remove all temporary beacons demarcating the area the subject of the licence, lease or mining right; and
- (b) inform the Chief Inspector that he has complied with the provisions of this section.

(2) If any person fails to comply with the provisions of paragraph (a) of the preceding subsection, the Chief Inspector may cause the required action to be taken and shall charge such person such sum as was reasonably expended in so doing and such charge shall be a lawful deduction from any deposit lodged by such person with the Government under the provisions of this Act save that such action by the Chief Inspector and such payment by the person shall not exempt such person from his liability to a penalty for having committed an offence.

Arbitrations.
Cap. 19.

115. The Arbitration and Conciliation Act shall apply to every arbitration under this Act, with the modifications and additions following—

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- (a) unless the parties shall otherwise agree in writing, the reference shall be to two arbitrators, one to be appointed by each side, and the arbitrators may, if necessary, appoint an umpire;
- (b) when requested by a citizen of Nigeria being one of the parties to an arbitration, the Minister may appoint an arbitrator on behalf of such citizen, and in such case may fix the fee which shall be paid to the arbitrator, or, when the arbitrator is a person in the service of the Government, to the Government for the services of the arbitrator.

116. No person while in the service of the Government of Nigeria shall directly or indirectly acquire or hold any right or interest under any prospecting right, exclusive prospecting licence, mining right, temporary title or mining lease, and any licence, right or lease or other document or transaction purporting to confer any such right or interest on any such person shall be null and void.

Government officers prohibited from acquiring rights.

117. It shall be lawful for the Chief Inspector, whenever in his opinion it may be necessary in order to secure safe or economic mining on the area covered by any mining lease, mining right or temporary title, to prohibit the lessee, holder or grantee of such lease, right or title from employing tributers to mine such area, and the employment of tributers to mine underground is at all times prohibited save with the prior permission in writing to the Chief Inspector.

Prohibition of employment of tributers. 13 of 1956.

118. (1) The Minister may make regulations for fully and effectually carrying out, and giving effect to the various purposes, provisions and powers in this Act contained.

Power to make Regulations.

(2) In particular and without prejudice to the generality of the foregoing power, such Regulations may provide for—

- (i) the manner in which applications for any licence, right or lease which may be granted under this Act shall be made or withdrawn and the forms to be used;
- (ii) the fees, rents and payments to be paid for any licence, right or lease granted;

-
- (iii) the size and shape of the areas over which exclusive prospecting licences and mining rights may be granted;
- (iv) the size and shape of the areas over which mining leases may be granted;
- (v) the manner in which areas and boundaries shall be surveyed, marked and beacons and the fees payable in respect of such survey;
- (vi) the exemption of any area of land to be included in a licence for the exclusive prospecting for, or a lease for the mining of, any carbonaceous mineral from the provisions of section 64 of this Act;
- (vii) the working conditions to be applied to exclusive prospecting licences, mining rights and mining leases;
- 13 of 1956. (viii) the registration of tributers;
- (ix) controlling the time and manner of receipt of and payment for mineral obtained by tribute labour and the manner in which the accounts shall be kept;
- (x) the construction and use of roads, tramways and railways;
- (xi) the safe construction and erection of houses, pits, shafts, machinery and other works to be used for prospecting or mining purposes;
- (xii) the fencing off or rendering secure of any shaft, tunnel, well, trench, drive or other works constructed or made for prospecting or mining purposes;
- (xiii) the prohibition of, or restriction on, the grazing of cattle in any mining area;
- (xiv) the cutting down and use of timber for prospecting and mining operations;
- (xv) the safety, welfare, health and housing conditions of persons employed in mining operations and the carrying on of prospecting or mining operations in a safe, sanitary, proper, economic and effectual manner;

Minerals Act

-
- (xvi) the renewal, assignment, when such assignment is permitted by this Act, and surrender of any right or title granted under this Act;
 - (xvii) the returns to be rendered and the accounts, books and plans to be kept by lessees and the holders of mining rights, temporary titles and of exclusive prospecting licences;
 - (xviii) the rates of royalties to be paid to Government, the method of calculation of the amount of such royalties and the manner and time of payment thereof;
 - (xix) the prevention of pollution of any natural water supply; the disposal of sludge, silt and tailing and the control of sludge channels;
 - (xx) the furnishing by owners or managers of mines of statistical returns and the keeping and production by them of books and plans;
 - (xxi) the procedure on an appeal to the Minister;
 - (xxii) the fees to be paid in respect of any matter or thing done under this Act;
 - (xxiii) the procedure to be followed under any section of this Act;
 - (xxiv) the penalties which may be imposed for the breach of any of the regulations not exceeding a fine of four hundred naira or imprisonment for two years or both such fine and imprisonment and for a continuing penalty not exceeding ten naira per day;
 - (xxv) the control of the pollution or wasting of water, wherever situated and wherever obtained;
 - (xxvi) the disposal of any poisonous or noxious products resulting from prospecting or mining operations;
 - (xxvii) the determination of what proportion of any precious mineral per ton an ore may contain without coming under the definition of precious minerals;
 - (xxviii) the amount of tailing which may be deposited in any natural watercourse;
 - (xxix) the methods to be employed to ascertain the horse-power of labour-saving apparatus;

- (xxx) the holding of an inquiry where evidence may be taken upon oath into any accident occurring in any mine or in connection with mining or prospecting operations conducted under a mining lease, mining right, temporary title or exclusive prospecting licence involving loss of life or serious injury to any person, the summoning and expenses of witnesses;
- (xxxii) providing for the forfeiture of any mineral illegally won, sold, purchased, or possessed; and
- (xxxiii) generally for carrying into effect the purposes and provisions of this Act.

Forms may be altered or added to. First Schedule.

119. The Minister may from time to time, by notification in the *Federal Gazette*, add to, alter or rescind any of the forms contained in the First Schedule or substitute other forms therefor or prescribe additional forms. Forms so added to, altered, substituted or prescribed shall be deemed to be forms contained in the First Schedule.

Power to Chief Inspector to delegate powers. 8 of 1948.

120. (1) Where in this Act or in the regulations made hereunder the Chief Inspector is empowered to exercise any powers or to perform any duties he may, with the approval of the Minister depute in writing any officer of the Mines, the Ministry responsible for the control of minerals by name or the person or class of person holding the offices designated by him in that Department to exercise such powers or perform such duties on his behalf subject to such conditions, exceptions and qualifications as the Chief Inspector with the approval of the Minister may prescribe, and thereupon or from the date specified in such writing that person or class of person so deputed shall have and exercise such powers and perform such duties subject as aforesaid.

8 of 1948.

(2) Any delegation made under the provisions of subsection (1) of this section, shall be revocable at will and no delegation shall prevent the exercise of any power or the performance of any duty by the Chief Inspector.

Minister's power to delegate. 4 of 1958.

121. (1) Without prejudice to any other power of delegation, the Minister may by notice in the *Federal Gazette* delegate to a State Commissioner the exercise of any power or duty within that State conferred or imposed upon him

under this Act, other than any power to make regulations:

Provided that any such delegation shall only be made if the Governor of the State concerned shall first have resolved that the exercise of such power or duty by the State Commissioner shall be in accordance with any general conditions of policy that may be stipulated by the Minister.

(2) Any delegation made under the provisions of subsection (1) of this section, shall be revocable at will and no delegation shall prevent the exercise of any power by the Minister himself.

FIRST SCHEDULE

INDEX OF FORMS

- A. Prospecting right.
 - B. Exclusive prospecting licence.
 - C. Surrender of exclusive prospecting licence.
 - D. Temporary mining lease/right.
 - E. Mining right.
 - F. Mining lease.
 - G. Surrender of mining lease.
 - H. Assignment of mining title.
 - I. Water licence.
 - J. Permit to deposit tailings.
 - K. Licence to purchase minerals.
 - L. Form of Banker's guarantee.
 - M. Summons to witness.
-

FIRST SCHEDULE—continued

FORM A

The Minerals Act (Chapter 226)

PROSPECTING RIGHT

Form A.
section 18.

No.

The Right, subject to the provisions of the Minerals Act and of the regulations thereunder now in force or which may come into force during the continuance of this Right is hereby granted for twelve months from the date hereof to

1
2

to prospect for
in the following districts

This day of, 19.....

.....
(Chief Inspector of Mines)

FEE: ten naira

FORM B

The Minerals Act (Chapter 226)

EXCLUSIVE PROSPECTING LICENCE

Form B.
section 20.

The exclusive licence, subject to the provisions of the Minerals Act and of the regulations thereunder now in force or which may come into force during the continuance of this licence or any renewal thereof, for one year from the day of is hereby granted to ³ to prospect for within the following limits:—

⁴ as delineated approximately on the plan attached hereto and coloured.

This day of, 19.....

.....
(Minister)

RENT:

¹ Here insert name, address and description of the prospector.
² If the prospector is to use this Right as an employee on behalf of a company, partnership or individual, state name, address and description of employer here.
³ Insert name, address and description of the licensee.
⁴ Insert description of the boundaries of the area.

FIRST SCHEDULE—continued

FORM C

Form C.
section 24.

The Minerals Act (Chapter 226)

SURRENDER OF AN EXCLUSIVE PROSPECTING LICENCE

Whereas under the provisions of the Minerals Act an Exclusive Prospecting Licence was on the day of 19....., granted and duly registered in volume page of the Register of Exclusive Prospecting Licences and whereas the said desires to surrender the said exclusive prospecting licence and the President is willing to accept such surrender:

Now these presents witness the said doth hereby surrender all his right, title and interest in the said Exclusive Prospecting Licence as from the day of 19.....

Holder

Witness to signature
Address

Approved

.....
(President)

Date

FORM D

Form D.
section 27.

(As amended by Public Notices 37 of 1951)

The Minerals Act (Chapter 226)

TEMPORARY MINING LEASE/RIGHT

This temporary mining lease/right is granted to

of (1)
(2)
(3)

for the purpose of mining (4)
in, under or upon (5)
in respect of which an application for a mining lease/right has been made by the said (6)
which said area is delineated on the application plan hereto annexed furnished by the said (7) for a period of (8) according to the true intent and meaning of

- (1) Insert name of grantee.
- (2) Insert address of grantee.
- (3) Insert description of grantee.
- (4) Insert name of mineral or class of minerals covered by the temporary grant.
- (5) Insert description of the area and its boundaries.
- (6) Insert name of grantee.
- (7) Insert name of grantee.
- (8) Insert term of temporary grant.

FIRST SCHEDULE—FORM D—continued

the Minerals Act and subject to the provisions thereof generally and particularly in respect of the provisions of section 27 thereof and of any Act amending or substituted for the said Act and to the regulations now in force or which from time to time may be in force during the continuance of this temporary grant as if this temporary grant were a mining lease/right and subject to the following covenants and conditions to wit:

- (1) and subject also to the further conditions and restrictions, to wit—
 - (a) that the rents reserved under this temporary grant be punctually paid in advance without demand made to the Chief Inspector of Mines;
 - (b) that if mining operations are not carried out or to be carried out under this temporary grant notice in writing to that effect shall be given to the Chief Inspector of Mines;
 - (c) the grantee undertakes to pay the cost of survey and deposits a sum sufficient to cover the estimated cost thereof with the Chief Inspector of Mines;
 - (d) the fee for this temporary grant is ₦

(2) and subject also to the surface rent hereunder reserved payable in respect of land occupied or used for or in connection with the purposes of this temporary grant being reserved by the President⁽³⁾ and the occupation of the area delineated in the plan annexed hereto and the boundaries thereof and all mining operations and all other matters connected therewith shall be at the sole and absolute risk and liability of the grantee.

Rents payable

(4)

DATED this day of 19.....

.....
(President)

Form E.
section 28.

FORM E

The Minerals Act (Chapter 226)

MINING RIGHT

The exclusive right, subject to the provisions of the Minerals Act and of the Regulations thereunder now in force or which may come into Mining Right No.

- (1) Insert appropriate covenants and conditions.
- (2) Insert any additional covenants or restrictions.
- (3) Insert periods of revision, if any.
- (4) Insert the rents payable.

Minerals Act

FIRST SCHEDULE—FORM E—continued

force during the continuance of this licence or any renewal thereof, for one year, from the date hereof is granted to

(1)

(2)

(3)

to mine (4)

within the following limits—

(5)

and subject to the following covenants and conditions—

(6)

This day of 19.....

(President)

MINERAL RENT:

SURFACE RENT:

FORM F

The Minerals Act (Chapter 226)

MINING LEASE

Form F. section 34.

Mining Lease No.

This mining lease is granted to (7)

(8)

(9)

for the purpose of mining (10)

in, under or upon (11)

as the same is delineated on the plan annexed hereto and coloured for a term of (12) years from the day of 19....., according to the true intent and meaning of the Minerals Act and subject to the provisions thereof and of any Act amending the same or substituted therefor, and to all regulations now in force or which may come into force, under any of the said Acts during the continuance of this lease.

- (1) Insert name of holder.
- (2) Insert holder's address.
- (3) Insert description of holder.
- (4) Insert name of mineral.
- (5) Insert a description of the area by reference to the name of the stream and the position of the boundary marks.
- (6) Insert special covenants and conditions.
- (7) Insert name of lessee.
- (8) Insert address of lessee.
- (9) Insert description of lessee.
- (10) Insert name of mineral or class of minerals in respect of which the lease is granted.
- (11) Insert description of the area and its boundaries.
- (12) Insert term of lease.

FIRST SCHEDULE—FORM F—continued

And subject also to the following condition(s):—⁽¹⁾

The surface rent payable in respect of any land occupied or used for or in connection with the purposes of this mining lease may be revised by the President ⁽²⁾

DATED this day of, 19.....
(President)

MINERAL RENT:

SURFACE RENT:

Form G.
section 37.

FORM G

The Minerals Act (Chapter 223)

SURRENDER OF A MINING LEASE

WHEREAS under the provisions of the Minerals Act, mining lease number for the purpose of mining ⁽³⁾ in, under or upon ⁽⁴⁾ was on the day of, 19....., granted to for a term of years from and duly registered as No. at page of volume of the Register of Mining Leases;
⁽⁵⁾

AND WHEREAS the said desires to surrender the said mining lease and the President is willing to accept such surrender;

Now these presents witness that the said doth hereby surrender all his rights, title and interest in and under the said mining lease as from the day of 19.....

In witness, etc.

Approved
(President)

⁽¹⁾ Insert if any special conditions are imposed.
⁽²⁾ Insert periods of revision.
⁽³⁾ Insert the mineral or class of minerals.
⁽⁴⁾ Insert the description of the area of the lease as set out in the lease.
⁽⁵⁾ If necessary, insert "AND WHEREAS the said lease was on the day of transferred to and the "transfer was duly registered as No. at page in "volume of the Register of Mining Leases;"

Minerals Act

FIRST SCHEDULE—continued

FORM H
The Minerals Act (Chapter 226)
ASSIGNMENT

Form H.
section 13.

I, (1) ...
being the holder of (3) ... number ... reg-
istered as No. ... at page ... in volume ... of
the Register of Mining Titles in the Registry at Kaduna, which said
... entitles me to (4) ... for (5)
... within the area therein de-
scribed, in consideration of the sum of ..., the re-
ceipt whereof I hereby acknowledge, DO HEREBY ASSIGN all my rights,
title and interest in and under the said
... to (6) ...
(7) ...
with effect from the ... day of ..., 19.....

DATED the ... day of ..., 19.....
Signed by the said ...
In the presence of ...
... (8) ...
Signed by the said ...
In the presence of ...
... (8) ...

Approved ...
(President)

Date _____

FORM I
The Minerals Act (Chapter 226)
WATER LICENCE NO.

Form I.
section 58.

Subject to existing rights in respect of water from the river or stream
known as ... the President hereby grants
to—
(9) ...

- (1) Insert holder's name.
(2) Insert holder's address.
(3) Insert nature of title.
(4) "mine" or "prospect" as the case may be.
(5) Insert the mineral or class of minerals in respect of which the title was granted.
(6) Insert transferee's name.
(7) Insert transferee's address.
(8) Insert address of witness.
(9) Insert name and address of holder or transferee.

FIRST SCHEDULE—FORM I—continued

subject to the provisions of the Minerals Act and of the regulations thereunder now in force or which may come into force during the continuance of this licence, the right to divert water from the said river or stream from the point marked A to the points marked B, C and D, as shown on the plan annexed hereto and to convey such water not exceeding

(1)
.....
.....
..... cubic feet per second

to the following leases—

(2)
.....

for the term of the said leases or any renewals thereof for the purpose of mining operations upon the said leases.

The average width of the leat including the land covered by spoil shall not exceed feet and the length of the watercourse (including the portion which lies within the said mining leases) amounts to (3) yards of which yards is on land the subject of a mining right or mining lease held by the applicant, and is situated in the District of the Local Government of the State.

The President also grants to the licensee the right to erect, cut and construct a pump, pumping station, line of pipes, flume, furrow, race drain, leat, dam or reservoir as shown on the plan annexed hereto and for such purpose to enter upon and use such land as may be necessary to the undertaking.

Subject to the following terms and conditions—

(1) The President may alter the quantity of water allowed to be conveyed under this licence if it is shown to his satisfaction that the holder does not require the full amount and that other persons require the surplus or a part thereof.

(2) The licensee shall construct footbridges over the leat at all points where customary paths exist unless exempted therefrom by the divisional officer in writing.

(3) The licensee shall pay surface rent at the rate(4) of per annum in respect of the length of leat running outside the area held by the licensee under mining lease or mining right and surface rent at the rate of per annum in respect of the land (if

(1) Insert the maximum allowed in cubic feet per second or any revision thereof.
(2) Insert the leases served and any additions thereto.
(3) Insert the length of the watercourse or any alteration thereof.
(4) Southern Provinces only in respect of leat.



FIRST SCHEDULE—continued

FORM K

(As amended by 13 of 1956)

The Minerals Act (Chapter 226)

Form K, section 70.

LICENCE TO POSSESS (OR PURCHASE) MINERALS

Licence is hereby granted to (1)
(2)
to possess (or purchase) the following minerals—
.....

subject to the provisions of the Minerals Act and of the regulations thereunder for the time being in force.

.....
(Chief Inspector of Mines)

Date

FORM L

The Minerals Act (Chapter 226)

BANKER'S GUARANTEE

Form L, sections 11 and 75.

WHEREAS (a)
..... have/has applied to the

..... for the grant of a

AND WHEREAS I (b) of
to provide the said (c) have undertaken

..... with sufficient money to ensure the payment to of or any

other sum which may become due to them as a result of the exercise of
the rights under a

NOW I HEREBY GUARANTEE that I will at any time upon the request of
the deposit with
the money required to make such payments, provided always that the
total sum shall not exceed the sum of

(1) Insert name of holder.
(2) Insert address of holder.

NOTE.—(a) Name, address and occupation of persons guaranteed.
(b) Name, address and occupation of guarantor.
(c) Name of person guaranteed.

Minerals Act

FIRST SCHEDULE—FORM L—*continued*

and provided further that this guarantee shall be irrevocable by me except with the prior consent of the

DATED this day of, 19.....
 In the presence of

(d)
 (e)
 To The

STAMP DUTY:

FORM M
The Minerals Act (Chapter 226)
 SUMMONS TO WITNESS

Form M.
 section 92.

To (1)
 (2)

You are hereby summoned to appear before the undersigned at upon the day of, 19....., and to give evidence at an inquiry being held into an accident at on the day of, 19....., and you are required to bring with you (3)

Therein fail not at your peril.

.....
 (*Inspector of Mines*)

SECOND SCHEDULE

sections 103
 and 104.

Short Title	Chapter
The Public Health Law	of a State
The Survey Co-ordination Act	426
The Petroleum Act	351
The Explosives Act	117
The Gold Trading Act	163
The Sleeping Sickness Ordinance	208 of the 1948 edition
The Forestry Law	of a State
The Workmen's Compensation Act	470
The Goldsmiths Law	of a State
The Labour Act	198

(d) Signature of guarantor.
 (e) Signature of witness.

- (1) Insert name of intended witness.
- (2) Insert address of intended witness.
- (3) Name any document the intended witness will be required to produce.