

MINERALS (CONGESTED AREAS) DECLARATION

L.N. 84 of
1967.

under section 14

Commencement: 26th August, 1967

1. This declaration may be cited as the Minerals (Congested Areas) Declaration. Short title.

2. The whole of the Local Government Areas constituting the former Jos Division and parts of the Local Government Areas constituting the former Bauchi Division of Plateau and Bauchi States respectively more particularly described in the Schedule hereto is hereby declared to be a Congested Area. Declaration of congestion.

3. Further, in exercise of the powers conferred by paragraph (d) of section 14(1) of the Act, permission is hereby granted to each holder or grantee of a prospecting right, an exclusive prospecting licence, a mining right or a mining lease in force at the date of publication of this notice to exercise, in the area hereinbefore declared a congested area, all or any of the rights conferred by the instrument of which he is the holder or grantee.

4. The declaration known as Congested Areas (Jos Division) Declaration, 1946 is hereby revoked. Revocation of P.N. 125 of 1946.

SCHEDULE

Starting at the common meeting point of the Zaria, Bauchi, and Plateau Provincial Boundaries, which is the confluence of the Didiyare and Gambo rivers, near R. Harido on Priority Sheet LER. II.B4, the boundary proceeds in a clockwise direction, and consists of a series of straight lines running from Triangulation Station to Triangulation Station, the description of which appears below—

Minerals Act

From Point	Description	Sheet and Ref.	Bearing	Distance	To
1	As above	LER.11/B4	28° 52' 40"	36,294 feet	2
2	XK 256	LER.11/D1	30° 29' 30"	48,559 feet	3
3	XK 62	RIR.IV/F.6	148° 22' 55"	62,966 feet	4
4	YK 317	TOR.1/A.2	77° 34' 20"	16,703 feet	5
5	YK 318	TOR.1/B2	66° 00' 00"	23,798 feet	6
6	YK 319	TOR.1/D.1	175° 49' 30"	15,518 feet	7
7	YK 302	TOR.1/D.2	140° 21' 35"	41,277 feet	8
8	YK 328	TOR.1/G.6	225° 27' 35"	54,370 feet	9
9	YK 305	TOR.1/C.9	292° 45' 20"	25,402 feet	10
10	YK 316	TOR.1/A.8	281° 40' 15"	27,510 feet	11
11	YK 259	LER.11/G.8	171° 25' 30"	25,957 feet	12
12	YK 254	LER.IV/H.10	162° 52' 40"	30,507 feet	13
13	YK 258	LER.IV/H.4	214° 07' 50"	14,588 feet	14
14	XK 306	TOR.1/B.6	108° 42' 40"	14,164 feet	15
15	YK 340	TOR.1/D.6	98° 10' 00"	34,737 feet	16
16	YK 341	TOR.1/G.7	186° 01' 10"	53,164 feet	17
17	XK 502	MJJ.1/G.3	168° 51' 10"	26,657 feet	18
18	XK 510	MJJ.1/G.3	128° 09' 40"	10,107 feet	19
19	YK 550	MJJ.1/H.6	130° 49' 05"	16,504 feet	20
20	YK 549	MJJ.1/J.7	175° 48' 00"	16,741 feet	21
21	YK 548	MJJ.1/J.9	246° 58' 50"	34,710 feet	22
22	YK 524	MJJ.111/F.1	210° 56' 30"	20,945 feet	23
23	YK 545	MJJ.111/E.3	116° 53' 40"	9,162 feet	24
24	XK 509	MJJ.111/F.4	182° 36' 30"	5,302 feet	25
25	YK 543	MJJ.111/F.4	192° 31' 30"	27,006 feet	26
26	YK 540	MJJ.111/E.7	227° 54' 20"	24,440 feet	27
27	XK 505	MJJ.111/C.8	235° 44' 10"	16,896 feet	28
28	YK 532	MJJ.111/B.9	180° 37' 20"	16,247 feet	29
29	XK 703	PAN.1/B.2	229° 18' 00"	30,983 feet	30
30	YK 1655	DRE.11/J.4	246° 39' 30"	36,699 feet	31
31	YK 1667	DRE.11/E.6	252° 27' 20"	19,259 feet	32
32	YK 681	DRE.11/C.6	261° 43' 00"	39,420 feet	33
33	N 18	DRE.1/J.7	352° 58' 30"	11,129 feet	34
34	YK 675	DRE.1/H.6	12° 09' 00"	7,757 feet	35
35	YK 675	DRE.1/J.5	288° 30' 40"	32,348 feet	36
36	YK 666	DRE.1/F.4	336° 32' 00"	17,856 feet	37
37	YK 655	DRE.1/E.2	01° 34' 10"	31,429 feet	38
38	XK 469	NRG.111/E.8	344° 26' 10"	9,064 feet	39
39	XK 468	NRG.111/E.7	357° 15' 40"	58,831 feet	40
40	XK 467	NRG.111/D.1	04° 33' 20"	40,876 feet	41
41	YK 2454	NRG.1/E.6	04° 14' 10"	18,812 feet	42
42	B.17	NRG.1/E.4	18° 17' 10"	38,198 feet	43
43	XK 258	LER.111/F.10	22° 01' 50"	44,581 feet	44
44	K.47	LER.111/H.6	22° 58' 20"	71,569 feet	45
45	YK 280	LER.11	07° 39' 00"	38,801 feet	1

All bearings and distances are approximate, and all bearings are referred to Colony North. (the starting point.)

MINERALS (DELEGATION OF POWERS) NOTICE

under section 121

Commencement: 12th June, 1971

1. (1) The powers of the Minister for Mines and Power, specified in the provisions set out in the first column of Part I and of Part II of the Schedule to this Notice and described in the second column of each Part shall be exercised as from the date of commencement of this Notice by the Commissioner of a State charged with responsibility for lands, or, as the case may be, mining matters.

Powers
delegated
to State
Commis-
sioner,
Cap. 223.

(2) Nothing in this Notice shall prevent the Minister for Mines and Power from exercising any of the powers so delegated.

2. The Delegation of Statutory Functions (Minerals) Order 1966 is hereby revoked.

Revocation
of L.N. 85
of 1966.

3. This Notice may be cited as the Minerals (Delegation of Powers) Notice.

Short title.

SCHEDULE

PART I

POWERS DELEGATED UNDER THE MINERALS ACT

<i>Provisions</i>	<i>Description</i>
Section 12	To decide on the priority of application for the same area or for overlapping areas.
Section 13(1)	To consent to the assignment of an exclusive prospecting licence or mining right or mining under section 14(1).
Section 14(1)	To consent to prospecting or mining on lands excluded from prospecting or mining under section 14(1).
Section 14(1) Proviso	To authorise the holder of a licence, right or lease to prospect or mine on a land in a case where the consent required under paragraph (h) or (i) of section 14 has been unreasonably withheld.



SCHEDULE—*continued*PART I—*continued*

<i>Provisions</i>	<i>Description</i>
Section 20(1)	To grant exclusive prospecting licences and to add to or vary the minerals stated in any such licences.
Section 20(6)	To approve the renewal of an exclusive prospecting licence for further terms as provided for under section 20(6).
Section 22 Proviso	To exclude from a mining lease any portion of an area for which an application is made.
Section 27(2)	To grant a temporary mining right or temporary mining lease pending consideration of an application.
Section 27(3)	To decide the period for which a temporary grant shall be valid.
Section 27(5)	To cancel a temporary grant.
Section 28(1)	To grant a mining right.
Section 28(4)	To renew a mining right.
Section 28(5)	To impose covenants and conditions in the grants of a mining right.
Section 30(1)	To grant authority to any holder of a mining right to mine for alluvial minerals other than those specified in the mining right, and to vary or revoke such authority.
Section 34(1)	To grant a mining lease.
Section 34(2)	To require the holder or grantee of any mining right or mining lease to restore any area under any repealed Act, enactment or proclamation in respect of mining operations.
Section 34(4)	To add or to vary the minerals endorsed on a mining lease.
Section 37(1)	To fix the duration of a mining lease, such duration not being more than 21 years.
Section 37(2) (a)	To authorise after considering the advice of the Chief Inspector a further renewal of a mining lease.
Section 37(3)	To require an applicant for renewal of a mining lease to surrender any part of an area covered by such lease worked out or no longer required for mining operations.
Section 37(5)	To accept any surrender of a mining lease in whole or in part.

SCHEDULE—*continued*PART I—*continued*

<i>Provisions</i>	<i>Description</i>
Section 37(6)	To prescribe the sum to be deposited to cover all fees and charges incident to a surrender of a part of a mining lease.
Section 37(9)	To treat an application to surrender a mining lease as having lapsed.
Section 41(2)	To inform the owner or occupier of any private land or State land to be included in a mining lease, of the intention to grant such lease and to require that owner or occupier to state within a specified period the annual surface rent which he desires shall be paid to him by the lessee.
Section 41(3)	To fix the rate of the surface rent payable under section 41.
Section 41(3)	To revise the rate of surface rent;
	In fixing the surface rent not to take into consideration the damage which may be done to the surface of the land by the mining or other operations of the lessee.
Section 41(5)	To entertain an appeal from a decision of the Chief Inspector under section 41(5).
Section 41(7)	Where it is impracticable or undesirable to determine the extent of land occupied or used by a mining lease, to permit a lessee to pay surface rent at a discretionary rate over the whole area of the lease.
Section 44(2)	To grant an extension of time during which, on expiration or determination of his mining lease, property of lessee may remain on the land; and to direct manner of disposal of such lease where that property becomes vested in the Government.
Section 48(2)	To grant permits authorising the deposit of greater quantities of tailing than that prescribed by the Regulations.
Section 48(4)	To revoke or vary conditions of a permit issued under section 48.
Section 49(1)	To permit an alteration in the water supply of a land.
Section 50	To make an order requiring a person to take action to prevent the continuance or recurrence of an offence.
Section 52	To grant a water licence in accordance with section 52.
Section 54(1)	To grant a provisional water licence.

SCHEDULE—*continued*PART I—*continued*

<i>Provisions</i>	<i>Description</i>
Section 54(1) (a) Proviso	To permit a provisional water licence to become operative prior to the grant of a lease.
Section 55	To amend a water licence.
Section 59	To approve the transfer of a water licence.
Section 60	To cancel a water licence.
Section 61	To require a person to whom a water licence has been issued to permit any other lessee to take water.
Section 62	To decide the terms on which a water licence shall be granted.
Section 64(1)	To require a survey before grant of a mining lease, exclusive prospecting licence, mining right or water licence.
Section 64(2)	To waive the requirement of section 64(1) as to survey in the case of any exclusive prospecting licence.
Section 75(1)	To require security for compensation from a person to whom a prospecting right, exclusive prospecting licence, mining right or mining lease is to be granted.
Section 75(3)	To accept a banker's guarantee in lieu of the deposit prescribed under section 75.
Section 78(1)	To entertain an appeal from a decision of a divisional or district officer on the amount of compensation payable.
Section 79	To suspend and revoke a prospecting right or exclusive prospecting licence for non-payment of compensation.

PART II

POWERS DELEGATED UNDER THE MINERALS REGULATIONS

<i>Provisions</i>	<i>Description</i>
Paragraph 12	Refusal of an application by reason of delay in answering correspondence.
Paragraph 14(2)	To forfeit fees if expense incurred by Government over survey.
Paragraph 16	To refuse an application for defective plans and subsequent forfeiture of fees.
Paragraph 17	To order Government survey where applicant's survey is erroneous.

*Minerals Act*SCHEDULE—*continued*PART II—*continued*

<i>Provisions</i>	<i>Description</i>
Paragraph 19	To appoint a person to receive balance of payments on an application.
Paragraph 28	To grant exemption from survey on an exclusive prospecting licence.
Paragraph 38(5)	To endorse other minerals on a lease title.
Paragraph 39	To approve the shape of a mining lease.
Paragraph 40	To direct that a lease shall come within the terms of Minerals Regulation 40, regarding demarcation of land over which a lessee desires to exercise surface rights.
Paragraph 43	To require a lessee to accept a right of occupancy within the area of his mining lease.
Paragraph 68	To prohibit the deposition of tailing in a watercourse.

MINERALS (MINING ROYALTIES) REGULATIONS

L.N. 129 of
1954.

under the Nigeria (Constitution). Order in Council 1954

Commencement: 1st October, 1954

1. These Regulations may be cited as the Minerals (Mining Royalties) Regulations. Short title.

2. In these Regulations unless the context otherwise requires— Interpretation.

“entered” and “exporter” have the meanings assigned to them in the Customs, Excise Tariffs, etc. (Consolidation) Act;

Cap. 48
of the 1948
edition.

“the Order” means the Nigeria (Constitution) Order in Council, 1954;

“the prescribed authority” means the authority appointed by the Minister for the purposes of section 161 of the Order.

Exporter of minerals to make declaration and supply information. Schedule.

3. Every exporter of every mineral specified in the Schedule to these Regulations shall—

- (a) before the mineral is entered for export, declare on the appropriate customs entry form the State in which the mineral was extracted;
- (b) upon demand made by the prescribed authority, furnish to him within such time and in such manner as he may require, such information as the prescribed authority may require relating to any mineral which such exporter has exported or in respect of which he has made any declaration under sub-paragraph (a) of this paragraph;
- (c) upon demand made by the prescribed authority, produce at such time and place as the prescribed authority may require, any books, accounts or other documents relating to any such mineral as is referred to in sub-paragraph (b) of this paragraph.

Penalties for non-compliance with requirements of regulation 3.

4. If any person fails to comply with any of the provisions of regulation 3 of these Regulations, he shall be liable to a penalty of two hundred naira, and, in addition, in the case of failure to comply with a requirement of the prescribed authority under regulation 3 of these Regulations whereby he was required to do any act at a specified time or within a specified period, a further penalty of ten naira for each day after that time or after the end of that period, as the case may be, during which the failure to do the act in question continues.

Supplying false information.

5. If any person—

- (a) knowingly makes in any declaration which he is required to make by sub-paragraph (a) of paragraph (1) of regulation 3 of these Regulations any statement which is false in any material particular; or
- (b) in relation to any requirement of a prescribed authority under sub-paragraph (b) or (c) of

paragraph (1) of regulation 3 of these Regulations, knowingly furnishes any information which is false in any material particular,

he shall be guilty of an offence and shall be liable on conviction to imprisonment for six months or to a fine of two hundred naira or to both such imprisonment and fine.

6. The proper officer of the department of Customs and Excise may refuse to accept the entry for export of any commodity in respect of which he is satisfied that the provisions of regulation 3 of these Regulations have not been complied with.

Proper officer of customs may refuse entry for export.

7. Any pecuniary penalties imposed by regulation 4 of these Regulations may be sued for, determined, enforced and recovered by suit or other appropriate proceedings in a magistrate's court, which court is hereby invested with the necessary jurisdiction for the purpose, in the name of the prescribed authority as nominal plaintiff; and all such proceedings shall be deemed to be civil proceedings, and the ordinary civil procedure applying in the court in question shall apply thereto.

Recovery of penalties.

8. (1) The exporter of any mineral may comply with the provisions of regulation 3 of these Regulations by any agent lawfully authorised as such under section 216A of the Customs Ordinance.

Authorised agents. Cap. 48 of the 1948 edition.

(2) Sections 216B and 216C of the Customs Ordinance shall apply in relation to the liability of an agent of an exporter for the performance of acts under these Regulations and in relation to the liability of an exporter for the acts and declarations of his agent for the purposes of these Regulations as they apply in relation to the liability of an agent for the performance of acts under the customs laws and in relation to the liability of an exporter for the acts and declarations of his agents for the purposes of the customs laws.

Method of determination of amount of mineral extracted in Regions. Schedule.

9. (1) In relation to minerals specified in the Schedule to these Regulations, the Region in which any minerals are extracted shall, for the purposes of section 161 of the Order, be determined by the prescribed authority from information contained in the appropriate customs entry form, or otherwise supplied to him in accordance with the provisions of regulation 3 of these Regulations.

(2) In relation to other minerals the Region in which any mineral is extracted shall, for the purposes of section 161 of the Order, be determined by the prescribed authority from information supplied to the Chief Inspector of Mines in accordance with the Minerals Regulations.

Regulations 3 and 9.

SCHEDULE

Tin ore
Columbite
Wolfram
Tantalite
Mica
Zinc ore
