

*Quarries Act***CHAPTER 385****QUARRIES ACT**

## ARRANGEMENT OF SECTIONS

## PART I

*Quarrying Operations*

## SECTION

1. Application.
2. Prohibition of unauthorised quarrying operations.
3. Quarrying leases.
4. Temporary quarrying leases.
5. Quarrying licences.
6. Renewal of leases and licences.
7. Priority of applications for leases and licences.
8. Rights of a lessee or licensee.
9. Assignment of leases.
10. Restrictions as to grants and determination of quarrying leases, etc.
11. Survey.
12. Revocation of quarrying leases and quarrying licences.
13. Land required for public purposes.
14. Saving as to certain quarriable minerals customarily extracted.

## PART II

*Appointment and Function of Chief Inspector of Quarries, etc.*

15. Appointment of Chief Inspector of quarries, etc.
16. Functions of the Chief Inspector.
17. Power to prescribe functions of inspectors.
18. Functions of quarry officers.

## PART III

*Inquiry into Accidents*

19. Report of accidents, etc.
20. Inquiry by the Chief Inspector or inspectors into cause of accident.
21. Inquiry by magistrate into cause of accident.
22. Matters to be determined on inquiry.
23. Summoning of witnesses, etc.
24. Definition of "serious injury", etc.

## PART IV

*Offences and Penalties*

25. Offences as to interference with rights conferred.
26. Offences as to injury to boundary marks, etc.
27. Wilfully or recklessly giving of false information.
28. Trial of offences
29. Penalties.

## PART V

*Miscellaneous and General*

30. Royalties.
31. Surface rents.
32. Quarry rights to be bounded by vertical planes.
33. Arbitrations.
34. Removal of fixtures.
35. Compensation.
36. Delegation of powers.
37. Evidence as to existence of certain facts, etc.
38. General power to make regulations.
39. Application of the Minerals Act.
40. Consequential and other amendments.
41. Definition of "quarriable minerals" and interpretation, generally.
42. Short title.

## FIRST SCHEDULE

## FORMS A TO F

## SECOND SCHEDULE

## ENACTMENTS TO WHICH SECTION 12(1)(b) OF THE ACT RELATES

## THIRD SCHEDULE

## CONSEQUENTIAL AND OTHER AMENDMENTS

## CHAPTER 385

## QUARRIES ACT\*

An Act to provide for and regulate quarrying activities and matters incidental thereto. 1969 No. 26.

[1st April, 1970] Commence-  
ment.  
L.N. 74 of  
1969.

## PART I.—QUARRYING OPERATIONS

1. This Act applies in relation to all naturally occurring quarriable minerals. Application.

2. (1) Every operation for the purpose of extracting any quarriable mineral from a quarry for industrial use in this Act referred to as a "quarrying operation" shall be conducted under a lease or licence granted under this Act. Prohibition of unauthorised quarrying operations.

(2) Every grant of such lease or licence shall be made subject to the provisions of this Act, the prescribed regulations and the terms of the said lease or licence.

(3) Except as in this Act provided, no person shall conduct any quarrying operation on any land in Nigeria or divert or impound water for such purpose.

(4) For the purposes of this section, "industrial use" includes sale or bargain, or usage for or in connection with any industry or trade.

3. (1) Any person may make an application to the prescribed officer for a grant to him of a lease. Quarrying leases.

(2) The Minister may grant on any such application, the desired lease which may be in Form A in the First Schedule below, if he is satisfied that—

(a) the purpose for which the quarrying operation is to be conducted is appropriate; and

\*Note:  
The measurements in this Act are English measurements and may be converted to the metric system when required.

(b) the applicant is capable of satisfying the conditions on which the lease may be granted, the requirements of this Act and the regulations.

(3) If the Minister is not so satisfied he shall refuse the application and advise the applicant of the reasons for the refusal.

(4) Where the Minister refuses such application any applicant may re-apply, if he so desires, and the Minister may in his discretion re-consider the application.

(5) A lease shall not be granted in respect of any area of land exceeding 100 acres.

(6) Any such lease shall, unless previously revoked or otherwise determined, remain in force for a period of 5 years or any lesser period for which the lease has been granted from the date of the grant thereof and shall then expire.

Temporary  
quarrying  
leases.  
Form B.  
First  
Schedule.

4. (1) The Minister may, if he is satisfied that delay may occur in the consideration of the application or for any other reason, grant to the applicant a temporary lease which may be in Form B in the First Schedule to this Act, for a term not exceeding 3 years, subject to such conditions as he thinks fit to impose.

(2) The Minister may, in his absolute discretion, cancel a temporary lease granted by him without assigning any reasons for the cancellation.

Quarrying  
licences.

5. (1) Any person may make an application to the inspector in the prescribed manner for a grant to him of a licence.

(2) The provisions of subsections (2), (3) and (4) of section 3 of this Act shall, subject to the provisions of this section, apply in relation to an application for the licence as they apply in relation to an application for a lease as if for the references to the Minister there were substituted references to the inspector.

(3) A licence shall not be granted—

(a) in respect of an area exceeding one acre;

(b) unless the inspector is satisfied as to the applicant's ability to conduct quarrying operations in that area; and

(c) unless the application is accompanied by a written statement indicating that the local authority of the area where the quarry is situated is satisfied that the licence, if issued, will not operate to the detriment of any person.

(4) A licence shall, unless previously revoked or determined, remain in force for a period of one year from the date of the grant thereof and shall then expire.

(5) A quarrying licence shall be in Form C in the First Schedule to this Act.

Form C.  
First  
Schedule.

6. A lease or licence may be renewed in the following circumstances—

Renewal of  
leases and  
licences.

(a) upon the expiration of a period for which a lease is granted the Minister may, on an application in writing by the holder of the lease to the prescribed officer, renew the lease if the application is made not less than 3 months before the expiration of the lease, and the Minister may similarly renew any lease that has been previously renewed; and

(b) upon the expiration thereof of the term of one year of a licence the inspector may on an application by the holder of the licence to the inspector, renew the licence if the application is made not less than one month before the expiration of the licence, and he may similarly on any application renew a licence that has been previously renewed:

Provided that no such lease or licence shall be renewed if the Minister or the inspector, as the case may be, is satisfied that quarrying operation has been conducted contrary to the provisions of this Act or the regulations.

7. (1) Where, in relation to the same area or overlapping areas, applications are received for leases from two or more persons, the application first received in order and in proper form shall have priority over any other.

Priority of  
applications  
for leases  
and licences.

(2) In the case of licences, the application first received by a local authority for its approval shall have priority over any other.

(3) In every case, an application for a lease shall have priority over any application for a licence in respect of the same area or overlapping areas.

(4) Notwithstanding the provisions of subsections (1), (2) or (3) of this section, unless the Minister directs that any question as to priority be referred to an arbitration appointed under section 33 of this Act, his decision on the matter shall be final.

Rights of a  
lessee or  
licensee.

8. (1) Subject to the provisions of this Act, a lease or licence shall confer upon the lessee or licensee the right—

- (a) to enter upon any land in relation to which a lease or licence has been granted under this Act;
- (b) to conduct quarrying operation on the area of land applied for and shown on the plan supplied (if required) by the applicant; and
- (c) to remove and dispose of any quarriable material specified in the lease or licence.

(2) In so far as it may be necessary to the holder of a lease in connection with his quarrying operation and, subject to the provisions of this Act and the regulations, the holder who has complied with the provisions of this Act and the regulations (relating in particular to compensation and the payment of surface rents) shall have on the land included in his lease or licence the following rights, that is to say, the right—

- (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 from the quarry;

*Quarries Act*

- (e) to lay water pipes and to make watercourses and ponds, dams and reservoirs; and
- (f) to construct and maintain all such electrical transmission lines, tramways, railways, roads, landing grounds, communications and conveniences as may be necessary.

(3) A lessee or licensee under a lease or licence may, on the lands included within the area of his lease or licence, cut, take and use any tree when necessary in the course of quarrying operation or when required for conducting quarrying operation or for domestic purposes, provided that he shall not cut or take any protected tree except with the consent of the proper forestry officer and on payment of the fees and royalties prescribed under the Forestry Act or, where appropriate, any corresponding law of a state.

Cap. 72 of  
1958 Edition.

(4) A lease shall not, except as provided under a water licence granted under this Act, convey any exclusive right or privilege in relation to any lake, river, spring, stream or other body of water on, passing through or adjacent to the area for which the lease or licence is granted.

(5) Nothing in this section shall authorise the holder 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.

9. (1) A right or interest under a lease shall not be assigned to any person by the holder thereof, except with the consent in writing of the Minister signified by endorsement on the instrument of assignment in Form D in the First Schedule to this Act, and every such instrument shall, for all purposes, be void without the said endorsement.

Assignment  
of leases.

Form D.  
First  
Schedule.

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

(3) Where an application has been made for a lease, the provisions of this section shall apply in respect of such application, and any consequential amendment for such purpose shall be made in the prescribed form. Upon such

assignment being effected and approved in accordance with this section, the assignee shall be entitled to any rights which the assignor would otherwise have had under this Act.

Restrictions  
as to grants,  
and determi-  
nation of  
quarrying  
leases, etc.  
Cap. 226.  
Cap. 299.  
Cap. 338.

10. (1) Where there is in operation in respect of the same area or part thereof a lease, licence or right of any kind granted under the Minerals Act, the Nigerian Coal Corporation Act, the Oil Pipelines Act, or such other enactment as the Minister may by order specify, the provisions of this Act relating to the granting of applications for leases or licences shall not apply.

(2) Any application for a quarrying lease or a quarrying licence may, notwithstanding subsection (1) of this section, be granted if—

- (a) all the interested parties agree in writing; and
- (b) the provisions of this Act relating to the conditions for the granting of leases and licences, and other requirements of this Act or the regulations, are complied with.

In this subsection, "the interested parties" means parties interested in the lease, licence or right to which subsection (1) above relates, and includes parties entitled to be paid compensation or surface rents by or under this Act or any other law.

(3) Where—

- (a) a quarrying lease has been granted prior to a grant under any of the enactments referred to in subsection (1) above; or
- (b) at the request of the grantor or grantee of a lease under any such enactment, there is an application before the Minister for the determination of any quarrying lease or quarrying licence,

the Minister may, if he thinks fit, by notice served on the holder thereof, determine the quarrying lease or quarrying licence subject to such conditions as he may impose and to the payment of compensation, in any appropriate case, by the person making the application.

(4) Nothing in this section shall be construed as applying to any lease or licence for conducting quarrying operation—



*Quarries Act*

- (a) in a disused or abandoned mine or mining area, or part thereof; or
- (b) where, with the approval of the Minister in writing, quarrying operation may be safely conducted simultaneously with any other work in such mine or area, or part thereof.

In this subsection "mine" has the same meaning as in the Minerals Act, and "mining area" shall be construed accordingly. Cap. 226.

11. (1) Subject to the provisions of this section, the Minister may, before granting any application for a lease, require the area specified in the application to be surveyed in accordance with the provisions of the Survey Act and the cost of the survey shall be paid by the applicant in accordance with the scale prescribed by or under that Act. Survey.  
Cap. 194 of  
1958 Edition.

(2) The Minister may, if he thinks fit, waive the requirement of this section as to survey.

12. (1) Without prejudice to the power of the Minister to determine a lease or licence in any other manner, the Minister may, in his discretion, revoke any lease or licence on the following grounds, that is to say— Revocation  
of quarrying  
leases and  
quarrying  
licences.

(a) conviction of the holder thereof by any court of competent jurisdiction for an offence against this Act or regulations and where notice of appeal against the conviction, if any, has lapsed or the appeal has been dismissed or withdrawn or struck out for want of prosecution;

(b) conviction of the holder thereof for an offence under any of the enactments set out in the Second Schedule to this Act or regulations under any of those enactments and where notice of appeal against the conviction, if any, has lapsed or the appeal has been dismissed or withdrawn or struck out for want of prosecution; Second  
Schedule.

(c) breach by the holder of any provision of this Act or regulations or of any terms or conditions of his lease or licence whether express or implied;

- (d) breach by the holder of any order or notice issued or given under this Act or regulations, or on being called upon by the Chief Inspector by notice to show cause within a time specified in the notice why the lease or licence should not be revoked and the holder fails to comply or show adequate cause;
- (e) if the lease or licence has been granted in error, whether such error relates to the area or to the boundaries or to any other matter whatsoever; and
- (f) where the lessee or licensee, before the expiration of the term of the lease or licence, surrenders the lease or licence in the manner prescribed.

(2) Any such revocation shall be without prejudice to any claim against the holder which may have become due to the Government of the Federation.

(3) A notice of revocation sent to the last known address of the holder or to his representative in Nigeria or published in the *Federal Gazette* shall for all purposes be sufficient notice to the holder of the revocation.

(4) An inspector may, without prejudice to the foregoing provisions of this section, in his discretion revoke a licence on any of the grounds mentioned in subsection (1) of this section, and subject thereto, subsections (2) and (3) of this section shall apply in relation to the power of an inspector to revoke any licence as it applies in relation to the power of the Minister to revoke any lease or licence; and the said provisions shall for the purposes of this subsection be so construed.

Land  
required for  
public  
purposes.

13. (1) Whenever any land the subject of a lease or licence is required for public purposes, the Minister may call upon the lessee or licensee to surrender his rights to such land.

(2) The lessee or licensee shall when so called upon, within a reasonable time, surrender the land in accordance with the procedure prescribed.

(3) Compensation shall be payable to the occupier of the land, if any, as well as the holder for any interference with his surface working or for disturbance or the loss of

*Quarries Act*

reasonable expectation of profits from quarrying on the land required for public purposes; and any question as to what is a reasonable expectation of profits from quarrying shall be determined by the Chief Inspector, whose decision on the matter shall be final.

14. Nothing in this Part shall be deemed to apply in relation to the extraction of the following quarriable minerals, that is to say, sand, clay, laterite, and stone for purely local purposes by the local inhabitants of an area in accordance with the local custom of the community of that area.

Saving as to certain quarriable minerals customarily extracted.

Provided that such local custom does not permit the use of explosives for the extraction of such minerals.

PART II.—APPOINTMENT AND FUNCTIONS OF CHIEF INSPECTOR OF QUARRIES, ETC.

15. (1) Subject to subsection (3) of this section, the Federal Civil Service Commission may appoint a fit person to be Chief Inspector of quarries who shall be charged with the administration of this Act, and such number of other fit persons as quarry officers as may from time to time be required to assist the Chief Inspector.

Appointment of Chief Inspector of quarries, etc.

(2) The Federal Civil Service Commission may also appoint inspectors for the purposes of this Act who shall have such duties and powers as are conferred upon him by this Act or by regulations.

(3) A person to be appointed as Chief Inspector or inspector shall have such qualifications and experience as are appropriate for a person required to perform the functions conferred by or under this Act, so however that, if the Federal Civil Service Commission so directs, a person who is Chief Inspector or inspector for the purposes of the Minerals Act shall also be Chief Inspector or inspector for the purposes of this Act.

Cap. 226.

16. In addition to such other functions of the Chief Inspector as may be prescribed, the Chief Inspector shall—

Functions of the Chief Inspector.

(a) exercise general supervision over all quarrying operations;

- (b) annually, prepare and render records, reports and returns;
- (c) take into his custody any quarriable minerals declared by any court to be forfeited to the Government of the Federation; dispose of such minerals by sale and, after such sale, account for the proceeds; and
- (d) shall exercise such other powers as may be conferred upon an Inspector by or under this Act or as the Minister may direct.

Power to  
prescribe  
functions of  
inspectors.

17. Without prejudice to any other power to make regulations under this Act, provisions may be made by the Act by regulations as to the functions of an Inspector and the regulations may include provisions—

- (a) authorising the inspector to enter any quarry by day or night for the purpose of inspecting the quarry or part thereof or anything therein;
- (b) for facilitating the conduct of any examination or inquiry required under this Act;
- (c) requiring copies of records, plans, or other documents to be produced for examination by the inspector or to be furnished to him periodically and on such occasions as he may determine;
- (d) authorising the inspector, to take into his possession any machinery, apparatus or any article whatsoever in a quarry pursuant to the provisions of any regulations relating to the safety, welfare or health of persons in a quarry or any other law, or to cause the dismantling of any machinery or thing (pursuant as aforesaid to the provisions of the regulations or law) notwithstanding that the machinery or thing may thereby be damaged or destroyed;
- (e) delegating to a quarry officer or other public officer any power conferred upon the Chief Inspector or Inspector.

Functions of  
quarry  
officers.

18. Subject to the provisions of this Act and the regulations, the functions of quarry officers shall be defined by the Chief Inspector.

*Quarries Act*

## PART III.—INQUIRY INTO ACCIDENTS

19. (1) Every accident occurring in connection with any quarrying operation and involving loss of life or serious injury to any person shall be reported to the inspector or quarry officer immediately by the quickest available means of communication, and thereafter the holder of the lease or licence shall within three days of the occurrence of the accident complete the prescribed Form "E" in the First Schedule to this Act and forward same to the inspector or quarry officer in charge of the district in which the accident occurred.

Report of accidents, etc.

Form E.  
First  
Schedule.

(2) The place where the accident occurred shall be left undisturbed, and no person shall interfere with the surface working or part thereof wherein or whereon the accident has occurred (until the place or anything thereat has been visited or examined by an inspector or quarry officer) except so far as may be necessary for the removal of the person injured for medical attention.

(3) Any person who contravenes the provisions of subsection (1) or (2) of this section shall be guilty of an offence.

20. The prescribed officer shall hold an inquiry into the cause of every accident occurring in a quarry—

Inquiry by the Chief Inspector or Inspector into cause of accident.

(a) if upon the receipt of a report and after such investigation as he may think fit, it appears to him that there is reason to believe that the accident was due to any of the following causes, that is to say—

(i) any failure to comply with the provisions of this Act or of regulations made thereunder, or

(ii) the neglect of any lawful order given by him; or

(b) if it appears to him that the accident might have been prevented if proper precautions had been taken and observed in conducting the quarrying operation.

21. (1) Where, in the opinion of the prescribed officer, a fatal accident was not due to any of the causes mentioned in section 20 of this Act, he may direct that the report be referred to the nearest magistrate who shall hold an inquiry into the cause of the accident.

Inquiry by magistrate into cause of accident.

(2) The magistrate shall within 14 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.

Matters to be determined on inquiry.

22. In an inquiry under this Act the person holding the inquiry shall determine—

- (a) whether the person killed or injured is a person working in the quarry or in connection with any quarrying operation at the time of the accident;
- (b) whether the holder of a lease or licence has been guilty of negligence or has not taken all reasonable and proper precautions to prevent the accident; and
- (c) whether the accident involving the death or injury is attributable to the wilful misconduct of the person killed or injured or of other persons working in common with the person so killed or injured.

Summoning of witnesses, etc.

23. (1) For the purposes of an inquiry under section 20 of this Act, the prescribed officer shall have power to—

- (a) authorise any person, so far as may be necessary, to have access to the quarry or surface working and to remove anything from the place where the accident occurred and take such other measures as may be necessary for the conduct of the inquiry;
- (b) summon witnesses, require witnesses to give evidence on oath or produce reports, books or other documents for the purposes of any examination, authorise payment of expenses of witnesses; and
- (c) do or direct to be done such other things as he may deem necessary.

(2) For the purposes of this section, the prescribed officer holding an inquiry under this Act shall have the powers of a magistrate.

Form F. First Schedule.

(3) All summonses shall be in Form F in the First Schedule to this Act and shall be served by the police or by such person as the officer issuing the same may direct.

*Quarries Act*

(4) 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 ₦200:

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 law.

(5) 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.

24. For the purposes of this Part—

(a) “serious injury” means—

(i) a fractured skull, pelvis, arm or thigh, or spine, forearm or leg,

(ii) a dislocated shoulder,

(iii) the amputation of an arm, hand, or of one finger or more on same hand, or of a leg or foot,

(iv) the loss of the sight of an eye,

(v) 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; and

(b) “the prescribed officer” means the Chief Inspector, the Inspector or quarry officer.

Definition of  
“serious  
injury”, etc.

#### PART IV.—OFFENCES AND PENALTIES

25. Any person who, without any lawful excuse—

(a) interferes with any quarrying operation authorised by this Act; or

Offences as  
to inter-  
ference with  
rights  
conferred.

- (b) obstructs any person in the exercise of any right conferred by this Act; or
- (c) interferes with any surface working,
- shall be guilty of an offence under this Act.

Offences as to injury to boundary marks, etc.

26. Any person who, without lawful authority, wilfully breaks, defaces or removes, or in any other way interferes with any boundary marks, beacon, pillar or post erected pursuant to this Act or the regulations shall be guilty of an offence.

Wilfully or recklessly giving of false information.

27. (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.

(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.

Trial of offences.

28. Any offence against this Act or the regulations may be tried summarily by a magistrate court.

29. (1) Any person who does or omits to do any act, matter or thing, the doing of or omission to do which is an offence under this Act or any person who contravenes any of the provisions of this Act, the contravention of which is an offence under this Act, shall on summary conviction be liable to a fine not exceeding ₦100 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

(2) If the offence is a continuing one, any person who continues to commit the offence shall upon conviction for each day in respect of which the offence continues be liable to a fine not exceeding ₦10 or imprisonment for one month or both such fine and imprisonment.

(3) Where it is proved to the satisfaction of the court that any offence against this Act has been committed by a person in the employment of the holder of a lease or licence, the



*Quarries Act*

holder shall also be liable for the offence and penalty provided therefor unless he proves to the satisfaction of the court—

- (a) that the offence was committed without his knowledge or consent; and
- (b) that he had taken all reasonable means to prevent the commission of the offence,

but nothing in this subsection shall be deemed to exempt the employee from the penalties provided for the offence committed by him.

## PART V.—MISCELLANEOUS AND GENERAL

30. (1) All quarriable minerals which have been obtained in the course of any quarrying operation shall subject to subsection (2) of this section, be liable to such royalties\*as the Minister may prescribe.

Royalties.

(2) The Minister may, in any case where it is appropriate for him to do so, reduce or waive royalty with respect to any quarriable mineral.

31. (1) The holder of a lease shall pay rent (hereafter called "surface rent") at such rate per annum as shall be determined by the Minister for any of the purposes mentioned in section 8(2) and (3) of this Act or otherwise for or in connection with his quarrying operation.

Surface rents.

(2) The surface rent payable under this section by a lessee shall be paid in advance without demand at such times as the Minister may direct.

(3) It shall not be lawful for the holder of a lease to disturb the owners or occupiers of any part of the land included within such lease during the course of any quarrying operation until the land is actually required for the purposes of section 8(2) and (3) of this Act.

32. (1) All leases and licences shall be bounded by vertical planes from the surface boundary lines, drawn downwards to the lowest level to which a quarry may extend.

Quarrying rights to be bounded by vertical planes.



(2) The reference in subsection (1) of this section to the lowest level to which a quarry may extend is a reference to such depth as the Chief Inspector may from time to time define, in writing, as the lowest level to which a quarry may extend.

Arbitrations  
Cap. 19.

**33.** (1) The Arbitration and Conciliation Act shall apply to every arbitration under this Act subject to the following modifications—

- (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) the Act may appoint an arbitrator on behalf of any person who is one of the parties to an arbitration when requested by any of the parties, and in such case the Act may fix the fee which shall be paid to the arbitrator, or, if the arbitrator is a person in the service of the Government, to the Government.

(2) In this section, “the Government” includes the government of a State.

Removal of  
fixtures.

**34.** (1) Upon the expiration or other determination of a lease or licence the lessee or licensee 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 or licence shall within 3 months after the expiration or other determination thereof remove all or any of his plants, buildings or other property.

(2) Any contravention of subsection (1) of this section shall be an offence under this Act.

Compensation.

**35.** (1) The Minister may prescribe the circumstances in which compensation shall be payable to any person and the procedure and conditions for the payment of compensation under this Act.

(2) Notwithstanding subsection (1) of this section, compensation shall be paid in the following circumstances, that is to say—

- (a) where in relation to quarriable minerals to which section 14 of this section relates, which are customarily

*Quarries Act*

extracted for purely local purposes from any land over which a lease or licence is granted, the holder of the lease or licence shall pay such amount of compensation as the Chief Inspector may, in his discretion, determine to be reasonable expectation of profits to the owners thereof with respect to the quarriable minerals extracted from the lands;

- (b) any person conducting quarrying operation shall, in addition to any other amounts payable under this Act, pay the owner or occupier of private land or the occupier of land held under any lease granted by the Government of the Federation or the subject of a right of occupancy under the Land Use Act such sums as may be fair and reasonable compensation for any disturbance of the surface rights of such owner or occupier.
- (c) in addition to compensation payable in accordance with paragraphs (a) and (b) of this subsection, such person shall also 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:

Cap. 202.

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

(3) An amount of compensation payable may, subject to the provisions of this Act and in any appropriate case, be determined by agreement between the parties or, if the parties are unable to reach agreement, by the public officer of any State charged with responsibilities for the Local Government or administration of the area who shall as soon as possible assess and determine the amount of the compensation payable at the date of such assessment where necessary, and shall notify the parties of the sum awarded; and such officer may refer any question as to compensation or as to the amount in dispute, to arbitration under this Act in such case and the compensation finally determined shall be paid by the person liable within 14 days of the date on which the amount of the compensation is notified to him.

(4) Notwithstanding anything contained in this Act or in any regulations thereunder, any person who suffers any damage, loss or disturbance of his rights by reason of the operation of any of the provisions of this Act—

- (a) shall be entitled to be paid adequate compensation in respect of the damage, loss or disturbance; and
- (b) shall be entitled to refer any question as to his interest in the subject-matter of the damage, loss or disturbance and as to the amount of compensation payable for determination by the High Court having jurisdiction in the area in which the subject-matter is situated.

Delegation  
of powers.

36. (1) Without prejudice to any other power of delegation, the Minister or the Chief Inspector may by notice in the *Federal Gazette* delegate to a public officer of a State mentioned in the notice the exercise of any power within that state, conferred or imposed upon him under this Act other than the power of the Minister to make regulations.

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

Evidence as  
to existence  
of certain  
facts, etc.

37. (1) Any question as to—

- (a) whether a surface working is a quarry within the meaning of this Act; or
- (b) whether any substance (apart from any of the substances listed in section 41(1) of this Act) is a quarriable mineral within the meaning of this Act,

shall be determined, and may by notice published in the *Federal Gazette* be so designated, by the Chief Inspector.

(2) A certificate signed by the Chief Inspector or a person duly authorised by him in that behalf giving particulars of anything determined (and nothing else) under subsection (1) of this section shall, for all purposes, be accepted as conclusive evidence of the matters stated in the certificate, and a document purporting to be a certificate issued under this subsection shall be deemed to be such a certificate unless the contrary is shown.

*Quarries Act*

(3) Subsection (2) of this section shall have effect without prejudice to section 41 of the Evidence Act (which deals with certificates signed by certain specified Government officers for purposes of criminal trials).

Cap. 112.

38. The Minister may, without prejudice to any other power to make regulations under this Act, by regulations make provisions generally for carrying into effect the provisions of this Act, and in particular and without prejudice to the generality of the foregoing powers, make such provisions as appear to him to be necessary—

General power to make regulations.

- (a) for the rates of royalties to be paid, the method of calculation of the amount of such royalties and manner and time of payment thereof;
- (b) for the adoption in or about a quarry of any precautions necessary or desirable for the safety, welfare or health of persons in a quarry, and for the regulation of any quarrying operation, and also in relation to the administration and control of quarries;
- (c) prescribing the circumstances under which a person wishing to make an application for a lease or licence may enter upon land to erect beacons.
- (d) as to the circumstances in which application under this Act may be granted, refused, or withdrawn and as to matters with respect to which the Minister, or in the case of a licence the inspector, is to have regard in deciding whether to grant or refuse to grant an application;
- (e) as to the procedure for applications and the information to be furnished by applicants for leases or licences;
- (f) specifying the rents and fees to be paid in respect of the grant of a lease or licence or any matter or thing under this Act, and also for waiver or remission of rents and fees by the Minister in such circumstances as he may consider such waiver or remission desirable;
- (g) as to conditions, not otherwise specified under this Act, under which a lease or licence may be granted, including the requirement for plans or other particulars;

- (h) as to the circumstances when a lease or licence may be surrendered and the procedure for surrender, and the steps to be taken after any revocation or any other determination of such lease or licence (including the removal of beacons after such revocation or other determination of the lease or licence);
- (i) for the working conditions to be applied to leases and licences;
- (j) for the fencing off of any excavation made for or in connection with any quarrying operation;
- (k) for the housing conditions of persons employed in any quarrying operation in a safe, sanitary, proper economic and effectual manner;
- (l) for the prevention of pollution of any natural water supply and the disposal of wastes;
- (m) for prescribing offences and penalties which may be imposed for breach of regulations under this Act not exceeding, in any case, a fine of ₦200, and in the case of a continuing offence a fine of ₦10 for each day in respect of which the offence continues;
- (n) exempting from any provision of this Act or regulations (except provisions as to compensation, inquiry into accidents and provisions for the safety, welfare and health of persons in a quarry) any quarrying operation in respect of which a licence is required;
- (o) prescribing forms and any other matter or thing referred to under this Act as prescribed or to be prescribed.

Application  
of the Min-  
erals Act.  
Cap. 226.

39. (1) The following provisions of the Minerals Act shall with any necessary modifications apply in relation to a quarry as they apply in relation to a mine, namely—

- (a) section 3 (which relates to the control of and property in minerals, mineral oils and water);
- (b) sections 7 and 8 (which prevent the prospecting or mining on sacred areas, injury or destruction of trees or other objects of veneration and areas closed to prospecting), as if the reference to the Governor of a

State is a reference in section 7 to the public officer of the State charged with the responsibilities for the Local Government or administration of the area.

(c) section 14 (which prohibits prospecting or mining on or in, the erection of beacons on, or the occupation of, certain specified lands);

(d) Part IV (which deals with provisions regarding water), as if—

(i) the references in proviso (iii) of section 52 to the provisions of sections 12, 14, 77 and 78(1) and (2) were references to sections 7, 31 and 35 of this Act, or other prescribed provisions, corresponding thereto, and

(ii) the reference in section 54(1)(a) to the provisions of section 27 (which relates to temporary grants of mining rights or mining leases) is a reference to section 4 of this Act;

(e) Part IX (which relates to the construction and use of mining roads); and

(f) section 113 (which relates to a certain right of entry and inspection).

(2) Nothing in this section or elsewhere in this Act shall be construed as limiting the effect of the provisions of the Minerals Act otherwise than as provided by this Act.

Cap. 226.

40. A reference in any enactment (apart from this Act, the Minerals Act, the Factories Act and the Criminal Code) to a mine or mining operation shall be construed, unless it is otherwise expressly provided or the context otherwise requires, as including a reference to a quarry or quarrying operation and effect shall be given to any such enactment with any necessary modifications.

Con-sequential amendments.  
Cap. 256.  
Cap. 126.  
Cap. 77.

41. (1) In this Act, "quarriable minerals" means asbestos, china clay, fuller's earth, gypsum, limestone, marble, mica, pipe-clay or slate, and includes sand, stone, laterite, common clay, gravel or as may be so determined and designated under section 37 of this Act.

Definition of "quarriable minerals" and interpretation, generally.

(2) In this Act, unless the context otherwise requires—  
“the Chief Inspector” means the Chief Inspector appointed under section 15 of this Act;

“functions” includes powers and duties;

“the holder” means a person for the time being enjoying the right of a lessee under a quarrying lease, or licensee under a quarrying licence, or an agent of such lessee or licensee;

“inspector” means an Inspector appointed as such officer under section 15 of this Act and includes a senior inspector;

“land” includes a river bed and land underneath any body of water;

“lease” means a lease and renewal thereof granted under this Act for a term not exceeding 5 years for a quarrying operation and includes a temporary lease under section 4 of this Act, and the references to a quarrying lease shall be so construed;

“licence” means a licence and renewal thereof granted under this Act for a term not exceeding 1 year for quarrying operation, and the references to a quarrying licence shall be so construed;

Cap. 226.

“mine” has the same meaning as in section 2 of the Minerals Act;

“Minister” means the Minister for the time being charged with responsibility for matters relating to mines, minerals and quarries;

“the local authority” means a local government council or native authority;

“prescribed” means prescribed by this Act or the regulations;

“quarry” means a surface working or uncovered excavation used for the purpose of extracting quarriable minerals, and includes a proposed quarry;

“quarry officer” means a quarry officer appointed under section 15 of this Act;



“quarrying operation” has the same meaning as in section 2 of this Act and includes any form of activity for the extraction of quarriable minerals (other than an activity conducted or to be conducted underground) or any activity preparatory or incidental thereto;

“the regulations” means any regulations made under this Act which are from time to time in force; and

“surface working” includes any building, premises or structure, and railway line, conveyor or other installation or structure, in or on land, or as may be so determined and designated under section 37 of this Act.

(3) The reference in this Act to an enactment includes, unless the context otherwise requires, a reference to the regulations prescribed (if any) or to be prescribed under such enactment.

42. (1) This Act may be cited as the Quarries Act.

Short title.

QUARRIES ACT

CHAPTER 385

SUBSIDIARY LEGISLATION

*List of Subsidiary Legislation*

1. The Quarries Regulations .. .. .	PAGE
.....	13824