



ST. HELENA

CHAPTER 69

MINING ORDINANCE and Subsidiary Legislation

Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email pa.lawofficers@legalandlands.gov.sh]¹

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

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¹ These contact details may change during 2011 or early in 2012. In case of difficulty, email shgwebsite@sainthelena.gov.sh or telephone (+290) 2470.

CHAPTER 69**MINING ORDINANCE**

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CHAPTER 69**MINING ORDINANCE**

(Ordinances 10 of 1923, 2 of 1967 and 8 of 1981)

AN ORDINANCE TO REGULATE PROSPECTING AND MINING IN ST. HELENA.

Commencement

[17 December 1923]

Short title

1. This Ordinance may be cited as the Mining Ordinance.

Interpretation

2. In this Ordinance, unless the context otherwise requires—

“**lands**” include all lands in St. Helena except—

- (a) lands dedicated to or set apart for any public purpose;
- (b) lands declared by the Governor by notice in the *Gazette* to be exempted from the operation of this Ordinance;

“**minerals**” means all minerals or mineral substances other than gold or precious stones which are of commercial value except mineral oils and those required locally for building purposes, road metal or agriculture;

“**mining lease**” is a lease granted for the purpose of mining for precious metals or precious stones or for any purpose connected with such mining;

“**prospect**” means to search for precious metals, precious stones, baser metals and minerals on any non-exempted lands;

“**prospector**” means the holder of a prospecting licence from the Governor entitling him to prospect;

“**regulations**” means the regulations made under this Ordinance.

Rights of Crown

3. Nothing in this Ordinance shall abridge or control the rights and powers of Her Majesty in respect of precious metals, precious stones, baser metals and minerals otherwise than in this Ordinance is expressly provided.

Appointment of Inspector of Mines

4. The Governor may appoint an officer to be Inspector of Mines or other officers from time to time and may make regulations prescribing their powers and duties.

Prospecting licence and fee

5.² The Governor may issue one or more prospecting licence or licences in the form contained in the First Schedule to this Ordinance to any person and in the case of a company to any person duly authorised by the company permitting him to prospect for precious metals, precious stones and for baser metals and minerals on any non-exempted lands. A licence shall be issued for one district only and upon payment in advance of the sum of £6 and shall continue in force for six months unless cancelled and such licence may be renewed for successive periods of six months on the same terms at the discretion of the Governor.

Limitation of area to be prospected

6. The prospector is bound to prospect within his own area or lands comprised in his prospecting licence to the satisfaction of the Governor and in accordance with any regulations published hereunder subject to the penalty of cancellation of his prospecting licence at any time.

Compensation for damage

7. Compensation shall be paid by the prospector to any inhabitants at such rate as the Governor shall deem to be fair and reasonable for any loss or damage caused to them by him in the course of such prospecting.

Prospecting on private lands

8. No person not being the owner shall prospect upon any lands in private ownership until he shall have entered into a bond in the form set out in the Second Schedule hereto and in such amount with or without sureties as the Governor may determine for the due and proper repair of any damage done to the said land in the course of such prospecting and for the

² Section 5 amended by Ords. 2 of 1967 and 8 of 1981

payment of any sums due by him. The prospector shall immediately notify the owner in writing that he has entered upon the lands of such owner for the purpose of prospecting.

Prospector or owner to report discovery of precious metals, etc.

9. Every prospector or owner shall report to the Governor within fourteen days any discovery which he may have made of precious metals or precious stones upon any area or lands comprised in his prospecting licence or upon any other lands subject to the penalties provided by this Ordinance.

Mining and mineral leases

10. (1) The Governor may grant to the owner or to any person who shall have prospected *bona fide* to the satisfaction of the Governor one or more mining leases upon such terms as may be prescribed by any regulations made hereunder.

(2) The Governor may grant a mineral lease to any person upon such terms as may be prescribed by any regulations made hereunder.

Owner of land to be notified when mining or mineral lease is granted

11. (1) The owner of any land over which it is proposed to grant a mining or mineral lease shall be duly notified and shall be allowed one month from such notice within which he may lodge any objections to the grant of such lease. All such objections may be referred by the owner for decision of the Supreme Court.

(2) The owner of any land over which a mining or mineral lease has been granted shall be entitled to receive one-third of the rent accruing therefrom to Government.

(3) The owner of any land over which a mining or mineral lease has been granted shall be entitled to apply to the Governor for the cancellation of such lease on the ground of improper or insufficient working or for any other sufficient cause.

Payment of royalty

12. There shall be payable to the public revenue a royalty such as the Governor in Council shall prescribe upon the gross output of all precious metals and precious stones and all baser metals or minerals found in and extracted from any land, and the Governor in Council shall have power to alter or amend any such royalty and to prescribe the payment of other royalties in lieu thereof.

Governor in Council may make regulations

13. The Governor in Council may from time to time make regulations with regard to the following matters—

- (a) defining generally the size and character of areas in respect of which prospecting licences and mining or mineral leases may be granted;
- (b) any matters required by this Ordinance to be prescribed by regulations and any matters appearing to the Governor in Council to require the making of regulations to give effect to the provisions of this Ordinance;
- (c) all such regulations shall take effect from the date of their publication in the *Gazette* but shall be subject to the approval of a Secretary of State.

Any such regulation as shall be disapproved by a Secretary of State shall continue to have effect until notice of such disapproval shall have been received and published by the Governor in the *Gazette*.

Penalty

14. Any person who shall commit any offence against this Ordinance or the regulations made under this Ordinance shall be liable to a penalty not exceeding a fine of £250 or imprisonment for three years or to both such fine and imprisonment.

Offences

15. All offences against this Ordinance shall be cognisable by the Supreme Court or any subordinate court and shall be prosecuted at such courts at the instance of the Attorney General or other officer thereto lawfully authorised.

FIRST SCHEDULE

(Section 5)

Prospecting Licence is hereby granted to of to prospect and search for precious metals, precious stones, ores, metals and other minerals on certain lands, viz—

during the period from to for which licence he has paid in advance the sum of £

Signed

Governor

SECOND SCHEDULE

(Section 8)

On the day of, 20..... A.B. residing at acknowledges himself to be indebted to our Sovereign Queen in the sum of and C.D. and E.F. severally acknowledge themselves to be indebted to the Queen in the sum of to be levied on their and each of their goods and lands upon condition that the said A.B. shall make due and proper repair of any surface damage done by him on any land upon which he shall have obtained a licence to prospect and for the due payment of the sums accruing to any owner from the said A.B.

PROSPECTING REGULATIONS – SECTION 13

(Legal Notice 1/1927)

Short title

1. These regulations may be cited as the Prospecting Regulations.

Licence

2. No person shall prospect on lands within the Island of St. Helena or its Dependency of Ascension Island without the licence of the Governor.

Application for licences

3. The application for a prospecting licence shall be addressed in the first instance to the Chief Secretary in the case of lands in the Island of St. Helena, and in the case of lands in Ascension through the Administrator of Ascension.

Exclusive prospecting rights

4. The holder of a prospecting licence may select any area not exceeding one square mile in extent within the limits of the district covered by his licence, and over such area he shall have the exclusive right of prospecting for the duration of his licence.

Beacons

5. Such area must be delimited on the ground by beacons of white stones.

One area for each licence

6. One area only shall be occupied in virtue of one prospecting licence.

Maximum areas

7. No person by himself or his agents shall occupy more than three such areas in St. Helena or Ascension.

Registration of areas

8. Such areas shall be registered, and application for registration must be submitted within fourteen days of the delimitation of the area.

Applications for registration

9. Applications for registration should be submitted in the case of lands in St. Helena to the Chief Secretary and in the case of lands in Ascension through the Administrator. They must be accompanied by a sketch map showing the area.

Abandonment of operations

10. The holder of a prospecting licence shall when abandoning operations fill up, fence, or secure to the satisfaction of the Governor all shafts, pits, holes, and excavations in such manner as to prevent persons or stock inadvertently entering the same, and generally shall repair any damage done by him on the lands over which he has prospected.
