

CHAPTER 121.

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SECTION.

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CHAPTER 121.

CONCESSIONS.

29 of 1931.
25 of 1945.
6 of 1949.
6 of 1956.
29 of 1956.

An Ordinance to Regulate the Concession of Rights with respect to Land by Natives, and to constitute a Concessions Court.

[7TH DECEMBER, 1931.]

PRELIMINARY.

Short title.

1. This Ordinance may be cited as the Concessions Ordinance, and shall apply to the Colony and Protectorate.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—
“concession” means (a) any writing whereby any right, interest or property in or over land with respect to minerals was granted before the first day of January, 1929, by the Tribal Authority of the Marampa Chieftdom in the Protectorate to the African and Eastern Trade Corporation,

Limited, and (b) any writing whereby any right, interest or property in or over land with respect to timber, rubber or other products of the soil, or the option of acquiring any such right, interest or property, purports to be granted or agreed to be granted either before or after the 1st day of January, 1929, by any native or natives.

“Court” means the Concessions Court as hereinafter established.

The “holder” of a concession includes any person exercising, entitled to exercise, or claiming to be entitled to exercise any of the rights granted under such concession by the native grantor; and all such persons shall be deemed to hold a concession whether their claim thereto to be as grantees, or as assignees, or as the successors in title of such grantees or assignees by operation of law.

“land” includes land which forms the bed of any river, stream, lake or lagoon.

“native” includes all persons of African birth who are entitled by native customs to rights in land in the Colony or Protectorate.

“Tribal Authority” means paramount chiefs and their councillors and men of note, or sub-chiefs and their councillors and men of note.

The expressions “Chief Inspector of Mines”, “mine” and “mining”, “minerals”, “open-cast”, “prospect” and “prospecting”, “shaft” and “pit” and “tributer” have the same meanings as those respectively assigned to them by the Minerals Ordinance.

Cap. 196.

3. The Governor in Council may, from time to time, by Order—

(a) exclude from the operation of this Ordinance any part of the Colony or Protectorate which is not comprised in a valid concession; and

(b) cancel or alter any such notification.

Power to exempt parts of Colony and Protectorate from operation of Ordinance.

4. (1) The Governor in Council shall have power to make rules not inconsistent with the provisions of this Ordinance—

(a) with respect to the keeping of accounts, and other records for the purpose of showing the amount and value of the minerals, timber, rubber or other products of the soil obtained from any land the subject of any concession, and for prescribing the form of such accounts and records, and

Power of Governor in Council to make rules.

for the transmission of such accounts and records to the Governor or any officer nominated by him; and

(b) with respect to the time and manner in which any fees, duties, royalties, rents or other payments made under the provisions of this Ordinance are to be assessed, received, or paid; and

(c) with respect to the procedure to be followed in the acquisition of concessions, and for that purpose the Governor in Council may alter or revoke any of the provisions in Schedule C or substitute other provisions therefor; and

(d) with respect to the surveying and demarcation of the boundaries of concessions; and

(e) generally for the more effectual carrying out of the provisions of this Ordinance.

Penalty.

(2) By any rule made under the provisions of this section a penalty may be imposed for the breach of any such rule which shall not exceed twenty-five pounds for any one offence, or in the case of a continuing offence two pounds for every day during which the offence is continued.

GRANTS FOR CULTIVATION.

Alienation
of land for
cultivation
by Tribal
Authorities.
Cap. 122.

5. No Tribal Authority or other native shall have power to alienate land for the purpose of cultivation except under the provisions of this Ordinance or under the provisions of the Protectorate Land Ordinance; and no grant or other disposition of land for the purpose of cultivation, except such as is made under the provisions of the Ordinance last aforesaid, shall be made by any Tribal Authority or other native without the assent of the Governor.

Conditions
on which
Governor
may assent
to grant.

6. (1) The Governor shall not assent to such grant or disposition—

(a) when the grant or disposition is of an area not exceeding one thousand acres, unless he is satisfied that such grant or disposition is for the benefit of the chiefdom in which such area is situated;

(b) when the grant or disposition is of an area exceeding one thousand acres, unless he is satisfied that such grant or disposition is for the benefit of the whole country and either that the tribal administration will not be destroyed or injuriously affected by such grant or disposition, or that adequate provision is made by the terms of such grant or

disposition, or otherwise for the administration of the area granted, by other means than the tribal system;

(c) when the grant or disposition is of an area exceeding five thousand acres, without the consent of the Secretary of State;

(d) in any case, unless a certificate signed by the District Commissioner of the consent of the Tribal Authority or other native is produced, and the terms of the grant or disposition are put into writing and signed by the parties and contain the following particulars—

(i) the annual or other consideration, if any, to be paid for the land;

(ii) the area to be occupied;

(iii) the duration of the grant;

(iv) the special conditions, if any, which the parties have to comply with in consideration of occupying the land without payment or at a low rental;

(v) whether, or not, the interest of the grantee may be assigned;

(vi) whether, or not, the grantee is to be entitled to the palm trees or kola trees, rubber vines or rubber trees on the land.

(2) Except in so far as may be otherwise expressly provided therein, such grant or disposition shall be deemed to confer on the person to whom the same is made the right to clear the land of all timber or other products of the soil with a view to cultivating the land, with the exception of palm trees, kola trees, rubber vines and rubber trees, which may not be cleared from the land unless the grant or disposition expressly so provides.

Right conferred by grant.

(3) Whenever the Governor shall have assented and, when such consent is necessary, the Secretary of State shall have consented, to any grant or disposition of land in accordance with the provisions of this section, such grant or disposition shall not be deemed to be a concession within the meaning of this Ordinance, and no proceedings in the Court shall be necessary in respect thereof to establish the validity of such grant or disposition.

Grant not a concession.

7. When the Governor has assented to any grant or other disposition of land under section 6, the rights of the grantee thereunder shall, nevertheless, be subject to any conditions which the Legislature may at any time impose in respect of such rights; and such assent shall not affect any question of law as to

Grant subject to future conditions which legislature may impose.