

CHAPTER 197.**MINING (MINERAL OIL).****ARRANGEMENT OF SECTIONS.**

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CHAPTER 197.**MINING (MINERAL OIL).**

8 of 1958.

An Ordinance to regulate the right to search for, win and work mineral oils within Sierra Leone and the inland and territorial waters thereof.

[6TH OCTOBER, 1958.]

Short title.

1. This Ordinance may be cited as the Mining (Mineral Oil) Ordinance.

Interpreta-
tion.

2. In this Ordinance, unless the context otherwise requires—
“Chief Inspector of Mines” bears the meaning assigned thereto by section 2 of the Minerals Ordinance;

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“exploration licence” means a licence to explore for mineral oil granted under this Ordinance;

“lands in Sierra Leone” includes any land beneath territorial waters;

“lease” means a lease to mine for mineral oil granted under this Ordinance;

“lessee” means a lessee under an oil mining lease;

“licence” means an exploration licence or a prospecting licence as the case may require, and “licensee” has a corresponding meaning;

“minerals” does not include mineral oil;

“ mineral oil ” includes petroleum and relative hydrocarbons, natural gas existing in its natural condition in strata, asphalt, bitumen and bituminous substances; but does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation;

“ Minister ” means the Minister for the time being responsible for mineral resources;

“ owner ” in relation to land includes a lessee, and in relation to land or other property of an African community in the Protectorate, means the chief or headman of the community:

Provided that when any payment shall be required to be made under this Ordinance 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 African law or custom, or that the payment shall be made into some fund specified by the Minister to be utilised for the benefit of the African community;

“ private land ” includes lands privately owned and land the subject of a grant, lease or licence from the Crown and all land in the Protectorate;

“ prospecting licence ” means a licence to prospect for mineral oil granted under this Ordinance.

3. (1) No person shall explore, prospect or mine for, or win, any mineral oil on, under or from any lands in Sierra Leone, whether public or private, except under and in accordance with a licence or lease granted under the provisions of this Ordinance.

Prohibition of searching for or mining mineral oil without a licence or lease.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds for each day during which the offence continues, and, in addition, all mineral oil won in contravention of such provisions shall be forfeited to Her Majesty and shall be disposed of as the Minister may direct.

4. (1) The Minister may if he thinks fit from time to time grant—

Power of Minister to grant licences and leases.

(a) exploration licences to explore for mineral oil in, on or under such lands in Sierra Leone, whether public or private, as may be specified therein;

(b) prospecting licences to prospect for, win and carry away mineral oil on, under or from such lands in Sierra Leone whether public or private, as may be specified therein;

(c) leases to explore for, prospect for, mine for, win and carry away mineral oil on, under or from such lands in Sierra Leone, whether public or private, as may be specified therein.

(2) Except as may be otherwise expressly provided in any licence or lease, every licensee and lessee shall, subject to any other Ordinance for the time being in force which prohibits or regulates or restricts the entry of persons into certain areas or parts of Sierra Leone and to the terms and conditions of the licence or lease and the provisions of sections 5 and 6, have the right to enter, together with his servants and agents, upon such lands in Sierra Leone, whether public or private, as are comprised in the licence or lease, for the purpose of exercising any right in relation to such lands given to such licensee or lessee by the licence or lease or under this Ordinance.

(3) Every licence and lease may, subject to the provisions of this Ordinance, confer upon the licensee or lessee such additional or ancillary powers, rights and liberties, (including without prejudice to the generality of the foregoing, the right to use and occupy any land, whether public or private, for the erection and maintenance of buildings, installations and structures, the laying and maintenance of pipes and the construction and maintenance of railways, tramways, roads and communications) as in the opinion of the Minister are reasonably necessary to enable the licensee or lessee to exercise, or to facilitate the exercise or enjoyment by the licensee or lessee of, such of the rights mentioned in sub-section (1) as are conferred upon such licensee or lessee.

(4) Subject to the provisions of any regulations made under this Ordinance, every licence and lease shall be for such period and upon such terms and subject to such conditions and limitations as the Minister may deem expedient:

Provided that it shall be a condition of every licence and lease that the licensee or lessee shall exercise the rights, liberties, powers and privileges granted by this Ordinance and by the licence or lease in relation to any lands in Sierra Leone comprised in any mining concession, lease, special exclusive or exclusive prospecting licence granted under, or ratified by, any Ordinance, whether prior to or after the grant of the licence or lease, in such a manner as to offer no unnecessary or reasonably avoidable obstruction or interruption to any operations authorised by such mining concession, lease, special exclusive or exclusive prospecting licence, and shall at all times afford to

the holder of such mining concession, lease, special exclusive or exclusive prospecting licence reasonable means of access and safe and convenient passage upon and across any lands comprised in the licence or lease for the purpose of searching for, working, winning, developing or carrying away any minerals within any such lands or any land adjacent thereto.

(5) Without prejudice to the provisions of sub-section (4) it is hereby expressly provided that the Minister may in any licence or lease provide for the revocation of such licence or the forfeiture of such lease in the event of the licensee or lessee contravening or failing to comply with such of the terms and conditions contained in the licence or lease or such of the provisions of this Ordinance or any regulations made thereunder, as are specified in such licence or lease.

5. (1) Subject to the provisions of this Ordinance, nothing contained in section 4 or contained or implied in any licence or lease shall be deemed to authorise the licensee or lessee to enter upon or occupy or exercise any rights whatsoever—

Restrictions
on
operations
on certain
lands.

(a) (i) within any Government station or on or under any lands used for or appropriated to any public purpose without the consent in writing of the Minister first obtained, and subject to the conditions, if any, prescribed in such written consent;

(ii) on or under land occupied by a town, village, market or burial ground, or on or under land habitually used or occupied for sacred or ceremonial purposes, or on or under land within one hundred yards of any Government or public building or works, or any market, burial ground or place used or occupied for sacred or ceremonial purposes as aforesaid, or public road, tramway or railway without the consent in writing of the Minister first obtained and subject to the conditions, if any, imposed by the Minister;

(b) on or under land actually under cultivation without the consent of the occupier of the land;

(c) on or under any land within one hundred yards of any building erected thereon without the consent of the occupier of the building;

(d) on or under land comprised in any subsisting mining concession or lease granted under, or ratified by, any Ordinance prior to the grant of the licence or lease, except with the consent of the holder of such concession or lease: