ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER M95

MINERALS (VESTING) ACT

Showing the Law as at 15 December 2010

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates Act 7/2010, in force 1 November 2010

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MINERALS (VESTING) ACT

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MINERALS (VESTING) ACT

Interpretation

1. In this Act—

"commencement of this Act" means 9th March, 1954;

"mine", with its grammatical variations and cognate expressions, means intentionally to search for, extract or win minerals;

"minerals" does not include—

(a) pottery clay or rock salt; or

(b) any material, such as clay, sand, limestone, sandstone, or other stones, commonly used for the purpose of road making or for building or for the manufacture of any article used in the construction of buildings where such material does not contain any valuable metal or precious stone in economically workable quantities;

but includes the following—

(c) metalliferous minerals containing aluminum, antimony, arsenic, barium, bismuth, cadmium, cerium, chromium, cobalt, columbium, copper, iron, lead, lithium, magnesium, manganese, mercury, molybdenum, nickel, potassium, sodium, tantalum, tin, titanium, tungsten, vanadium, zinc, zirconium and all other substances of a similar nature to any of them, and all ores containing them and combinations of any of them with each other or with any other substance, excepting only those that occur in the form of precious minerals;

(d) combustible carbonaceous minerals including—

(i) coal, and

(ii) lignite, which includes brown coal and any coal which the Governor in Council may prescribe to be lignite;

(e) mineral oils, including bitumen, asphalt and all other bituminous substances;

(f) other minerals, including those used for their abrasive or refractory qualities and asbestos, barytes, bauxite, china clay, fullers earth, graphite, laterite, marble, mica, nitrates, pipeclay, potash, quartz, crystals, slate, soda, sulphur, talc and all other substances of a similar nature to any of them; and

(g) precious minerals, including—

(i) precious stones and semi-precious stones including amber, amethyst, beryl, cat's eye, chrysolite, garnet and all other semi-precious stones, whether of the same kind as those enumerated or not, and

(ii) precious metals;

"precious metals" means gold, silver, or metal of the platinoid group, in the unmanufactured state, and all ores containing such metal, but not including ores containing any such metal in combination with another mineral where such metal cannot be worked apart from such mineral and the value of such metal is less than the cost of producing both the metal and the mineral;

"precious stones" means diamonds, emeralds, opals, rubies, sapphires, turquoises, and such other stones as may be prescribed to be precious stones for the purpose of this Act;

"prospect", with its grammatical variations and cognate expressions, means to search for minerals and includes such working as is reasonably necessary to enable the prospector to test the mineral-bearing qualities of the land.

All minerals vested in the Crown

2. (1) It is hereby declared that all minerals being in, on or under any land of whatsoever ownership or tenure are vested in and are subject to the control of the Crown.

(2) In this section, "minerals" includes all radioactive minerals as defined in the Radioactive Minerals Act.

Prohibition of prospecting and mining except by licence

3. (1) No person shall prospect for or mine any minerals except by authority of a licence granted by the Governor in Council and in accordance with the terms and conditions specified in such licence.

(2) Any person who contravenes the provisions of subsection (1) is guilty of an offence and is liable on summary conviction to a fine of $40,000 and to a further fine of $2,000 for each day during which the contravention continues.

(3) Nothing in this section shall be taken as authorising the prospecting for or mining of minerals in, on or upon any land except with the consent of the owner or occupier of the land.

Payment of royalties under mining licence

4. Where a licence to mine is granted under section 3 there shall be paid to the Government by the licencee in respect of minerals mined by virtue of that licence such royalties as may be prescribed, and different royalties may be prescribed for different minerals.

Payment of compensation

5. (1) Except as provided in this section, where minerals are won in, on or under any land which is not Crown land, there shall be paid to the owner of the land such compensation as is in this section provided in respect of the minerals so won, but, where there is a tenant for life of such land, the compensation payable to the owner shall be paid to the Accountant General to be held in a special fund to the credit of the owner and it shall be invested by the Minister of Finance and the income arising therefrom shall be paid to the tenant for life during his lifetime, and upon his death the capital sum so invested shall be paid to the owner of the land.

(Act 7/2010, s. 26)

(2) The compensation to be paid under this section shall be 5% of the royalties paid to the Government and it shall be paid at such times and subject to such conditions as may be prescribed, but, if any person proves to the satisfaction of the Governor in Council that he was at the commencement of this Act in receipt of any income derived from mining operations carried on on lands of which he is the owner, the compensation to be paid to him shall be the full amount of the royalties paid to the Government during the period for which compensation is payable under this section, and in any case the amount of such compensation shall not be less than the income by way of royalties to which, but for the passing of this Act, such person would have been entitled under any subsisting agreement.

(3) No compensation shall be payable to the owner of any land at any time after either—

(a) the fiftieth anniversary of the commencement of this Act; or

(b) the twenty-fifth anniversary of the day upon which, after the commencement of this Act, such minerals were first won in, on or under such land;

whichever first happens, but, where mining operations are suspended on the area of the mining lease, the period during which such operations are so suspended shall not be taken into account in determining such twenty-fifth anniversary.

(4) No compensation shall be payable in respect of any precious metals or precious stones which are won in, on or under any land.

Payment of compensation where owner doubtful

6. (1) Where any doubt arises as to the person who is entitled as owner to the payment of any compensation which is payable under this Act, such compensation shall be paid into the High Court to the credit of the person who may be entitled thereto and it may (subject to the provisions of this section) on the subsequent application of any person claiming to be entitled thereto, be paid out to such person on the order of a Judge of the High Court.

(2) All money paid into the High Court under the provisions of this section which remains unclaimed for 12 years after such payment shall be transferred and paid into the Consolidated Fund, and all claims thereto shall be forever barred.

(Act 7/2010, s. 26)

Regulations

7. The Governor in Council may make regulations with respect to any matter which may be prescribed under this Act, including the form of licences to prospect for minerals or to mine minerals and the fees to be paid therefor.

Citation

8. This Act may be cited as the Minerals (Vesting) Act, Revised Statutes of Anguilla, Chapter M95.