

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER R5

RADIOACTIVE MINERALS ACT

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RADIOACTIVE MINERALS ACT

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SCHEDULE: Radioactive Minerals

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RADIOACTIVE MINERALS ACT

Interpretation

1. In this Act—

"licence" means a licence issued under the provisions of section 2;

"mine", with its grammatical variations and cognate expressions, includes all operations for the intentional winning or obtaining of any radioactive mineral;

"permit" means a permit issued under the provisions of section 4;

"prospect", with its grammatical variations and cognate expressions, means to search for any radioactive mineral, and includes such working as is reasonably necessary to enable the prospector to test the radioactive mineral bearing qualities of the area concerned;

"radioactive mineral" means any substance specified in the Schedule and as amended from time to time in accordance with the provisions of this Act.

Prospecting and mining restricted

2. Notwithstanding anything to the contrary contained in any enactment relating to mining, no person shall within Anguilla prospect for or mine, or attempt to prospect for or mine, any radioactive mineral except under and in accordance with a licence granted by the Governor in Council.

Holder of licence to report his operations

3. Every holder of a licence shall within the first week of every month furnish the Governor in Council with a true report in writing of the prospecting and mining operations conducted by him in the immediately preceding month with respect to radioactive minerals.

Export restricted

4. No person shall export, or attempt to export, from Anguilla any radioactive mineral except under and in accordance with a permit granted by the Governor in Council in that behalf.

Grant of licence or permit discretionary

5. The grant of a licence or a permit shall be in the absolute discretion of the Governor in Council who shall be under no obligation to assign any reason for refusing the grant thereof.

Form of licence and permit

6. Every licence and permit shall be in such form and for such period and be subject to the payment of such fee as the Governor in Council may determine, and shall contain such terms and conditions as he may think fit to impose.

Governor to be notified on discovery of any radioactive mineral

7. (1) If any radioactive mineral is discovered on any land the person by whom such mineral is discovered shall forthwith report such discovery to the Governor.

(2) If any radioactive mineral is discovered on any land by any person, other than the holder of a licence under this Act, it shall not be removed from such land except with the consent of the Governor in Council.

Offences

8. (1) Every person who—

(a) prospects for or mines, or attempts to prospect for or mine, any radioactive mineral within Anguilla without a licence;

(b) being the holder of a licence, prospects for or mines, or attempts to prospect for or mine, any radioactive mineral within Anguilla otherwise than in accordance with any term or condition of his licence;

(c) being the holder of a licence, fails to comply with the requirements of section 3;

(d) exports, or attempts to export, from Anguilla any radioactive mineral without a permit;

(e) being the holder of a permit, exports, or attempts to export, from Anguilla any radioactive mineral otherwise than in accordance with any term or condition of his permit;

(f) obtains, or attempts to obtain, a licence or permit by means of any false statement or representation; or

(g) fails to comply with any of the requirements of section 7;

is liable upon summary conviction to imprisonment for 12 months or to a fine of $25,000 or to both.

(2) Upon conviction of any person for an offence under subsection (1), any radioactive mineral or prospecting or mining apparatus derived from or employed in the commission of any act in respect of which such person was convicted shall be forfeited to Her Majesty.

Powers of examinations

9. (1) Any police officer not below the rank of sergeant or any other officer or class of officers authorised in writing by the Governor in that behalf may, for the purposes of enforcing the provisions of this Act, without warrant or other legal process—

(a) enter and search any place where he has reasonable grounds for suspecting that an offence under this Act has been, or is about to be, committed;

(b) search any person whom he has reasonable grounds for suspecting to have committed, or to be about to commit, an offence under this Act;

(c) arrest any person whom he has reasonable grounds for suspecting to have committed, or to be about to commit, an offence under this Act; or

(d) seize any radioactive mineral or prospecting or mining apparatus connected therewith which he has reasonable grounds to suspect to be, or to be about to be derived from, or employed in, the commission of any offence under this Act.

(2) Where any person is arrested or any radioactive mineral or prospecting or mining apparatus is seized under the provisions of subsection (1), such person, mineral and apparatus shall, as soon as practicable, be brought before the Magistrate.

(3) Every person who obstructs, or attempts to obstruct, whether actively or passively, any officer in the execution or purported execution of his duties under this section, is liable on summary conviction to imprisonment for 6 months or to a fine of $20,000 or to both.

Power to vary Schedule

10. The Governor in Council may, from time to time, by regulation, alter, vary or in any manner amend the Schedule.

Regulations

11. The Governor in Council may make such regulations for giving better effect to the provisions of this Act as he may deem to be necessary or expedient.

Saving

12. Nothing in this Act shall be deemed to absolve any person from compliance with the provisions and requirements of any other Act for the time being in force in relation to mining or in relation to the export from Anguilla of any mineral.

Citation

13. This Act may be cited as the Radioactive Minerals Act, Revised Statutes of Anguilla, Chapter R5.

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SCHEDULE

(Section 1)

RADIOACTIVE MINERALS

1. Any mineral containing uranium or thorium and, in particular and without prejudice to the generality of this paragraph, the substances hereinafter set out in this Schedule.

2. Minerals of the pitchblende group, including pitchblende, uranite, ulrichite, broeggerite, cleveite and related mineral species.

3. Secondary uranium minerals including torbernite, autunite, uranite, rutherfordine, uranophane, gummite, thorogummite, uranocircite, kasolite, becquerelite, and other silicates, hydrates, carbonates, phosphates or arsenates of uranium.

4. Carnotite, tyuyamunite, and related uranium-bearing vanadate ores.

5. Uranium-bearing niobate-titanate-tantalate ores, including euxenite, polycrase, blomstrandine, priorite, samarskite, fergusonite, betafite and related minerals.

6. Monazite, thorite, and thorianite.

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