

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

1. Short title.
2. Interpretation.
3. Prohibition of searching for or mining mineral oil without a licence or lease.
4. Power of Minister to grant licences and leases.
5. Restrictions on operations on certain lands.
6. Notice in respect of private lands.
7. Payment of compensation to owners or occupiers of private land.
8. Regulations.

**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;

“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;

Cap. 196.

“ 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:

Provided that, if the Minister shall be satisfied that the consent required under paragraphs (b), (c) or (d) is withheld unreasonably, the Minister may authorise the holder of the licence or lease to prospect or mine on any such land subject to such conditions as he may prescribe;

(e) on or under any land in a forest reserve or protected forest, unless the licensee or lessee shall have first given notice to the Chief Conservator of Forests and complies with any conditions imposed by the Chief Conservator of Forests which are not inconsistent with the rights and benefits conferred upon the licensee or lessee under the licence or lease.

(2) Should any question arise whether any particular land falls within any of the paragraphs set out in sub-section (1) it shall be referred to the Minister whose decision shall be final and conclusive.

Notice in  
respect of  
private  
lands.

6. (1) Where any licensee or lessee intends to enter upon private land for the purpose of exploring the surface of the land or for any other purpose, without boring or excavating or mining for mineral oil thereupon and without constructing or erecting any building, installation or structure or laying any pipes or constructing any railway, tramway or road thereupon, he shall give not less than forty-eight hours' notice in writing of such intention to the occupier, and, if practicable, to the owner of such land.

(2) Where any licensee or lessee intends to enter upon private land and to bore or excavate or to mine for mineral oil or to construct or erect any building, installation or structure or lay any pipes or construct any railway, tramway or road thereupon, he shall give not less than one month's notice in writing to the occupier and, if practicable, to the owner, of such land, and shall, if required by the owner or occupier, give security in such sum and by such means as the Chief Inspector of Mines may direct for meeting any compensation payable under the provisions of section 7, and, if required by the owner or occupier, shall, notwithstanding the giving of such notice as is required by this sub-section, desist from entering such land until such security has been given as directed by the Chief Inspector of Mines.

(3) It shall be lawful for a licensee or lessee, with the consent of the owner and the occupier of any private land, to enter and commence exploring, prospecting or mining operations or

to execute any works referred to in this section, or to do any other thing, upon such land, notwithstanding that the provisions of sub-sections (1) and (2) have not been complied with.

(4) Notwithstanding the provisions of sub-sections (1) and (2), in respect of land of an African community in the Protectorate and occupied in accordance with African law and custom, a licensee or lessee shall be deemed fully to have complied with the provisions of those sub-sections regarding the giving of notice, if he gives the required notice to the chief or headman of the area in which such land is situate.

7. (1) Every licensee and lessee shall, on demand being made by the owner or occupier of private land upon or under which any exploring, prospecting or mining operations are or have been carried on, or upon or under which any buildings, installations, structures, pipes or other works are being or have been erected or placed, or in respect of which the licensee or lessee is exercising or has exercised any right given by or under his licence or lease or under this Ordinance, pay him fair and reasonable compensation for any disturbance of the rights of such owner or occupier, and for any damage done to the surface of the land by such operations or by the erection or placing of any such buildings, installations, structures, pipes or other works, or by the exercise of any such rights, and shall on demand by the owner of any crops, trees, buildings, works or things damaged by such licensee or lessee or by any agent or servant of such licensee or lessee pay fair and reasonable compensation for such damage.

Payment of compensation to owners or occupiers of private land.

(2) If any such licensee or lessee shall fail to pay compensation, when demanded, under sub-section (1) or if any owner or occupier shall be dissatisfied with the amount of any compensation offered to him thereunder, such owner or occupier may apply to the District Commissioner, who shall as soon as conveniently may be assess and determine the amount of the compensation payable at the date of such determination, and shall notify the parties of the sum awarded. If either of the parties is dissatisfied with the award of such officer, such party may, within fourteen days of such notification, appeal to the Minister, whose decision thereon shall be final, unless he shall direct that the matter be determined by arbitration.

(3) The sum awarded by the District Commissioner, or when there has been an appeal, by the Minister or arbitrators, shall be paid by the licensee or lessee to the District Commissioner for transmission to the persons entitled thereto, within fourteen

days of the date on which the amount of the award is notified to the licensee or lessee.

(4) If the sum awarded is not paid within the time specified in sub-section (3), such sum may be sued for by the persons entitled thereto. The Minister may suspend the licence or lease of the person in default until the amount awarded has been paid, and until the licensee or lessee has deposited with the Accountant General or the District Commissioner such further sum as security for any future payments as the Minister may demand, and if such payment and deposit is not made within such time as the Minister may consider reasonable, the Minister may revoke the licence or lease of the person in default.

Regulations.

8. (1) The Governor in Council may from time to time make regulations relating to any or all of the following matters—

(a) the manner of making applications relating to licences and leases and the fees to be paid in respect thereof, the information to be supplied by any applicant and the priorities of applicants;

(b) the forms of licences and leases and the fees and rents payable in connection therewith, the persons to whom licences and leases may be granted or assigned and the conditions governing the grant, renewal and assignment of licences and leases either generally or in particular cases;

(c) prescribing model clauses which shall, unless the Minister thinks fit to modify or exclude them in any particular case, be incorporated in any licence or lease;

(d) the size and shape of areas in respect of which licences or leases may be granted;

(e) the manner in which areas and boundaries shall be marked, beaconed and surveyed and the fees payable in respect of such survey;

(f) the rates of royalties to be paid to the Government in respect of any mineral oil won in the exercise of the rights conferred by a licence or lease, the method of calculation of the amount of such royalties and the manner and time of payment thereof;

(g) the registration of licences and leases;

(h) the records of working operations which shall be kept and the manner and form of keeping the same, and the reports and returns to be rendered, by licensees and lessees;

(i) the construction, maintenance and repair of wells, derricks, pumps, sumps, reservoirs, tanks, pipelines,

machinery, houses, roads, communications, railways and works of any description whether similar to those enumerated or not;

(j) the storage and transport of mineral oil and of water for use in connection with the mineral oil mining industry;

(k) the health and safety of persons engaged in exploring, prospecting and mining operations;

(l) any dangerous thing, matter or practice connected with exploring, prospecting or mining operations;

(m) inquiries into accidents in connection with exploring, prospecting or mining operations;

(n) the precautions to be taken for safety from fire and accidents;

(o) the inspection of all works constructed or maintained for the purposes of or in connection with the mineral oil mining industry, and the inspection of any operations under a licence or lease;

(p) the drainage of land, and for preventing the pollution of land and water;

(q) the work to be done in relation to land and buildings on abandonment of the same;

(r) the precautions to be taken for the prevention of waste of mineral oil or damage to strata containing mineral oil or other mineral deposits;

(s) the working obligations to be observed under licences or leases;

(t) the erection, maintenance and management of refineries;

(u) the cutting, taking and use of forest produce;

(v) the fees to be paid in respect of any matter or thing done under this Ordinance;

(w) the amalgamation of licences and the amalgamation of leases;

(x) any matter relating to the better administration of the provisions of this Ordinance or the better carrying out of the purposes of this Ordinance.

(2) Without prejudice to the generality of the preceding sub-section, any regulation made under that sub-section may—

(a) empower the Chief Inspector of Mines or any person authorised by him to enter upon any land, whether public or private, in, under or upon which any licensee or lessee is



exploring or prospecting for or winning mineral oil or doing any work relating thereto, for purposes of inspection;

(b) empower the Chief Inspector of Mines or any person authorised by the Chief Inspector of Mines to require a licensee or lessee to remedy any matter, thing or practice which appears to the Chief Inspector of Mines or such person to be dangerous or defective, and to order the suspension of work until the danger is removed or the defect remedied to the satisfaction of the Chief Inspector of Mines or such person;

(c) empower the Chief Inspector of Mines or any person authorised by the Chief Inspector of Mines to require any licensee or lessee or his agent or servant to withdraw any workmen from any danger indicated by the Chief Inspector of Mines or such person;

(d) empower the Chief Inspector of Mines or any person authorised by the Chief Inspector of Mines to call for and examine any books, accounts, records, returns or other documents which a licensee or lessee is required to keep under the provisions of this Ordinance or any regulations made thereunder or under the terms and conditions of the licence or lease;

(e) prohibit the export of any mineral oil unless or until any royalty payable thereon has been paid or secured;

(f) provide for the refund of any moneys paid under any regulation made under such sub-section; and

(g) make provision regarding the attendance of witnesses at any inquiry into any accident, the administration of oaths to such witnesses, the production of documents, the allowances, expenses and fees payable to witnesses and any other matter whatsoever relating to any such inquiry.

(3) Any such regulation may impose a penalty for the breach of any regulation which may extend to a fine not exceeding two hundred and fifty pounds (or in the case of a continuing breach to a fine not exceeding fifty pounds for each day during which the breach continues), or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.