



CHAPTER 201.

PROTECTORATE MINING BENEFITS TRUST FUND.

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CHAPTER 201.

PROTECTORATE MINING BENEFITS TRUST FUND.

An Ordinance to establish a Fund into which all Moneys payable to the Accountant General on account of Protectorate Mining Rights, Mining Leases and Water Rights shall be paid, and to provide for its administration as a Fund for the Exclusive Benefit of the Natives of the Protectorate.

18 of 1932.
10 of 1936.
2 of 1940.
28 of 1945.

[1ST JANUARY, 1932.]

1. This Ordinance may be cited as the Protectorate Mining Benefits Trust Fund Ordinance, and shall be read and construed as one with the Minerals Ordinance.

Short title and construction.
Cap. 196.

2. All moneys paid to the Accountant General under and by virtue of the Minerals Ordinance, on account of mining rights, mining leases, water rights and provisional water rights granted over or in respect of lands, rivers, streams and water-courses in the Protectorate, shall be placed to the credit of a separate fund entitled "the Protectorate Mining Benefits Trust Funds."

Establishment of fund.
Cap. 196.

3. The said fund shall be administered by the Governor in Council.

Administration of fund.

Payments to be made out of fund to owners of lands out of which fund arises.

4. (1) In every year the Governor in Council shall, out of the said fund, pay such proportion on the moneys placed to the credit of the said fund during that year as they shall determine to the respective owners of the lands, rivers, streams and water-courses out of or in respect of which such moneys arise.

(2) If there shall be any question as to the persons entitled to receive the whole or any part of such payments as last aforesaid, the decision of the Governor shall be final and binding on all persons.

Objects to which the balance of the fund may be applied.

5. Subject to the provisions of the last preceding section the Governor in Council shall apply the moneys of the said fund in furtherance of all or any of the following objects—

(i) The establishment, maintenance and endowment of schools for the education and industrial training of the natives of the Protectorate.

(ii) The prevention of disease and the improvement of sanitary conditions amongst natives of the Protectorate, including the establishment and maintenance of native hospitals and leper settlements.

(iii) The improvement and development of agriculture.

(iv) The experimental introduction of new agricultural products for native cultivation.

(v) Irrigation for agricultural purposes.

(vi) The prevention of disease amongst cattle and other domestic animals in the Protectorate.

(vii) The improvement of such cattle and other domestic animals.

(viii) The construction, repair and maintenance of roads, culverts and bridges in the Protectorate.

(ix) Generally such other purposes as are, in the opinion of the Governor, for the direct benefit of the natives of the Protectorate.

Investment of moneys not immediately required for objects and purposes of the fund.

6. (1) Any moneys at any time standing to the credit of the said fund and not immediately required for any of the objects and purposes set forth in the last two preceding sections may be invested by the Governor in Council at his discretion.

(2) It shall be lawful for the Governor in Council, in the exercise of such discretion, to delegate the investment of such moneys to the Crown Agents and to empower the latter to invest the same in their own name in such securities as they (the Crown

Agents) may approve, and in like manner from time to time to sell out and re-invest the proceeds in other securities subject always to any specific instructions which the Governor in Council may, at any time, think fit to issue, and as agents of the Governor in Council.

7. The accounts of the said fund shall be kept by the Accountant General and shall be audited by the Government Auditor. A statement thereof shall be published annually in the *Gazette* not later than the 1st day of July in the following year.

Accounts to be kept and published annually.

8. No action shall lie in any Court of Law against the Governor or any member, past or present, of the Executive Council in respect of anything done or omitted by them in the exercise or supposed exercise of the powers, or in the performance or supposed performance of the duties, vested in or imposed on them by this Ordinance.

Non-liability of Governor and members of Executive Council.

9. Nothing hereinbefore contained shall affect—

(i) the right of owners of Protectorate lands, rivers, streams and watercourses to all moneys payable to them, whether directly or through a prescribed officer, under or by virtue of the Minerals Ordinance;

(ii) the Government's right to all rents and premiums payable to the Accountant General in respect of exclusive prospecting licences under or by virtue of the said Ordinance;

(iii) the Government's right to all fees payable under or by virtue of the said Ordinance; or

(iv) the Government's right to all royalties, duties and other taxes on or in respect of minerals won in the Protectorate which are imposed under or by virtue of the said Ordinance.

Saving of owner's right to surface rents, etc., and Government's right to fees, royalties and taxes.
Cap. 196.

10. The Governor in Council may make rules for the further, better and more convenient effectuation of any of the provisions and purposes of this Ordinance and in particular, but without derogating from the generality of the foregoing, with respect to any of the following matters—

Rules.

(i) the prescription of the objects on which moneys paid to any Tribal Authority under section 4 (1) shall be expended for the benefit of the chiefdom;

(ii) the supervision and control of such expenditure.