

Minerals Rules
made under Section 91

Rules
8 of 1954,
L.N.
73 of 1963.

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| 1. These rules may be cited as the Minerals Rules. | Citation. |
| 2. In these rules, unless the context otherwise requires— | Interpreta-
tion. |
| “ mining area ” means the area of a mining lease, mining right or exclusive prospecting licence; | |
| “ mining title ” includes a mining lease, mining right, exclusive prospecting licence or water right; | |
| “ boundary beacon ” or “ permanent beacon ” means a beacon constructed in the manner prescribed by rule 57 (1); | |
| “ temporary beacon ” means a beacon constructed in the manner prescribed by rule 57 (2). | |

PART I.—FEES, RENTS AND ROYALTIES

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| 3. (1) A fee of five pounds shall be paid for every prospecting right. | Fee for
prospecting
right. |
| (2) The fees set out in the second schedule hereto shall be paid in respect of the matters and things specified in that schedule. | Miscel-
laneous fees.
Second
schedule. |
| 4. (1) The following rents shall be paid— | Rents for
mineral
rights. |
| (a) by the holder of an exclusive prospecting licence, for every square mile or part thereof of the area included in the licence, five pounds per annum; | Exclusive
prospecting
licence. |
| (b) by the holder of a mining right, other than a river mining right, the rent specified in the mining right; | Mining right. |
| (c) by the holder of a river mining right, for every hundred yards or part thereof along the course of the stream in respect of which the mining right is granted, one pound per annum; | Mining river
right. |
| (d) by the lessee of a mining lease, the rent specified in the lease; | Mining lease. |
| (e) by the holder of a water right, a rent calculated on the volume of water the conveyance of which is granted by the right at the rate of one pound per annum per cubic foot per second; | Water right. |

Provided that the Minister may, for good and sufficient cause, reduce the rent payable by the holder of an exclusive prospecting licence or mining right either temporarily or for the remainder of the term of such licence or right.

When and where payable.

(2) The rents payable under this rule shall be payable annually in advance without demand, and shall be paid to the Accountant-General, and shall be in addition to any royalties or to any rents payable for surface rights.

Royalties.

5. (1) The following royalty shall be paid—

On titaniferous ore or mineral, zircon and staurolite, mined in and exported from The Gambia, a royalty of two and a half per cent on the market price.

(2) If it is intended that any mineral shall be exported from The Gambia the Minister may permit the royalty to be collected in the form of an export duty payable upon exportation at the Customs port through which the mineral is exported.

(3) When a lease or mining right is granted in respect of a mineral the royalties for which are fixed by rule at the date when the lease or right is granted, the royalties payable under such lease or right shall be such royalties as may from time to time be fixed by rule.

PART II.—PROSPECTING RIGHTS

Power of Inspector to grant prospecting rights. First schedule. Form I.

6. Prospecting rights may be granted by the Inspector of Mines, and shall be in the Form I in the first schedule hereto.

Application for prospecting right. Form VII.

7. Any person desiring to obtain a prospecting right shall make application therefor in the Form VII in the first schedule hereto to the Inspector of Mines, and shall give the particulars required in the said form.

PART III.—EXCLUSIVE PROSPECTING LICENCES

Shape of area the subject of an exclusive prospecting licence.

8. The area the subject of an exclusive prospecting licence shall be rectangular in shape with a minimum width of not less than one-third of the length:

Provided that the Superintendent of Surveys may in his discretion allow an area to be other than rectangular if the minimum rectangular area required under the Act is not available or for other good cause. Where it is desired that a boundary shall be identical with the boundary of another area the shape may be made to conform with such boundary. In either of such cases the minimum width may be less than one-third of the length.

9. (1) Before an application is made for an exclusive prospecting licence, beacons shall be constructed and lines of stones made or trenches dug in the following manner—

Beacons to
be erected
before
application.

- (a) a temporary beacon shall be erected at one corner of the area. Such beacon shall be known as the location beacon;
- (b) the remaining corners of the area shall be marked with temporary beacons which shall be known as corner beacons;
- (c) where both of the boundary lines radiating from the location beacon are more than one thousand feet in length, a temporary beacon, which shall be known as a direction beacon, shall be erected in a prominent position on one of them at a distance not less than five hundred feet if possible nor more than one thousand feet from the location beacon and so as to be visible therefrom:

Provided that if either of such boundary lines is identical with a boundary line of an area which is held under an existing mining title, no direction beacon shall be required;

- (d) a line of stones shall be made, or a trench not less than one foot deep and one foot wide shall be dug, for a distance of not less than ten feet, from the beacon at each corner on the boundary lines forming the corner.

(2) An intending applicant for an exclusive prospecting licence may clear the boundaries of the area in respect of which he desires to obtain such licence, subject to the following provisions—

- (a) the boundaries shall be cleared for a width of four feet on each side of the actual line;
- (b) no part of a forest park shall be cleared unless the applicant has first given notice to the Forestry Adviser, and no trees in a forest park and no protected trees shall be felled unless the felling thereof is necessary for the survey of the boundary

line and the applicant has paid the fees and royalties payable therefor;

- (c) the provisions of section 8 (1) of the Minerals Act shall, *mutatis mutandis*, apply.

Application
for an exclu-
sive prospect-
ing licence.

10. (1) Any person desiring to obtain an exclusive prospecting licence shall apply in writing to the Inspector of Mines.

Applications
to be in quad-
uplicate.
Form VIII.

(2) Applications shall be made in quadruplicate in Form VIII in the first schedule hereto and shall give the particulars therein required.

Plans
required
from
applicant.

(3) A plan of the area applied for drawn on tracing cloth or stout paper, to a scale of not less than 1/25,000 and executed, in the opinion of the Superintendent of Surveys, in a draughtsman-like manner, shall be forwarded in quadruplicate with the application and shall show—

- (a) the relative positions of the location, direction and corner beacons with outline of the boundaries;
- (b) the approximate magnetic bearing and distance from each beacon to the next beacon;
- (c) the approximate position of the chief local objects; landmarks, and any other beacons in the neighbourhood;
- (d) the topographical features, such as the courses of rivers and the position of villages, within or adjacent to the area;
- (e) the position of the area in relation to a boundary of an existing mining area if there is any such within half-a-mile;
- (f) the position of all beacons erected under these rules within one hundred yards of the area at the time of the erection of beacons by the applicant.

Bearings.

(4) Applicants for licences shall in all cases quote approximate magnetic bearings, and the word "bearing" in every application shall be held to refer to the magnetic north only.

Deposit.

(5) When making application the applicant shall pay to the Inspector of Mines a deposit to cover the approximate charges payable for survey under these rules.

If the actual expenses are less than the deposit the balance shall be returned to the applicant, and if the deposit is insufficient he shall pay the balance before the application is granted.

(6) When the survey of an area, on which an application for an exclusive prospecting licence has been made, is dispensed with, the deposit for survey required under the preceding paragraph shall be retained during the currency of the exclusive prospecting licence and used to meet any charges under rule 15 (7); any balance being returned on termination of the licence.

11. (1) Upon receipt of the application, the Inspector of Mines or the Commissioner may require the applicant or his representative to meet him or such officer as he may nominate at such time (not being less than fourteen days after the intimation of such requirement) and place as he may determine and to accompany him or such officer to the area for the purpose of inspection.

Applicant to point out area.

(2) The applicant shall bear all expenses occasioned by such meeting and inspection, including the cost of transport and carriers, and shall pay for any delay occasioned by him at the rate of four pounds per day.

12. The Inspector of Mines shall forward one of the copies of the application received from the applicant, together with a written report by himself as to whether there is to his knowledge any objection to the grant of the licence applied for, to the Minister, who, after consideration of the application and report, may authorise the survey of the area or any part thereof.

Application how dealt with.

13. (1) On receipt of the authority the Superintendent of Surveys shall, as soon as may be after satisfying himself that the deposit has been paid and is approximately correct, appoint a Government surveyor to survey the area, or, if no Government surveyor is available, the Superintendent of Surveys shall inform the applicant that a surveyor approved by the Minister under section 61 of the Act may survey the area. The surveyor so appointed or approved shall notify the applicant of the time and place at which the applicant or his representative shall meet for the purpose of showing the area beaconed. Such notification shall be made on Form XII in the first schedule hereto:

Applicant to meet surveyor on area.

Form XII.

Provided that when approval has been given for the survey of an area by a surveyor on behalf of an applicant or his agent the

survey shall be completed within four months from the date on which the applicant is informed that his application for an exclusive prospecting licence is approved.

The applicant or his representative may be required to remain with the survey party during the survey of the area.

Clearing
boundaries.

(2) The surveyor may in his discretion either require the applicant to clear the boundaries under his direction or clear the boundaries himself at the cost of the applicant.

Plans.

(3) The plan made by the surveyor shall show the boundaries, boundary beacons, and the topographical features lying on the boundaries.

All plans shall be graticuled to meridian 12° West.

Charges.

(4) The following charges will be made by the Survey Department and may be made by the surveyor approved by the Minister under section 61 of the Act—

Fees for
survey of
boundaries.

(a) a preliminary fee not exceeding five pounds, for each separate theodolite survey, except in the case of surveys of two or more adjoining areas for the same person at the same time, when only one such fee will be chargeable;

(b) a fee for the survey of a boundary per mile or part thereof, which shall not be in excess of that prescribed by the following schedule—

SCHEDULE

- A. Open country, or lines cleared to the satisfaction of the surveyors.
- B. Thick grass or patches of small trees.
- C. Light forest.
- D. Heavy forest.
- E. Scrub.
- F. Scrub with heavy timber or mangrove swamp.

Theodolite (marked line)	A per mile	B per mile	C per mile	D per mile	E per mile	F per mile
Level	£ s. d. 3 0 0	£ s. d. 3 10 0	£ s. d. 4 0 0	£ s. d. 6 13 4	£ s. d. 8 0 0	£ s. d. 16 0 0
Broken	3 10 0	4 0 0	5 0 0	8 0 0	10 0 0	18 10 0
Rugged	4 0 0	4 15 0	5 15 0	9 0 0	11 0 0	20 0 0

All lines necessary for the survey will be charged for.

The decision of the Superintendent of Surveys as to the character of the country surveyed shall be final.

- (c) the applicant shall be entitled to one tracing of the plan on linen which shall be attached to the licence, and three sunprints on canvas backed paper or linen at the following rate—

Plans
supplied to
applicant.

	Less than Demy	Demy 22" by 17"	Imperial 30" by 22"	Larger than Imperial
Finished drawing on mounted paper	£ s. d. 0 10 0	£ s. d. 1 0 0	£ s. d. 1 0 0	£ s. d. 2 0 0
Tracing	0 7 6	0 10 0	0 15 0	1 0 0
Sunprint	0 5 0	0 7 6	0 10 0	0 15 0

Further copies of the plan will be charged for as follows—

	Less than Demy	Demy	Imperial	Larger than Imperial
Finished drawing on mounted paper	£ s. d. 1 0 0	£ s. d. 1 10 0	£ s. d. 2 0 0	£ s. d. 3 0 0
Tracing	0 12 6	1 0 0	1 10 0	2 0 0
Sunprint	0 10 0	0 15 0	1 0 0	1 10 0

- (d) an additional charge for each beacon, the position of which has been fixed by the surveyor, as follows—

Beacons.—Ten shillings each at principal corner, five shillings each on line. If supplied by owner, seven shillings and sixpence at principal corner, two shillings and sixpence on line;

- (e) the following charges in respect of transport
- transport of survey material prior to commencement of work, not exceeding five pounds per day;
 - delay to survey occasioned by applicant during survey or demarcation, not exceeding four pounds per day;
 - expenditure on guides, canoe hire, ferries, etc., at actual cost.

Beacons.

(5) At the time of the survey permanent beacons shall be placed at the angles made by the boundaries. Boundary beacons shall also be placed at points where main roads, telegraph lines, or water-courses cross the boundaries:

Provided that where for any reason it is impracticable to comply strictly with these provisions, the surveyor may authorise the placing of beacons at such other points as may in his opinion most conveniently define the boundaries of the area.

Form XII.

(6) The applicant shall state on Form XII whether he intends to provide all beacons or materials or wishes all such beacons or materials to be supplied by the Superintendent of Surveys.

(7) A line of stones or a trench not less than one foot deep and one foot wide shall be made along the boundary lines for a distance of eighteen feet on each side of a boundary beacon.

(8) All beacons shall be erected before the surveyor leaves the property.

Area to conform with area beacons before application.

(9) The area as finally marked and beacons under the direction of the surveyor shall conform as nearly as possible with the area beacons before application for the licence, the beacons erected before such application being adjusted by the surveyor where necessary. Any ruling as to the position of beacons given by the Superintendent of Surveys, or by any officer appointed by him to settle any dispute between the applicant and the surveyor as to the position of beacons, shall be final.

The area of the land covered by an exclusive prospecting licence shall be accepted as determined by the survey, and the plan made by the surveyor shall be accepted as the correct plan.

Reduction or enlargement of area.

(10) If the area of the land in respect of which an exclusive prospecting licence has been applied for is found by the surveyor to be greater than the area allowed by the Act, the Superintendent

of Surveys shall, subject to the provisions of paragraph (11) of this rule, have entire discretion to cause the position of the beacons to be altered in order to bring the area within the limit allowed.

(11) The surveyor shall report to the Minister through the Superintendent of Surveys if the area applied for cannot be identified on the ground by means of the plan and the beacons erected, or if the area beaconed exceeds by 20 per cent the maximum allowed by the Act, and in either of such cases if the application for an exclusive prospecting licence is refused, the survey fees deposited shall be forfeited in whole or in part as the Minister may think fit.

Cases in which survey fees may be forfeited.

(12) Where in the case of applications for two exclusive prospecting licences made by the same person the areas applied for have a boundary common to both, the Superintendent of Surveys may, in his discretion and to such an extent as he may think fit, at the written request of the applicant or his agent, dispense with a survey of the common boundary line and with the erection of any boundary beacons thereon:

Survey of common boundary lines may be dispensed with in certain cases.

Provided that the Superintendent of Surveys shall not grant any such dispensation until the applicant or his agent has given an undertaking to the Superintendent of Surveys that, in the event of the applicant desiring to transfer to another either or both of such exclusive prospecting licences or any portion of the rights granted thereunder, the applicant will, if required by the Superintendent of Surveys, pay into the Treasury before such transfer such sum as the Superintendent of Surveys may consider sufficient to cover the cost of a survey of the common boundary line and the erection of any boundary beacon thereon.

(13) If the boundary of an area in respect of which an exclusive prospecting licence has been applied for is not a common boundary with an adjoining area in respect of which such a licence has been granted or applied for the Superintendent of Surveys may, in his discretion and to such extent as he may think fit, at the written request of the applicant or his agent, dispense with the survey of the said boundary line and with the erection of any boundary beacons thereon other than those at the terminals:

Survey of other boundary lines may be dispensed with in certain cases.

Provided that the Superintendent of Surveys shall not grant any such dispensation until the applicant or his agent has given an undertaking that, in the event of the said boundary becoming

a common boundary with an adjoining area, or in the event of any dispute arising with a District Authority, the applicant shall, if so required by the Superintendent of Surveys, pay into the Treasury in the first event such sum as the Superintendent of Surveys may consider sufficient to cover half the cost of a survey of the common boundary line and the erection of beacons thereon, and in the second of the said events, the full cost of the same:

Provided further that the cost of surveying and fixing the corner beacons of an area where one or more boundaries are not surveyed, shall not exceed the maximum cost laid down in this rule had all such boundaries been cut and surveyed:

Provided further that the cost of any additional survey which may be required pursuant to the provisions of this paragraph, shall be assessed in accordance with the provisions of paragraph (4) of this rule.

Financial
guarantee.

14. The applicant for an exclusive prospecting licence shall, if required by the Minister, furnish a guarantee approved by the Minister of a sum not exceeding two hundred pounds per square mile, within six weeks, or such further time as may be allowed by the Minister, of the date on which he has been notified by the Minister that his application is approved.

If the applicant shall fail to furnish such guarantee, his application shall be refused, and if any expense has been incurred by the Government in connection with the survey of the area applied for, the survey fees deposited by the applicant shall be forfeited to the Government in whole or in part as the Minister thinks fit.

Preparation
and
execution of
licence.
Form II.

15. (1) On completion of the survey a licence shall be prepared in duplicate in the Form II in the first schedule hereto and a copy of the plan of the area shall be attached to each copy of the licence and the licence shall be forwarded to the Minister together with the application and all reports thereon.

(2) Where the survey of an area, on which an application for an exclusive prospecting licence has been made, is dispensed with, a licence shall be prepared in duplicate in the Form II in the first schedule hereto and a copy of the plan of the area supplied by the applicant attached to each copy of the licence and the licence shall

be forwarded to the Minister together with the application and all reports thereon.

(3) If plans are not supplied by the applicant the Superintendent of Surveys shall make copies of the plan accompanying the application and charge for them at the rates laid down in rule 13 (4) (c).

(4) If the Minister approves the grant of the licence the two copies shall be executed by him. Of the executed copies one shall be sent to the applicant and the other shall be filed in the office of the Inspector of Mines.

(5) When the applicant or any person acting for him under a sufficient power of attorney acknowledges in writing on the copy filed in the office of the Inspector of Mines that such copy is a correct copy of the licence sent to the applicant, the licence shall be deemed to have been registered in the office of the Inspector of Mines within the meaning of section 88 of the Act.

Registration
in office of
Inspector of
Mines.

(6) In the event of a dispute arising regarding the boundaries of the area on which application has been made for an exclusive prospecting licence for which survey has been dispensed with, the Inspector of Mines may require both parties to deposit a sum estimated to be sufficient to cover the cost of survey. He shall then cause the beacons on the boundary or boundaries in dispute to be established on the ground in the position shown on the plan attached to the licence and may require the boundary line or lines to be surveyed.

Disputes as
to boundaries
where survey
dispensed
with.

(7) The cost of the establishment of beacons and survey of the line or lines shall be borne by the parties to the dispute in proportion to their respective errors as assessed by the Inspector of Mines and subject only to appeal to the Minister whose decision shall be final.

Cost of
survey on
dispute.

16. All beacons shall be kept in good condition and repair by the holder of the licence, and the holder of the licence shall at all times keep the boundary lines for a distance of fifty yards in each direction cut and cleared of vegetation for a width of six feet, and shall, if required by the Inspector of Mines, clear of vegetation all or any of the boundary lines specified by the said Inspector.

Maintenance
of beacons
and
boundary
lines.

Number of
exclusive
prospect-
ing licence to be
issued on
beacons.

17. Within three months of the issue of an exclusive prospecting licence the holder shall clearly paint on every beacon on the side facing outwards from his area the official number of such exclusive prospecting licence.

Expenditure
in
prospect-
ing.

18. The expenditure by the holder of an exclusive prospecting licence for alluvial minerals on African wages for prospecting alone shall be at the rate of not less than £50 per square mile per annum except where the Minister, in his absolute discretion, approves any other obligation whether monetary or otherwise.

Applications
for renewal.

19. Application for the renewal of an exclusive prospecting licence must be made through the Inspector of Mines at least one month before the expiration of the licence.

PART IV.—APPLICATION BY HOLDER OF PROSPECTING RIGHT OR EXCLUSIVE PROSPECTING LICENCE TO RETAIN OR DISPOSE OF MINERALS

Application
by holder of
a prospecting
right or
licence to
retain or
dispose of
minerals.

20. The holder of a prospecting right or of an exclusive prospecting licence who may desire to retain or dispose of any minerals raised or obtained in the course of prospecting shall make application in writing to the Inspector of Mines, and shall in such application state the kind and quantity of minerals in respect of which the application is made and the situation of the land from which the minerals were obtained, and shall furnish such other information as the Inspector of Mines may require.

Consent of
the Inspector
of Mines to
the retention
or disposal
of minerals.

21. (1) The Inspector of Mines shall not grant leave to an applicant to retain or dispose of any mineral in respect of which the royalty is not prescribed by rules for a period of four months or until rules prescribing the royalty in respect of such mineral have been sooner made.

(2) The consent of the Inspector of Mines to the retention or disposal of any mineral by the holder of a prospecting right or an exclusive prospecting licence shall be in writing and shall specify the kind and quantity of the minerals which may be retained or disposed of.

PART V.—MINING RIGHTS

22. When there is reason to believe that the mineral bearing qualities of the land are not such as to justify an application for a mining lease, a mining right may be granted.

Mining right
when
granted.

23. (1) In the case of a river mining right, not more than 880 yards measured along the course of any stream shall be included within the area the subject of one mining right.

Area of river
mining right.

(2) Before application is made for a river mining right, temporary beacons shall be erected to mark the highest and lowest points on the stream in respect of which the mining right is required.

Beaconing of
area before
application.

24. (1) Any person desiring to obtain a mining right shall apply in writing to the Inspector of Mines.

Application
for a mining
right.

(2) Applications shall be in quadruplicate in Form IX in the first schedule hereto and shall give the particulars therein required, so far as in the opinion of the Inspector of Mines is possible.

Form IX.

(3) Application shall be accompanied by a plan in quadruplicate drawn to a scale of 1/5,000 which shall show—

Plans accom-
panying
application.

- (a) in the case of river mining rights, the position of the stream in respect of which the application is made;
- (b) the position of the temporary beacons erected by the applicant;
- (c) the approximate magnetic bearing from one beacon to the other;
- (d) the approximate position of the chief local objects, landmarks and any other beacons in the neighbourhood;
- (e) the topographical features, such as the courses of rivers and the positions of villages within or adjacent to the area covered by the application;
- (f) the position of the area in relation to a boundary of an existing mining area if there is any such within half-a-mile;
- (g) the position of all beacons erected under these rules within one hundred yards of the area at the time of the erection of beacons by the applicant.

Bearings.

(4) Applicants shall in all cases quote approximate magnetic bearings, and the word "bearing" in every application shall be held to refer to the magnetic north only.

(5) When making application the applicant shall pay to the Inspector of Mines a deposit to cover the approximate charges payable for survey under these rules. If the actual expenses are less than the deposit, the balance shall be returned to the applicant; and if the deposit is insufficient, he shall pay the balance before the application is granted.

Application of rule 12.

25. (1) An application for a mining right shall be dealt with in accordance with the provisions, *mutatis mutandis*, of rule 12.

(2) (a) In the case of river mining rights, the portion of the stream in respect of which the application is made shall be surveyed and demarcated by means of two beacons erected above flood level at the upper and lower boundaries respectively;

Method of survey of stream.

(b) the survey of the stream shall be by chain and compass traverse and fixation of the traverse to a permanent beacon or natural feature as shall be directed by the Superintendent of Surveys;

Fee for the survey of stream.

(c) the Superintendent of Surveys or a surveyor approved by Government under section 61 of the Act may charge a fee of £5 for the survey of the stream;

Charges for fixation of survey of stream.

(d) the Superintendent of Surveys or a surveyor approved by Government under section 61 of the Act may, if the fixation of the survey of the stream is by theodolite, charge the rates laid down in rule 13 (4) (b). If the fixation is by chain and compass, half these rates may be charged:

Clearing of lines by applicant.

(e) all lines necessary for the survey of the stream and fixation thereof, if not cleared by the applicant, will be cleared by the surveyor and charged for at cost.

Application of rules to mining rights.

(3) The provisions of rules 13 (4) (c) and (e), (5), (6), (7), (8), (9), (10) and (11), 14, 15 (1), (4) and (5), 16 19 and 36 shall apply, *mutatis mutandis*, to mining rights.

(4) Beacons erected in connection with the survey of a mining right shall be as laid down in rule 57 (1).

26. Reasonable charges may be made by any Government Department for examining and measuring the area the subject of an application for a mining right, and shall be paid by the applicant at the time of application to the officer to whom the application is first sent. If the application is refused, the charges thus paid shall not be refunded to the applicant.

Charges for examining area.

27. If the Minister approves of the grant of a mining right, the applicant shall erect, and during the continuance of the right maintain, temporary beacons at the upper and lower extremities of the length of the stream covered by the mining right:

Power to require erection of beacons.

Provided that, when prior permission to mine has been granted or the title issued, the number in the office of the Inspector of Mines of the application or title shall be painted on a board or metal plate attached to the beacon post, together with the date when prior permission to mine was granted or the title issued, preceded by the letters P.P.M. or M.R. according to whether mining is authorised by prior permission or title.

PART VI.—MINING LEASES

28. Mining leases may be of such different kinds as may be hereafter prescribed by rules.

Different kinds of mining leases.

29. The area of every mining lease shall be as may be hereafter prescribed by rules or, if not so prescribed, as may be specified in the lease.

Area of leases.

30. The area of a mining lease other than a lease granted in respect of an area previously the subject of a mining right shall be either—

Shape of area.

- (a) rectangular, in which case the width of the rectangle shall not be less than two hundred yards or one-third of its length, whichever is the shorter; or
- (b) a polygon of not less than four nor more than ten sides, in which case no point on a given side shall be less than two hundred yards distant from any other non-adjacent side;

Provided that, when it is desired that a boundary should be made to conform with the boundary of another area, the Superintendent of Surveys may, in his discretion, allow a departure from these provisions.

Boundaries. **31.** All mining leases shall be deemed to be bounded by vertical planes from the surface boundary lines drawn downwards to an unlimited depth from the surface.

Rent. **32.** The lessee of a mining lease shall pay rent at such rate as may be specified in the lease.

Minerals which may be mined under lease. **33.** A mining lease shall confer upon the lessee the right to mine and dispose of the minerals specified therein:

Provided that the Minister may in the case of any lease permit the lessee to mine and dispose of any minerals found on the area of lease. Such permission shall be endorsed on the lease.

Form of lease. Form IV. **34.** A mining lease shall be in the Form IV in the first schedule hereto or as near thereto as circumstances permit:

Provided that the lease shall contain such covenants and conditions as the Minister may direct.

Assignment and surrender of lease. Forms V and VI. **35.** An assignment of a mining lease shall be in the Form V and the surrender thereof in the Form VI in the first schedule hereto or as near thereto as circumstances permit.

Tributing may be prohibited. **36.** It shall be lawful for the Inspector of Mines, whenever in his opinion it may be necessary to secure safe or economic mining of an area covered by any lease, to prohibit that form of mining which is of an indiscriminate nature wherein the miner, who is paid according to the quantity or quality of the mineral won by him, may choose his own working pl

Non-resident lessee to keep a resident agent. **37.** The lessee of a mining lease who is not resident in the Gambia and in charge of the mining operations on the area of his lease shall at all times have a responsible and qualified agent

resident in The Gambia and in charge of his mining operations, and shall forthwith notify the Inspector of Mines of every appointment and change in the appointment of such agent.

38. Before an application is made for a mining lease the applicant shall mark out the area over which he desires a lease in the manner prescribed in rule 9.

Area to be
beaconed
before
application.

39. (1) Any person desiring to obtain a mining lease shall follow the procedure laid down regarding the application for an exclusive prospecting licence, and the application therefor shall be dealt with and, subject to paragraph (2) of this rule, the survey made in accordance with the provisions of rules 12, 13, paragraphs (1) to (11), and 14.

Application
for a mining
lease.

Applications shall be made in quadruplicate in the Form X in the first schedule hereto and shall give the particulars therein required and shall be accompanied by a plan in quadruplicate on one of the scales prescribed in paragraph (2) of this rule, and shall give the information concerning the area applied for in the same manner as laid down in rule 10 (3).

Application
to be in quad-
uplicate.
Plan to
accompany
application,
Form X.

(2) The plan made by the surveyor shall show, in addition to the details laid down in rule 13 (3), all topographical features in the area enclosed by the boundaries, and the scale of such plan shall be 1:6,250

(3) Rule 15 (1), (4) and (5), *mutatis mutandis*, shall apply to mining leases.

40. (1) Notwithstanding anything in these rules to the contrary, when application is made for an alluvial mining lease and the Inspector of Mines is of opinion that the configuration of the area of the proposed lease warrants a modification of the method of application and survey as provided by rules 38 and 39, then—

Special
provisions in
regard to
applications
for alluvial
leases.

(a) the streams lying within the area of the proposed lease shall be beaconed by the applicant in such manner as the Inspector of Mines shall direct:

(b) application shall be made in quadruplicate in such form as may be required by the Inspector of Mines;

(c) such application shall be accompanied by a plan in quadruplicate drawn to scale of 1:6,250, which shall show the outline of the boundary of the proposed lease with the magnetic bearing and length of each side and in addition the details required by rule 24 (3);

(d) the survey shall be carried out in accordance with the provisions of rule 25 (2) except the proviso thereto.

(2) Should the Inspector of Mines at any time thereafter consider it necessary or desirable that the boundary or any part thereof should be demarcated on the ground, he may direct that such boundary or part thereof shall be cut, surveyed and demarcated at the cost of the lessee, and in respect of such cutting, survey and demarcation the provisions of rule 13, *mutatis mutandis*, shall apply, and in addition to the charges prescribed by the said rule, charges in accordance with rule 41 (c) shall be payable.

41. The following charges will be made by the Survey Department and may be made by a surveyor approved by the Minister under section 61 of the Act—

- (a) a preliminary fee not exceeding five pounds will be charged for each separate theodolite survey, except in the case of two or more adjoining surveys for the same person at the same time, when only one fee will be charged;
- (b) rule 13 (4) (c), (d) and (e) shall apply to mining leases;
- (c) charges not exceeding the following will be made for the survey—

5 acres to 50 acres	Over 50 acres to 100 acres	Over 100 acres to 200 acres	Over 200 acres to 300 acres
£ 10	£ 15	£ 20	£ 30

Over 300 acres to 400 acres	Over 400 acres to 500 acres	Over 500 acres to 600 acres	Over 600 acres to 700 acres	Over 700 acres to 800 acres
£ 40	£ 50	£ 60	£ 70	£ 80

Each of these maximum charges is subject to an increase of a certain percentage in respect of the character of the country as follows—

Thick grass or patches of small trees	...	10 per cent
Light forest	10 „ „
Heavy forest	25 „ „
Scrub or mangrove	50 „ „
Scrub with heavy timber	80 „ „

42. Rules 13 (5) and (7) and 16, *mutatis mutandis*, shall apply to a mining lease.

Application of Rules 13 (5) and (7) and 16 to mining lease.

43.(1) Before the expiration of the first six months of a mining lease the lessee shall mark off with temporary beacons such parts of the land included within the area of his lease as he may desire immediately to use or occupy for any purpose in connection with his mining operations, and shall when required by the officer appointed on that behalf show such officer the area of land so marked. Such officer shall cause the lands marked off as aforesaid to be measured and shall inform the lessee as to the rent which is payable by him under section 35 of the Act in respect of such land, and shall notify the Commissioner of the amount so payable.

The marking off of land over which a lessee desires to exercise surface rights.

(2) The mining lessee shall not use or occupy for any purpose in connection with his mining operations any land other than that marked off and measured by the appointed officer without first notifying the Commissioner of the extent of the land and the purpose for which he desires to use or occupy the same and the date from which he will use or occupy the same and pay rent therefor.

(3) The rent payable by the lessee of a mining lease under section 35 of the Act shall be paid at the office of the Commissioner or to the Accountant-General.

(4) The holder of a mining lease shall not demand or receive any rent from any person residing on or occupying any portion of the area of such mining lease.

PART VII. TENDERS FOR EXCLUSIVE PROSPECTING LICENCES,
MINING RIGHTS AND MINING LEASES IN RESPECT OF AREAS IN A
TRACT OF LAND IN WHICH ANY MINERAL HAS BEEN
DISCOVERED BY GOVERNMENT

Tenders for
licences,
rights and
leases in
respect of
land in
which any
mineral has
been
discovered by
Government.

44. (1) Where in any tract of land any mineral has been, or may hereafter be, discovered by any person searching for minerals on behalf of the Government, the Minister may, if he thinks fit, cause the whole or any part of such tract of land to be divided up into areas of such sizes (whether equal or unequal) and shapes as would allow of the grant in respect of them of exclusive prospecting licences, mining rights or mining leases, according as the Minister may specify.

(2) The Minister may thereupon invite any person, or such persons as he may select (being in either case persons qualified to apply for the grant of an exclusive prospecting licence, mining right or mining lease, as the case may be), severally to state what financial consideration of a kind which the Minister shall specify they are prepared to pay to the Government in consideration of the grant of an exclusive prospecting licence, a mining right or a mining lease (according as such invitation shall specify) in respect of any such area.

(3) Any financial consideration so tendered shall be deemed to be in addition to any fees, rents, royalties or other payments required by the Act or any rules made thereunder and in force for the time being.

(4) The Minister shall be under no obligation to grant an exclusive prospecting licence, mining right or mining lease in respect of any such area to the person whose tender is the highest, and may grant such a licence, right or lease to a person who makes no tender; and nothing in this rule contained shall in anywise fetter the absolute discretion of the Minister to grant or to withhold the grant of such a licence, right or lease as he may think fit.

(5) Any financial consideration tendered under this rule shall be paid to the Accountant-General at such time or at such times as the same may become due.

(6) The Minister may revoke—

(i) any exclusive prospecting licence, mining right or mining

lease granted in consideration of an offer of the payment of any financial consideration within the meaning of this rule, or any renewal of such exclusive prospecting licence, mining right or mining lease or of a part thereof; or

(ii) any mining right or mining lease lying within the boundaries of such prospecting licence and subsequently granted to the holder of such exclusive prospecting licence or part thereof (including any renewal), or any renewal of such mining right or mining lease; or

(iii) any mining lease lying within the boundaries of any such mining right as is referred to in sub-paragraph (i) or sub-paragraph (ii) of this paragraph subsequently granted to the holder of such mining right (or renewal thereof), or any renewal of such mining lease;

in the event of such financial consideration not being paid or there being any cessation in the payment thereof.

(7) The provisions of this rule shall be deemed to be in addition to, and not in substitution for, the rules in Parts III, V and VI of these rules.

PART VIII.—WATER RIGHTS

45. (1) Water may be diverted and impounded for the purpose of mining operations without a water right by the holder of a mining lease or mining right or an applicant for a mining right to whom permission to mine has been granted under section 23 of the Act:

Water rights
when
required.

Provided that the diverted water is returned to its natural channel and that the points of intake and return of the diverted water both lie within the area covered by the land included in the mining lease or mining right held or applied for, and that both the original watercourse between such points and the watercourse to which the water is diverted lie wholly within such area.

Save as above provided, or as otherwise provided in the Act, water shall not be diverted or impounded for the purpose of mining operations except under a water right or a provisional water right.

(2) An application for a water right or a provisional water right shall be made in the Form XIII in the first schedule hereto, shall give the particulars therein required so far as, in the opinion of the

Application
for water
rights.
Form XIII.

Inspector of Mines is possible, and shall be sent in quadruplicate to the Inspector of Mines.

(3) The application shall be accompanied by a plan in quadruplicate drawn to scale which shall show the position of the proposed watercourse from the point of intake to the point of entry in the lease or mining right of the applicant, also the site of any dam, reservoir or pumping station required which is situated on ground not held under lease or mining right by the applicant, and an adjacent village.

The scale of such plan shall be—

When the total length of the water right applied for does not exceed one mile	1 : 6,250
When the total length of the water right applied for exceeds one mile but does not exceed five miles ...	1 : 25,000
When the total length of the water right applied for exceeds five miles	1 : 62,500

Form of
water right,
Form XIV.

(4) A water right shall be in the Form XIV in the first schedule hereto.

Beacons for
water rights.

(5) Whenever a water right lies partly outside the area of a mining lease or leases or mining right or rights held or applied for by the holder of the water right, such holder shall erect a permanent beacon at every point where such water right crosses the boundary of such area. The provisions of rule 57 (1) shall apply to such permanent beacons, provided that the information given thereon shall be as follows—

- (i) the name of the holder of the water right (abbreviated if necessary);
- (ii) the letters W.R. with the number allotted;
- (iii) the magnetic bearings and distance in feet of the adjacent beacons.

Bridges.

(6) Bridges shall be constructed and maintained by the holder of a water right, at all points where his watercourse crosses roads or paths, to the satisfaction of the Inspector of Mines or the Commissioner.

Filling in
upon
revocation.

(7) On revocation of a water right the holder shall, if so required by the Inspector of Mines, fill in at his own expense such part or parts of the watercourse as the Inspector of Mines may direct.

PART IX.—MISCELLANEOUS PROVISIONS

46. (1) "Tailings" means all gravel, sand, slime, or other substance which is the residue of *bona fide* mining operations.

Deposit of
tailings from
mining
operations.

(2) A mining lessee or the holder of a mining right, if the area covered by his lease or right gives access to a natural watercourse, may, within such area, deposit in the watercourse tailings from mining operations upon such area:

Provided that the Minister may, by order published in the Gazette, prohibit the deposit of tailings in any watercourse, or any part thereof; or may limit the extent of such deposit in such manner as he may think fit, and in such case may prescribe the manner of disposal of tailings from mines having access thereto:

Provided further that no such order shall come into force until two months after the date of the first publication thereof, unless the Minister shall, for special reasons stated in such order, otherwise direct:

Provided further that a mining lessee or holder of a mining right shall not, except with the consent of the Minister, deposit in any watercourse or permit to escape from the area of his mining lease or right any chemical or other substance deleterious to animal or vegetable life.

Pollution
of water.

(3) When tailings are not deposited in a natural watercourse the mining lessee or the holder of the mining right may be ordered to retain all, or any specified class of tailings, within the area limited by his lease or mining right, or within such other area as the Inspector of Mines may direct.

47. Every lessee of a mining lease and every holder of an exclusive prospecting licence or mining right when not personally resident in The Gambia, or when the lessee or holder is a syndicate or company with its head office elsewhere than in The Gambia, shall appoint and at all times have an attorney resident in The Gambia with full powers to represent the lessee or holder in all matters relating to his lease, right or licence, and shall as soon as possible after making any such appointment or any change in such appointment send to the Inspector of Mines or to such officer as the Minister may direct, a copy of the power of attorney and of any document by which any such power of attorney is altered.

Non-
resident
lessee to
appoint an
attorney
resident in
The Gambi