

No. 450.—The following Ordinance passed at a meeting of the Council Negri held on the 20th day of May, 1947, and assented to by His Excellency the Governor on the 24th of May, 1947, is published for general information :—

COLONY OF SARAWAK.

No. 7 of 1947.

I assent,



C. N. ARDEN CLARKE,
Governor and Commander-in-Chief.
24th May, 1947.

An Ordinance to regulate and control prospecting and mining for radio-active minerals and the export thereof and for purposes connected therewith.

[2nd June, 1947.]

Enacted by the Governor of Sarawak with the advice and consent of the Council Negri :—

1. This Ordinance may be cited as the Radio-Active Short title.
Minerals Ordinance, 1947.

2. In this Ordinance, unless the context otherwise Interpretation.
requires—

“licence” means a licence granted under the provisions of section 3 of this Ordinance;

“mine”, with its grammatical variations and cognate expressions, includes all operations for the intentional winning or obtaining of any radio-active mineral;

“permit” means a permit issued under the provisions of section 5 of this Ordinance;

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

“radio-active mineral” means any substance specified in the Schedule to this Ordinance.

3. Notwithstanding anything in Order No. M—5 Prospecting and mining restricted.
(Mining) 1935 or any other enactment, no person shall within the Colony prospect for or mine, or attempt to prospect for or mine, any radio-active mineral except under and in accordance with a licence granted by the Governor.

Holder of
licence to
report his
operations.

4. Every holder of a licence shall within the first week of every month furnish the Chief Secretary with a true report in writing of the prospecting and mining operations conducted by him in the immediately preceding month with respect to radio-active minerals, and shall at the same time furnish the Director of Lands and Surveys with a copy of such report.

Export
restricted

5. Notwithstanding anything in any enactment, no person shall export, or attempt to export, from the Colony any radio-active mineral except under and in accordance with a permit granted by the Governor in that behalf.

Grant of licence
or permit
discretionary.

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

Form of licence
and permit.

7. 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 may determine, and shall contain such terms and conditions as he may think fit to impose.

Duty to report
discovery of
radio-active
minerals.

8. If any radio-active mineral is discovered in the course of prospecting, panning, or fossicking, or on any land in respect of which a mining lease is held, the holder of the Prospecting Licence, the Panning Licence, the Fossicking Licence, or the Mining Lease, as the case may be, shall immediately notify the Director of Lands and Surveys of such discovery and no such mineral shall be removed from the land except in accordance with a licence granted under section 3 of this Ordinance.

Offences.

9.—(1) Every person who—

(a) prospects for or mines, or attempts to prospect for or mine, any radio-active mineral within the Colony without a licence; or

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

(c) being the holder of a licence, fails to comply with the requirements of section 4 of this Ordinance; or

(d) exports, or attempts to export, from the Colony any radio-active mineral without a permit; or

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

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

(g) being the holder of a Prospecting Licence, Panning Licence, Fossicking Licence, or Mining Lease, contravenes or fails to comply with section 8 of this Ordinance,

shall be liable to imprisonment for twelve months or to a fine of five thousand dollars or to both such imprisonment and fine.

(2) The Court before which any person is convicted of an offence under subsection (1) of this section shall order the forfeiture to His Majesty of any radio active mineral or prospecting or mining apparatus derived from, or employed in the commission of, any act in respect of which such person was convicted.

10.—(1) Any police officer, not below the rank of sergeant, any administrative officer, any officer of the Department of Lands and Surveys not below the rank of Assistant Superintendent, and 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 Ordinance, without warrant or other legal process—

Powers of search, arrest and seizure.

(a) enter and search any place where he has reasonable grounds for suspecting that an offence under this Ordinance 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 Ordinance;

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

(d) seize any radio-active 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 Ordinance.

(2) Where any person is arrested, or any radio-active mineral or prospecting or mining apparatus is seized, under the provisions of subsection (1) of this section, such person, mineral and apparatus shall, as soon as practicable, be brought before the nearest 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, shall be liable to imprisonment for six months or to a fine of one thousand dollars or to both such imprisonment and fine.

11. The Governor may from time to time by notification in the *Government Gazette* alter, vary or in any manner amend the Schedule to this Ordinance.

Power of Governor to vary Schedule.

12. Nothing in this Ordinance shall be deemed to absolve any person from compliance with the provisions and requirements of Order No. M—5 (Mining) 1935 or the laws for the time being relating to Customs.

Saving.

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

Power to make regulations.

SCHEDULE.

(1) Minerals of the pitchblende group, including pitchblende, uraninite, ulrichite, bröggerite, cleveite, and related mineral species.

(2) Torbernite and autunite.

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

(4) Carnotite and tyuyamunite.

(5) Uranium-bearing niobate-titanate-tantalate ores, including euxenite, polycrase, blomstrandine, priorite, samarskite, fergusonite, betafite, plumboniobite, and related mineral species containing over one per cent uranium oxide.

(6) Monazite, thorite, thorianite and radio-active zircon.

Passed this 20th day of May, 1947.

R. N. TURNER,
Clerk of Council Negri.