

MINES AND MINERALS (DISPUTES) REGULATIONS

under s. 128

G.N. 36/1981

1. Citation

These Regulations may be cited as the Mines and Minerals (Disputes) Regulations.

2. Procedure

The mode of proceeding in a dispute under Part XI of the Act shall be as follows—

(a) the person complaining shall lodge a memorandum in duplicate at the office of the Commissioner;

(b) the memorandum shall be in or to the effect of a form approved by the Commissioner and shall specify shortly the subject-matter of the complaint and the relief claimed;

(c) upon receipt of the memorandum the Commissioner shall give notice, in such form as the Commissioner approves, by post or otherwise to the person complained against, of the nature of the complaint, and of the time and place at which the same will be heard and determined; and

(d) at the time and place appointed the parties shall attend and state their cases before the Commissioner and may call evidence on oath in support thereof, and the Commissioner having heard the statement and any such evidence shall give his decision.

3. Power of Commissioner

(1) the Commissioner may—

(a) adjourn any hearing to any other time or place;

(b) proceed in the absence of any party; or

(c) seize or cause to be seized any mineral and detain it pending his decision.

(2) The law concerning procedure for the time being regulating proceedings before and the powers of subordinate courts of the first grade in the exercise of their civil jurisdiction shall, so far as practicable and subject to any necessary modifications, apply to proceedings before the Commissioner.

4. Commissioner to keep record and take notes

(1) The Commissioner shall keep a record of all cases heard and complaints decided by him and shall take or cause to be taken notes in writing of all evidence given before him.

(2) Any person interested in any dispute is entitled to obtain a copy of any decision given or order made in respect of the dispute on payment of the prescribed fee.

5. Fees

The fees set out in the Schedule shall be paid in respect of the matters and things specified in the Schedule.

SCHEDULE reg. 5

Fees

KOn making a complaint by lodging a memorandum²⁰For every notice to be given pursuant to regulation 2 (c)⁵For every order of the Commissioner⁵For every witness summons⁵Hearing fee¹⁰For a