

CHAPTER 148

THE MINING ACT.

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CHAPTER 148

THE MINING ACT.

Commencement: 1 January, 1949.

An Act to consolidate the law as to mines and minerals.

PART I—GENERAL.

1. Interpretation.

In this Act, except where the context otherwise requires—

- (a) “agent” includes a tributer or option holder or any person placed in charge of prospecting or mining operations by a holder;
- (b) “alluvial” includes all forms of mineral deposits which do not fall within the definition of “lode”;
- (c) “authorised labour officer” means an authorised officer under the Employment Act or any enactment replacing or amending that Act;
- (d) “bank” means any branch in Uganda or in the town of Bukoba in Tanzania or in the town of Kakamega in Kenya, of the National and Grindlays Bank Limited, the Standard Bank Limited, Barclays Bank (Dominion, Colonial and Overseas), or such other bank as the Minister may by statutory instrument declare to be a bank for the purposes of this Act;
- (e) “banker” means any manager or accountant of a bank and any officer of a bank who is acting in the capacity of manager or accountant;
- (f) “beacon” means a mark erected on any land for the purpose of marking out ground for prospecting or mining purposes under this Act, and includes location beacons, corner beacons, upper beacons, boundary beacons and direction beacons;
- (g) “buy” and “sell” include “barter”; “buy” includes “purchase” and “receive as a pledge or security” and “sell” includes “deposit as a pledge or security”;
- (h) “commissioner” means the commissioner of geological survey and mines appointed under section 7;
- (i) “deposit” means any sum lodged with the Government as a guarantee for the due performance of any obligation imposed by this Act or regulations made under this Act and includes a

- banker's guarantee;
- (j) "district commissioner" and "district officer" mean the administrative officer in charge of any district or area in which any matter shall arise under this Act;
 - (k) "goldsmith" means a worker in gold or a seller of articles manufactured of gold;
 - (l) "holder" of a prospecting right or mining right means the person to whom any such right was granted in the first instance and includes any person in whom such right or a part of the right has become lawfully vested by transfer, assignment or otherwise, and for the purposes of Part VII of this Act and of any regulations made under this Act relating to safety in mines and the service of notices includes every person carrying on or who has carried on prospecting and mining operations or either of these operations on private mining land;
 - (m) "inspector of mines" includes a senior inspector of mines and any person delegated by the commissioner to act as a senior inspector or inspector of mines;
 - (n) "lease" means a mining lease;
 - (o) "livestock" includes cattle, horses, donkeys, mules, pigs, sheep, goats, camels and all other domesticated animals and their young;
 - (p) "location" means a right granted under section 40;
 - (q) "lode" or "reef" includes all true fissure veins, bedded veins, contact veins, segregated veins, pipes, contact deposits, stockworks, impregnations, metalliferous conglomerates other than hardened alluvial deposits of modern origin, metalliferous and lateritic cappings, such irregular deposits as conform generically to the above classification and beds of any mineral such as beds of ironstone and coal seams;
 - (r) "to mark out" an area means to delimit the area by beacons and trenches of the kind prescribed and in the manner provided in this Act and regulations made under this Act; "to peg" means "to mark out";
 - (s) "mine" includes any place, excavation or working on which, in which or by which any operation in connection with mining is carried on;
 - (t) "to mine" means intentionally to win minerals and includes any operations necessary for the purpose, but shall not include a right or permit to use water;
 - (u) "mineral" and "minerals" do not include petroleum but include—
 - (i) metalliferous ores and other substances in their natural state

- which are obtainable only by mining or in the course of prospecting operations;
- (ii) metalliferous ores and other substances in their natural state mined or obtained in the course of prospecting operations;
 - (iii) the valuable parts of such ores or other substances when unmanufactured; and (iv) the product of treating or dressing such ores or other substances for marketing or export, but except in section 2 and for the purposes of Part VII of this Act and any regulations made thereunder relating to safety in mines shall not include clay, murrum, sand or any stone, except limestone, commonly used for building or similar purposes, or such other common mineral substances as the Minister may by statutory instrument declare not to be minerals for the purpose of this Act;
 - (v) “mining right” includes all types of locations and leases;
 - (w) “nonprecious minerals” means all minerals other than precious metals or precious stones;
 - (x) “occupation under a prospecting licence” means the exercise on any area of the rights set out in sections 31(b), (c), (d) and 32 wholly or partly for the purpose either of prospecting such area or of preparing to mark out the whole or part of the area, and includes the erection of a beacon or anything purporting to be a beacon or anything which is intended to constitute part of a beacon;
 - (y) “opencast” means any uncovered excavation which has been made from the surface for the purpose of winning minerals;
 - (z) “owner or occupier” includes the owner of any land registered under the Registration of Titles Act, the owner under a final mailo certificate, a lessee of land, the holder of a certificate of occupancy or temporary occupation licence and an African rightfully in occupation of public land;
 - (aa) “passageway” means any highway, road, street, footpath or installation of any railway, tramway, wireline, cableway, chute, pipe, sewer, drain, tunnel, shaft, fluming or watercourse and includes any right of way, easement or hereditament;
 - (bb) “precious metals” means gold, silver or metal of the platinoid group in the unmanufactured state, including ores containing such metal, but shall not include ores containing any such metal in combination with another mineral where the metal cannot be worked apart from such mineral and the value of the metal is less

- than the cost of producing both the metal and the mineral; (cc) “precious stones” means diamond, emerald, opal, ruby, sapphire, turquoise and any other stones which the Minister may by statutory instrument declare to be included in this definition;
- (dd) “private land” means land, not being private mining land, included in the following classifications—
- (i) class I: land of which any person, other than the Land Commission or a land board established by the Constitution, is registered as proprietor of an estate of freehold under the Registration of Titles Act;
 - (ii) class II: land—
 - (A) of which any person, other than an urban authority, is registered as proprietor of an estate of leasehold under the Registration of Titles Act; or
 - (B) held under the provisions of the Public Lands Act by any person other than by a controlling authority as in that Act defined, or under any enactment amending that Act, or under any land legislation which may come into force hereafter, excepting land held under a temporary occupation licence;
 - (iii) class III: land registered in the mailo register in the office of titles;
 - (iv) class IV: land held under temporary occupation licences under the Public Lands Act, or any land legislation which may come into force hereafter;
 - (v) class V: public land rightfully occupied by Africans, other than lands in the preceding classes; (ee) “private mining land” means land held on titles by which the property in and control of minerals are recognised or granted;
 - (ff) “to prospect” means to search for minerals and includes such working as is reasonably necessary to enable the prospector to test the mineral-bearing qualities of the land; (gg) “prospecting right” includes exclusive prospecting licences, special exclusive prospecting licences and prospecting licences;
 - (hh) “shaft” and “pit” mean any vertical or inclined tunnel other than a stope or winze which is or might be used for winding, travelling, draining or ventilating purposes in connection with prospecting or mining operations; (ii) “tailings” means all gravel, sand, slimes or other substance which is the residue of bona fide mining operations; (jj) “unwrought precious metal” includes precious metal in any form

whatever, smelted or unsmelted, refined or unrefined, which though smelted is not manufactured or made up into any article of commerce, and includes amalgam, slimes, slags, gold-bearing concentrates, pots, battery chips, sweepings of reduction works and scrapings and by-products of unrefined precious metal; (kk) “watercourse” means any channel or duct whether natural or artificial which confines, restricts or directs the flow of water.

2. Control of and property in minerals and petroleum.

The entire property in and control of all minerals and petroleum in, under or upon any lands or waters in Uganda are and shall be vested in the Government, except insofar as the property and control may in any case be limited by any recognition of title or express grant.

3. Penalty for prospecting or mining without authority.

Any person who prospects or mines on any lands or waters in Uganda otherwise than in accordance with this Act or who aids or abets any such person commits an offence.

4. Prospecting licence not to confer right to prospect for petroleum.

No prospecting licence issued under this Act shall confer any right to prospect or search for petroleum or bituminous products, and no lease granted thereunder shall authorise any person to mine for such products or win or remove them from the land comprised in the lease.

5. Prospecting in closed districts.

Nothing in this Act shall be deemed to authorise any person to enter any district or area to which entrance by him or her may be forbidden by any written law for the time being in force.

6. Saving for custom and domestic use.

Nothing in this Act shall be deemed to prevent any African of Uganda from taking, subject to such conditions as may be prescribed, iron, salt or soda from lands, other than lands within the area of a location or a mining lease, from which it has been the custom of the members of the community to which that person belongs to take iron, salt or soda or to prevent any person

from taking any limestone from any land owned or occupied by him or her for his or her own domestic use.

7. Employment of officers.

Subject to any written law relating to the appointment of persons to the public service, the Minister may appoint a commissioner of geological survey and mines, a deputy commissioner of geological survey and mines and such other officers as may be necessary for carrying into effect the provisions of this Act.

8. Delegation of powers.

The commissioner may delegate or assign to any officer appointed under section 7 all or any of his or her powers, duties and jurisdiction, but in so doing the commissioner shall not by that delegation or assignment divest himself or herself of the right to exercise concurrently all or any of the powers, duties and jurisdiction conferred upon him or her by this Act.

9. No action against officers for acts done in execution of duties.

No action or other legal proceedings whatsoever, civil or criminal, shall be instituted in any court of law against the commissioner or other officer or any person acting under his or her authority for or on account of or in respect of anything done in good faith and done or purported to be done in the execution of his or her duty under this Act.

10. Royalties.

All minerals obtained in the course of prospecting or mining operations shall be liable to such royalties as may be prescribed from time to time, and no minerals shall be exported except after payment or securing of royalty under such conditions as may be prescribed; except that the commissioner may in his or her discretion, by permit under his or her hand, exempt from liability to royalties small quantities of minerals exported as commercial samples or scientific specimens or for the purpose of assay.

11. Lands excluded from prospecting or mining.

Except where otherwise provided by this Act or any regulations made under it, no prospecting or mining right shall authorise mining or prospecting on or

occupation of any of the following lands—

- (a) land dedicated or set apart for any public purpose other than mining or for a place of burial, or within one hundred yards of such reserved places, except with the consent of the Minister;
- (b) any area situate within any municipality, town or trading centre, except with the consent of the owner or holder of surface rights and of the Minister or municipal or town council or board, or the district commissioner in the case of a trading centre;
- (c) land reserved for the purpose of any railway or situate within one hundred yards of any railway, except with the consent of the Uganda Railways Corporation;
- (d) any area which is the site of or is within one hundred yards of any building, works, reservoir or dam owned or occupied by the Land Commission, by the Government or by a public authority, except with the consent of the commissioner;
- (e) any street, road or highway or any land within fifty yards of the centre line of any street, road or highway, except with the consent of the Minister or of an urban or other public authority having control of it;
- (f) salt licks and land within a radius of fifty feet of any waterhole which has been or is being used by mankind or cattle, except with the consent of the district commissioner;
- (g) land within one hundred feet of any dwelling place without the consent of the occupier; but where consent is withheld, the Minister may allow prospecting or mining on the land on such conditions as he or she may think fit;
- (h) any Government protection area as defined in section 113 or land closed to prospecting by reason of the exercise of any of the provisions of section 12;
- (i) any area over which prospecting or mining rights have been previously granted by the commissioner or the Governor or the Governor General or the Minister or registered under the provisions of the Mining Ordinance repealed by this Act until thirty days have elapsed from the date of the Gazette in which notice is given of the termination of those prospecting or mining rights; in the case of any such area no prospecting or occupation shall take place before midday on the day on which the area becomes open to prospecting and occupation;
- (j) any area over which any passageway has been created and is lawfully subsisting under the provisions of Part VIII of this Act or in respect of which an application in the prescribed form has

been made for mining rights and in respect of which permission to mine has been given under section 39 and is still lawfully subsisting;
(k) private mining land.

12. Minister may close areas to prospecting, etc.

(1) The Minister may by statutory instrument or by notice exhibited at the office of the district commissioner declare any area to be excluded from prospecting, mining or occupation under any prospecting or mining right except to specified persons, if any, for such periods and for such minerals as may be specified in the instrument or notice or without specifying any period or minerals and may reopen such area or any part of the area by further instrument or notice on any terms and conditions as to prospecting or mining and to such persons as he or she may think fit.

(2) The commissioner may on receipt of any application for prospecting and mining rights over an area himself or herself exercise any of the powers mentioned in subsection (1) by statutory instrument or by notice at the office of the district commissioner.

(3) Where any area is closed or reopened by notice at the office of the district commissioner, the notice shall subsequently be published as a statutory instrument.

13. Restricted minerals.

(1) The Minister may by statutory instrument publish a list of restricted minerals and from time to time vary the list by adding any mineral to it or deleting any mineral from it.

(2) On the publication of any such list or amendment to it the following provisions shall have effect—

- (a) no prospecting or mining right shall authorise the mining of, or the prospecting for, any such mineral without a special licence from the commissioner;
- (b) if any such mineral is discovered in the course of prospecting under any prospecting or mining right, the holder of the prospecting or mining right shall immediately notify the commissioner of the discovery;
- (c) if any such mineral is discovered on private mining land, no such

mineral shall be removed from that land without the consent of the commissioner; (d) no person shall export any such material from Uganda unless, in addition to the certificate required by section 71(1), he or she has obtained a licence from the Minister for the export.

14. Notice of intent to prospect or mine on private lands; security for compensation for damage.

Any person intending to prospect or mine on private land shall when practicable give notice of his or her intention to the owner and the occupier of the land before commencing operations on it, and shall, if required by the owner or occupier, give security by depositing with the Government such sum or a banker's guarantee in lieu of that sum as the district commissioner may direct, for the payment of compensation for the disturbance of surface rights and for any damage done to the land, or trees or crops on the land or to livestock by prospecting or mining operations on the land, if required by the owner or occupier, shall desist from prospecting or mining on the land until that security has been given.

15. Payment of compensation to owners or occupiers of private lands.

(1) The holder of prospecting or mining rights under this Act shall, on demand being made by the owner or occupier of private land upon or under which prospecting or mining operations are being or have been carried on by him or her, pay the owner or occupier fair and reasonable compensation for any disturbance of his or her rights which shall include payment for any damage done to the surface of the land or to any crops, trees, buildings or works, or for livestock injured or killed by the negligence either of the holder of the rights or any agent or servant of the holder.

(2) If the holder fails to pay compensation when demanded under subsection (1) or if an owner or occupier is dissatisfied with the compensation offered, the owner or occupier may take proceedings before the district commissioner as provided in Part V of this Act; but an administrative officer of the district or area shall, if the claimant so desires, assess and determine the amount of the compensation; and the decision of the administrative officer shall in such case be final, subject only to an appeal to the Minister.

(3) Notice of appeal against the decision of that officer shall be given

to that officer within fourteen days of the date on which his or her decision is notified to the party desiring to appeal.

(4) The sum awarded by the district commissioner or other administrative officer or, when there has been an appeal, by the Minister or the High Court, as the case may be, shall be paid by the holder to the person entitled to it within fourteen days of the date on which the amount of the award is notified to the holder of the right or licence.

(5) If the sum awarded is not paid within the time specified in subsection (4), the sum may be paid by means of any deposit or banker's guarantee lodged with the Government by the holder for the due observance by him or her of any obligations imposed on him or her by this Act or the regulations made under it, or if no monies or insufficient monies have been deposited or guaranteed may be sued for by the persons entitled to the sum in the proper court having jurisdiction.

(6) The Minister may suspend the prospecting or mining rights of the person in default until the amount awarded has been paid and until the holder has deposited with the Government such further sum as may be demanded as security for any future payments; and if the payment and deposit is not made within such time as the Minister may consider reasonable, the Minister may revoke the prospecting or mining rights of the person in default.

16. Cases when lands of classes IV and V are excluded from operation of sections 14 and 15.

Nothing in sections 14 and 15 shall be construed as applicable to persons who, on the date on which an application for a mining lease was lodged with the district commissioner in the form and manner prescribed, were occupying private land of either class IV or V on the area for which the lease was applied for and whose removal from the area is subsequently applied for and carried out by the district commissioner in the manner prescribed by law.

17. Charges for inquiry by Government officers.

Where an inquiry or examination of any area is by this Act required to be made by any Government officer in connection with any application made under this Act or in settlement of any mining dispute, the person on whose behalf the inquiry or examination is made shall be liable to pay such charges as may be prescribed.

18. Deposits.

(1) As a guarantee for the due performance of the obligations imposed by this Act or any regulations made under it, any person may be required by the commissioner or the issuing officer, either on application or when holding a prospecting, mining or water right, to lodge as deposits such sums or banker's guarantees for like amounts in lieu of the sums as may be prescribed; and on the failure of such person to make those deposits within the time specified by the commissioner or issuing officer, the application may be refused or the prospecting, mining or water right cancelled by the commissioner or the Minister, as the case may be.

(2) Where a person who has made a deposit under subsection (1) is convicted under the Employment Act of a failure to pay wages due to any person employed by him or her for mining or prospecting purposes, the court which convicted that person may make an order for the wages to be paid from any such deposit.

(3) Where a person who has made a deposit under subsection (1) has failed after due notice to meet any obligation imposed upon him or her by this Act or any regulations made under it, the commissioner may take such steps as he or she shall deem practicable to fulfill the obligation and for that purpose may expend from any deposit whatever lodged by that person such sum as he or she shall consider reasonable to defray any expense incurred by him or her in so doing.

(4) Where any deposit or portion of a deposit has been expended in accordance with subsection (2) or (3), the commissioner may by written notice and within a time specified by him or her in the notice require the depositor to lodge a further deposit equal to the sum so expended, and failure to do so within the time specified shall render any prospecting, mining or water right held by the depositor liable to suspension or revocation.

(5) Upon the termination of all interests in any prospecting, mining or water right in respect of which a deposit has been lodged with the commissioner, the original right having been produced to the commissioner and the termination of the interests duly recorded, the person by whom the deposit was lodged may make written application to the commissioner for the refund or release of the deposit or balance of it and upon production of satisfactory evidence by the applicant which shall, if so required by the

commissioner, be supported by an administrative officer of the districts or areas in which the person has been engaged upon prospecting or mining operations with a statement that so far as he or she is aware there is no claim outstanding against the person in respect of his or her obligations under this Act and any regulations made under it, the commissioner may authorise the refund or release to be made; except that—

- (a) in the absence of such satisfactory evidence, the commissioner may withhold the refund or release until such time as he or she may think fit; and
- (b) the refund or release is made without prejudice to any claim or proceedings existing or which may arise through the breach by the holder or by his or her servants of any of the provisions of this Act or any regulations made under it, or of the Employment Act.

(6) Where the interest of a depositor in any prospecting, mining or water right is terminated by transfer, no refund or release shall be made until the transferee has lodged a like deposit or such sum as the commissioner may demand.

(7) Sums deposited under this section may be otherwise dealt with in the manner prescribed.

19. Records to be kept.

(1) The holder of a prospecting or mining right shall keep to the satisfaction of the commissioner on the area of his or her right or at such place in Uganda as the commissioner may approve such full and accurate records and plans of his or her prospecting or mining operations as may be prescribed.

(2) On the termination of the right by expiry, surrender or other cause, those records and plans shall be forwarded without undue delay to the commissioner for his or her inspection.

(3) Those records and plans shall be retained by the commissioner unless the person forwarding them asks for their return in which case the commissioner may take and retain copies of any such records or plans and shall thereafter duly return them to that person.

(4) Any plans and records retained by the commissioner on the

termination of a prospecting or mining right or the copies of any plans or records made by the commissioner under subsection (1) shall become the property of the Government, and the commissioner may make such use of them as he or she shall see fit and shall be entitled if he or she so desires to allow any person to see them and copy them.

20. Discovery of certain minerals of economic value to be notified.

(1) The holder of a prospecting or mining right shall notify the commissioner of the discovery of any mineral of economic value other than that for which his or her right was granted.

(2) On the application of the holder of a prospecting or mining right to prospect or mine for a mineral of economic value in the area of his or her right other than one for which his or her right was granted, the commissioner may in his or her discretion endorse such mineral on that right.

21. Restriction on transfer of or creation of interest in a prospecting, mining or water right.

The holder of a prospecting right, mining right or water right or the holder of any interest therein duly registered under the provisions of Part X of this Act shall not transfer his or her right or interest or any part or share of it or create any interest whatsoever in it without first obtaining the consent in writing of the commissioner, and no evidence of any such transfer or the creation of any such interest shall be admissible in any court unless that prior consent has been obtained.

22. Amalgamation of prospecting and mining rights.

The commissioner may permit the amalgamation of areas held under prospecting or mining rights, subject to any regulations made under this Act, and may revoke any permit so granted if he or she is satisfied that the holder is not effectively carrying out his or her obligations.

23. Obligation of holders of prospecting and mining rights.

(1) The holder of a prospecting or mining right, other than the holder of a prospecting licence, shall, during the continuance of the right, adequately carry on to the satisfaction of the commissioner bona fide prospecting or mining operations on the land included in the area in respect of which his or

her right has been granted.

(2) The commissioner may on the application of the holder made in the prescribed form suspend the obligation imposed by subsection (1) in respect of any right for such time as to the commissioner may seem proper.

(3) The holder of a prospecting or mining right, other than the holder of a prospecting licence, shall, during the currency of the right, keep all excavations, whether made prior to the grant of the right or during the currency of the right, secured to the satisfaction of the district commissioner in such a manner as to prevent persons or livestock inadvertently entering them.

(4) The holder of a prospecting or mining right, other than the holder of a prospecting licence, if not personally residing on the land the subject of the right or in the opinion of the commissioner not residing sufficiently near to give continuous supervision of prospecting or mining operations being conducted on that land, shall at all times have so residing a responsible agent in charge of such operations and shall forthwith notify the commissioner of every appointment of such an agent and of any change in the appointment.

24. Restoration of land.

(1) The commissioner may require any holder of a prospecting or mining right, other than a holder of a prospecting licence, to restore during the currency of that right the surface of the land the subject of the right when the surface has been disturbed by prospecting or mining operations.

(2) The requirements of restoration shall be embodied in an appendix to the right before issue or by attachment to it on renewal.

(3) When any prospecting or mining right is terminated or abandoned for any reason, the person whose right has been terminated or abandoned shall, not later than thirty days from the date of termination or abandonment of the right or such additional period as the commissioner may allow, fill in all shafts, pits, holes and other excavations or otherwise secure them in a permanent manner so as to prevent persons or livestock inadvertently and to their danger entering in them, and shall remove all beacons marking out the boundaries of the area the subject of the right, and shall within that period furnish a certificate to the district commissioner for submission to the commissioner that he or she has complied with the provisions of this section

as to the fencing or filling in of shafts, pits, holes and excavations and the removal of beacons; except that no such person shall be liable for filling in or securing any excavations made on the area the subject of his or her right by other persons prior to the grant of the right if on application for the right he or she has shown the position of those excavations in relation to the boundaries of the area applied for on the plans submitted with his or her application or if he or she submits a plan showing the position of those excavations in relation to the boundaries of the area the subject of the right within one month from the date of grant of the right.

(4) If any person whose prospecting or mining right has been terminated or abandoned neglects to fill in or secure any excavations or to notify the commissioner within the prescribed time, the commissioner shall have the right to cause an inspection to be made and the excavations to be filled in or secured and for so doing shall charge the person such sum as he or she shall consider reasonable, and the charge shall be a lawful deduction from any deposit made by the person with the Government under the provisions of this Act; but such filling in or securing by the commissioner and such payment by that person shall not exempt that person from his or her liability under this Act or any regulations made under it or any other law for his or her failure to fill in or secure the excavations.

(5) Where a prospecting or mining right is renewed in respect of a reduced area only, subsections (3) and (4) shall apply to the area not included in any such renewal.

25. Power of commissioner to cancel prospecting or mining rights.

(1) Where any prospecting or mining right has been granted and subsequently the commissioner is satisfied that the grant has been obtained as a result of any misleading, false or fraudulent representation or in consequence of any incorrect information, whether that information is supplied wilfully or otherwise, the commissioner may call upon the holder of the right to show cause within a specified time why the grant should not be revoked.

(2) Should the holder fail to comply with the order within the time specified or should the cause shown be inadequate in the opinion of the commissioner, the commissioner may thereupon revoke the grant.

26. Penalty for giving false or misleading information.

(1) Any person who in connection with any return, statement or document in respect of which information is or may be required to be given under this Act or any regulations made under it wilfully or recklessly gives false or misleading information or makes a false or misleading statement, whether oral or in writing, is liable, if no other penalty is specifically provided, to a fine not exceeding six thousand shillings or to imprisonment for a period not exceeding three years or to both such fine and imprisonment.

(2) Any person who represents that he or she holds any prospecting or mining right and thereby induces or attempts to induce any person to buy any interest in that prospecting or mining right or to invest capital in any company or syndicate connected with it, before he or she has obtained the grant of that right or when the right has been forfeited, revoked or determined, as the case may be, is liable to forfeit any right to the grant of the prospecting or mining right where it has been applied for, and if he or she is the holder of any other prospecting or mining right to have that right revoked, but nothing in this subsection shall relieve any person from liability to civil action or a criminal prosecution in respect of the representation.

27. Revocation of prospecting, mining or water right.

(1) In the case of the breach by the holder of a prospecting, mining or water right of the provisions of this Act or any regulations made under it or of the terms and conditions of any grant, licence, lease or right made under this Act or of the breach of the provisions of any other written law made in connection with mining or explosives or in connection with the employment of labour or in the case of the conviction of the holder of a prospecting or mining right for an offence involving dishonesty or fraud, the commissioner may call upon the holder of that right to show cause within a time specified why his or her right should not be revoked.

(2) Should the holder fail to comply with the order within the time specified or should the cause shown be inadequate in the opinion of the commissioner—

- (a) he or she may, in the case of a location, prospecting licence or exclusive prospecting licence, revoke the grant of the location, prospecting licence or exclusive prospecting licence;
- (b) he or she shall, in the case of any other mining or prospecting right, report the matter to the Minister, who may revoke the right.

(3) On the revocation of a prospecting, mining or water right, all privileges and rights conferred by the right shall cease; but the revocation of a right shall not in any way affect the liability of any person in respect of a breach of any law, regulation or a term of any lease, licence or right.

(4) Where under subsections (1) and (2) the commissioner is empowered to take steps to obtain the forfeiture of a prospecting, mining or water right, he or she may, if he or she sees fit, instead of taking such steps, allow the holder of the right time to remedy any breach of the law or of the terms of the right; but the allowance of such time by the commissioner shall not in any way affect the liability of any person to be prosecuted or sued in respect of any breach of the law or any term or condition of any right.

PART II—PROSPECTING.

28. When prospecting lawful.

It shall not be lawful for any person to prospect, other than under the provisions of section 93, except in pursuance of and in accordance with the terms and conditions of a prospecting or mining right.

29. Disposal of minerals obtained under a prospecting right.

(1) Minerals obtained in the course of prospecting under a prospecting right shall be the property of the Government and, except for the purpose of sampling and assay, shall not be removed from the land or disposed of by the holder of the right or by any other person except with the consent of the commissioner.

(2) Any person who commits a breach of subsection (1) commits an offence and is liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

(3) The commissioner may authorise the removal of minerals from the land from which they have been obtained to any place approved by him or her for safe custody, subject to such conditions as he or she may impose.

(4) If the holder of a prospecting right desires to retain or dispose of any minerals obtained in the course of prospecting, he or she shall make an

application in writing to the commissioner stating the kind and quantity of minerals in respect of which the application is made and the situation of the land from which the application is made and the situation of the land from which the mineral was obtained; and if the commissioner is satisfied that the applicant has been conducting only such work as is reasonably necessary to enable him or her to test the mineral-bearing qualities of the land, he or she may authorise the applicant to retain or dispose of the minerals in respect of which application is made on payment of the prescribed royalties.

30. Prospecting licence.

(1) The commissioner or other prescribed officer may issue to any person a prospecting licence on application in the prescribed form and upon the payment of the prescribed fee; except that a prospecting licence shall not be granted—

- (a) to any person who is under eighteen years of age;
- (b) to any person who is unable to prove to the satisfaction of the officer issuing the licence that he or she can read and understand this Act to such an extent as to enable him or her to carry out the obligations imposed by or under it; the issuing officer may require the person applying for the licence to be examined by an inspector of mines as to his or her capability of understanding and reading this Act and of carrying out the obligations imposed by or under it; and the issuing officer may act upon any report of such examination in exercising his or her discretion under this paragraph;
- (c) to any person to whom there has previously been issued either in his or her own name or as agent for any individual, syndicate, partnership or company a prospecting licence which has not been surrendered or cancelled and which is in all other respects still valid;
- (d) except with the consent of the Minister, to any person who or whose present employer has been convicted of an offence under this Act or the regulations made under it or under any other written law made in connection with mining, explosives or the employment of labour, or of an offence involving dishonesty or fraud since he or she was last issued with a prospecting licence, or who or whose present employer has previously held any prospecting or mining right under this Act which has been revoked or forfeited by reason of a breach of the terms or conditions of the right.

(2) A prospecting licence may be granted to an individual as agent for a person if that person submits a written undertaking to be responsible for the acts and omissions of that agent, and where the commissioner deems fit the agent shall be the lawfully constituted attorney of that person.

(3) A prospecting licence shall not be granted to a company or partnership as such but may be granted to an individual as agent of the company or partnership. Except where the commissioner sees fit to dispense with this requirement, the application for a prospecting licence shall be made by the individual in person who must either be the lawfully constituted attorney of the company or partnership or produce a request in writing for the grant of a prospecting licence to the individual as agent for the company or partnership signed by a director or responsible manager or partner of the company or partnership. Such request must contain an undertaking of the company or partnership with the Government to be responsible for the acts and omissions of the individual who shall also be responsible for his or her own acts and omissions.

(4) A prospecting licence shall not be transferable and shall be in force for one year from the date of issue.

(5) A prospecting licence shall be produced—

- (a) whenever demanded by the owner or occupier of private land on which the holder of the license is prospecting; or
- (b) whenever demanded by a parish chief or chief of similar rank.

31. Privileges and obligations under a prospecting licence.

Subject to Part IV and section 11 and to any regulations made under this Act and to the provisions of any law as to forestry and as to the control of natural water supplies, the holder of a prospecting licence may in respect of any lands or waters where the property in and the control of minerals are vested in the Government—

- (a) prospect for minerals, except diamonds or any other mineral for which prospecting is forbidden unless the commissioner has authorised the holder by endorsement on his or her licence to prospect for diamonds or the forbidden mineral; except that he or she shall not prospect in a forest reserve or village forest, game reserve or sleeping sickness area unless he or she has first given notice to the officer in charge of any such forest reserve or village

forest, or game reserve, or, in the case of a sleeping sickness area, to the district commissioner, and complies with the conditions imposed by such persons;

- (b) cut, take and use free of fees any tree which has not been planted by the Government, the administration of a district or a private individual or declared by rules made under the Forests Act to be reserved forest produce or which is not situated in an area declared pursuant to the provisions of the Forests Act to be a forest reserve or a village forest; except that the chief conservator of forests shall be empowered to impose restrictions on or to regulate the clearing of trees or bush when such clearing shall appear likely to interfere with a stream flow or to cause erosion;
- (c) sink shafts or wells or dig holes and trenches; but— (i) all such excavations shall be fenced or secured and, on the prospector leaving the neighbourhood, filled in in such a manner as to prevent persons or livestock inadvertently entering the excavations; and (ii) if any holder of a prospecting licence neglects to comply with subparagraph (i) of this paragraph, the commissioner shall have the right to cause such excavations to be filled in or to take other protective measures and shall charge the holder such sum as was reasonably expended in so doing, and the charge shall be a lawful deduction from any deposit lodged by the holder with the Government under the provisions of this Act; the filling in by the commissioner and the payment of the charge by the holder shall not exempt the holder from his or her liability to any penalty under this Act or any regulations made under it for his or her failure to fill in the excavations;
- (d) use so much water as will enable him or her to test the mineral-bearing qualities of the land by washing, sluicing or other means; except that where in the opinion of an administrative officer such use of water interferes with or is likely to interfere with any existing user of water, the holder shall on demand cease such use until he or she has made such arrangements as will satisfy the officer;
- (e) mark out and apply for an exclusive prospecting licence or any other prospecting or mining right.

32. Ancillary privileges under a prospecting licence.

While engaged in bona fide prospecting, the holder of a prospecting licence may—

- (a) on any uncultivated land (free, in the case of public land, and on payment or tender of a reasonable sum to the owner or occupier in the case of uncultivated private land)—
 - (i) erect a temporary camp and such temporary structures as
may be necessary and enter into temporary occupation of the camps and structures; but in the case of private land, if the owner or occupier so requires, the camp and structures shall be erected in such suitable place on the land as he or she may select;
 - (ii) take fuel, other than standing timber, for domestic use;
 - (iii) graze such livestock as may be necessary for his or her subsistence and for carrying on prospecting or mining;
- (b) take for his or her domestic use water from any spring, water hole, lake, river or stream.

33. Exclusive prospecting licences.

(1) The commissioner may grant an exclusive prospecting licence to any person who himself or herself holds a prospecting licence or to any person who employs the holder of a prospecting licence.

(2) Application for an exclusive prospecting licence shall be in the prescribed form, and the applicant shall satisfy the commissioner that he or she has sufficient capital to ensure the proper prospecting of the area in respect of which the application is made and for the payment of any compensation which may be payable to the owners and occupiers of the land in respect of which the licence is required.

(3) An exclusive prospecting licence shall not be granted in respect of any area exceeding eight square miles.

(4) An exclusive prospecting licence shall be granted for a specified mineral only.

(5) The commissioner may in his or her discretion by endorsement on an exclusive prospecting licence extend the licence to include any other mineral.

(6) Subject to such temporary extensions as may be prescribed, an exclusive prospecting licence shall be valid for one year from the date of issue and may be renewed for such period or periods as the commissioner may decide, subject to section 34(2).

(7) The commissioner may grant or withhold the grant of an exclusive prospecting licence as he or she may think proper; except that subject to section 34(2), a person who has previously held a licence shall not within one year after its termination by expiry, abandonment, revocation or otherwise be granted a further licence over the whole or any portion of an area in respect of which he or she has previously held a licence.

(8) The prohibition in subsection (7) shall extend to any person who, in the opinion of the commissioner, was associated with the licensee.

(9) Any area in respect of which an exclusive prospecting licence is granted shall specifically include an area within its boundaries over which other prospecting or mining rights are in existence except where the applicant specifically excludes such area from the area the subject of the application and duly excludes such area on the ground by demarcation by beacons; except that—

- (a) the holder of the licence may not exercise his or her rights under section 34 or fulfill the obligations imposed on him or her under section 23 on an area within the boundaries of the licence over which other prospecting or mining rights are in existence until thirty days have elapsed from the date of the Gazette in which notice is given of the termination of such prospecting or mining rights; and
- (b) in such notice as aforesaid the commissioner has notified that such area is thenceforward included in the area of the licence for the purposes of sections 23 and 34.

34. Rights under an exclusive prospecting licence.

(1) Subject to sections 14 and 15, the holder of an exclusive prospecting licence shall have the sole right of prospecting for minerals on the land within the area of his or her licence and for such purposes may—

- (a) enter upon the land within such area with his or her agents and workers and exercise on the land all or any of the rights conferred upon the holder of a prospecting licence;

- (b) employ in prospecting on such land any number of persons who for the purpose of that prospecting (which shall include the demarcation of areas to be the subject of mining titles) shall not be required to hold prospecting licences; and
- (c) on and over unoccupied land within the area of his or her licence erect and maintain such machinery and plant and construct such ways as may be necessary for or in connection with his or her prospecting operations.

(2) The holder of an exclusive prospecting licence who has fulfilled all the conditions attached to it may, subject to this Act, apply for renewal of the licence, mark out and apply for the grant of mining rights and may mark out and apply for the registration of mining rights, over the whole or any part of the area the subject of the licence, or mark out a reduced area or reduced areas and may apply for renewal of his or her licence over such reduced area or areas only; but—

- (a) no licensee shall hold, by a licence in respect of a reduced area or reduced areas or by renewal of his or her former licence, a licence or licences over any ground where alluvial deposits are being explored for a period of more than three years in all, or where lode deposits are being explored, for a period of more than six years; nevertheless, the commissioner may, on such terms as he or she may think proper, grant a renewal of any licence for an additional year if it is shown to his or her satisfaction that prospecting operations have been stopped or seriously hindered by special circumstances beyond the control of the licensee; and
- (b) in the case of lode exploration the commissioner on any renewal of such licence may direct that the renewal is allowed in respect of a specified portion only of the area the subject of the licence.

35. Surrender of an exclusive prospecting licence.

An exclusive prospecting licence may with the consent of the commissioner and on payment of the prescribed registration fee be surrendered at any time, and that surrender shall be in the prescribed form; but the surrender shall not affect any liability incurred by the licensee before the surrender shall have taken effect and no rent shall be refunded.

36. Grant of special exclusive prospecting licences.

The Minister may grant special exclusive prospecting licences upon such

terms and conditions as he or she may think fit; but unless an applicant satisfies the Minister that there are unusual circumstances which warrant it, a special exclusive prospecting licence shall not be granted in respect of any area which is less than thirty square miles in extent.

37. Application for special exclusive prospecting licences.

The application for a special exclusive prospecting licence shall be in the form prescribed for an exclusive prospecting licence.

38. Applicability of the Act and regulations to an exclusive prospecting licence.

Every special exclusive prospecting licence shall be granted subject to the provisions of this Act and regulations applicable to an exclusive prospecting licence except where those provisions are at variance with any special terms and conditions imposed by the Minister.

PART III—MINING.

39. When mining lawful.

(1) It shall not be lawful for any person to mine other than under the provisions of section 93 except in pursuance of and in accordance with the terms and conditions of a location or mining lease; except that—

- (a) pending the grant of a location or mining lease the commissioner may grant permission to the applicant for a location or mining lease to mine on the area applied for on such conditions and subject to such restrictions as the commissioner may think fit; and
- (b) the relevant provisions of this Act and any regulations made under it shall apply to any areas in respect of which application has been made for such grant and on which permission to mine has been granted.

(2) Such permission may at any time be withdrawn by the commissioner.

40. Locations.

- (1) The commissioner may in his or her discretion, and subject to any

covenants and conditions he or she may impose, grant a location to any person who himself or herself holds a prospecting licence or to any person who employs the holder of a prospecting licence; but in the case of the holder of an exclusive prospecting licence, the location applied for shall lie wholly within the boundaries of the licence.

(2) Locations shall be of such shape and area as may be prescribed.

(3) Locations shall be marked out with beacons in the manner prescribed.

41. Locations may be lode, alluvial or river.

(1) Locations may be lode, alluvial or river.

(2) No holder of an alluvial or river location shall carry on lode mining in the area of his or her alluvial or river location except with the written consent of the commissioner which he or she may withhold without assigning a reason.

(3) No holder of a lode location may carry on alluvial mining except with the written consent of the commissioner which he or she may withhold without assigning a reason.

42. Duration of a location.

The rights under a location shall subsist for one year from the date of the making of the grant and may be renewed subject to sections 14 and 15 for further terms of one year on payment of the prescribed rent.

43. Rights under a location.

(1) Subject to sections 14 and 15, the registered holder of a location shall have the right in respect of the area included within his or her location—

- (a) to enter on the land and the exclusive right to prospect or mine on the land and subject to the payment of the prescribed royalty to remove from the land, and in accordance with Part VI of this Act dispose of, the mineral or minerals in respect of which the location has been registered;
- (b) to make all necessary excavations on the land;

- (c) to stack or dump any of the products of mining on the land;
- (d) to cut, take and use any tree on the land, other than those on private lands or those subject to any timber licence issued by the forest department, when necessary in the course of mining operations or when required for mining or domestic purposes; but he or she shall be liable for any fees and royalties which may be payable under any forest legislation in force and subject to any regulations or restrictions in respect of any part of such lands imposed by the chief conservator of forests for the protection of watersheds and prevention of erosion;
- (e) to apply for a water permit or right;
- (f) to exercise on the land the rights set out in section 32;
- (g) to employ in prospecting on such land any number of persons who for the purpose of that prospecting shall not be required to hold prospecting licences.

(2) The registered holder of a location shall pay rent (hereafter called “surface rent”) at such rate per year as shall be determined by the commissioner for all land occupied or used by him or her for any of the purposes mentioned in subsection (1), or otherwise for or in connection with his or her mining operations.

- (3) Surface rent shall be paid—
 - (a) in the case of private land in classes I, II and III, to the person in lawful occupation of the land;
 - (b) in the case of private land in classes IV and V, and all public land not included in paragraph (a) of this subsection, to the Uganda Land Commission or the appropriate district land board.

(4) The commissioner shall fix the rate of the surface rent payable under this section and shall cause the holder to be notified of the rate so fixed before or as soon as conveniently may be after the granting of the location; but—

- (a) the rate of surface rent shall be subject to revision by the commissioner at intervals of seven years;
- (b) in fixing the surface rent payable, the commissioner shall not take into consideration the damage which may be done to the surface of the land by the mining or other operations of the holder, for which compensation is payable under section 15(1).

- (5) If any question arises as to the extent of the land occupied or used

by the holder of a location, or as to the date on which he or she commenced or ceased to occupy or use any land, or as to the proportion of the surface rents payable to the persons entitled to receive any portion of those rents, the decision of the commissioner shall be final and binding on all persons, subject only to an appeal to the Minister.

(6) All expenses incurred by the Government in surveying, measuring or otherwise ascertaining the extent of the land in respect of which surface rent is payable under this section shall be paid by the holder of the location.

44. Abandonment of a location.

Any holder may abandon his or her location and shall forthwith notify the commissioner of that abandonment in writing.

45. Mining leases.

The Minister may in his or her discretion and subject to any covenants or conditions he or she may impose grant a mining lease to the holder of a prospecting licence or of an exclusive prospecting licence provided that in the latter case the area of the lease applied for shall be wholly within the boundaries of that licence, or to the holder of a location in respect of the whole or any part of the area of his or her location.

46. Application for a mining lease.

Application for a mining lease shall be made in the prescribed form and manner and shall be subject to the prescribed conditions as to marking out and survey of the land applied for and shall be accompanied by payment of one year's rent in advance at the rate prescribed.

47. Applicant to show sufficient capital.

(1) The Minister may require an applicant for a mining lease to show to his or her satisfaction that he or she possesses or commands sufficient working capital to ensure the development and carrying on of mining operations on the area applied for and may require any reports on the area made by prospectors or engineers to be submitted for his or her information.

(2) If the applicant fails to satisfy the Minister as aforesaid, the Minister may refuse the application, but the applicant may make a new

application at any time.

48. Lease granted for specified mineral.

A mining lease shall be granted for a specified mineral only; except that when the lessee discovers other minerals on the area leased, the commissioner may in his or her discretion include such other minerals in the lease.

49. Duration of lease.

(1) A mining lease may be granted for such term, not being less than five or more than twenty-one years, as the Minister may think fit; but when permission to mine on the area is granted under section 39 pending the grant of the lease, the term shall commence from the date of that permission being given.

(2) If at the expiration of the term originally granted by a mining lease or of any renewal of the lease the lessee is carrying on work in a normal and businesslike manner, and the lease is not at that time liable to be forfeited under any of the provisions of this Act, and the lessee has given to the commissioner six months' notice of his or her intention to renew his or her lease, then the lessee shall be entitled on payment of the prescribed fee to obtain a renewal of the lease for a further term not exceeding twenty-one years upon the conditions which are then generally applicable to new mining.

50. Rights under a mining lease.

Subject to sections 14, 15 and 16 a mining lease shall confer upon the lessee the right to enter upon the land the subject of the lease and, subject to this Act and any regulations made under it, the exclusive right to mine on that land and the right to remove and dispose of the minerals specified in the lease.

51. Surface rights of lessee.

(1) Insofar as it may be necessary for or in connection with his or her mining operations, and subject to this Act and any regulations made under it, a mining lessee shall have, on the land included in his or her lease, the following rights—

- (a) the rights set out in section 43;

- (b) the right to erect, construct and maintain houses and buildings for his or her use and for the use of his or her agents and servants;
- (c) the right to erect, construct and maintain such engines, machinery, buildings and workshops and other erections as may be necessary or convenient;
- (d) the right to lay water pipes and to make watercourses and ponds, dams and reservoirs, and to divert from a natural watercourse any water on or flowing entirely through the land; but any water diverted not containing any noxious or poisonous matter shall be returned to its natural channel before leaving that land and any rights existing at the time of the grant of the lease to use any source of natural water supply shall not be disturbed;
- (e) the right to construct and maintain all such tramways, roads, communications and conveniences as may be necessary.

(2) A mining lessee shall pay rent for the surface rights enjoyed by him or her under subsection (1), and section 43(2), (3), (4), (5) and (6) shall apply to that rent.

(3) The district commissioner shall at the request of the holder of a lease, in accordance with the provisions of any land legislation for the time being in force and any regulations made under this Act, cause to be ejected, without payment of compensation, any person who entered and occupied any portion of the land the subject of the lease after the lease was applied for, such portion not being private land of classes I, II and III.

52. Lessee not to enter into certain agreements.

The lessee shall not enter into any agreement with any person outside Uganda for the joint control of the price, output or sale of the minerals mined, except with the consent in writing of the Minister.

53. Penalty on nonpayment of rent.

The rent payable under a lease under this Act shall be payable yearly in advance; and if the rent is not paid within one month of becoming due, an amount of 25 percent of the amount due shall be added to the rent and shall be due and payable as if it were part of the rent.

54. Surrender of lease.

A mining lease may with the consent of the Minister and on payment of the prescribed fee be surrendered at any time after six months' notice in writing has been given to the commissioner of the intention to surrender, and the surrender shall be in the form prescribed; but the surrender shall not affect any liability incurred by the lessee before the surrender shall have taken effect.

55. Special lease.

(1) The Minister may direct the grant of a special lease of any land, other than private mining land, if he or she is satisfied that by reason of the difficulties and cost attending the mining in, on or under that land or for any other cause it is necessary that such a lease be granted.

(2) The form of and area to be comprised in any such special lease, the surface and subterranean limits of the lease, the rent and royalty to be paid and the labour and other conditions, reservations and exceptions to be contained in the lease, shall be such as the Minister may approve.

(3) In all other respects such special lease shall be subject to this Act and any regulations made under this Act.

PART IV—USE OF WATER.

56. Interference with water without consent forbidden.

Except as provided in section 31(d), no water of any spring, stream, river, watercourse or natural water supply controlled by the Government shall be dammed, diverted or in any way interfered with, without the consent of the Minister.

57. Pollution of water supply.

Any person who, in the course of prospecting or mining operations or work connected with those operations, permits any poisonous or noxious matter to be discharged into any natural water supply commits an offence and is liable on conviction to a fine not exceeding ten thousand shillings and in addition to a fine not exceeding one thousand shillings for each day during which the offence may have continued.

58. Water permits.

(1) The commissioner may, on application being made in the prescribed form, subject to the consent of the commissioner of lands and surveys, grant to the holder of a mining right or to the applicant for a lease to whom permission to mine has been given under section 39, in respect of any water supply over which the Government may have control, a temporary permit, which shall be known as a “water permit”—

- (a) to utilise for prospecting and mining operations any water existing within the boundaries of his or her mining right;
- (b) to utilise at the site to which material is conveyed for washing any natural source of water supply existing at that site;
- (c) to obtain and convey to the area of his or her mining right from any natural water supply over which the Government may have control such specified volume of water as the holder or applicant may require for mining purposes;
- (d) to occupy such land as may be required for a dam, reservoir or pumping station and for the conveyance of such water to the area by means of pipes, ducts, flumes, furrows or otherwise, and for such conveyance to have a right of passageway;
- (e) to construct any works necessary for the collection, storage or conveyance of such water,

but the grantee of a water permit shall compensate any person whose rights he or she may disturb or to whom he or she may cause damage in the exercise of the permit, and the compensation shall be assessed and may be recovered in the manner set out in section 15.

(2) Where a water permit has been granted to any person as aforesaid, the commissioner may, notwithstanding the grant, if he or she is satisfied that such person does not require the whole of the water supply in respect of which the permit has been granted, grant to any other holder of a mining right, or applicant to whom permission to mine has been given under section 39, a water permit to take from the supply a specified quantity of the water supply subject to such conditions as may be just and for that purpose to construct and maintain any pump, line of pipes, duct, flume or watercourse as may be necessary to convey such water to the area of his or her right or to the area on which he or she has permission to mine; and thereupon the water permit granted to the first-named person shall be deemed to be varied accordingly.

(3) Subject to subsections (1) and (2), a water permit shall be granted for such period and on such terms as the commissioner may think fit or as may be prescribed and shall, in any event, cease to have effect when the mining right in connection with which the permit is granted terminates.

59. Water rights.

(1) If it appears necessary for the proper working of a mining right or an area where the commissioner has given permission to mine under section 39, the commissioner may, on application being made in the prescribed form, subject to the consent of the commissioner of lands and surveys, and on such terms as he or she may think fit, grant to the holder or applicant for any such area a right, to be known as a “water right”.

(2) A water right may authorise the holder to carry out any of the objects mentioned in section 58(1)(a) to (e); but—

- (a) the holder of a water right shall compensate any person whose rights he or she may have disturbed or to whom he or she may have caused damage in the exercise of the right, and that compensation shall be assessed and may be recovered in the manner set out in section 15. The commissioner may require an applicant for a water right to lodge with him or her a deposit for such sum as he or she may think fit for the payment of the compensation; and
- (b) no such right shall be granted until after the expiration of one month from the date on which the commissioner has published a notice of the application for the right in the Gazette and has caused a like notice to be posted in a conspicuous place at the office of the district commissioner.

60. Objections to grant of a water right.

(1) Any objection to the granting of a water right shall be made in writing to the district commissioner within twenty-one days of the date of the publication of the notice of the application in the Gazette.

(2) The objections, if any, shall be heard on a day appointed, of which the applicant and objector shall have due notice, by the district commissioner who shall, after the hearing, submit his or her recommendations to the commissioner, who may thereupon grant the right

applied for or issue the right subject to such conditions as he or she may think fit.

61. Surrender of water right.

A water right may be surrendered at any time after one month's notice in writing has been given to the commissioner of the intention to surrender, if the sanction of the commissioner is endorsed in writing in the prescribed form of surrender and on payment of the prescribed registration fee, but not otherwise; but the surrender shall not affect any liability incurred by the holder before the surrender shall have taken effect.

62. Application of section 58 to water rights.

The commissioner may exercise the same powers in respect of a water right as are provided in respect of a water permit under section 58(2).

PART V—DISPUTES.

63. Powers of an administrative officer to hear and decide disputes.

(1) Any administrative officer may inquire into and decide any dispute between persons engaged in prospecting or mining operations, either among themselves or in relation to themselves and third parties, concerning any of the matters mentioned in subsection (2), and shall have power to make any order which may be necessary for the purpose of giving effect to his or her decision and to order the payment by any party to the dispute of such compensation to any other party as may be reasonable.

(2) The matters that the administrative officer may inquire into under subsection (1) are as follows—

- (a) disputed boundaries;
- (b) any wrongful act committed, or any act wrongfully omitted, or alleged to have been committed or wrongfully omitted, in the course of prospecting or mining operations, by any person against any other person;
- (c) acts, omissions or matters in the course of, connected with or auxiliary to prospecting or mining operations;
- (d) assessment and payment of compensation where provided for under this Act.

64. Procedure.

(1) The mode of proceeding in a complaint before the administrative officer shall be as follows—

- (a) the person complaining shall lodge a memorandum in duplicate at the office of the district commissioner;
- (b) the memorandum shall be in the prescribed form or in a form to the like effect and shall specify shortly the subject matter of the complaint and the relief claimed;
- (c) upon receipt of the memorandum the district commissioner or an administrative officer on his or her behalf shall give notice in the prescribed form, by post or otherwise, to the party sued of the nature of the complaint and the time and place at which the complaint will be heard and determined, and may if he or she thinks fit call upon him or her to submit his or her defence to the complaint in writing;
- (d) at the time and place appointed the parties shall attend and state their respective cases before the district commissioner or administrative officer and may call evidence on oath in support of their respective cases, and the district commissioner or administrative officer, having heard the statement and evidence, shall give his or her decision;
- (e) the district commissioner or administrative officer may adjourn the hearing to any other time or place and may, either at the original hearing or at any adjournment, proceed in the absence of either party;
- (f) the district commissioner or administrative officer may at any time during the hearing seize or cause to be seized any minerals, and may detain them pending his or her decision;
- (g) the law for the time being regulating proceedings before and the powers of a court established under the Magistrates Courts Act in the exercise of its civil jurisdiction shall, so far as practicable, and subject to any modifications, additions or alterations which may be prescribed, apply to proceedings before such officer and to the enforcement of his or her decisions in like manner as if the decisions were the decisions of such a court.

(2) Notwithstanding subsection (1)(g), nothing shall prevent the commissioner, an administrative officer, an inspector of mines or an officer of the geological survey and mines department, where practicable, settling

forthwith and without regard to the provisions of this Part of this Act, at the written request of both parties, any dispute between the parties; and the request shall be deemed an undertaking that the decision of such officer will be accepted as final.

65. Records to be kept.

(1) Except as provided in section 64(1)(g), every officer hearing a dispute under this Part of this Act shall keep a record of all cases heard and complaints decided by him or her and shall take notes in writing of all evidence given before him or her and shall forward to the commissioner a statement giving the subject matter of the dispute and his or her decision on the dispute.

(2) Any person interested in any proceedings under section 64 shall be entitled to obtain a copy of the record of the proceedings upon payment of the prescribed fee.

66. Enforcement of decrees and decisions.

(1) The district commissioner or administrative officer may send a copy, certified under his or her hand and seal, of any decree or order made by him or her to any court established under the Magistrates Courts Act within the local limits of whose jurisdiction the subject matter of the decree is situated, and the court shall enforce the decree of such officer in the same manner in which it would enforce its own decree or order.

(2) The same fees only shall be payable in the court upon the enforcement of such decree or order as would be payable upon the enforcement of a like decree or order made by the court.

67. Appeals; jurisdiction of ordinary courts not excluded.

(1) Any person aggrieved by any decree, order or decision made or given under the powers vested in the district commissioner or other administrative officer under this Part of this Act may appeal to the High Court.

(2) No appeal to the High Court shall be admitted after the expiration of thirty days from the date of the decree, order or decision appealed against except by leave of the High Court.

(3) Nothing in this Part of this Act shall be deemed to prevent any person from instituting in any of the courts of Uganda any proceedings he or she may think fit to institute as provided by law.

PART VI—POSSESSION, PURCHASE AND SALE OF MINERALS.

68. Possession and sale of minerals.

(1) No person shall possess any minerals, or shall sell, either as principal or agent, any minerals unless—

- (a) he or she is a licensed mineral dealer;
- (b) he or she is a banker;
- (c) the minerals have been won by him or her or his or her servants acting on his or her behalf from ground registered in his or her name under a mining title or on which he or she has permission to mine under section 39, or on which he or she is lawfully entitled to prospect and in respect of which he or she has complied with section 29;
- (d) he or she is the owner of private mining lands or he or she holds from an owner of private mining land the right to prospect or mine on that land, and the minerals have been won from that land and the provisions of Part IX of this Act in regard to such minerals and the prospecting and mining for them have been complied with.

(2) Notwithstanding subsection (1), subject to the prescribed declaration being made before a customs officer and the prescribed certificate to import into Uganda being obtained, it shall be lawful—

- (a) for a banker or a dealer licensed to deal in unwrought precious metal to import unwrought precious metal into Uganda;
- (b) for any person to import into Uganda such quantity of unwrought gold of a fineness greater than nine hundred and forty per thousand in weight as may be specified in the customs declaration, and to possess, sell, deal in or dispose of that gold to a banker or dealer licensed to deal in unwrought precious metal;
- (c) for any goldsmith duly licensed in accordance with this Act to buy from a banker or dealer licensed to deal in unwrought precious metal such quantity of unwrought precious metal as may be necessary for the conduct of his or her business;
- (d) for the commissioner to give written permission to any person to

purchase small and specified quantities of unwrought precious metal from persons legally entitled under this section to possess that metal, and the permit shall be deemed to authorise that person to buy, possess, melt and use that metal.

(3) Except as provided in subsection (2)(b), (c), or (d), no person shall sell either as principal or agent any minerals to any other person in Uganda other than a dealer licensed to deal in those minerals or a banker of Uganda.

(4) No person shall pay any debt or wages by means of unwrought precious metal or precious stones.

(5) If any mineral is found in the possession, power or control of any person, that person commits an offence against this Act unless he or she proves that he or she obtained it lawfully; except that the Minister may by statutory instrument exclude any mineral from the provisions of this section.

(6) Any unwrought precious metal found without an apparent owner may be seized by the commissioner, an administrative officer, an inspector of mines or police officer and shall as soon as possible be taken before a magistrate who, if satisfied that the owner cannot be found, shall declare it to be forfeited to the Government.

69. Purchase of minerals.

Subject to section 68(2)(b), (c) and (d), no person shall import, buy or receive by way of barter or pledge or otherwise deal in any minerals unless he or she is the holder of a licence to deal in those minerals or is a banker.

70. Who may melt precious metals.

No person shall melt any precious metal, whether wrought or unwrought, unless he or she is a person who is entitled to possess or sell minerals under section 68.

71. Restrictions on import and export of minerals.

(1) No person shall export any minerals from Uganda unless he or she holds a certificate granted by the commissioner that all prescribed royalties on the minerals have been paid or secured to the satisfaction of the

commissioner or that no royalties are payable.

(2) No person shall import any unwrought precious metal or precious stones into Uganda, other than jewellery, unless he or she makes a declaration before a customs officer and obtains a certificate of importation.

(3) Before any such unwrought precious metal or precious stones are reexported from Uganda, the certificate shall be surrendered to a customs officer who shall send it to the commissioner.

(4) A certificate of importation under subsection (2) shall be issued only on payment of the prescribed fee.

72. Licence to deal in minerals.

(1) The commissioner may in his or her discretion issue to any person a mineral dealers licence on payment of the prescribed fee.

(2) Every mineral dealers licence shall expire on the 31st December in the year in which the licence is granted.

(3) The commissioner, in his or her discretion and without assigning a reason, may refuse to issue or renew a mineral dealers licence or may revoke the licence; on the revocation of the licence the commissioner shall refund such part of the prescribed fee as he or she thinks just.

73. Obligations of holders of mineral dealers licence and banker.

(1) Every holder of a mineral dealers licence and every banker shall be liable for the due payment to the commissioner of all royalties due on any minerals bought, received or exported by him or her, and if so required by the commissioner shall give security for the due payment of all such royalties.

(2) Subject to agreement to the contrary, the holder of a mineral dealers licence and every banker who pays any royalty on minerals may recover or retain the amount from the person on whose behalf he or she sold or from whom he or she received the mineral.

(3) Every holder of a mineral dealers licence and every banker shall keep a register in English showing all purchases and sales of minerals made by him or her and the nature and weight of the minerals, the price paid or

received, and the date of each purchase or sale and the name and address of the vendor and his or her title to be in possession of the minerals and the name and address of the purchaser or consignee to whom the minerals are sold or consigned and shall cause every transaction to be entered within twenty-four hours of being made and shall produce and exhibit the register to the commissioner, any police officer or any inspector of mines whenever so required.

(4) Every holder of a mineral dealer's licence and every banker shall deliver to the commissioner in the months of January, April, July and October a copy of the record provided for in subsection (3) for the preceding three months together with a declaration that the record is correct.

74. Business of a goldsmith not to be carried on without a licence.

(1) No person shall carry on the business of a goldsmith unless he or she shall have first obtained a licence as provided for by section 75.

(2) No person shall manufacture any article from any precious metal or from any substance containing precious metal unless he or she is a licensed goldsmith and the article is manufactured on the premises specified in his or her licence.

75. Goldsmiths licence.

(1) A district commissioner may issue a goldsmiths licence

(2) A goldsmiths licence shall be granted free of charge and shall continue in force until the 31st December of the year of issue.

(3) A district commissioner may refuse to issue a goldsmiths licence without giving a reason for refusal, but the refusal shall be subject to appeal to the commissioner.

(4) A district commissioner may in his or her discretion, and notwithstanding section 74, authorise any retail shopkeeper to sell articles partly or wholly manufactured of gold without being licensed as a goldsmith if the shopkeeper satisfies him or her that the selling of the articles does not constitute the sole or principal portion of his or her business.

76. Obligations of a licensed goldsmith.

Every licensed goldsmith shall keep a register showing all purchases and sales of articles of commerce containing precious metal, and of purchases of unwrought precious metal, made by him or her and the nature and weight of the articles or metal, the price paid or received and the date of each purchase or sale and the name and address of the vendor and the name and address of the purchaser and shall cause every transaction to be entered within twenty-four hours of being made and shall produce and exhibit the register to any police officer whenever so required.

77. Offences by licensed dealers and goldsmiths.

No licensed dealer or goldsmith shall—

- (a) deal in minerals in a manner which is not specifically authorised by the terms of his or her licence;
- (b) store any mineral except on premises specified in his or her licence; or
- (c) buy, sell, deal in, receive, either as principal or agent, any mineral between sunset and sunrise, or on a Sunday or public holiday, or at any place other than the premises specified on his or her licence.

78. Power of court on conviction of a licensed dealer or goldsmith.

(1) On the conviction of any licensed dealer or goldsmith for an offence under this Act or any regulations made under it, the court may, in addition to any other punishment it may award, cancel the licence of the dealer or goldsmith.

(2) In any proceedings under this Act or any regulations made under it, the burden of proving that the person is a licensed dealer or goldsmith shall lie upon that person.

79. Maliciously placing mineral on premises with intent.

No person shall maliciously place any mineral in the possession of or on the premises of any other person with intent that the other person shall be convicted under any provision of this Act.

PART VII—INSPECTIONS AND ACCIDENTS.

80. General inspections.

The commissioner, an administrative officer, an inspector of mines, an inspector of machinery or any other officer duly authorised by the commissioner or by any law for the time being in force, at all reasonable times by day or night but so as not unreasonably to impede or obstruct the work in progress, insofar as it is necessary for the purpose of his or her inspection, may—

- (a) enter, inspect and examine any land, including private mining land, on which prospecting or mining operations are being conducted or which is the subject of any prospecting or mining right;
- (b) examine into and make inquiry respecting the condition and ventilation of any mine and any building connected with prospecting or mining activity and all matters relating to the safety, welfare and health of the persons employed;
- (c) inspect and examine the state of the external parts of the machinery used upon or in the mine and the state of all plant, works and ways;
- (d) examine and take extracts from all books, accounts, vouchers and documents relating to prospecting or mining operations or to any minerals obtained by such operations and examine and take samples of any material being mined;
- (e) inspect the storage of explosives upon any mine and direct in what manner the explosives shall be stored;
- (f) exercise all powers necessary for carrying this Part of this Act into effect.

81. Obligation to remedy any dangerous practice and procedure to be followed.

(1) If in any respect an officer specified in section 80 finds any mine or any matter, thing or practice in or connected with prospecting or mining operations to be dangerous or defective so as in his or her opinion to threaten or tend to the bodily injury or to be detrimental to the welfare or health of any person, or to the injury of livestock, he or she shall give notice in writing of the mine, matter, thing or practice to the holder or his or her agent in charge of the operations or mine and shall state in the notice the particulars in which he or she considers the mine, matter, thing or practice to be

dangerous or defective and shall require the particulars to be remedied, either forthwith or within such time as he or she may specify; and where the officer is an inspector of mines or an inspector of machinery, he or she may order work to be suspended until the danger is removed to his or her satisfaction.

(2) On receipt of the notice the holder or his or her agent shall comply with it, or, if he or she objects to it, he or she shall immediately state his or her objection in writing to the commissioner.

(3) Where such notice is given by an inspector of mines or an inspector of machinery and the holder or his or her agent objects to it, he or she shall cease to use the mine, or part of it, machine, plant, matter, thing or practice as to which the notice has been given, and shall withdraw all persons from the danger indicated by the officer until such time as the matter has been determined by the commissioner, and in case of default commits an offence against this Act; except that if, in the opinion of the officer, there is no immediate danger, the officer may allow work to proceed during the time the matter is being determined, under such restrictions and upon such conditions to ensure safety as he or she shall consider necessary and shall specify in writing.

82. Inspections in connection with welfare and health and procedure to be followed.

(1) Any medical officer, administrative officer or authorised labour officer may make inspections and examine into and make inquiry respecting the welfare and health of the persons employed in connection with prospecting or mining operations and may exercise any of the powers prescribed under this or any other Act.

(2) If in any respect the officer finds any matter, thing or practice in or connected with prospecting or mining operations to be detrimental to the welfare or health of any person, he or she shall give notice to the holder or to the agent in charge of the operations and shall state in the notice the things which he or she considers defective and shall require them to be remedied within such time as he or she may specify.

83. Procedure on objection to remedy the matter complained of.

(1) If a holder or his or her agent objects to remedy the matter complained of in any notice under section 82, he or she shall, immediately

after the receipt of the notice, state his or her objection in writing to the commissioner, and thereupon the matter shall be submitted to and determined by the commissioner or by such other person as the commissioner may appoint for that purpose.

(2) Nothing in this section or in section 82 shall be deemed to be in substitution for any of the provisions of any other written law relating to public health or the employment of labour.

84. Penalty on failure to comply with notice.

If a holder or agent fails to comply with the provisions of any notice given under sections 81 and 82, or with the decision of the commissioner when an objection has been determined, he or she commits an offence.

85. Agreement not to preclude or exempt.

No person shall be precluded or exempted by any agreement from doing such acts as may be necessary to comply with sections 81, 82 and 83, or be liable under any contract to any damages, penalty or forfeiture for doing those acts.

86. Procedure in case of accident.

(1) Whenever an accident occurs during the course of prospecting or mining operations causing or resulting in loss of life or injury to any person involving incapacity to work for five days or more, or likely to cause such incapacity, the person in charge of the operations shall without delay make a report in writing of the accident and all the circumstances relating to it to an administrative officer and to an inspector of mines.

(2) If any accident of the nature referred to in subsection (1) occurs, an administrative officer or magistrate shall hold an inquiry into the cause of the accident and shall record a finding.

(3) The person holding an inquiry under subsection (2) shall, for the purpose of the inquiry, have all the powers of a court established under the Magistrates Courts Act to summon witnesses, to call for the production of books and documents and to examine witnesses and the parties concerned on oath.

(4) Any person summoned to attend or to produce books or

documents as provided in section (3), and refusing or neglecting to do so, or refusing to answer any question put to him or her by or with the concurrence of the officer holding the inquiry commits an offence; except that no person shall be bound to incriminate himself or herself, and every witness shall, in respect of any evidence given by him or her at such inquiry, be entitled to the same privileges and costs to which he or she would have been entitled if giving evidence before a magistrate's court.

PART VIII—PASSAGEWAYS AND ROADS.

87. Creation of passageway.

No person in the exercise of prospecting or mining rights under this Act shall create a passageway over, on or under—

- (a) any public land, other than that contained in his or her mining right, without the consent first obtained of the commissioner of lands and surveys; except that no such consent shall be required in the case of a footpath of a temporary nature;
- (b) any part of the area of a mining right or an area over which permission to mine has been granted under section 39, without first obtaining the consent in writing of the holder of the mining right or the applicant who has such permission to mine;
- (c) any private land not being the subject of any prospecting or mining rights, without giving notice to the occupier and lodging a deposit, if required, as provided for in section 14 for payment of compensation as required in section 15.

88. Consent required to interfere with passageways and works.

(1) No holder of an exclusive prospecting licence or mining right and no applicant having permission to mine on the area covered by such application shall at any time, in the exercise of the rights granted under this Act, interfere with or perform any act which may tend to interfere with the exercise of any right of passageway on the area of the prospecting licence or mining right or on the area the subject of an application and over which he or she has permission to mine, nor shall he or she perform any act which may damage or tend to damage any passageway without first obtaining the consent in writing of the holder of the right of passageway.

(2) Notwithstanding subsection (1), in the case of customary public rights of passageway or where the holder of the right of passageway cannot

be found by the person requiring his or her consent, the consent of the district commissioner shall be deemed sufficient consent.

(3) Nothing in this section shall prevent the holder of an exclusive prospecting licence or mining right or an applicant having permission to mine under the provisions of section 39 from diverting any public path within the area of his or her licence or right or covered by the application for a lease, if the diversion is made entirely within the area held by him or her and is aligned and maintained to the satisfaction of the district commissioner, and on the conclusion of the mining or prospecting operations affecting the public path, if so required by the district commissioner, the public path is remade as and where it was before the interference.

89. Holder of prospecting or mining rights may construct road of access.

Notwithstanding anything contained in the Access to Roads Act, the holder of an exclusive prospecting licence or a mining right or a person having permission to mine on an area the subject of an application may, subject to section 87, construct a road to give access to a public road from the area of the licence or mining right or the area over which he or she has applied and on which he or she has permission to mine.

90. Use of mining road.

No person having constructed a road of access under section 89 shall hinder or prevent any other person from having access to or using that road; but—

- (a) where any person uses the road in such a manner as, in the opinion of the person who constructed the road, to do appreciable damage to it or to enhance substantially the cost of upkeep, the person who constructed the road may call upon that user to contribute to the cost of upkeep;
- (b) where any person uses the road in such a manner as to interfere materially with the free use and enjoyment of the road by the person who constructed the road, the person who constructed the road may call upon that user to limit his or her use of the road so as to cause a cessation of the interference;
- (c) where a road is constructed and maintained under section 51(1)(e), this section shall not apply, and the road shall not be deemed to be a road of access.

91. Disputes.

Where any dispute arises in connection with any of the following matters—

- (a) consent required under section 87(b) to create a passageway withheld;
- (b) consent required under section 88 to interfere with a passageway withheld;
- (c) consent required under section 89 to construct a road of access withheld;
- (d) damage to or interference with use of road of access under section 90,

either party may lodge a complaint as provided for in section 64 with the district commissioner, and the matter shall be dealt with as provided in Part V of this Act; but where the consent required to be obtained from the district commissioner under section 88(2) is in the opinion of the applicant for the consent unreasonably withheld or given subject to unreasonable conditions, the applicant may lodge a complaint with the Minister whose decision shall be final.

92. Duration of right to passageways.

Any right to any passageway acquired by the holder of an exclusive prospecting licence or a mining right under the provisions of this Part of this Act shall expire when the licence or mining right is abandoned, surrendered, revoked or determined, as the case may be, and thereupon the holder shall comply with the provisions of section 24 so far as is applicable.

PART IX—PROSPECTING AND MINING ON PRIVATE MINING LANDS.

93. Right of owner of private mining land.

(1) No person shall prospect or mine on any private mining land unless he or she is the sole registered proprietor of the land or is a person having an agreement in writing with the sole registered proprietor to prospect or mine on his or her land.

(2) No person having an agreement as provided for in subsection (1) may commence operations until the agreement has been produced to the commissioner.

94. Reporting discovery of minerals on private mining land.

The discovery of any minerals on private mining land shall be reported by the person making the discovery to the commissioner within thirty days of the discovery.

95. Notification when mining proceeds on private mining land.

Mining shall not be commenced upon private mining land until the commissioner has been notified.

96. Prerequisites to removal of minerals from private mining land.

No minerals shall be removed from private mining land until any royalty due to the Government has been paid or secured to the satisfaction of the commissioner and a permit to remove the minerals has been obtained from the commissioner.

97. Legislation relating to inspections, accidents, etc. to apply to operations on private mining land.

The provisions of Part VII of this Act and all laws relating to the safety and welfare of persons and the service of notices in connection with prospecting and mining operations shall apply to private mining land and all prospecting and mining operations on that land.

PART X—REGISTRATION.

98. Exclusive prospecting licences, mining and water rights to be registered.

All exclusive prospecting licences, mining rights and water rights shall be registered in the office of the commissioner in the manner prescribed.

99. Transfers or creations of interest in licences, mining and water rights to be registered.

(1) When any exclusive prospecting licence, mining right or water right is transferred to, vests in or devolves upon any person, that person shall within thirty days thereafter or, where approval is required, within thirty days of the date of approval, apply to register in the prescribed manner in the

office of the commissioner that transfer, vesting or devolution.

(2) Where any interest in an exclusive prospecting licence, mining right or water right, with the written consent of the Minister or commissioner, as the case may be, has been created, renewed or determined, the person in whose favour the interest has been created, renewed or determined shall apply to register the instrument creating, renewing or determining the interest within thirty days of the date of execution of the instrument in the office of the commissioner in the manner prescribed.

100. Failure to register.

Any person failing to apply for the registration of any transfer, dealing or transaction referred to in section 99 within the prescribed period shall be liable to forfeit all rights in respect of the transfer, dealing or transaction and, if he or she prospects, works or mines on the area of the exclusive prospecting licence or mining right in respect of which registration of the transfer, dealing or transaction should have been applied for, he or she commits an offence.

101. Registration not to cure defect.

Registration shall not cure any defect in any document registered or confer upon it any effect or validity which it would not otherwise have had.

102. Searches of registers.

Subject to the payment of the prescribed fees, the registers of prospecting, mining and water rights and of all transfers and interests therein may be searched and examined during the usual office hours, and certified copies of any entries or documents may be obtained, if required; and such certified copies shall in all legal proceedings be admissible in evidence without proof of the handwriting or official position of the person purporting to sign the certified copies.

103. Lost or destroyed certificates.

If any original instrument creating or evidencing any right under this Act is lost or destroyed or so obliterated as to become illegible, the commissioner may at the request of the holder cause a copy of the instrument to be prepared and to be endorsed with all such entries as were upon the original so far as

they can be ascertained from the records of his or her office and other available information and shall make and sign a memorandum upon the copy stating that the copy is a substitute to be used in place of the original, and what has become of the original so far as is known or supposed.

104. Mining leases to be registered.

Every mining lease under this Act shall be registered in accordance with section 7(1) of the Registration of Titles Act, and every dealing with the land comprised in any such lease shall be deemed to be a dealing with such land for the purpose of section 7(3) of that Act.

PART XI—MISCELLANEOUS.

105. Government departments, etc. excepted from the Act.

Except for the purposes of Part VII of this Act and any regulations made under this Act relating to safety in mines, nothing in this Act shall be construed as being applicable to or restricting the operations of—

- (a) any Government department;
- (b) any person or institution having obtained the consent in writing of the commissioner to collect and possess specimens of minerals for educational or scientific purposes.

106. Trivial defects in beaconing or application.

Any departure from the provisions of this Act or any regulations made under it in respect of the marking out of an area or in respect of an application for prospecting or mining rights over an area shall not invalidate the marking out or the application if the commissioner is satisfied that a bona fide attempt has been made to comply with this Act and the regulations made under it and that the defect or irregularity is of a minor nature; but where—

- (a) the applicant on receiving notice in writing from the commissioner to remedy the defect fails to do so or fails to inform the commissioner that he or she has remedied the defect in the time specified in the notice, the defect or irregularity shall invalidate the marking out or the application;
- (b) a number of such defects or irregularities occur, the whole may be regarded by the commissioner as invalidating the marking out or the application;
- (c) the defect is calculated, in the opinion of the commissioner, to

mislead another possible applicant for rights under this Act over the area marked out, or part of the area marked out, or an area adjoining the area marked out, the defect may be held to invalidate the marking out or the application.

107. Lateral limits.

The lateral limits of any exclusive prospecting licence or mining right shall be vertical planes passing through the sides by which the licence or right is bounded; but a special lease may be granted under section 55 of a subterranean area larger than the limits of the surface of land comprised in the lease, and in that case so much of the surface lying above the subterranean area of the lease as is not included in the lease shall be excluded from any prospecting or mining operations whatsoever, except insofar as a lessee may be permitted by the commissioner to enter upon any part of the surface lying above the area of his or her lease but not included in the surface limits of the lease for the purpose of constructing thereon such works, ways and buildings as may be deemed necessary by the commissioner for the proper working of the lease and on payment of such rent and such compensation for the use of such surface as the Minister may determine.

108. Land required for public purposes.

(1) Whenever any land being part of the area of a mining right is required by the Government for any public purpose, the Minister shall give notice to the holder of that right who shall remove from the land within the time specified in the notice any buildings, plant or other of his or her property; but in any such case the holder of the mining right shall be entitled to receive from the Government compensation for any interference with ways, works, buildings and plant belonging to the holder, but not for interference with his or her mining right.

(2) The compensation payable to a holder of a mining right under subsection (1) shall, if not agreed upon between parties, be determined by arbitration in accordance with any law relating to arbitration for the time being in force in Uganda.

(3) Whenever any land temporarily occupied by the holder of a prospecting licence or occupied under an exclusive prospecting licence is required by the Government for any public purpose, the commissioner or district commissioner shall give notice to that effect to the holder of the

licence and the holder shall, not later than thirty days from the date of notice or within such further period as the commissioner or district commissioner may allow, remove from the land so occupied any buildings and plant temporarily erected on the land and shall cease to occupy that land. The holder shall not be entitled to any compensation for any such disturbance.

(4) Except as provided in subsection (1), the holder of a prospecting or mining right shall not be entitled to any compensation from the Government when prevented from the exercise of any right on land temporarily occupied under a prospecting or mining right by reason of the land being required for a public purpose.

109. Rights subsequently granted.

The Uganda Land Commission or the appropriate district land board, may, without liability for payment of compensation to any person and notwithstanding the previous grant of any exclusive prospecting licence or mining right under this Act, make any grant of the land comprised in such right it is empowered by law to make, and the person to whom any such grant may be made shall be entitled to obtain compensation as provided for in sections 14 and 15 for any disturbance of his or her rights under the grant—

- (a) from the holder of a prospecting right, by reason of the exercise by the holder of the rights conferred upon him or her by his or her licence;
- (b) from the holder of a mining right, by reason of the exercise by the holder of the rights conferred upon him or her by his or her right but only in respect of such part of the land as the grantee may have had in occupation or use at the date on which the mining right was granted or sanctioned, as the case may be.

110. Power to take materials.

(1) The Government may at any time take from land comprised in any mining right any clay, gravel, stone, brushwood, timber or other materials required for any public purpose free of charge.

(2) Compensation shall be payable to the holder of the right in respect of any damage done to any ways, works, buildings or plant belonging to the holder and may be agreed or determined in the manner provided by section 108(1).

111. Protection of estate of deceased person, bankrupt or lunatic.

- (1) In any case where a holder of any right under this Act—
 - (a) dies;
 - (b) has a receiving order in bankruptcy made against him or her; or
 - (c) is found to be of unsound mind under the provisions of any law relating to lunacy for the time being in force in Uganda,

the obligations imposed upon the holder under this Act shall not arise until after the expiration of ninety days from the date of the grant of probate or the issue of letters of administration, or from the date of the receiving order, or from the date of the appointment of any manager or committee of the estate of the person of unsound mind so found, as the case may be.

(2) When the grant of probate or the issue of letters of administration, the receiving order or the appointment of any manager or committee of the estate of the person of unsound mind occurs beyond Uganda, the period of ninety days shall run from the date of the recognition by the courts of Uganda of the probate or letters of administration, receiving order or appointment of a manager or committee.

112. Government officers prohibited from acquiring rights.

No person, whether civil or military, while in the service of the Government shall directly or indirectly acquire or hold any right or interest under any prospecting or mining right, and any licence, right or lease, document or transaction purporting to confer any such right or interest on any such officer shall be null and void; but a temporary employee may retain rights and interests acquired prior to accepting Government employment.

113. Discovery of mineral by Government servant.

(1) In the event of any discovery of minerals by any person in the service of the Government, the discoverer may mark out in the manner prescribed for marking out a location an area to be called a “Government protection area” not exceeding one square mile or may post a notice in the prescribed form, termed a Government protection notice, which shall automatically close to prospecting all land open to prospecting at the time of posting the notice, within an area of one thousand yards from the notice in all directions.

- (2) The discovery, marking out or posting of a Government

protection notice shall be forthwith reported to the commissioner; and no person may thereafter prospect in that area without the consent of the commissioner.

(3) Authority to prospect or mine in any such Government protection area may be granted by the Minister to such persons and subject to such terms and conditions as the Minister may think fit.

114. Salting.

Any person who places or deposits or is accessory to the placing or depositing of any minerals in any place with the intent to mislead any person as to the payable nature of the place or who mixes or causes to be mixed with any ore any valuable metal or substance whatsoever that will increase the value or in any way change the nature of the ore with intent to deceive, cheat or defraud commits an offence and is liable on conviction to imprisonment for a period not exceeding five years.

115. Obstructing officer.

Any person who wilfully obstructs, hinders, assaults or resists any police or administrative officer or any officer appointed under section 7 or any person authorised by any such officer in the exercise or execution of any right, power or duty under this Act, or wilfully disobeys an order of any such officer or other person, other than an order for the payment of money, or is guilty of contempt of an administrative or other officer when acting in a judicial capacity commits an offence.

116. Unlawful beacons.

(1) The maintenance of an unlawful beacon shall be an offence under this Act and except for good cause shown an unlawful beacon shall be deemed to have been maintained if—

(a) any person erects a beacon within the meaning of this Act or any regulations made under this Act or anything purporting to be such a beacon and fails within twenty-one days from the date of erection of the beacon either—

(i) to apply for the grant of an exclusive prospecting licence or mining right over the area in respect of which the beacon is erected; or (ii) to remove the beacon, fill in all trenches ancillary to the

beacon and notify the commissioner forthwith that he or she so erected and subsequently removed the beacon and filled in those trenches and of his or her intention not to apply for an exclusive prospecting licence or mining right over the area or any part of the area in respect of which the beacon was erected;

- (b) the applicant for an exclusive prospecting licence or mining right whose application has been withdrawn or refused and the holder of such licence or right which has expired, or has been revoked, forfeited, abandoned, surrendered or the renewal of which has been refused fails, within thirty days of the date of the withdrawal, refusal, expiration, surrender, revocation, forfeiture or abandonment, to fill in all boundary trenches and remove all beacons marking out the area which was the subject of application for such licence or right and notify the commissioner that he or she has complied with the requirements of this subsection;
- (c) any person erects a beacon or anything purporting to be a beacon during any period of the day or night which under this Act or any regulations made under this Act is a prohibited period;
- (d) any person erects a beacon within the meaning of this Act or any regulations made under it or anything purporting to be such a beacon when he or she is not empowered under this Act to erect that beacon;
- (e) any person establishes on any land anything which is not a beacon but which may be presumed to be intended to lead other persons to suppose it to be a beacon notwithstanding that neither by its dimensions, nor by words or letters on it does it purport to be a beacon.

(2) No unlawful beacon shall be removed without the consent in writing of the commissioner or an inspector of mines first obtained.

(3) Where any person has maintained an unlawful beacon, the commissioner may refuse to accept an application from that person for prospecting and mining rights over any area in Uganda for six months from the date of erection of that beacon.

(4) The commissioner or any inspector of mines may inquire into the maintenance of any beacon and where he or she is satisfied that the beacon is an unlawful beacon he or she may remove or destroy the beacon and fill

in the trenches ancillary to it and may charge the person who erected the beacon such sum as he or she considers reasonable in respect of the cost of the inquiry, removal, destruction or filling in, and that charge shall be a lawful deduction from any deposit lodged by such person under section 18.

117. Who may not beacon certain areas.

(1) No person, without the consent of the commissioner first obtained, shall mark out with beacons, either directly or indirectly, by an agent or otherwise, any area in respect of any part of which he or she has previously maintained an unlawful beacon for one year from the date of the erection of that beacon.

(2) Ground, the subject of a location which has been terminated by expiry, abandonment, revocation or forfeiture, shall not be open to repegging by the previous holder, either directly or indirectly, by an agent or otherwise, until after ninety days from the date of notice of the termination in the Gazette.

118. Penalty for interference with mining or boundary marks.

(1) Any person who—

- (a) interferes with any prospecting or mining operations authorised by or under this Act;
- (b) obstructs any person in the exercise of any right conferred by or under this Act;
- (c) interferes with any machinery, plant, works or property established on, in, under or over any land in exercise of a right conferred by or under this Act; or
- (d) without lawful authority wilfully breaks, defaces or removes, or in any other way interferes with any boundary mark, beacon, pillar or post erected for any of the purposes of this Act or any regulations made under it,

commits an offence.

(2) For the purposes of this section, unless otherwise expressly provided, it shall be unlawful for an applicant for prospecting or mining rights over an area to move or interfere in any way with any beacon purporting to mark out the area applied for without the consent in writing of the commissioner first obtained.

119. Wages to be paid when due; procedure when wages due are not paid.

(1) All wages due to any African employed by the holder of a prospecting or mining right or on work in connection with mining or prospecting operations shall be paid to that person in the currency of Uganda when due without any deduction whatsoever, except for cash advances.

(2) Nothing in this section shall affect the liability of any person in respect of any of the provisions of the Employment Act.

120. Officers empowered to conduct prosecutions.

The commissioner, an inspector of mines, an authorised labour officer, an administrative officer, a police officer or any person appointed by the commissioner in that behalf may act as prosecutor in any case brought under the provisions of this Act.

121. Power of arrest.

Any police or administrative officer, inspector of mines or authorised labour officer may without warrant arrest and search any person whom he or she may find committing, or whom he or she reasonably suspects of having committed, an offence against this Act, provided that the person arrested shall be taken, with as little delay as possible, before a magistrate to be dealt with according to law.

122. Titles to be produced when demanded.

The holder of any prospecting or mining right shall produce his or her title whenever demanded by the commissioner, any police or administrative officer, inspector of mines or any other officer of the geological survey and mines department.

123. General penalty.

(1) Any person who contravenes any of the provisions of this Act or any regulations or orders made under it commits an offence and where no penalty is otherwise prescribed is liable on conviction to imprisonment for a period not exceeding three years or to a fine not exceeding five thousand shillings or to both.

(2) Where any court convicts any person in connection with the unlawful possession of any minerals or with unlawful prospecting or mining, the court may in addition to any other penalty it may impose forfeit any minerals, tools, implements or equipment in respect of which the offence was committed or which were used in committing the offence.

(3) Where under this section a court declares any minerals to be forfeited, it shall advertise the forfeiture substantially in the form prescribed in one issue of the Gazette or in cases where the mineral forfeited does not in the opinion of the court exceed in value one hundred shillings by notice at the courthouse and if, within three months from the date of notice, any person proves to the satisfaction of the court a title to the forfeited mineral or any part of it and that he or she was not concerned in any offence for which the mineral was forfeited, the court may order that the mineral or such part as the court considers just to be delivered to that person.

124. Regulations.

The Minister may from time to time make regulations in connection with, or for all or any of, the following matters or purposes—

- (a) the manner in which applications for any permit, right, licence, location or lease provided for by this Act shall be made, the forms to be used, the information to be supplied by the applicants and the method of determining priority as between applicants;
- (b) the fees, rents and payments to be paid and deposits to be made for any right, licence, location or lease provided for by this Act;
- (c) the classes of locations and mining leases;
- (d) the size and shape of the areas over which exclusive prospecting licences and locations may be granted;
- (e) the size and shape of the areas over which mining leases may be granted;
- (f) the manner in which areas and boundaries shall be marked, beaconed and surveyed; the removal of obsolete beacons;
- (g) the working obligations to be applied to licences, locations or leases under this Act;
- (h) the construction and use of passageways and roads;
- (i) the safe construction, sinking and erection of houses, pits, shafts,
machinery and other works to be used for prospecting or mining purposes; (j) the fencing off or rendering secure of any shaft, well, trench,

tunnel, drive or other works made for prospecting or mining purposes; (k) the grazing of cattle or other animals and the cutting down and use of timber for the purposes of carrying on prospecting and mining operations; (l) the safety, welfare, health and housing conditions of persons employed in mines and the carrying on of prospecting or mining operations in a safe, sanitary, proper and effectual manner; (m) the renewal, transfer, assignment and surrender of rights under licences, locations and leases; (n) the restriction or prohibition of the employment of women and children in mining operations; (o) the possession and disposal of and dealing in the products of mining; (p) the registration in the office of the commissioner of licences, locations, leases and instruments under which any right or interest thereunder is transferred, surrendered or otherwise dealt in and the fees payable on such registration; (q) the agents and representatives to be appointed, the returns to be rendered and the nature of the records, account books and plans to be kept by the holders of prospecting rights, licences, locations and leases and the furnishing by those holders of any information required by the commissioner; (r) the rates of royalties to be paid to the Government, the method of calculation of the amount of the royalties and the manner and time of payment of the royalties; (s) the disposal of sludge and tailings and the declaring of any waterways to be sludge channels; (t) the disposal of any poisonous or noxious products, the result of mining operations; (u) the determination of what proportion of any precious metal per ton an ore may contain without coming under the definition of precious metals; (v) the enjoyment of surface rights and the covenants and conditions pertaining to those rights; (w) the removal, where lawful, of temporary occupiers and other persons from mining areas; (x) the notices to be served on owners and occupiers of land and the manner and method of assessment and payment of compensation to persons entitled; (y) the amalgamation of working obligations due to be done on the

area of one licence, location or lease with the working obligations due to be done on the area of another licence, location or lease;

(z) the procedure on an appeal to the Minister; (aa) the fees to be paid in respect of any matter or thing done under this Act; (bb) the amalgamation of licences, locations and leases; (cc) the contribution by parties benefited of a fair share of the cost of

pumping in cases where pumping in one mine benefits other mines; (dd) the defiling or wasting of water, wherever situated and wherever

obtained; (ee) the prohibition or regulation of the movement of minerals at any

time or to, from or in any place or area; (ff) the prohibition or regulation of the possession of mining tools in

any place or area; (gg) the importing, exporting, dealing in, cutting and setting of

diamonds; (hh) the forms to be used for any of the purposes of this Act; (ii) generally for better carrying out the purposes of this Act.

125. Saving.

The repeal of the Mining Ordinance and the Mining (Mineral Oil) Ordinance shall not invalidate any right or title granted or anything done under those Ordinances; but—

- (a) notwithstanding the repeal any such right or title shall be limited as prescribed by the law under which it was granted;
- (b) except as may be expressly provided by such right or title or by that law, the holder of any such right or title shall hold and exercise that right or title in accordance with the conditions set forth in this Act, and in all respects as if the right or title were issued under this Act; and
- (c) any claim registered under the Mining Ordinance shall be deemed to be a location under this Act, and any prospecting right granted under the Mining Ordinance shall be deemed to be a prospecting licence under this Act.

History: Cap. 248; Act 7/1985, s. 70.

Cross References

Access to Roads Act, Cap. 350.

Employment Act, Cap. 219.

Forests Act, Cap. 146.

Magistrates Courts Act, Cap. 16.

Mining Ordinance, 1935 Revision, Cap. 110.

Mining (Mineral Oil) Ordinance, 1935 Revision, Cap. 111.

Public Lands Act, 1964 Revision, Cap. 248.

Registration of Titles Act, Cap. 230.