
CHAPTER 282

THE MINERALS (VESTING) ACT

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MINERALS (VESTING)

(10th January, 1949.)

1/1949.
51/1951.
21/1954.
18/1989.

1. This Act may be cited as the Minerals (Vesting) **Short title.**
Act.

2. In this Act unless the context otherwise requires— **Interpretation.**

"minerals" does not include—

- (i) pottery clay or rock salt;
- (ii) any material, such as clay, sand, lime-stone, sandstone, or other stones, commonly used for the purpose of road making or for building or for the

manufacture of any article used in the construction of buildings where such material does not contain any valuable metal or precious stone in economically workable quantities,

but includes the following—

(a) metalliferous minerals containing aluminium, antimony, arsenic, barium, bismuth, cadmium, cerium, chromium, cobalt, columbium, copper, iron, lead, lithium, magnesium, manganese, mercury, molybdenum, nickel, potassium, sodium, tantalum, tin, titanium, tungsten, vanadium, zinc, zirconium and all other substances of a similar nature to any of them, and all ores containing them and combinations of any of them with each other or with any other substance, excepting only those that occur in the form of precious minerals;

(b) combustible carbonaceous minerals including—

(i) coal;

(ii) lignite, which includes brown coal and any coal which the Cabinet may prescribe to be lignite;

(c) mineral oils, including bitumen, asphalt and all other bituminous substances;

(d) other minerals, including those used for their abrasive or refractory qualities and asbestos, barytes, bauxite, china clay, fuller's earth, graphite, laterite, marble, mica, nitrates, pipeclay, potash, quartz crystals, slate, soda, sulphur, talc and all other substances of a similar nature to any of them; and

(e) precious minerals, including—

(i) precious stones and semi-precious stones including amber, amethyst, beryl, cat's eye, chrysolite, garnet and all other semi-

precious stones, whether of the same kind as those enumerated or not;

(ii) precious metals;

“precious metals” means gold, silver, or metal of the platinoid group, in the unmanufactured state, and all ores containing such metal, but not including ores containing any such metal in combination with another mineral where such metal cannot be worked apart from such mineral and the value of such metal is less than the cost of producing both the metal and the mineral;

“precious stones” means diamonds, emeralds, opals, rubies, sapphires, turquoises, and such other stones as may be prescribed to be precious stones for the purpose of this Act;

“to mine” with its grammatical variations and cognate expressions means intentionally to search for, extract or win minerals;

“to prospect” with its grammatical variations and cognate expressions 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.

3. It is hereby declared that all minerals being in, on or under any land of whatsoever ownership or tenure are vested in and are subject to the control of the Crown.

All minerals
vested in the
Crown.

In this section “minerals” includes all radio-active minerals as defined in the Radio-Active Minerals Act.

Cap. 362.

4. (1) No person shall prospect for or mine any minerals except by authority of a licence granted by the Cabinet and in accordance with the terms and conditions specified in such licence.

Prohibition of
prospecting and
mining except by
licence.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten thousand

dollars and to a further fine not exceeding five hundred dollars for each day during which the contravention continues.

(3) Nothing in this section shall be taken as authorizing the prospecting for or mining of minerals in, on or upon any land except with the consent of the owner or occupier of the land.

Payment of
royalties under
mining licence.

5. Where a licence to mine is granted under section 4 there shall be paid to the Government by the licensee in respect of minerals mined by virtue of that licence such royalties as may be prescribed, and different royalties may be prescribed for different minerals.

Payment of
compensation.

6 (1) Except as provided in this section, where minerals are won in, on or under any land which is not Crown land, there shall be paid to the owner of the land such compensation as is in this section provided in respect of the minerals so won:

Provided that, where there is a tenant for life of such land, the compensation payable to the owner shall be paid into the Public Treasury to the credit of the owner and (notwithstanding anything to the contrary contained in the Savings Bank Act, or in any Rules made thereunder with respect to the limitation of the amount of a deposit and the interest payable thereon) it shall be invested by the Accountant-General in the Government Savings Bank without limit as to amount, and the income arising therefrom shall be paid to the tenant for life during his lifetime, and upon his death the capital sum so invested shall be paid to the owner of the land.

Cap. 395.

(2) The compensation to be paid under this section shall be five per centum of the royalties paid to the Government and it shall be paid at such times and subject to such conditions as may be prescribed:

Provided that if any person proves to the satisfaction of the Cabinet that he was at the commencement of this Act in receipt of any income derived from mining operations carried on on lands of which he is the owner, the compensation to be paid to him shall be the full amount of the royalties paid to the Government during the period for which compensation is payable under this section, and in any case

the amount of such compensation shall not be less than the income by way of royalties to which, but for the passing of this Act, such person would have been entitled under any subsisting agreement.

(3) No compensation shall be payable to the owner of any land at any time after either—

- (i) the fiftieth anniversary of the commencement of this Act; or
- (ii) the twenty-fifth anniversary of the day upon which, after the commencement of this Act, such minerals were first won in, on, or under such land,

whichever first happens:

Provided that where mining operations are suspended on the area of the mining lease the period during which such operations are so suspended shall not be taken into account in determining such twenty-fifth anniversary.

(4) No compensation shall be payable in respect of any precious metals or precious stones which are won in, on or under any land.

7. (1) Where any doubt arises as to the person who is entitled as owner to the payment of any compensation which is payable under this Act, such compensation shall be paid into the High Court to the credit of the person who may be entitled thereto and it may (subject to the provisions of this section) on the subsequent application of any person claiming to be entitled thereto, be paid out to such person on the order of a Judge of the Court.

Payment of compensation where owner doubtful.

(2) All moneys paid into the High Court under the provisions of this section which remain unclaimed for twelve years after such payment shall be transferred and paid into the general revenue of Antigua and Barbuda, and all claims thereto shall be forever barred.

8. The Cabinet may make regulations with respect to any matter which may be prescribed under this Act,

Regulations.

including the forms of licence to prospect for minerals and to mine minerals and the fee to be paid therefor.

Saving.

9. Save as regards the payment of royalties as provided for in section 5, nothing in this Act shall affect the terms and conditions of any mining lease entered into before the coming into operation of this Act.
