

Cap. 100 (1948),
Sub. Leg., G.N.
133/1949,
G.N.1226/1951,
G.N.1233/1955,
L.N. 625/1963,
L.N. 196/1969.

THE TRUST LAND (REMOVAL OF COMMON MINERALS) RULES

1. These Rules may be cited as the Trust Land (Removal of Common Minerals) Rules.

2. In these Rules—

"common minerals" has the meaning assigned to it by section 2 of the Act;

"licensing officer" means the District Commissioner or any other officer whom the the council¹, may appoint in writing to be a licensing officer for the purposes of these Rules.

3. No person shall remove stone or other common minerals excluding surface salt from any land within the special areas unless he is in possession of a valid licence issued under these Rules.

4. (1) A licensing officer may grant a licence in the form in the First Schedule to these Rules to remove common minerals from land in the special areas on payment of the fees specified in the Second Schedule to these Rules:

Provided that where—

(i) a licence is granted to an African to remove common minerals from land situate in the land unit in which he lawfully resides;

(ii) the licensing officer is satisfied that any African or group of Africans are by native law and custom entitled to a royalty or other benefit from the common mineral, or to any rent or other benefit from the land in respect of which the licence is granted, and that such rent, royalty or other benefit has been agreed to be paid by the applicant, not being an African lawfully residing in the land unit to which the licence relates, the fee payable shall, unless the licensing officer, on the advice of the council, otherwise directs, be five shillings per month, irrespective of the quantity or kind of common minerals to be removed.

(2) The fees collected by a licensing officer on the grant of a licence shall be paid to the council.

(3) A licence may be issued for such period as the licensing officer may think fit: Provided that no licence shall be issued for a period exceeding twelve months at any one time, except with the consent of the Trust Land Board.

(4) The issue of every licence by a licensing officer shall be subject to any general or specific instructions of the council having jurisdiction within the land unit to which such licence relates, and no licensing officer shall issue any licence to which such council objects.

(5) A licensing officer shall have power, in his absolute discretion, to refuse to issue or to renew a licence without assigning any reason, and to reduce or to waive any fee payable.

5. No licence shall be granted under these Rules unless—

(a) the licensing officer is satisfied that any Africans who have rights in the land in respect of which the application for a licence is made have given their consent to the issue of the licence;

(b) the applicant has undertaken in writing, in the form in the Third Schedule to these Rules, to pay to any occupier compensation for any damage or disturbance caused by the operations performed under the licence, including the construction of roads of access; and

(c) the applicant has deposited with the licensing officer such sum as the licensing officer may consider sufficient to cover the probable compensation payable for any damage or disturbance caused by the operations performed under the licence:

Provided that nothing in this rule shall apply to a person who is lawfully residing in the land unit to which the licence relates.

6. A licence issued under these Rules shall be subject to the following conditions—

(a) that the licensee shall take all such lawful, necessary and reasonable practicable measures as may be required by the medical officer of health of the district with respect to—

(i) housing and sanitary conditions in accordance with Part IX of the Public Health Act;

(ii) anti-malaria measures in accordance with the Malaria Prevention Act;

(iii) eradication and control of tsetse fly and simulum (Onchocerchiasis);

(b) that the licensee shall take such safety measures as may lawfully be required by the inspector of mines in accordance with Part V of the Mining Act;

(c) that the licensee shall, if required by the licensing officer, stack all common minerals won by him in such manner as to permit of periodical measurement by the licensing officer or his representative before the removal of such common minerals from the area concerned;

(d) that the licensee shall, if required by the licensing officer, in the case of any common minerals delivered on sale to other persons, submit to the licensing officer true accounts and receipts in respect of the common minerals so delivered;

(e) that the licensee shall, if required by the licensing officer, submit a plan showing the levels of any excavations he proposes to make, and when such plan is approved by the licensing officer the licensee shall adhere to that plan;

(f) that the licensee shall take common minerals only from such areas as may be allotted to him by the licensing officer;

(g) that the licensee shall before the expiry of the licence remove from the area concerned all common minerals won by him;

(h) that on completion of the excavation, the licensee shall restore the site thereof to such condition as the licensing officer may require; and

(i) that the licensee shall maintain a reasonable standard to the satisfaction of the licensing officer in the method of working his quarry.

7. Nothing in these Rules shall apply to an African resident, in the land unit taking common minerals for his own use in accordance with native law and custom.

FIRST SCHEDULE(r. 4)

COMMON MINERALS LICENCE

Under the Trust Land (Removal of Common Minerals) Rules

Date

Licence is hereby granted to of to take up

to..... cubic feet of from in the district of

..... in the Land Unit.

2. This licence is valid for months from the date hereof, and is issued under the Trust Land (Removal of Common Minerals) Rules and the Trust Land Act.

FEE PAID.....

Licensing Officer

This licence does not authorize the taking of any common minerals from any part of the Trust land where there is private right holding, save with the consent of the private right holder.

SECOND SCHEDULE

| (r. 4)

FEES

Per 100 cu. ft.

Sh. cts.

1. Diatomite, murrum, broken stone and ballast .. 2 00

2. Sand .. . 6 00
3. Limestone .. . 5 00
4. All common minerals other than diatomite,
murram, broken stone, ballast, sand and
limestone .. . 3 00

THIRD SCHEDULE

(r. 5)

UNDERTAKING

In consideration of being granted a licence under the Trust Land
(Removal of Common Minerals) Rules, I/we,,
hereby undertake to pay to any occupier of Trust land compensation to be assessed by the District Commissioner,
.....,
for any disturbance or damage caused by my/our activities connected
with the taking of common minerals from the Land Unit.

Date *Signature*.....

Witness.....