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(EXTRAORDINARY ISSUE)  
OF THE

EAST AFRICA



AND UGANDA

PROTECTORATES.

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EAST AFRICA PROTECTORATE.

AN ORDINANCE

Enacted by the Acting Commissioner for the East Africa Protectorate.

Nairobi,

F. J. JACKSON

Dated this 21st day of March, 1907.

Acting Commissioner.

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No. 2 of 1907.

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Mining Ordinance.

IT is hereby enacted as follows :—

1. This Ordinance may be cited as "The Mining Regulations Amendment Short title. Ordinance 1907" and shall be read as one with "The East Africa Mining Regulations 1902" hereinafter referred as the Principal Regulations.

2. In the interpretation of this Ordinance and of the Principal Regula- Definitions. tions unless repugnant to the context the following words and expressions shall have the meaning following :—

"Mineral" shall not include such clay, sand or stone as the Commissioner of Mines shall declare to be suitable only for road-making, building, the making of pottery and similar purposes or from which no other mineral of such quality and in such quantity as to be of commercial value can be obtained.

"Mining Regulations" shall mean all Regulations, Ordinances, Rules or Proclamations relating to Mines or Minerals in the Protectorate.

"European" shall mean a person of European birth or descent.

3. The sections of the Principal Ordinance mentioned in the First Schedule Repeals. to this Ordinance to the extent to which the same are expressed to be repealed, shall be and are repealed. But no such repeal shall affect anything duly done or any right or privilege acquired or any penalty or forfeiture incurred in respect of such sections ; Provided that any prospecting licence renewed after the publication of this Ordinance shall be subject to any Mining Regulations in force at the time of such renewal.

Prospecting licence not to be issued for a period exceeding six months, but may be renewed.

(2) A prospector's licence shall not be granted for a period exceeding six months, but may at the discretion of the Commissioner of Mines or other prescribed Officer be renewed for a further period not exceeding six months.

Application for licence to be made in person. Licence fee.

5. A prospector's licence shall only be granted on personal application, and in case of renewal, on personal or written application, and upon payment in advance of a sum of Rs. 5/-

Form of licence.

6. A prospector's licence shall be in the forms set forth in the Second Schedule of this Ordinance and shall give the holder, for the period therein mentioned, the right to prospect or search for Minerals on Crown Lands to which the Principal regulations apply and, subject to the provisions of the succeeding section, on the land of a land-owner throughout the Protectorate, and no one shall be allowed to prospect or search for Minerals on such lands without obtaining such licence.

Persons prospecting on private land without the consent of land-owners to make a deposit.

7. (1) A prospector's licence shall not authorise the holder to prospect or search for Minerals on the land of any land-owner, without the consent of such land-owner, unless the holder shall have deposited in respect of such licence with the Commissioner of Mines or other prescribed Officer the sum of Rs 375.

(2) The fact that such deposit has been made shall be endorsed on the licence by the Commissioner of Mines or other officer receiving the same.

(3) A deposit made in respect of one licence shall not authorise the person making the same to prospect on the land of any land-owner without his consent under a fresh or renewal licence unless the Commissioner of Mines or other officer issuing such fresh or renewal licence shall agree to accept and continue to hold such deposit in respect of such fresh or renewal licence.

Commissioner of Mines to retain deposit until after the expiration, etc. of licence.

8. The Commissioner of Mines or other prescribed Officer shall hold, subject to the provisions of this Ordinance, any deposit made under the provisions of the preceding section until one month after the licence of the prospector by whom such deposit shall have been made shall have expired or been cancelled or shall have been surrendered by the licensee.

Power to deduct from deposit sums due to land-owner.

9. The Commissioner of Mines or other prescribed Officer may at any time deduct from any such deposit any sum which he shall have certified to be due under this Ordinance from the person making such deposit to any land-owner.

Minerals discovered under a prospecting licence not the property of the discoverer.

10. A prospecting licence shall not authorise the retention, sale or other disposal of any Mineral discovered thereunder.

Notice to be given to land owner.

11. Every licensed prospector entering on the land of any land-owner for the purpose of prospecting shall at once notify to such owner, in writing the date on which the said prospector entered upon the land.

Prospector's right to water, wood, etc.

12. Any licensed prospector *bond fide* prospecting or searching for Minerals shall have the right of grazing for 6 horses or mules, or for 16 oxen, and of taking wood and water for his domestic use, free of charge on Crown Lands, and if on any other lands on payment to the owner or occupier of the land on which he is so prospecting or searching for Minerals of 8 annas per diem. Provided, however, that the prospector shall only exercise the right conferred upon him by this section at the place or places indicated by the Collector of the district or the owner, or occupier as the case may be.

Disputes as to these rights to be determined by Commissioner of Mines.

13. If any question shall arise between the owner or occupier and the prospector as to this respective right, or as to the suitability of land indicated by the owner or occupier, it shall be determined by the Commissioner of Mines or other prescribed Officer.

Payments to be made to

14. Every licensed prospector prospecting on the land of any land-owner shall at the end of every fortnight, pay to the owner, trustee, lessee, or occupier

15. (1) Should any owner of land represent to the Commissioner of Mines, Proceedings in case of  
or other prescribed Officer, that the amount lawfully due to him under the pro- prospector  
visions of this Ordinance from any prospector prospecting his land, has not failing to pay  
been paid and has remained overdue for the space of seven days, the Commis- amount due to  
sioner of Mines may, after due inquiry into the facts of the case, and after land-owner.  
satisfying himself that a sum of money is due and unpaid, declare the licence  
granted to the said prospector cancelled, and may pay to such land-owner out of  
the money deposited under section 7 of this Ordinance such sum as he may find  
to be due to the land-owner.

(2) Should any question arise between a landowner and a prospector as to  
whether any money is due under this Ordinance to the land-owner from the  
prospector or as to the amount of money so due, it shall be determined by the  
Commissioner of Mines or other prescribed Officer.

(3) In any legal proceedings a certificate signed by the Commissioner of  
Mines or other prescribed Officer certifying that a sum of money is due and  
owing to a land-owner from a prospector shall be conclusive evidence that such  
sum is due and owing.

16. A prospector who may abandon his prospecting area shall fill up, or Prospector to  
fence or secure to the satisfaction of the Commissioner of Mines or other pres- fill up shafts,  
cribed Officer all shafts, pits, holes and excavations, in a manner so as to pre- etc.  
vent persons or cattle inadvertently entering the same.

Any prospector who shall have failed to comply with the provisions of this  
section shall not be permitted to register a new prospecting area, or to obtain a  
fresh or renewal licence and shall further, if the prospecting area shall have been  
on the land of any land-owner who shall not have released him from the  
obligations imposed by this section pay to such land-owner such sum as the  
Commissioner of Mines or other prescribed Officer shall on the application of  
such land-owner certify to be necessary to repair the damage done on such  
prospecting area.

17. A prospecting area shall be held to be abandoned in any one of the A prospecting  
following cases:— area when  
abandoned.

(1) If the prospector shall have abandoned the area in accordance with the  
provisions of the Mining Regulations.

(2) If the prospector's licence shall have been cancelled, or forfeited.

(3) If the prospector's licence shall have expired and a fresh or renewal  
licence shall not have been granted.

(4) If the prospector shall prospect or search for Minerals outside such  
prospecting area or shall have more than one prospecting area pegged out.

18. Section 16 of this Ordinance shall not apply to any licensed Certain  
prospector prospecting under an agreement with a land-owner on the land of conditions  
such land holder. imposed on  
prospector by  
this Ordinance  
not to apply to  
prospector  
prospecting  
under agreement  
with land-owner.

19. Every licensed prospector shall be bound and obliged in respect of Prospector to  
any prospecting area pegged out by him, to prospect therein *bonâ fide* to the prospect bonâ  
satisfaction of the Commissioner of Mines, and, if he shall fail to do so, it shall fide and to the  
be lawful for the Commissioner of Mines to cancel such licence as far as such satisfaction of  
area is concerned and thereupon such holder shall cease to possess any right Commissioner  
within such area and shall not again be permitted to prospect within such area of Mines.  
for a period of six months.

20. All disputes between prospectors as to the ownership of any prospec- Disputes  
ting area or as to the boundaries of their respective claims shall be dealt with and between  
decided by the Commissioner of Mines or other prescribed officer. Prospectors to  
be decided by  
Commissioner  
of Mines or  
other officer.

21. It shall be lawful for the Commissioner of Mines or other prescribed Commissioner  
Officer to call upon the owner of any prospecting area on any public field to of Mines may  
relinquish his prospecting rights over such prospecting area and to take out a require



Commissioner may take steps to test payability and extent of place where minerals are discovered.

22. The Commissioner, may at any time after the lodging with the Collector of the declaration referred to in Section 11 of the Principal Regulations, and shall prior to proclaiming any place a mining centre or public field take such steps as he may deem fit for the purpose of testing the character and payable qualities of the minerals and the extent of the place at which they have been found, and for this purpose may appoint such duly qualified person on such salary or allowance as he may think fit, and may authorise the expenditure of such sums of money as may be deemed necessary for the purpose of such testing.

## PART II.

### PUBLIC FIELDS.

Pegging of field after reading of Proclamation.

23. No area which shall have been proclaimed a mining centre or public field shall be available for pegging off claims other than the discoverer's and land-owner's claims until the Proclamation proclaiming the same shall have been read by the Commissioner of Mines or other prescribed Officer on the ground proclaimed and on the day of which notice shall have been given in the Gazette at least two weeks prior thereto.

Who may peg out claims.

24. After reading of such Proclamation as aforesaid it shall be lawful for any person who shall have taken out a digger's licence or licences to peg off the claim or claims to which he is entitled on the public field not previously occupied under the provisions of the Mining Regulations whether as a prospector's area or otherwise.

Times during which pegging off prohibited.

25. No such pegging off as aforesaid shall be done between sunset and sunrise. Pegging off at such prohibited times shall be considered illegal and shall give no right whatever.

Who may demand a licence.

26. No person other than a male over eighteen years of age and of European birth and descent may demand as of right a digger's licence, anything in Section 21 of the Principal Regulations to the contrary notwithstanding.

Claims to be registered.

27. Any person pegging out a claim in a public field shall forthwith take out a certificate of registration in the form contained in the Third Schedule hereto; Provided that no firm or joint stock Company shall be entitled to be registered as holding claims except in the name or names of not more than two persons resident in the Protectorate being the duly accredited agent or agents of such firm or joint stock Company, and such agent or agents shall be responsible for all matters connected with the claim for which he or they shall have been so registered exactly as if such claim or claims were registered in his or their own name or names as his or their own property.

If not registered to be forfeited.

28. Any person pegging out a claim in any public field who shall fail to take out a certificate of registration of the said claim within a period of six days shall be deemed to have abandoned the same, and the Inspector shall thereupon declare the same to be abandoned.

Transfer of claims.

29. Claims may be transferred from one licence holder to another, subject to such Regulations as may be in force. Such transfer may be made according to the form in Schedule (D) to the Principal Regulations and the price of transfer must be declared by the transferor and the transferee; but no transfer of any claim shall be recognised until it has been duly registered by the Commissioner of Mines, or other prescribed Officer; and such registration is to take place only on payment of a transfer fee of 10 rupees per claim, provided that the transfer of any claim shall carry with it the transfer of the licence, and that the transferee shall continue to pay in advance monthly the 20 rupees payable on such licence. In cases of parts of claims transferred, the licence payable to be apportioned and included in a new licence to be granted for the sub-division, each such transaction to be indorsed on the transferor's licence.

When licence for abandoned claims may be refused.

30. It shall be lawful for the Commissioner of Mines or other prescribed Officer to refuse to issue a licence for any abandoned claim after notice has been given him of the holder's intention to abandon it, when he suspects that the abandonment has taken place in order to evade the payment of transfer dues. He may, before giving out any such claim, first institute an inquiry, and he shall be entitled to refuse to give out such claim and to cause it to be sold by public auction for the benefit of the Protectorate Treasury.

Forfeiture of

31. Whenever it shall be proved to the satisfaction of the Inspector that any prospector's or digger's alluvial claim has remained unworked for a period

protection as provided in the next succeeding section, and provided that when claims have been amalgamated it shall be sufficient for the purpose of this section if work has been done on any one of such claims.

32. Every claim holder may apply to the Inspector for a certificate of protection on the ground of sickness, unavoidable absence, or other sufficient cause, which certificate shall not be issued for a period of more than sixty days during which period the claim or claims shall not be liable to forfeiture under the next preceding section; Provided that if any such certificate be obtained by false representation it shall afford no protection under this section, and shall forthwith upon the discovery of such false representation be declared to be cancelled by the Inspector. Certificate of protection exempting claims from operation of last preceding Section.

33. All gold, silver or precious stones found or extracted within the limits of any Public field shall be registered at the office of the Inspector not later than the second day of the month following that in which such gold may be found or extracted and any person who shall contravene this section shall be liable to a fine not exceeding 150 rupees. Minerals found within public field to be registered.

34. The Commissioner may from time to time fix the royalty which shall be paid on any gold, silver or precious stones found or extracted within the limits of any Public field. Commissioner may fix the royalty to be paid in respect of minerals found on public field.

35. All disputes between claim holders on any Public field as to ownership of any claim, or as to the boundaries of their respective claims, shall be dealt with and decided by the Inspector of the field and two assessors to be nominated by the said Inspector and for this purpose the Inspector and assessors aforesaid shall and may examine witnesses on oath and take down their evidence in writing and shall do all things which they may deem necessary in order to arrive at a proper decision in the case: And the Inspector shall have authority to summon all defendants and witnesses to appear before him, and in default of their appearing he may issue warrants for their being brought before him, and for non-attendance he may fine them any sum not exceeding 75 rupees. How disputes between claim holders to be settled.

36. The service of any summons on any defendant or witness in any case to be heard and decided as aforesaid shall be performed by any person appointed for that purpose by the Inspector and the said person shall also have authority to execute the warrant mentioned in the last preceding section. Service of summons on defendant and witness.

37. At every mining centre or public field the Commissioner may appoint such Inspectors, Registrars or other officials as may be deemed requisite, whose duties and authorities shall be fixed from time to time by the Commissioner of Mines. Appointment of Inspector etc., on Public field.

38. The Inspector or other officer duly appointed in that behalf is hereby empowered to ask, demand, sue for, recover and receive all licence moneys, royalties, rents, transfer or other fees in respect of any claim and to declare and abandoned any claim in respect whereof any such licence moneys shall be in arrear for a space of thirty days. Power of Inspector etc., to demand and sue for licence moneys etc.

### PART III.

#### GENERAL PROVISIONS.

39. There shall be exempt from the operations of the Mining Regulations all lands within 100 feet of the centre line of the Uganda Railway and all other lands reserved for the purposes of the Uganda Railway. Exemption from the provisions of Mining Regulations.

Provided that land shall not be deemed to be reserved for the purposes of the Uganda Railway by reason only of the Notification No. 6 of 1897.

40. No licence issued under the Mining Regulations shall authorise the holder to enter any closed district. Licence under the Mining Regulations not to authorise entering into closed district.

41. In the event of the discovery of any Mineral oil or oils in the Protectorate it shall be lawful for the Commissioner to declare that such oil is required for the purposes of the Imperial Government and thereupon any right of any person under the Mining Regulations in the area in which such oil shall have been discovered shall expire. Provision regarding Mineral Oil.

**FIRST SCHEDULE.**

Section.	Extent of Repeal.
Section 2	The definition of the word "European"
Section 6	The whole
Section 7	The whole
Section 8	The whole
Section 9	The whole
Section 18	The whole
Section 19	The whole
Section 23	The whole
Schedule A	The whole
Schedule B	The whole

**SECOND SCHEDULE.**

Prospecting Licence is hereby granted to A. B. to prospect and search for gold, silver, precious stones, ores, metals, coal and other minerals, subject to the provisions of the Mining Regulations, throughout the East Africa Protectorate during the period from  
to for which licence he has paid in advance the sum of five rupees.

Signed

Commissioner of Mines

(or other officer, as the case may be).

**THIRD SCHEDULE.****CERTIFICATE OF REGISTRATION.**

This is to certify that \_\_\_\_\_ of  
is the registered holder of the alluvial (or quartz-reef as the case may be) claim No.  
and that the licence money for the same has been paid in advance up to the

Office of the Registrar of Claims.

Registrar.

**Mining Rule**

RULE issued by the Acting Commissioner of the East Africa Protectorate under the East Africa Mining Regulations 1902.

Nairobi,

Dated this 21st day of March, 1907.

F. J. JACKSON

Acting Commissioner.

1. Rules 2 to 4c inclusive and 6, 8, 10 and 11 and Schedules A B and C of the General Mining Rules 1902 are hereby cancelled.

2. Any prospector who shall prove to the satisfaction of the Commissioner of Mines or other prescribed Officer that he is the owner of a prospecting area may register such prospecting area at the office of such officer.

F. J. JACKSON

Acting Commissioner.