

L.N. 155 of 1962

MINERALS ACT (CHAPTER 121)
MINISTERS STATUTORY POWERS AND DUTIES
(MISCELLANEOUS PROVISIONS) ACT (CHAPTER 122)

Minerals Delegation of Powers (Eastern Nigeria) Notice, 1962

Commencement : 15th November, 1962

WHEREAS the Governor of Eastern Nigeria, acting in accordance with the advice of the Executive Council, has resolved pursuant to subsection (1) of section 121 of the Minerals Act that the exercise within that Region under that Act of the powers specified in the Schedule and hereinafter delegated to the Minister of Town Planning of Eastern Nigeria shall be exercised in accordance with any general conditions of policy that may be stipulated by the Federal Minister of Mines and Power :

NOW THEREFORE, in exercise of the powers conferred by section 121 of the Minerals Act and section 5 of the Ministers Statutory Powers and Duties (Miscellaneous Provisions) Act, the Federal Minister of Mines and Power gives the following notice—

1. This notice may be cited as the Minerals Delegation of Powers (Eastern Nigeria) Notice, 1962.

Citation.

2. The Federal Minister of Mines and Power hereby delegates to the Minister of Town Planning of Eastern Nigeria the exercise within that Region of the powers specified in the first column of the Schedule conferred upon him by the sections of the Minerals Act specified in the second column opposite thereto.

Delegation of powers.

3. The delegation of powers hereby made revokes the previous delegation of those powers made to the Governor of Eastern Nigeria under the Interpretation Act, and item 24 of Public Notice 47 of 1940 (as amended from time to time) shall be further amended accordingly.

Revocation of Previous Delegations. Amendment of P.N. 47 of 1940 (Vol. VIII, p. 249 1948 Edit.)

SCHEDULE

<i>Powers Delegated</i>	<i>Minerals Act</i>
1. To decide on the priority of applications ..	Section 12
2. To approve assignment of an exclusive prospecting licence or mining right or mining lease ..	Section 13 (1)
3. To consent to prospecting or mining on lands excluded from mining or prospecting by section 14 (1)	Section 14 (1)
4. To authorise the holder of a licence or right or lease to prospect or mine, where consent has been unreasonably withheld under section 14 (1) (h) or (i)	Section 14 (1) Proviso
5. To grant exclusive prospecting licences and vary the minerals showed in such licences	Section 20 (1)
6. To approve renewal of an exclusive prospecting licence in accordance with section 20 (6), but not under the proviso to that subsection	Section 20 (6)
7. To exclude from a mining lease any portion of the area applied for	Section 22 Proviso

SCHEDULE—continued

<i>Powers Delegated</i>	<i>Minerals Act</i>
8. To grant a temporary mining right or temporary mining lease in accordance with section 27 (2)	Section 27 (2)
9. To decide period for which a temporary title shall be valid	Section 27 (3)
10. To cancel a temporary mining right or temporary mining lease	Section 27 (5)
11. To grant a mining right	Section 28 (1)
12. To renew a mining right	Section 28 (4)
13. To impose covenants and conditions in the grant of a mining right	Section 28 (5)
14. To grant, vary or revoke authority to mine alluvial minerals other than those specified in a mining right	Section 30 (1)
15. To grant a mining lease over an area not exceeding two hundred acres	Section 34 (1)
16. To require the holder of a mining right or mining lease to restore any area	Section 34 (2)
17. To add to or vary the minerals endorsed on a mining lease, which the lessee is entitled to mine ..	Section 34 (4)
18. All the powers of the Federal Minister under section 36	Section 36
19. To define the duration of a mining lease over an area not exceeding two hundred acres	Section 37 (1)
20. To further renew or refuse to further renew a mining lease over an area not exceeding two hundred acres	Section 37 (2a)
21. To require applicant for renewal of mining lease to surrender any part thereof	Section 37 (3)
22. To accept surrender of a mining lease in whole or part	Section 37 (5)
23. To fix the sum for deposit by a lessee where area surveyed by Government surveyor	Section 37 (6)
24. To treat an application for surrender as having lapsed	Section 37 (9)
25. To require the owner or occupier of land included in a mining lease to state in writing the annual surface rent which he desired and to fix the time within which such notice shall be delivered ..	Section 41 (2)
26. To fix the rate of surface rent payable under section 41	Section 41 (3)
27. To revise the rate of surface rent.. .. .	Section 41 (3) Proviso (a)
28. To entertain an appeal from a Resident under section 41 (5)	Section 41 (5)
29. To permit the lessee to pay surface rent at such rate as he may determine over the whole area of lease	Section 41 (7)

SCHEDULE—continued

<i>Powers Delegated</i>	<i>Minerals Act</i>
30. To permit further time for removal of property on determination of lease and to direct how property of a lessee in default may be dealt with	Section 44 (2)
31. To permit the deposit of a greater quantity of tailing than that prescribed by the regulations	Section 48 (2)
32. To revoke or vary a permit issued under section 48	Section 48 (4)
33. To permit alteration in a water supply	Section 49 (1)
34. To make an order requiring person to take action to prevent continuance or recurrence of offence	Section 50
35. To grant a water licence in accordance with section 52	Section 52
36. To grant a provisional water licence	Section 54 (1)
37. To permit a provisional water licence to become operative prior to the grant of a lease	Section 54 (1) (a) Proviso
38. To amend a water licence	Section 55
39. To approve the transfer of a water licence	Section 59
40. To cancel a water licence	Section 60
41. To require the person to whom a water licence has been issued to permit other lessees to take water	Section 61
42. To decide the terms on which a water licence shall be granted	Section 62
43. To require a survey before grant of a mining lease, exclusive prospecting licence, mining right or water licence	Section 64 (1)
44. To waive the requirement of a survey in the case of an exclusive prospecting licence	Section 64 (2)
45. To require a person to whom a prospecting right, exclusive prospecting licence, mining right or mining lease is about to be given to give security for compensation	Section 75 (1)
46. To accept a banker's guarantee in lieu of a deposit	Section 75 (3)
47. To entertain an appeal from assessment of compensation by a divisional or district officer	Section 78 (1)
48. All the powers of the Federal Minister under section 79	Section 79

DATED at Lagos this 6th day of November, 1962.

MUSA DAGGASH,
Permanent Secretary,
Federal Ministry of Mines and Power

EXPLANATORY NOTE

By this notice the Federal Minister of Mines and Power delegates to the Minister of Town Planning of Eastern Nigeria certain powers under the Minerals Act falling to be performed within that Region.

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