

THE MINES AND MINERALS (AMENDMENT) ACT, 1969

No. 50



of 1969

AN ACT TO AMEND THE MINES AND MINERALS ACT BY ALTERING THE DEFINITION OF "MINERALS", BY PRECLUDING PERSONS WHO DO NOT HOLD RIGHTS UNDER THE ACT FROM COLLECTING MINERALS, FOR ALLOWING THE COMMISSIONER TO PERMIT MINING UNDER ROADS, VILLAGES ETC., TO PROVIDE FOR RETURNS BY EMPLOYERS OF LABOUR IN MINES AND TO CORRECT ANOMALIES IN THE EXISTING ACT

Date of Assent: 22.8.69

Date of Commencement: 22.8.69

ENACTED by the Parliament of Botswana.

Short Title

1. This Act may be cited as the Mines and Minerals (Amendment) Act, 1969, and shall be read and construed as one with the Mines and Minerals Act, 1967, hereinafter referred to as the principal Act.

Amendment of Section 2 of Act No. 50 of 1967

2. Section 2 of the principal Act is amended in subsection (1) as follows —

- (i) by the deletion of the words ““mineral” means any constituent of the crust of the earth that can be obtained by mining, digging, drilling, quarrying or other operations and includes precious stones” appearing therein and of the substitution therefor of the words ““mineral” means any constituent of the crust of the earth whether lying on the surface of the earth or which can be obtained by mining, digging, drilling, quarrying or other operations and includes precious stones, semi precious stones”; and

- (ii) by inserting in its appropriate alphabetical position a new definition as follows —

“semi precious stones” means any substance declared by the Minister to be semi precious stones for the purposes of this Act.”

Amendment to Section 3 of Act No. 50 of 1967

3. Section 3 of the principal Act is amended as follows—

- (i) in subsection (1) thereof by the insertion immediately after the words "the right of" appearing therein of the word and sign "taking,"; and
- (ii) in subsection (2) thereof by the insertion immediately after the words "the right of" appearing therein of the word and sign "taking,".

Amendment of Section 9 of Act No. 50 of 1967

4. Section 9 of the principal Act is amended by the deletion of subsection (3) thereof and by the substitution therefor of a new subsection as follows—

"(3) A prospecting permit shall expire on the 31st December of the year in which it is issued, but may be renewed by the Minister at his discretion.

Amendment of Section 59 of Act No. 50 of 1967

5. Section 59 of the principal Act is amended as follows—

- (i) in subsection (1) thereof by the deletion of "R50" and by the substitution therefor of "R12.50"; and
- (ii) in subsection (2) thereof by the deletion of the words "on the anniversary thereof" and of the substitution therefor of the words "on the completion of every period of three months".

Amendment of Section 64 of Act No. 50 of 1967

6. Section 64 of the principal Act is amended in subsection (1) thereof by the deletion of the word "Reefs" appearing therein and by the substitution therefor of the words "Save with the consent in writing of the Commissioner reefs".

Amendment of Section 115 of Act No. 50 of 1967

7. Section 115 of the principal Act is amended in subsection (1) by the addition immediately after paragraph (2) of the following new paragraph —

"(aa) The rendering by employers of persons employed in mining or milling operations of periodical health, mortality and labour returns."

Amendment of Section 117 of Act No. 50 of 1967

8. Section 117 of the principal Act is amended as follows —

- (i) in paragraph (a) of the proviso by the addition immediately after the words "a mining right" of the words "and in so far as it confers a right to peg claims for the purpose of acquiring a mining right shall be deemed to confer a right to the issue of a mining lease in respect of such area as the grantee satisfies the Mining Commissioner to be reasonably required by him for mining operations"; and

(ii) by the addition to the proviso immediately after paragraph (c) of a new paragraph as follows —

“(d) notwithstanding the provisions of paragraph (b) of the proviso the provisions of section 48 of this Act shall apply to any mining lease issued by the Mining Commissioner by reason of the provisions of paragraph (a) of this proviso.”

Passed by the National Assembly this day, the 18th August, 1969

G.T. MATENGE
Clerk of the National Assembly.