

Statutory Instrument No. 1 of 1971

THE MINES AND MINERALS ACT, 1967

**THE MINES AND MINERALS (DEMARCATION OF MINING
LEASE AREAS) REGULATIONS, 1970**

(Published on 15th January, 1971)

In the exercise of the powers vested in him by section 115 (1) of the Mines and Minerals Act, 1967 (No. 50 of 1967), the Minister of Commerce, Industry and Water Affairs has made the following regulations –

1. These regulations may be cited as the Mines and Minerals (Demarcation of Mining Lease Areas) Regulations, 1970. Citation.

2. In these regulations, unless the context otherwise requires— Inter-pretation.
“ancillary mark” means a mark marking the position of a boundary line of an area where such boundary line is crossed by a railway, road or track;

“applicant” means a person making application under section 27 of the Act for the grant or registration of a mining lease in respect of an area;

“area” means the area of a mining lease granted or to be granted under the provisions of section 24 of the Act or registered or to be registered under the provisions of section 25 of the Act;

“beacon” means a monument marking the boundary line of an area;

“demarcated” means demarcated in the manner prescribed in these regulations;

“direction trench” means a direction trench referred to in regulation 10 and includes a row of stones referred to in subregulation (3) thereof;

“holder” means the holder of a mining lease granted under the provisions of section 24 of the Act or registered under the provisions of section 25 of the Act in respect of an area;

“line mark” means a mark, other than an ancillary mark or a beacon, marking the position of a boundary line of an area;

“plate” means a metal plate referred to in regulation 9;

“survey plan” means a survey plan referred to in regulation 15.

3. (1) Whenever the Minister has approved an application for a mining lease the applicant shall, before such lease is granted or registered, cause the area to be demarcated. Obligation to demarcate areas and keep them demarcated.

(2) Every holder shall at all times keep the area effectively demarcated.

Means of demarcation.

Exemption where means of demarcation inappropriate.

Nature and specifications of beacons and line marks.

Nature and specification of ancillary marks.

4. Areas shall be demarcated by means of beacons, line marks, ancillary marks, direction trenches and cleared belts.

5. Notwithstanding anything in these regulations, whenever the Commissioner is satisfied with reference to any portion of the boundary of an area that by reason of its physical nature demarcation by any or all of the means specified in regulation 4 cannot reasonably be required, he may on application exempt the applicant or holder from the obligation of establishing or maintaining on that portion of the boundary the means concerning which he is so satisfied.

6. (1) Every beacon and line mark shall be of a permanent nature and shall be constructed of solid concrete composed of at least one part of fresh cement mixed with three parts of clean sand and six parts of clean stone.

(2) Every beacon or line mark shall be constructed in the shape of a truncated pyramid having a centre pipe flush with the top of the block and protruding below the base.

(3) Every beacon shall measure one metre by one metre at the base and thirty centimetres by thirty centimetres at the top, shall be one metre from ground level in height, and shall conform with the illustration in Appendix 1.

(4) Every line mark shall measure sixty centimetres by sixty centimetres at the base and thirty centimetres by thirty centimetres at the top, shall be sixty centimetres from ground level in height, and shall conform with the illustration in Appendix 2.

(5) Unless securely set in solid rock, every beacon and line mark shall be sunk into the ground to a depth of at least thirty centimetres.

(6) The centre pipe of a beacon or line mark shall be not less than twenty-five millimetres in diameter and shall protrude from the base of the beacon or line mark—

- (a) in the case of a beacon or line mark set in solid ground, not less than thirty centimetres into such ground;
- (b) in the case of a beacon or line mark set in consolidated ground, not less than sixty centimetres into such ground;
- (c) in the case of a beacon or line mark set in unconsolidated ground, not less than one hundred and thirty centimetres into such ground.

7. (1) Every ancillary mark shall consist of a heavy metal rail, bar or angle iron weighing not less than three kilogrammes per metre, shall be one metre above ground level in height, and shall conform with the illustration in Appendix 3.

(2) Unless securely set in solid rock every ancillary mark shall protrude into the ground to a depth of not less than sixty centimetres and be firmly concreted to prevent any displacement.

8. (1) Every corner point of an area shall be marked with a beacon, and so many additional beacons shall be established along the boundary line of an area as are necessary to ensure that no two beacons on such line are more than five thousand metres apart.

Position and numbering of beacons, line marks and ancillary marks.

(2) Line marks shall be accurately placed on the boundary line of an area in such a position that no line mark is more than one thousand metres from the nearest beacon or line mark, as the case may be, demarcating the area on either side of it, and that every line mark is readily visible by the eye of a person with normal vision from each such beacon or line mark.

(3) Every place where the boundary line of an area is crossed by a railway, road or track shall be marked by an ancillary mark, which shall be sited as close to such place as may be consistent with safety but not within the area of any railway or road servitude.

(4) The beacons and line marks demarcating an area shall be numbered consecutively in clockwise sequence according to type along the boundary line of such area, and each sequence shall begin with the number 1.

9. (1) A plate shall be bolted or otherwise firmly affixed to one side of every beacon and line mark near the top thereof.

Plates on beacons, line marks and ancillary marks.

(2) Such plate shall be made of metal measuring thirty centimetres by twenty-three centimetres and shall have engraved or stamped and kept legible upon it the following particulars in the following order—

- (a) name of holder: e.g. "A.B.C. Mining Co.";
- (b) number of mining lease: e.g. "S.G.(M.L.) 9/69";
- (c) number of beacon or line mark: e.g. "BN 4" meaning beacon four; or "LM 14" meaning line mark fourteen;
- (d) date of grant or registration of mining lease: e.g. "30.9.69."

(3) A plate shall be firmly welded on to the rail, bar or angle iron forming an ancillary mark near the top thereof.

(4) Such plate shall be made of metal measuring thirty centimetres by twenty-three centimetres and shall have engraved or stamped and kept legible upon it the following particulars in the following order—

- (a) name of holder: e.g. "A.B.C. Mining Co.";
- (b) number of mining lease: e.g. "S.G.(M.L.) 9/69".

10. (1) The direction of boundary lines meeting at a beacon shall, where possible, be indicated by direction trenches.

Direction trenches.

(2) Subject to subregulation (3), such trenches shall each be not less than three metres long, thirty centimetres wide, and thirty centimetres deep, and shall be dug upon the boundary lines so as to meet at the beacon.

(3) Where the surface of the ground is such that it is not possible to dig a trench conforming with subregulation (2), the person responsible for demarcating the area or keeping it demarcated shall cause rows of white-washed stones, each row being not less than three metres long and thirty centimetres wide, to be placed upon the boundary lines so as to meet at the beacon, and shall keep such rows of stones white-washed.

Belt on boundary line to be kept clear.

11. A belt aligned and centred upon the boundary line of an area and having a width of three metres shall be cleared and kept completely clear of bush, scrub, trees and overhanging branches of trees.

Beacons etc. to be kept in good order.

12. All beacons, line marks, ancillary marks, plates and direction trenches shall be kept in good order.

Certificates to be sent.

13. Every holder shall once in every calendar year before the end of the first quarter thereof send to the Commissioner by registered post a certificate signed by the holder or by a person authorised to sign on his behalf stating, if the requirements of regulation 11 or regulation 12 have been complied with, that they have been complied with.

Interference with beacons etc., prohibited.

14. No person shall damage, deface or alter the position of any beacon, line mark, ancillary mark, plate or direction trench established in accordance with these regulations.

Survey Plans.

15. (1) Every applicant shall, in addition to the diagram required in terms of section 27 (4) of the Act, cause a survey plan of the area to be prepared by a licensed land surveyor and shall cause every beacon and line mark established in accordance with these regulations to be correctly plotted thereon.

(2) Such survey plan shall be submitted in duplicate by the applicant to the Director of Surveys and Lands for examination and, if it is approved, one copy shall be transmitted by the Director of Surveys and Lands to the Commissioner before the mining lease applied for is granted or registered.

(3) One copy of every survey plan submitted in terms of this regulation shall be framed on good quality drawing paper and the other copy shall be framed on either tracing linen or tracing film.

(4) Every survey plan shall contain the following numerical data and other information—

- (a) the co-ordinates in metres to two decimal places of every beacon and line mark, the system of which co-ordinates shall be the same as that appearing on the diagram referred to in subregulation (1);
- (b) the lengths in metres to two decimal places between every beacon or line mark and the beacon or line mark immediately adjacent to it on each side on the boundary line of the area;

- (c) the direction to the nearest ten seconds of every line between beacons:

Provided that where the length of any such line exceeds 1,500 metres the direction shall be expressed in single seconds;

- (d) a clear and concise description of every beacon and line mark;
- (e) the direction of true north, normally to be indicated by an arrow pointing towards the top of the plan;
- (f) the axes to which the co-ordinates are referred, indicated by fine lines the value of each of which shall be stated at its extremities;
- (g) the scale to which the figure is plotted:

Provided that when any beacons and line marks are in such close proximity to each other that the numerical data required by this subregulation cannot be clearly shown such beacons and line marks shall be represented in an inset on a larger scale, which scale shall be stated;

- (h) all the main topographical features within the area clearly shown, with particular care taken in the neighbourhood of beacons and line marks.
- (5) Every survey plan shall be certified and signed by the land surveyor who prepared it in the following manner-

“Surveyed in (month and year) by me.

.....
Land Surveyor”

16. Any holder who fails to send the Commissioner a certificate as prescribed by regulation 13 or who sends to him a certificate which is false in any material respect and any person who contravenes any other provision of these regulations shall be guilty of an offence and liable on conviction to a fine of R500 and to imprisonment for six months. Penalties.

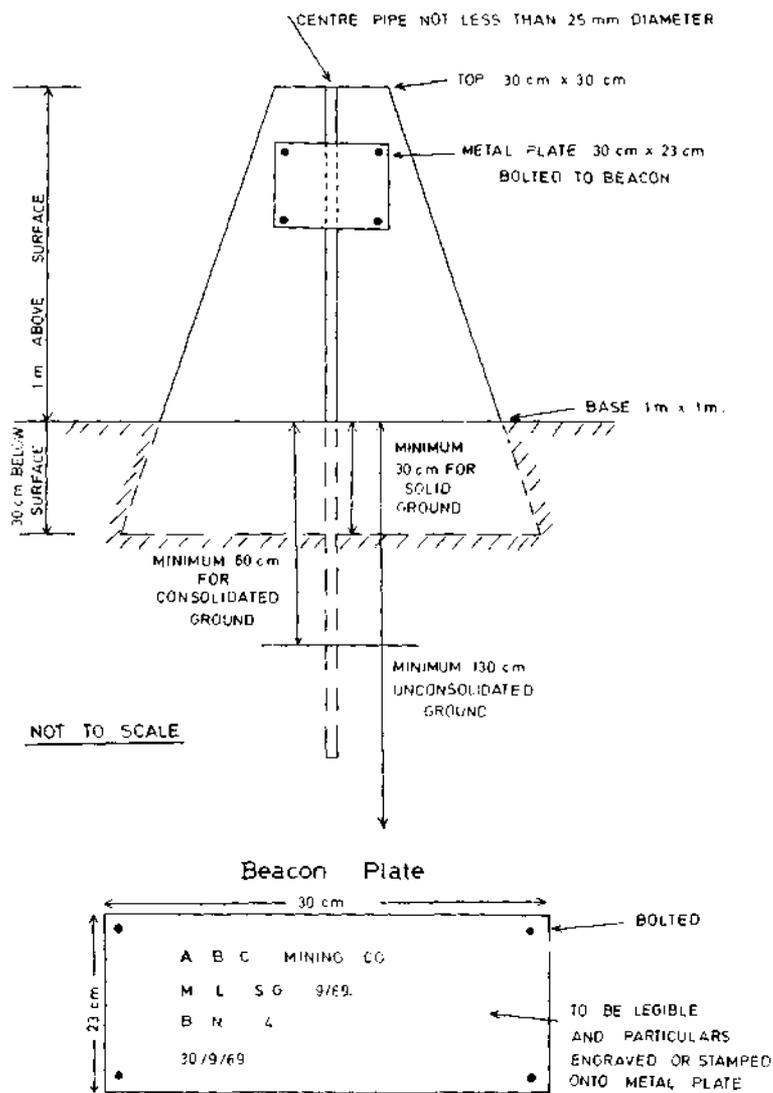
17. Whenever the Commissioner is satisfied that any beacon, line mark or ancillary mark, established before the commencement of these regulations and not in strict compliance therewith in respect of specifications, complies adequately with these regulations, he may on application approve such beacon, line mark or ancillary mark, which shall thereupon be deemed Pre-existing beacons, line marks and ancillary marks.

to comply with the requirements of these regulations in respect of specifications.

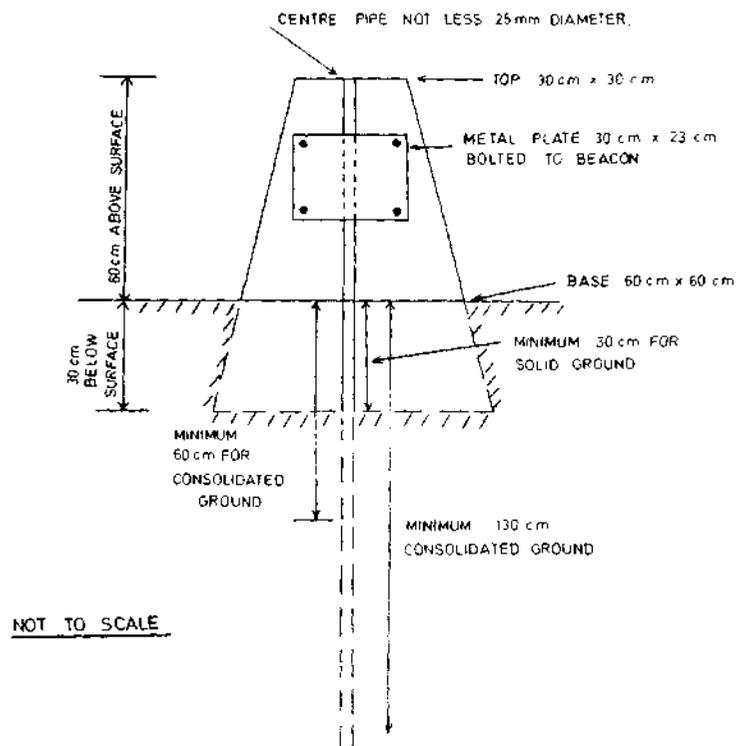
L.D. LEKALAKE,
Permanent Secretary.

Ministry of Commerce, Industry and Water Affairs,
GABORONE.
7th December, 1970.
L2/7/76.

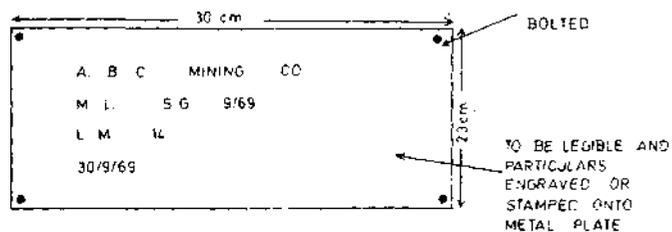
APPENDIX 1
 CONCRETE BEACON IN FORM OF TRUNCATED PYRAMID



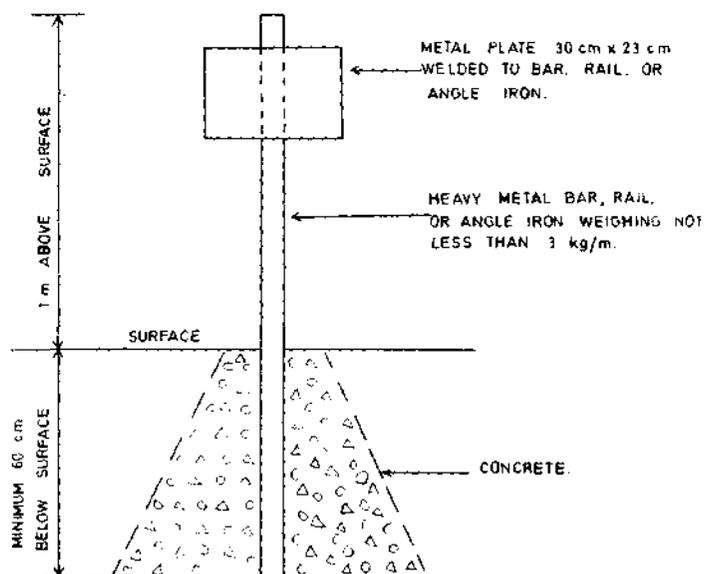
APPENDIX 2
 CONCRETE LINE MARK IN FORM OF TRUNCATED PYRAMID



LINE MARK PLATE



APPENDIX 3
ANCILLARY MARK



ANCILLARY MARK

