



ST. CHRISTOPHER AND NEVIS

CHAPTER 10.11

MINERALS (VESTING) ACT and Subsidiary Legislation

Revised Edition

showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

This edition contains a consolidation of the following laws—

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CHAPTER 10.11
MINERALS (VESTING) ACT

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CHAPTER 10.11
MINERALS (VESTING) ACT

AN ACT TO MAKE PROVISION RESPECTING THE PROSPECTING AND MINING OF MINERALS,
AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Minerals (Vesting) Act.

Interpretation.

2. In this Act—

“minerals” includes the following—

- (a) metalliferous minerals containing aluminum, antimony, arsenic, barium, bismuth, cadmium, cerium, chromium, cobalt, columbium, copper, iron, lead, lithium, magnesium, manganese, mercury, molybdenum, nickel, potassium, sodium, tantalum, tin, titanium, tungsten, vanadium, zinc, zirconium and all other substances of a similar nature to any of them, and all ores containing them and combinations of any of them with each other or with any other substance, excepting only those that occur in the form of precious minerals;
- (b) combustible carbonaceous minerals including—
 - (i) coal;
 - (ii) lignite, which includes brown coal and any coal which the Minister may prescribe to be lignite;
- (c) mineral oils, including bitumen, asphalt and all other bituminous substances;
- (d) other minerals, including those used for their abrasive or refractory qualities and asbestos, barytes, bauxite, china clay, fullers earth, graphite, laterite, marble, mica, nitrates, pipeclay, potash, quartz, crystals, slate, soda, sulphur, talc and all other substances of a similar nature to any of them; and
- (e) precious minerals, including—
 - (i) precious stones and semi-precious stones including amber, amethyst, beryl, cat’s eye, chrysolite, garnet and all other semi-precious stones, whether of the same kind as those enumerated or not;
 - (ii) precious metals,

but does not include—

- (i) pottery clay or rock salt;
- (ii) any material, such as clay, sand, limestone, sandstone, or other stones, commonly used for the purpose of road making or for building or for the manufacture of any article used in the construction of buildings where such material does not contain any valuable metal or precious stone in economically workable quantities;

“precious metals” means gold, silver, or metal of the platinoid group, in the unmanufactured state, and all ores containing such metal, but not including ores containing any such metal in combination with another mineral where such metal cannot be worked apart from such mineral and the value of such metal is less than the cost of producing both the metal and the mineral;

“precious stones” means diamonds, emeralds, opals, rubies, sapphires, turquoises, and such other stones as may be prescribed to be precious stones for the purpose of this Act;

“to mine” with its grammatical variations and cognate expressions means intentionally to search for, extract or win minerals;

“to prospect” with its grammatical variations and cognate expressions means to search for minerals and includes such working as is reasonably necessary to enable the prospector to test the mineral-bearing qualities of the land.

All minerals vested in the Crown.

3. (1) It is hereby declared that all minerals being in, on or under any land of whatsoever ownership or tenure are vested in and are subject to the control of the Crown.

(2) In this section “minerals” includes all radio-active minerals as defined in the Radio-Active Minerals Act, Cap. 9.24.

Prohibition of prospecting and mining except by licence.

4. (1) No person shall prospect for or mine any minerals except by authority of a licence granted by the Minister and in accordance with the terms and conditions specified in such licence.

(Amended by Act 6 of 1976)

(2) Any person who contravenes the provisions of subsection (1) commits an offence and shall be liable, on summary conviction, to a fine not exceeding ten thousand dollars and to a further fine not exceeding five hundred dollars for each day during which the contravention continues.

(Amended by Act 9 of 1986)

(3) Nothing in this section shall be taken as authorising the prospecting for or mining of minerals in, on or upon any land except with the consent of the owner or occupier of the land.

Payment of royalties under mining licence.

5. Where a licence to mine is granted under section 4 there shall be paid to the Government by the licensee in respect of minerals mined by virtue of that licence such royalties as may be prescribed, and different royalties may be prescribed for different minerals.

Payment of compensation.

6. (1) Except as provided in this section, where minerals are won in, on or under any land which is not Crown land, there shall be paid to the owner of the land such compensation as is in this section provided in respect of the minerals so won:

Provided that, where there is a tenant for life of such land, the compensation payable to the owner shall be paid into the Public Treasury to the credit of the owner and (notwithstanding anything to the contrary contained in the Savings Bank Act, Cap. 21.15 or in any Rules made thereunder with respect to the limitation of the

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amount of a deposit and the interest payable thereon) it shall be invested by the Accountant General in the Government Savings Bank without limit as to amount, and the income arising therefrom shall be paid to the tenant for life during his or her lifetime, and upon his or her death the capital sum so invested shall be paid to the owner of the land.

(2) The compensation to be paid under this section shall be five per centum of the royalties paid to the Government and it shall be paid at such times and subject to such conditions as may be prescribed:

Provided that if any person proves to the satisfaction of the Minister that he or she was at the commencement of this Act in receipt of any income derived from mining operations carried on lands of which he or she is the owner, the compensation to be paid to him or her shall be the full amount of the royalties paid to the Government during the period for which compensation is payable under this section, and in any case the amount of such compensation shall not be less than the income by way of royalties to which, but for the passing of this Act, such person would have been entitled under any subsisting agreement.

(3) No compensation shall be payable to the owner of any land at any time after either—

- (a) the fiftieth anniversary of the commencement of this Act; or
- (b) the twenty-fifth anniversary of the day upon which, after the commencement of this Act, such minerals were first won in, on, or under such land,

whichever first happens:

Provided that where mining operations are suspended on the area of the mining lease the period during which such operations are so suspended shall not be taken into account in determining such twenty-fifth anniversary.

(4) No compensation shall be payable in respect of any precious metals or precious stones which are won in, on or under any land.

Payment of compensation where owner doubtful.

7. (1) Where any doubt arises as to the person who is entitled as owner to the payment of any compensation which is payable under this Act, such compensation shall be paid into the High Court to the credit of the person who may be entitled thereto and it may (subject to the provisions of this section) on the subsequent application of any person claiming to be entitled thereto, be paid out to such person on the order of a Judge of the Court.

(2) All moneys paid into the High Court under the provisions of this section which remain unclaimed for twelve years after such payment shall be transferred and paid into the general revenue of the State, and all claims thereto shall be forever barred.

Regulations.

8. The Minister may make regulations with respect to any matter which may be prescribed under this Act, including the form of licences to prospect for minerals or to mine minerals and the fees to be paid therefor.

SCHEDULE*(Section 8)***MINERALS (PROSPECTING LICENCE) REGULATIONS****Short title.**

1. These Regulations may be cited as the Minerals (Prospecting Licence) Regulations.

Application for Licence to Prospect.

2. (1) An application for a licence to prospect for minerals shall be made to the Minister in the form set out as Form No. 1 in Schedule 1 to these regulations.

(2) There shall be forwarded with such application a sketch plan in duplicate on a reasonable scale showing, to the satisfaction of the Minister, the following details—

- (a) the main topographical features in and about the area applied for in such manner as will enable the boundaries to be identified on the ground; and
- (b) an approximate estimate in acres of the area applied for.

Licence to Prospect.

3. (1) A licence to prospect for minerals shall be in the form set out as Form No. 2 in Schedule 1 to these regulations, and if granted subject to any terms and conditions, such terms and conditions shall be endorsed thereon.

(2) On the issue of a licence to prospect for minerals there shall be payable the appropriate fee specified in Schedule 2 to these regulations.

Application for Renewal of Licence to Prospect.

4. (1) Application for the renewal of a licence to prospect for minerals shall be lodged with the Minister not later than two months before the date of expiration of such licence, and shall be in the form set out as Form No. 3 in Schedule 1 to these regulations.

(2) When a licence holder who has so applied has, up to and including the date on which his or her licence is due to expire, not received any notification of the allowance or disallowance of his or her application he or she may continue his or her operations until he or she receives such notification.

(3) Where such application is allowed the licence shall be renewed as from the date of expiry, and the fact and particulars of such renewal shall be endorsed on the original licence.

(4) The appropriate fee specified in Schedule 2 to these regulations shall be payable for the renewal of a licence to prospect for minerals.

SCHEDULE 1 TO THE REGULATIONS

FORM NO. 1

(Regulation 2(1))

THE MINERALS (PROSPECTING LICENCE) REGULATIONS

Application for a licence to prospect for minerals

To the Minister.

1. Name of applicant
2. Nationality of applicant
3. Name and nationality of directors of company, body of persons or partnership
(if any)
4. Address of applicant
5. Parish and approximate area (in acres or part of an acre) of area applied
For
6. Mineral for which applicant desires to prospect
7. A sketch plan as required by the Regulations is attached hereto.
Dated this day of 20

.....
Signature of Applicant.

FORM NO. 2

(Regulation 3(1))

THE MINERALS (PROSPECTING LICENCE) REGULATIONS

Licence to prospect for minerals

No.....

Licence, subject to the provisions of the Minerals (Vesting) Act and of the Regulations thereunder, now in force or which may come into force during the continuance of this Licence or any renewal thereof, for one year from the

..... day of subject to the special conditions hereunder written, is hereby granted to.....

.....
(here insert name, address and description of licensee)

to prospect for the following mineral
within the following limits.....

.....

(here insert boundaries of area)

.....
.....
as delineated approximately on the plan attached hereto and coloured

This..... day of 20

.....
Chief Secretary/Secretary to Cabinet.

Special Conditions.

.....
.....
.....

FORM NO. 3

(Regulation 4(1))

THE MINERALS (PROSPECTING LICENCE) REGULATIONS

Application for Renewal of Licence to Prospect for minerals

To the Minister.

- 1. Name of applicant
- 2. Number of applicant's licence for which application to renew is being made
.....
- 3. State whether alluvial or lode deposits are being explored.....
- 4. State whether renewal is sought for the whole of the area or only part
.....
- 5. If renewal is sought for only a part delineation and approximate area must be given and a sketch plan of the area applied for must be attached.

Dated this day of 20

.....
Signature of Applicant.

SCHEDULE 2 TO THE REGULATIONS

(Regulation 4(4))

FEEES

Licence to prospect for minerals	\$48.00
Renewal of Licence to prospect for minerals	\$24.00