

MINING COMPENSATION ACT

CHAPTER 61:02

Act
28 of 1916
Amended by
45 of 1979

Current Authorised Pages

<i>Pages</i>	<i>Authorised</i>
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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 61:02

MINING COMPENSATION ACT

ARRANGEMENT OF SECTIONS

SECTION

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CHAPTER 61:02

MINING COMPENSATION ACT

1950 Ed.
Ch. 26 No. 5.
28 of 1916.

An Act to provide for the assessment by arbitration of damages arising from the searching and prospecting for and winning of minerals the property of the State.

Commencement.

[21ST NOVEMBER 1916]

Sub. Leg.
Ch. 57:01.
Ch. 62:01.

WHEREAS under and by virtue of the provisions of the Land Regulations, the Petroleum Act and of other powers him enabling, the President has power to grant licences and leases to persons desirous of searching and prospecting for and winning minerals in, under and through State lands or of searching and prospecting for and winning minerals which by any State grant or other means whatsoever are reserved to or vested in the State:

And whereas it is expedient in the public interest to provide for the assessment by arbitration of claims for compensation by third parties in respect of acts done by any such licensees or lessees as aforesaid:

Short title.
Construction.
Ch. 5:01.

1. This Act may be cited as the Mining Compensation Act, and shall be read as one with the Arbitration Act.

Interpretation.

2. In this Act—

“grantee” means a grantee under a State grant, and includes any person claiming through or under him;

“lessee” means any lessee under a lease granted by the President, and includes any person claiming through, by, or under such lessee;

“licensee” means any licensee under an exploration or prospecting licence granted by the President in respect of any mineral mentioned in such licence, and includes any person claiming through, by, or under such licensee.

- 3.** (1) (a) Where, under and by virtue of the terms of any State grant, any mineral rights are reserved to the State in, through, or under any land mentioned in such grant; and
- (b) where the same or part of the same portion of State land is under licence or lease to different licensees or lessees in respect of different minerals mentioned in their respective licences or leases,

Claims by interested parties.

all claims by any grantee, or by any one of two or more licensees or lessees (hereinafter referred to as “an interested party”) against any licensee or lessee for compensation for the use of, or for any injury to any interest which such interested party may possess in any such land, shall be determined and assessed by arbitration and in no other way.

(2) In the event of an interested party proceeding to enforce any such claim except as provided in this Act, any such licensee or lessee, at any time after appearance and before delivering any pleadings or taking any other steps in the proceedings, may apply to the High Court or a Judge thereof to stay the proceedings, and such Court or Judge shall thereupon stay such proceedings.

4. An interested party desirous of recovering compensation under this Act shall serve the licensee or lessee from whom he demands such compensation with a written claim specifying the nature of the claim and the amount of the compensation demanded.

Written claim for compensation.

5. In the event of the licensee or lessee upon whom a written claim is served disputing in whole or in part his liability to make compensation, a difference between such parties shall be deemed to have arisen and such difference shall be determined—

Arbitration of differences. [45 of 1979].

- (a) if the amount of the compensation claimed does not exceed two thousand five hundred dollars, by a Magistrate; and

(b) if such amount exceeds two thousand five hundred dollars, by a Judge of the High Court,
in like manner as if such Magistrate or Judge were a single arbitrator
appointed pursuant to the provisions of the Arbitration Act.

Ch. 5:01.