

SEYCHELLES MINERALS ACT

[15th October, 1962]

Act 14 of 1962.

S.I. 95 of 1975.

S.I. 72 of 1976.

Act 3 of 1976.

Act 23 of 1976.

Act 15 of 1977.

ARRANGEMENT OF SECTIONS

SECTION

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1. Short title

This Act may be cited as the Minerals Act.

2. Interpretation

In this Act, unless the context otherwise requires –

"Continental shelf" means the continental shelf of Seychelles and comprises the area defined in section 5 of the Maritime Zones Act.

"land in Seychelles" includes land covered with water, the seabed and subsoil beneath the territorial waters and the continental shelf;

"mine" and "mining" means any operation for winning or obtaining minerals;

"minerals" means and includes the following:-

(a) metalliferous minerals, including antimony, arsenic, bismuth, copper, cobalt, chromium, cadmium, iron, lead, manganese, mercury, molybdenum, nickel, tin, tungsten, uranium, zinc, and all others 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) carbonaceous minerals, including graphite, coal in all its varieties, and all substances of a similar nature to any of them;

(c) earthy minerals, including asbestos, barytes, bauxite, china clay, fuller's earth, gypsum, marble, mica, nitrates, phosphates, pipe-clay, potash, salt, slate, soda, talc, and all other substances of a similar nature to any of them:

Provided that there shall not be included therein guano and such other earthy minerals as the Minister may by order declare not to be minerals for the purposes of this Act.

(d) precious minerals meaning and including -

(i) precious stones, namely, amber, amethyst, beryl, cat's eye, chrysolite, diamond, emerald, garnet, opal, ruby, sapphire, turquoise, and all other substances of a similar nature to any of them; and

(ii) precious metals, namely, gold, silver, platinum, iridium, osmium, palladium, ruthenium, rhodium, or ores containing any of these metals, provided that argentiferous lead ores containing not more than four ounces of silver per ton shall be excluded from the scope of this definition;

(e) radio-active minerals, namely minerals, raw and treated (including residues and tailings) which contain by weight at least 0.05 per cent of the element uranium, or of the element thorium, or any combination thereof;

"petroleum" has the meaning given to it in section 2 of "prospect" and "prospecting" mean to search for minerals, and include such working as is reasonably necessary to enable the prospector to test the mineral bearing qualities of the land.

3. Vesting of property in and control of minerals in the Republic

The entire property in and control of all minerals in, under or upon any land in Seychelles or in all rivers or streams throughout Seychelles is hereby vested in the Republic and the Republic shall have the exclusive right of prospecting and mining for such minerals.

4. Prohibition of prospecting or mining without authority

Except as in this Act provided, no person shall prospect or mine in, under or upon any land in Seychelles, or divert or impound water for the purpose of mining operations.

Any person contravening the provisions of subsection shall be guilty of an offence and shall on conviction, be liable to fine not exceeding one thousand rupees or to imprisonment not exceeding twelve months, or to both such fine and imprisonment, and the Court before which such person is convicted may order the forfeiture of all minerals obtained by such person or if such minerals cannot be forfeited, of such a sum as the Court shall assess as the value of such minerals. Any minerals so forfeited shall be sold or otherwise disposed of as the Minister may direct and the proceeds from the sale of any such minerals shall be paid into general revenue.

5. Prospecting when lawful

Prospecting shall be lawful under a prospecting right, an exclusive prospecting license or a special exclusive prospecting license granted by the Minister.

6. Mining when lawful

Mining shall be lawful under a mining right, a mining lease or a special mining lease granted by the Minister.

7. Compensation

Compensation shall be payable as laid down by the Act or by regulations made by the Minister under section 9 for the disturbance of surface rights and for damage done to the surface of the land resulting from the prospecting or mining operations.

8. Owner's right to payment of part of royalties or other revenue of profits

The owner of any land in Seychelles shall receive such proportion of royalties or other revenue payable to the Government in respect of minerals won or obtained in, under or upon his land, as may be fixed by the Act or by regulations made by the Minister under section 9. In case mining is undertaken by the Government itself, the owner shall receive such

percentage of profits resulting from the mining operations as may be fixed by the Act or by regulations made by the Minister under section 9.

9. Power to make regulations

The Minister may make regulations for the purpose of carrying out or giving effect to the and provisions of this Act.

10. Act not to apply to petroleum

This Act shall not apply to petroleum as defined in section 2.

NO SUBSIDIARY LEGISLATION