



ST. HELENA

## CHAPTER 70

# MINERALS VESTING ORDINANCE

### Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email [pa.lawofficers@legallandlands.gov.sh](mailto:pa.lawofficers@legallandlands.gov.sh)]<sup>1</sup>

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

This version contains a consolidation of the following laws—

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Ordinance 6 of 1951 .. in force 20 July 1951

Amended by Ord. 8 of 2004

Amended by L.N. 26 of 2009

Amended by Ord. 2 of 2015

No Subsidiary Legislation has been made under this Ordinance

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<sup>1</sup> These contact details may change during 2011 or early in 2012. In case of difficulty, email [shgwebsite@sainthelena.gov.sh](mailto:shgwebsite@sainthelena.gov.sh) or telephone (+290) 2470.

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**CHAPTER 70****MINERALS VESTING ORDINANCE**

*(Ordinance 6 of 1951 as amended by Ordinance 8 of 2004, Legal Notice 26 of 2009 and Ordinance 2 of 2015))*

AN ORDINANCE TO VEST IN THE CROWN ALL MINERALS IN ST. HELENA AND ITS DEPENDENCIES AND FOR MATTERS INCIDENTAL THERETO OR CONNECTED THEREWITH.

**Commencement**

*[20 July 1951]*

**Short title**

1. This Ordinance may be cited as the Minerals Vesting Ordinance.

**Definitions**

2. In this Ordinance—

“**Crown Land**”<sup>2</sup> ...

“**minerals**” do not include material, such as clay, sand, limestone, or other stone, commonly used for the purpose of road-making or for building or for the manufacture of any articles used in the construction of buildings where such material does not contain any valuable metal or precious stone in economically workable quantities, but includes the following—

- (a) metalliferous minerals containing aluminium, antimony, arsenic, barium, bismuth, cadmium, calcium, 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

<sup>2</sup> Definition of “Crown Land” amended by L.N. 26 of 2009 and repealed by Ord. 2 of 2015

- 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 which the Governor in Council may prescribe to be lignite if the estimated average ash content is so high or the estimated average thermal value is so low that such coal may properly be classed as lignite;
  - (c) other minerals, including those used for their abrasive or refractory qualities and asbestos, barytes, bauxite, china clay, gypsum, fuller's earth, graphite, laterite, marble, mica, mineral oils, nitrates, phosphates, pipeclay, pottery clay, potash, quartz crystals, salt, slate, soda, sulphur, talc and all other substances of a similar nature to any of them;
  - (d) 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;
    - (iii) all radio-active minerals;

**“nautical miles”**<sup>3</sup> means international nautical miles of 1,852 metres;

**“precious metals”** mean gold, silver, or metal of the platinoid group, in the unmanufactured state, 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”** mean diamonds, emeralds, opals, rubies, sapphires, turquoises, and such other stones as may be prescribed to be precious stones for the purpose of this Ordinance;

**“royalties”** mean royalties payable to the Government in accordance with any law or regulations governing mines and mining;

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

### **All minerals vested in Crown**

**3.**<sup>4</sup> It is hereby declared that all minerals being in, on or under any land or water, whether river, inland sea or ocean waters extending up to 200 nautical miles (measured from the baselines as established by articles 3 and 4 of the St Helena and Dependencies (Territorial Sea) Order 1989), or such greater distance as determined by the United Nations Convention on the Law of the Sea or as may be designated by the Commission on the Limits of the Continental Shelf from time to time, are vested in and are subject to the control of the Crown.

### **Control of mining and payment of royalties**

**4.** No person shall mine any minerals save in accordance with the Ordinance and regulations governing mines and mining and there shall be paid to the Government such royalties as may be thereby prescribed in respect of minerals mined.

<sup>3</sup> Definition of “nautical miles” inserted by Ord. 2 of 2015

<sup>4</sup> Section 3 substituted by Ord. 2 of 2015

**Extent to which royalties payable to owners of land**

5. (a) Where minerals are won in, on, or under any land or water, which is not Crown land, then there shall be paid to the owner of that land or water such part of the royalties as is in this section provided in respect of the minerals so won.

(b) The part of the royalties to be paid to the owner of the land or water shall be five per cent of the said royalties or such other amount as may be prescribed either generally or in respect of any particular mineral or mine.

(c)<sup>5</sup> The said amount of the royalties payable to the owner of the land or water shall be paid at such time and subject to such conditions as may be prescribed:

Provided that where there is a tenant for life of such land or water as aforesaid, then the amount of royalties payable to the owner shall be paid into the Consolidated Fund to the credit of the owner and shall be invested by the Bank of St. Helena without limit as to amount, and the income arising therefrom shall be paid to the tenant for life so long as he lives, and thereafter the capital sum so invested shall be paid to the owner.

(d) If any doubt arises as to the identity of the person entitled as owner of any land or water to receive the said amount of the royalties, the matter shall be determined by the Governor in Council subject to such regulations, if any, as may be prescribed.

(e) No part of any royalties shall be payable to the owner of any land or water at any time after either—

- (i) the fiftieth anniversary of the commencement of this Ordinance; or
- (ii) the twenty-fifth anniversary of the day upon which, after the commencement of this Ordinance, such minerals were first won in, on, or under such land or water,

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.

**Regulations**

6.<sup>6</sup> (1) The Governor in Council may make regulations generally for the better carrying into effect of the provisions of this Ordinance.

(2) Without prejudice to the generality of subsection (1), the Regulations may make provision for the issue of licences and may prescribe the procedures and conditions for such licences.

**Application to Ascension and Tristan da Cunha**

7.<sup>7</sup> Subject to the modifications specified in the Schedule to this Ordinance, all the provisions of this Ordinance shall apply to Ascension and Tristan da Cunha.

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**SCHEDULE<sup>8</sup>**

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<sup>5</sup> Section 5(c) amended by Ord. 8 of 2004

<sup>6</sup> Section 6 amended by Ord. 2 of 2015

<sup>7</sup> Section 7 substituted by Ord. 2 of 2015

<sup>8</sup> Schedule amended by Ord. 2 of 2015

**APPLICATION TO ASCENSION ISLAND AND TRISTAN DA CUNHA**

**1.**<sup>9</sup> The word “Government” means Her Majesty’s Government in right of Ascension or Tristan da Cunha, as the case may be.

**2.** In section 5(c) the words “in the Government Savings Bank without limit as to the amount” shall be deleted and there shall be substituted therefor the words “through the Crown Agents for Oversea Governments and Administrations”.

**3.** For the words “Governor in Council” substitute “Administrator”.

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<sup>9</sup> Paragraph 1 amended by L.N. 26 of 2009 and substituted by Ord. 2 of 2015