



TRISTAN DA CUNHA

REVISED EDITION OF THE LAWS, 2017

LAND OWNERSHIP & USE

MINERALS VESTING (TRISTAN DA CUNHA) ORDINANCE, 1951¹

*Ordinance SH6 of 1951
In force 20 July 1951*

Amended by Ordinance 8 of 2004, 2 of 2015 and L.N. 26/2009

Applied to Tristan da Cunha by section 7, with modifications which have been incorporated in the text below.

No subsidiary legislation to 1 November 2017

MINERALS VESTING (TRISTAN DA CUNHA) ORDINANCE, 1951

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AN ORDINANCE to vest in the Crown all minerals in Tristan da Cunha and for matters incidental thereto or connected therewith.

Short title

1. This Ordinance may be cited as the Minerals Vesting (Tristan da Cunha) Ordinance, 1951.

Definitions

¹ *This text is not authoritative but was prepared by the Law Revision Commissioner under section 14 of the Revised Edition of the Laws Ordinance, 1999 as stating the law at 1 November 2017.*

2. In this Ordinance—

“Crown Land” *Repealed*

“Government” means the Government of Tristan da Cunha;

“minerals” does 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 if 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 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 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” means international nautical miles of 1,852 metres;

“precious metals” means 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” means 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. All minerals being in, on or under any land or water, whether river, inland sea

or ocean waters in the Exclusive Economic Zone of Tristan da Cunha², 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 may mine any minerals except in accordance with the Ordinance governing mines and mining and regulations made under it, and any royalties prescribed by or under that Ordinance in respect of minerals mined must be paid to the Government.

Extent to which royalties payable to owners of land

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

(b) The part of the royalties to be paid to the owner of the land or water is 5% of the said royalties or any other amount that is prescribed either generally or in respect of any particular mineral or mine.

(c) The amount of the royalties payable to the owner of the land or water must be paid at a time and subject to any prescribed conditions, and subject to paragraph (ca).

(ca) If there is a tenant for life of the land or water, the amount of the royalties payable to the owner must be paid into the Consolidated Fund to the credit of the owner and be invested through the Crown Agents for Oversea Governments and Administrations, and the income arising from the investment must be paid to the tenant for life so long as he or she lives, and thereafter the capital sum so invested must 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 is to be determined by the Governor, subject to any regulations that are prescribed.

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

- (i) the 50th anniversary of the commencement of this Ordinance; or
- (ii) the 25th 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.³

(f) If mining operations are suspended on the area of the mining lease, the period during which such operations are so suspended must not be taken into account in determining

² The exclusive economic zone extends 200 nautical miles (M) from the nearest points on the baseline from which the breadth of the territorial waters adjacent to the Islands of Tristan da Cunha, Gough Island, Inaccessible Island and Nightingale Islands is measured. See L.N. T1/2017 and the St Helena and Dependencies (Territorial Sea) Order 1989 (SI 1989/1994).

³ The Ordinance came into force on 20th July 1951

the 25th anniversary referred to in paragraph (e).

Regulations

6. (1) The Governor may make regulations generally for the better carrying into effect of this Ordinance.

(2) Without limiting 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. *Omitted*

SCHEDULE (Section 7)

APPLICATION TO ASCENSION AND TRISTAN DA CUNHA

*Omitted*⁴

⁴ The required changes have been made in the text.