

The following Bill, which will in due course be presented to the House of Representatives for enactment, is published for general information.

**A BILL**  
**FOR**

**AN ORDINANCE TO AMEND THE MINERALS ORDINANCE (CHAPTER 134 OF THE REVISED EDITION OF THE LAWS, 1948).** Title.

[ ]

Commencement.

**BE IT ENACTED BY THE Legislature of the Federation of Nigeria as follows—** Enactment.

**1. This Ordinance may be cited as the Minerals (Amendment) Ordinance, 1958.** Short title.

**2. Section 2 of the Minerals Ordinance (hereinafter referred to as the principal Ordinance) is amended by the deletion of the definition of "lessee" and the substitution therefor of the following—** Amendment of section 2 Cap. 134.

**" 'lessee' of a mining lease means any person to whom a mining lease has been granted, whether alone or in partnership with others, and the executors, administrators and lawful assigns of any such person ;"**

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Amendment  
of marginal  
note,  
section 9.

3. Section 9 of the principal Ordinance is amended by the deletion of the marginal note and the substitution therefor of the following—

“Certain holders of licences and rights and certain lessees to appoint a resident attorney.”

Amendment  
of section 13.

4. Section 13 of the principal Ordinance is amended by the addition after subsection (3) of the following new subsection—

“(4) Where an application has been made for an exclusive prospecting licence, mining right or mining lease the provisions of this section shall apply in respect of such application, and any consequential amendment for such purpose shall be made in Form H of the First Schedule. Upon such assignment being effected and approved, the assignee shall be entitled to any rights which the assigner would otherwise have had in accordance with subsection 1 of section 19, subsection (2) of section 26, subsection (1) of section 27 and subsection (1) of section 33.”

Amendment  
of section 27.

5. Section 27 of the principal Ordinance is amended by the repeal of subsection (4) and the substitution therefor of the following new subsection (4)—

“First  
Schedule.

(4) A mining right shall be in Form E in the First Schedule with any necessary modification concerning the period of validity of the right, and shall remain in force for such period of not less than one year and not exceeding five years from the date thereof as may be decided on by the Minister, but may be renewed by the Minister for any further period within such limits.”

Amendment  
of section 83.

6. Section 83 of the principal Ordinance is amended by being renumbered as subsection (1) and by the addition thereafter of the following new subsection—

“(2) In section 82 and this section references to a person who constructs a road shall be interpreted as also referring to a person who maintains a road to which section 82 and this section apply, and either the person constructing or the person maintaining a road may close the same for the purpose of maintenance, and may by notice disclaim liability for damage or injury occurring by reason of any inadequacy of such road and shall thereupon not be liable to any person to whom such notice shall have been given. A person constructing or maintaining a road shall display and keep displayed adequate notices drawing attention to any bridges or culverts and to any precautions necessary in the use of the same and any person using a motor vehicle who neglects to take precautions that are so notified shall be liable to reimburse the cost of any damage thereby occasioned to a bridge or culvert.”

7. Section 96 of the principal Ordinance is repealed and the following new section substituted therefor—

Amendment of section 96.

"Definition of serious injury."

6. For the purpose of this Part "serious injury" means—

(a) a fractured skull, pelvis, arm or thigh, or main bone of spine, fore-arm or leg ;

(b) a dislocated shoulder ;

(c) the amputation of an arm, hand, or of two fingers or more on the same hand, or of a leg or foot ;

(d) the loss of the sight of an eye ;

(e) any other serious bodily injury, including internal haemorrhage, or burns or asphyxia, if such injury is likely to endanger life, cause permanent incapacity or impair efficiency substantially."

8. The principal Ordinance is amended by the addition after section 121A of the following new section—

Addition of new section 121B.

"Minister's power to delegate."

121B. (1) Without prejudice to any other power of delegation, the Minister may by notice in the Gazette delegate to a Regional Minister the exercise of any power or duty within that Region conferred or imposed upon him under this Ordinance, other than any power to make regulations : Provided that any such delegation shall only be made if the Governor in Council of the Region concerned shall first have resolved that the exercise of such power or duty by the Regional Minister shall be in accordance with any general conditions of policy that may be stipulated by the Minister.

(2) Any delegation made under the provisions of subsection (1) shall be revocable at will and no delegation shall prevent the exercise of any power by the Minister himself."

#### *Objects and Reasons*

The object of the Bill is to make a number of unrelated amendments to the Minerals Ordinance. It deals with an assignee's rights when an application for a mining lease or licence is assigned, extends the period for which a mining right is valid, makes additional provision in respect of private roads on the minesfield, substitutes a new definition of serious injury, and provides for the delegation of powers vested in the Minister.

MUHAMMADU RIBADU,  
Minister of Lagos Affairs, Mines and Power

10th February, 1958  
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