

L.N. 50 of 1971

MINERALS ACT (CAP. 121)

The Minerals Act (Delegation of Powers) Notice 1971

Commencement : 12th June 1971

WHEREAS, pursuant to section 121 of the Minerals Act, the Military Governors of all the States and the Administrator of East Central State having resolved that the exercise of powers and duties by the Commissioner of each state charged with the responsibility for lands, are in accordance with the conditions of policy stipulated by the Federal Commissioner for Mines and Power :

NOW THEREFORE, in exercise of the powers conferred by section 121 (1) of the Minerals Act, and of all other powers enabling me in that behalf, I, RUSSELL ALIYU BARAU DIKKO, Federal Commissioner for Mines and Power, by this Notice hereby delegate the following powers :—

1.—(1) The powers of the Federal Commissioner for Mines and Power, specified in the provisions set out in the first column of Part I and of Part II of the Schedule to this Notice and described in the second column of each Part shall be exercised as from the date of commencement of this Notice by the Commissioner of a State charged with responsibility for lands.

Powers
delegated
to State
Commis-
sioner.
Cap. 121.

(2) Nothing in this Notice shall prevent the Federal Commissioner of Mines and Power from exercising any of the powers so delegated.

2. The Delegation of Statutory Functions (Minerals) Order 1966 is hereby revoked.

Revocation
of L.N. 85
of 1966.

3. This Notice may be cited as the Minerals Act (Delegation of Powers) Notice 1971 and shall apply throughout the Federation.

Citation and
extent.

SCHEDULE

PART I

POWERS DELEGATED UNDER THE MINERALS ACT (CAP. 121)

<i>Provisions</i>	<i>Description</i>
Section 12	To decide on the priority of application for the same area or for overlapping areas.
Section 13 (1)	To consent to the assignment of an exclusive prospecting licence or mining right or mining under section 14 (1).
Section 14 (1)	To consent to prospecting or mining on lands excluded from prospecting or mining under section 14 (1).
Section 14 (1) Proviso	To authorise the holder of a licence, right or lease to prospect or mine on a land in a case where the consent required under paragraph (h) or (i) of section 14 has been unreasonably withheld.
Section 20 (1)	To grant exclusive prospecting licences and to add to or vary the minerals stated in any such licences.
Section 20 (6)	To approve the renewal of an exclusive prospecting licence for further terms as provided for under section 20 (6).

SCHEDULE—*continued*PART I—*continued*

<i>Provisions</i>	<i>Description</i>
Section 22 Proviso	To exclude from a mining lease any portion of an area for which an application is made.
Section 27 (2)	To grant a temporary mining right or temporary mining lease pending consideration of an application.
Section 27 (3)	To decide the period for which a temporary grant shall be valid.
Section 27 (5)	To cancel a temporary grant.
Section 28 (1)	To grant a mining right.
Section 28 (4)	To renew a mining right.
Section 28 (5)	To impose covenants and conditions in the grants of a mining right.
Section 30 (1)	To grant authority to any holder of a mining right to mine for alluvial minerals other than those specified in the mining right, and to vary or revoke such authority.
Section 34 (1)	To grant a mining lease.
Section 34 (2)	To require the holder or grantee of any mining right or mining lease to restore any area under any repealed Act, enactment or proclamation in respect of mining operations.
Section 34 (4)	To add to or vary the minerals endorsed on a mining lease.
Section 37 (1)	To fix the duration of a mining lease, such duration not being more than 21 years.
Section 37 (2a)	To authorise after considering the advice of the Chief Inspector a further renewal of a mining lease.
Section 37 (3)	To require an applicant for renewal of a mining lease to surrender any part of an area covered by such lease worked out or no longer required for mining operations.
Section 37 (5)	To accept any surrender of a mining lease in whole or in part.
Section 37 (6)	To prescribe the sum to be deposited to cover all fees and charges incident to a surrender of a part of a mining lease.
Section 37 (9)	To treat an application to surrender a mining lease as having lapsed.
Section 41 (2)	To inform the owner or occupier of any private land or State land to be included in a mining lease, of the intention to grant such lease and to require that owner or occupier to state within a specified period the annual surface rent which he desires shall be paid to him by the lessee.
Section 41 (3)	To fix the rate of the surface rent payable under section 41.

SCHEDULE—*continued*PART I—*continued*

<i>Provisions</i>	<i>Description</i>
Section 41 (3)	To revise the rate of surface rent ; In fixing the surface rent not to take into consideration the damage which may be done to the surface of the land by the mining or other operations of the lessee.
Section 41 (5)	To entertain an appeal from a decision of the Chief Inspector under section 41 (5).
Section 41 (7)	Where it is impracticable or undesirable to determine the extent of land occupied or used by a mining lease, to permit a lessee to pay surface rent at a discretionary rate over the whole area of the lease.
Section 44 (2)	To grant an extension of time during which, on expiration or determination of his mining lease, property of lessee may remain on the land ; and to direct manner of disposal of such lease where that property becomes vested in the Government.
Section 48 (2)	To grant permits authorising the deposit of greater quantities of tailing than that prescribed by the regulations.
Section 48 (4)	To revoke or vary conditions of a permit issued under section 48.
Section 49 (1)	To permit an alteration in the water supply of a land.
Section 50	To make an order requiring a person to take action to prevent the continuance or recurrence of an offence.
Section 52	To grant a water licence in accordance with section 52.
Section 54 (1)	To grant a provisional water licence.
Section 54 (1) (a) Proviso	To permit a provisional water licence to become operative prior to the grant of a lease.
Section 55	To amend a water licence.
Section 59	To approve the transfer of a water licence.
Section 60	To cancel a water licence.
Section 61	To require a person to whom a water licence has been issued to permit any other lessee to take water.
Section 62	To decide the terms on which a water licence shall be granted.
Section 64 (1)	To require a survey before grant of a mining lease, exclusive prospecting licence, mining right or water licence.
Section 64 (2)	To waive the requirement of section 64 (1) as to survey in the case of any exclusive prospecting licence.
Section 75 (1)	To require security for compensation from a person to whom a prospecting right, exclusive prospecting licence, mining right or mining lease is to be granted.

SCHEDULE I—*continued*PART I—*continued*

<i>Provisions</i>	<i>Description</i>
Section 75 (3)	To accept a banker's guarantee in lieu of the deposit prescribed under section 75.
Section 78 (1)	To entertain an appeal from a decision of a divisional or district officer on the amount of compensation payable.
Section 79	To suspend and revoke a prospecting right or exclusive prospecting licence for non-payment of compensation.

PART II

POWERS DELEGATED UNDER THE MINERALS REGULATIONS (Cap. 121).

<i>Provisions</i>	<i>Description</i>
Paragraph 11	Refusal of an application by reason of delay in answering correspondence.
Paragraph 13 (2)	To forfeit fees if expense incurred by Government over survey.
Paragraph 15	To refuse an application for defective plans and subsequent forfeiture of fees.
Paragraph 16	To order Government survey where applicant's survey is erroneous.
Paragraph 18	To appoint a person to receive balance of payments on an application.
Paragraph 27	To grant exemption from survey on an exclusive prospecting licence.
Paragraph 37 (5)	To endorse other minerals on a lease title.
Paragraph 38	To approve the shape of a mining lease.
Paragraph 39	To direct that a lease shall come within the terms of Minerals Regulations 39, regarding demarcation of land over which a lessee desires to exercise surface rights.
Paragraph 42	To require a lessee to accept a right of occupancy within the area of his mining lease.
Paragraph 67	To prohibit the deposition of tailing in a water-course.

MADE at Lagos this 12th day of June 1971.

R. A. B. DIKKO,
Federal Commissioner for Mines and Power

EXPLANATORY NOTE

(This note does not form part of the above notice but is intended to explain its purport)

By the Notice, the Federal Commissioner for Mines and Power delegates the powers specified in the Schedule to the Notice to State Commissioners charged with responsibility for lands.

The Delegation of Statutory Functions (Minerals) Order 1966 is revoked.

L.N. 51 of 1971

IMMIGRATION ACT 1963
(1963 No. 6)

Soliman Nagaty Deportation Order 1971

Commencement : 1st July 1971

WHEREAS I am of opinion that SOLIMAN NAGATY, a person in Nigeria, ought to be classified as a prohibited immigrant and deported from Nigeria immediately.

NOW, THEREFORE, in exercise of the powers conferred upon me by section 18 (3) of the Immigration Act 1963, and of all other powers enabling me in that behalf, I, Theophilus Agboola Fagbola, Acting Federal Commissioner for Internal Affairs, hereby make the following order :

1. (1) SOLIMAN NAGATY is hereby classified as a prohibited immigrant.
- (2) Accordingly, the said SOLIMAN NAGATY shall be deported from Nigeria by the first available means and shall thereafter remain out of Nigeria.
2. This Order may be cited as the SOLIMAN NAGATY Deportation Order 1971 and shall apply throughout the Federation.

MADE at Lagos this 1st day of July 1971.

THEOPHILUS AGBOOLA FAGBOLA,
Acting Commissioner for Internal Affairs

EXPLANATORY NOTE

(This note does not form part of the above Order but is intended to explain its purpose)

The Order classifies SOLIMAN NAGATY, a person in Nigeria, as a prohibited immigrant and directs that he shall be deported from Nigeria by the first available means.

Prohibited
immigrant.

Citation,
extent and
commence-
ment.

L.N. 52 of 1971

IMMIGRATION ACT 1963
(1963 No. 6)

**Mary Wilma Nagaty (Formerly Mary Wilma Davies)
Deportation Order 1971**

Commencement : 1st July 1971

WHEREAS I am of opinion that MARY WILMA NAGATY (FORMERLY MARY WILMA DAVIES), a person in Nigeria, ought to be classified as a prohibited immigrant and deported from Nigeria immediately :

NOW, THEREFORE, in exercise of the powers conferred upon me by section 18 (3) of the Immigration Act 1963, and of all other powers enabling me in that behalf, I, Theophilus Agboola Fagbola, Acting Federal Commissioner for Internal Affairs, hereby make the following order :

Prohibited
immigrant.

1.—(1) MARY WILMA NAGATY (FORMERLY MARY WILMA DAVIES) is hereby classified as a prohibited immigrant.

(2) Accordingly, the said MARY WILMA NAGATY (FORMERLY MARY WILMA DAVIES) shall be deported from Nigeria by the first available means and shall thereafter remain out of Nigeria.

Citation,
extent and
commence-
ment.

2. This Order may be cited as the MARY WILMA NAGATY (FORMERLY MARY WILMA DAVIES) Deportation Order 1971 and shall apply throughout the Federation.

MADE at Lagos this 1st day of July 1971.

THEOPHILUS AGBOOLA FAGBOLA,
Acting Commissioner for Internal Affairs

EXPLANATORY NOTE

*(This note does not form part of the above Order but is
intended to explain its purpose)*

This Order classifies MARY WILMA NAGATY (FORMERLY MARY WILMA DAVIES), a person in Nigeria, as a prohibited immigrant and directs that she shall be deported from Nigeria by the first available means.