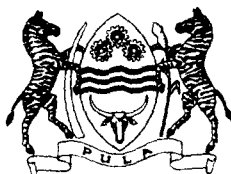


THE MINES AND MINERALS (AMENDMENT NO. 3) ACT, 1970

No. 74



of 1970

ARRANGEMENT OF SECTIONS

Section

1. Short Title
2. Amendment of section 115 of Act No. 50 of 1967

**AN ACT TO AMEND THE MINES AND MINERALS ACT, 1967, SO AS TO
ENABLE THE MINISTER TO MAKE REGULATIONS PROVIDING FOR THE
ESTABLISHMENT, BY PERSONS APPLYING FOR OR HOLDING MINING
RIGHTS, OF BEACONS, MARKS AND CLEARED BELTS BESTRIDING THE
BOUNDARIES OF LAND TO WHICH SUCH RIGHTS RELATE**

Date of Assent: 29.12.1970

Date of Commencement:

ENACTED by the Parliament of Botswana.

Short Title

1. This Act may be cited as the Mines and Minerals (Amendment No. 3) Act, 1970.

Amendment of Section 115 of Act No. 50 of 1967

2. Section 115 of the Mines and Minerals Act, 1967, is amended in subsection (1) by the addition to paragraph (g) of the following —

“and the extent to which, in order to secure the development or utilisation of mineral-bearing property in the national interest, beacons, marks, direction trenches and belts cleared and to be kept clear of vegetation shall be established by persons applying for or holding mining rights in such a position as to bestride the boundaries of land to which those rights relate:

Provided that no such regulation shall authorise or require anything to be done on land adjoining the land to which those rights relate at a distance greater than three metres from the common boundary:

Provided further that any person who, in pursuance of any such regulation, without the consent of the owner causes any land owned by another person to be occupied by beacons or marks or cleared of vegetation shall promptly pay such compensation (if any) as may be adequate; and any dispute as to the interest or right of any person claiming an interest in or right over such land, the legality of the acquisition of the right to occupy or clear the land and keep it cleared, or the amount (if any) of compensation to which such last-mentioned person may be entitled by reason of the acquisition of the said right may, if the amount of compensation claimed does not exceed the jurisdiction of a Subordinate Court of the First Class having jurisdiction in the area, be referred by any party to such dispute to such Court, whose decision shall be subject to an appeal to the High Court, and, if the amount claimed does exceed the said jurisdiction, such dispute may be referred to the High Court; and any person aggrieved by any delay in the payment of compensation due to him may apply to the High Court for the purpose of obtaining prompt payment thereof;”.

Passed by the National Assembly this day, the 18th December, 1970.

G.T. MATENGE
Clerk of the National Assembly