



MONTSERRAT

CHAPTER 14.10

RADIO-ACTIVE MINERALS ACT

Revised Edition

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

RADIO-ACTIVE MINERALS ACT

Act 2 of 1948 .. in force 16 August 1948

Amended by S.R.O. 1/1949

Amended by Act 9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

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RADIO-ACTIVE MINERALS ACT

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CHAPTER 14.10

RADIO-ACTIVE MINERALS ACT

(Act 2 of 1948, S.R.O. 1/1949 and Act 9 of 2011)

Commencement

[16 August 1948]

Short title

1. This Act may be cited as the Radio-Active Minerals Act.

Interpretation

2. In this Act—

“**licence**” means a licence issued under the provisions of section 3;

“**mine**”, with its grammatical variations and cognate expressions, includes all operations for the intentional winning or obtaining of any radio-active mineral;

“**permit**” means a permit issued under the provisions of section 5;

“**prospect**”, with its grammatical variations and cognate expressions, means to search for any radio-active mineral, and includes such working as is reasonably necessary to enable the prospector to test the radio-active mineral-bearing qualities of the area concerned;

“**radio-active mineral**” means any substance specified in the Schedule and as amended from time to time in accordance with the provisions of this Act.

Prospecting and mining restricted

3. Notwithstanding anything to the contrary contained in any enactment relating to mining, no person shall within Montserrat prospect for or mine, or attempt to prospect for or mine, any radio-active mineral except under and in accordance with a licence granted by the Governor.

Holder of licence to report his operations

4. Every holder of a licence shall within the first week of every month furnish the Governor with a true report in writing of the prospecting and mining operations conducted by him in the immediately preceding month with respect to radio-active minerals.

Export restricted

5. No person shall export, or attempt to export, from Montserrat any radio-active mineral except under and in accordance with a permit granted by the Governor in that behalf.

Grant of licence or permit discretionary

6. The grant of a licence or a permit shall be in the absolute discretion of the Governor who shall be under no obligation to assign any reason for refusing the grant thereof.

Form of licence or permit

7. Every licence and permit shall be in such form and for such period and be subject to the payment of such fee as the Governor may determine, and shall contain such terms and conditions as he may think fit to impose.

Governor to be notified on discovery of any radio-active mineral

8. (1) If any radio-active mineral is discovered on any land the person by whom such mineral is discovered shall forthwith report such discovery to the Governor.

(2) If any radio-active mineral is discovered on any land by any person, other than the holder of a licence under this Act, it shall not be removed from such land except with the consent of the Governor.

Offences

9. (1) Every person who—

- (a) prospects for or mines, or attempts to prospect for or mine, any radio-active mineral within Montserrat without a licence; or
- (b) being the holder of a licence, prospects for or mines, or attempts to prospect for or mine, any radio-active mineral within Montserrat otherwise than in accordance with any term or condition of his licence; or
- (c) being the holder of a licence, fails to comply with the requirements of section 4; or
- (d) exports, or attempts to export, from Montserrat any radio-active mineral without a permit; or
- (e) being the holder of a permit, exports, or attempts to export, from Montserrat any radio-active mineral otherwise than in accordance with any term or condition of his permit; or
- (f) obtains, or attempts to obtain, a licence or permit by means of any false statement or representation; or
- (g) fails to comply with any of the requirements of section 8,

shall, upon summary conviction, or on conviction on indictment, be liable to imprisonment for twelve months or to a fine of \$2,500 or to both such imprisonment and fine:

Provided that, the Magistrate may, in his discretion, abstain from trying the case summarily and may commit the offender for trial for an indictable offence.

(2) Upon conviction of any person for an offence under subsection (1) any radio-active mineral or prospecting or mining apparatus derived from, or employed in the commission of any act in respect of which such person was convicted, shall be forfeited to Her Majesty.

Power of examination

10. (1) Any police officer not below the rank of a sergeant or any other officer or class of officers authorised in writing by the Governor in that behalf may, for the purposes of enforcing the provisions of this Act, without warrant or other legal process—

- (a) enter and search any place where he has reasonable grounds for suspecting that an offence under this Act has been, or is about to be committed;
- (b) search any person whom he has reasonable grounds for suspecting to have committed, or to be about to commit, an offence under this Act;
- (c) arrest any person whom he has reasonable grounds for suspecting to have committed, or to be about to commit, an offence under this Act;
- (d) seize any radio-active mineral or prospecting or mining apparatus connected therewith which he has reasonable grounds to suspect to be, or to be about to be, deprived from, or employed in, the commission of any offence under this Act.

(2) Where any person is arrested, or any radio-active mineral or prospecting or mining apparatus is seized, under the provisions of subsection (1) such person, mineral and apparatus shall, as soon as practicable, be brought before the Magistrate of the district.

(3) Every person who obstructs, or attempts to obstruct, whether actively or passively, any officer in the execution or purported execution, of his duties under this section, shall be liable, on summary conviction, to imprisonment for six months or to a fine of \$500 or to both such imprisonment and fine.

Power of Governor to vary Schedule

11. The Governor may, by order published in the *Gazette*, alter, vary or in any manner amend the Schedule.

Regulations

12. The Governor acting on the advice of Cabinet may make such regulations for giving better effect to the provisions of this Act as he may deem to be necessary or expedient. (*Amended by Act 9 of 2011*)

Saving

13. Nothing in this Act shall be deemed to absolve any person from compliance with the provisions and requirements of any other Act for the time being in force in relation to mining or in relation to the export from Montserrat of any mineral.

SCHEDULE

(Section 2)

1. Any mineral containing uranium or thorium and, in particular and without prejudice to the generality of this paragraph, the substances hereinafter set out in this Schedule.

2. Minerals of the pitchblende group, including pitchblende, uranite, ulrichite, broeggerite, cleveite and related mineral species.

3. Secondary uranium minerals including torbernite, autunite, uranite, rutherfordine, uranophane, gummite, thorigummite, uranocircite, kasolite, becquerelite, and other silicates, hydrates, carbonates, phosphates or arsenates of uranium.

4. Carnotite, tyuyamunite, and related uranium-bearing vanadate ores.

5. Uranium-bearing niobate-titanate-tantalate ores, including euxenite, polycrase, blomstrandine, priorite, samarskite, fergusonite, betafite and related minerals.

6. Monazite, thorite, and thorianite.
