

THE UNITED REPUBLIC OF TANZANIA



No. 22 OF 1969

I ASSENT,

Julius K. Nyerere
President

..10. APRIL, 1969

An Act to amend the Mining Ordinance

[..11. APRIL, 1969]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Mining Ordinance (Amendment) Act, 1969, and shall be read as one with the Mining Ordinance (hereinafter called the Ordinance). Short title and construction
2. Section 2 of the Ordinance is hereby amended by deleting the definition "precious stones" and substituting therefor the following:— Section 2 of Cap. 123 amended
"precious stones" means diamond, emerald, opal, ruby, sapphire and turquoise in rough and uncut form and any other rough and uncut stone which the Minister may, by notice in the *Gazette*, declare to be a precious stone for the purpose of this Ordinance;"
3. Section 5 of the Ordinance is hereby repealed and replaced by the following new section:— Section 5 of Cap. 123 repealed and replaced
"Control and property in minerals vested in the President 5. The entire property in and control of all minerals in, under or upon any lands in Tanganyika are and shall be vested in the President, save in so far as in any case such rights may have been limited by any express grant made before the commencement of this Ordinance."
4. Sections 6 and 7 of the Ordinance are hereby amended by substituting the word "Tanganyika" for the word "Territory" wherever it occurs therein. Sections 6 and 7 of Cap. 123 amended
5. Section 33 of the Ordinance is hereby amended by deleting the brackets and figure "(6)" which occur in subsection (2) of that section and substituting therefor the brackets and figure "(7)". Section 33 of Cap. 123 amended

New sections
65A and 65B
added to
Part III of
Cap. 123

6. The Ordinance is hereby amended by adding the following new sections at the end of Part III of the Ordinance, immediately below section 65:—

“Power to refuse to make a grant or to revoke a grant

65A.—(1) Notwithstanding anything to the contrary contained in this Ordinance or any other written law, or in any agreement, instrument or other document, the Minister may, if he considers it desirable to do so, by order, refuse to grant or renew a mining lease.

(2) The President may, if he considers it desirable in the national interest to do so, cancel or revoke any mining right during the continuation of the period of its validity.

(3) Every order made under this section shall be final and shall not be questioned in any court.

(4) For the purposes of this section “mining right” shall have the meaning assigned thereto by subsection (2) of section 11.

“Powers of the Commissioner exercisable in public interest

65B.—(1) Notwithstanding anything to the contrary contained in this Ordinance, or any other written law, or in any agreement, instrument or other document, the Commissioner may, if he considers it necessary to do so in the public interest, by order under his hand—

- (a) refuse to register, renew or transfer any claim; or
- (b) refuse to grant or renew any prospecting right.

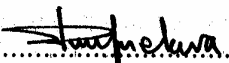
(2) Any person aggrieved by an order of the Commissioner made under subsection (1) may, within thirty days of such order, appeal to the Minister who may make such order thereon as he may deem fit.

(3) No order of the Commissioner made under subsection (1) and no order of the Minister made under subsection (2) shall be questioned in any court.”

Sections 71
and 92 of
Cap. 123
amended

7. Sections 71 and 92 of the Ordinance are hereby amended by substituting the word “Tanganyika” for the word “Territory” wherever it occurs therein.

Passed in the National Assembly on the twenty-sixth day of March, 1969.


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Clerk of the National Assembly