

CHAPTER 66:01 - MINES AND MINERALS: SUBSIDIARY LEGISLATION
INDEX TO SUBSIDIARY LEGISLATION

Mines and Minerals (Demarcation of Mining Lease Areas) Regulations
Mines and Minerals (Health, Mortality and Labour Returns) Regulations
Mines and Minerals (Prospecting and Leasing Charges) Regulations

MINES AND MINERALS (PROSPECTING AND LEASING CHARGES) REGULATIONS

(under section 81)

(19th September, 1969)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Prospecting charges
3. Mining lease charges in case of land in tribal territory

S.I. 92, 1969,
S.I. 3, 1970,
S.I. 77, 1970.

1. Citation

These Regulations may be cited as the Mines and Minerals (Prospecting and Leasing Charges) Regulations.

2. Prospecting charges

Charges in respect of prospecting licences referred to in section 72 of the Act shall be paid to the State annually in advance at the office of the Commissioner in the amount of P48 per square kilometre or part thereof per year:

Provided that-

- (i) where a charge in respect of a mining right is required to be paid for a period which is less than one year calculated from the anniversary of the date when the charge for that right first became payable, the charge for such period shall be abated proportionately;
- (ii) in the event of a mining right lapsing during the annual period in respect of which the charge has been paid, the person who held such right when it lapsed shall be entitled to refund of a proportionate part of such charge.

3. Mining lease charges in case of land in tribal territory

The mining lease charges payable in accordance with section 73 of the Act in the case of land in a tribal territory to the district council within the area of which such land is situated shall be-

- (a) P12 per square kilometre or part thereof per month in respect of land situated within a precious stone security area declared under the provisions of the Precious and Semi-Precious Stones (Protection) Act, in respect of which a state grant of a mining lease has been issued;
- (b) P6 per square kilometre or part thereof per month in respect of-
 - (i) land in respect of which a state grant or a mining lease has been issued but which is not within a precious stone security area; and
 - (ii) land within a precious stone protection area.

MINES AND MINERALS (HEALTH, MORTALITY AND LABOUR RETURNS) REGULATIONS

(under section 81)

(1st May, 1970)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Rendering of returns
3. Penalties

Schedule - Forms

S.I. 46, 1970.

1. Citation

These Regulations may be cited as the Mines and Minerals (Health, Mortality and Labour Returns) Regulations.

2. Rendering of returns

Every employer of persons employed in mining or quarrying or in operations involving the treatment of ore or rock shall render to the Mining Commissioner in respect of every month, on or before the first day of the second succeeding month, a health and mortality return in Form 1 or 2 set out in the Schedule and a labour return in Form 3 or 4 set out in the Schedule.

3. Penalties

Any person contravening these Regulations shall be guilty of an offence and liable on conviction to a fine not exceeding P250 or, in default of payment, to imprisonment for a term not exceeding three months, or to both.

**SCHEDULE
FORMS
Form 1**

**MONTHLY HEALTH AND MORTALITY RETURN-
(UNDERGROUND MINES-including surface installations thereof)**

**REPUBLIC OF BOTSWANA
MINES AND MINERALS ACT
(Cap. 66:01)**

MINES AND MINERALS (HEALTH, MORTALITY AND LABOUR RETURNS) REGULATIONS

For the month of

Name of employer and address in Botswana

Name of Mine or Works

Inter-national list number	Name of Disease	UNDERGROUND EMPLOYEES							
		Botswana of European race		Expatriates others					
		Sick at 1st of month	New cases	Recovered	Died	Sick at 1st of month	New cases	Recovered	Died
C1-2	Enteric and dysentery								
C4	Tuberculosis of lung								
C18	Ankylostomiasis (hook worm)								
C27	Miners nystagmus (eye disease)								
C32-38	Diseases of heart and circulatory system								
C41	Pneumonia								

C44	Pneumoconiosis (dust disease)								
C69	Gassing and inhalation of fumes								
C66-70	Accidents and injuries:								
	Fatal								
	Serious								
	Minor								
	All other diseases not mentioned above								

Inter-national list number	Name of Disease	SURFACE EMPLOYEES							
		Botswana				Expatriates			
		of European race				others			
		Sick at 1st of month	New cases	Recovered	Died	Sick at 1st of month	New cases	Recovered	Died
C1-2	Enteric and dysentery								
C4	Tuberculosis of lung								
C18	Ankylostomiasis (hook worm)								
C27	Miners nystagmus (eye disease)								
C32-38	Diseases of heart and circulatory system								
C41	Pneumonia								
C44	Pneumoconiosis (dust disease)								
C69	Gassing and inhalation of fumes								
C66-70	Accidents and injuries:								
	Fatal								
	Serious								
	Minor								
	All other diseases not mentioned above								

I,, do hereby certify that the information is true and correct.
Signature

Signing in my capacity as

Dated at this

Note:-(1) "Surface employees" includes employees working in or at installations on the surface directly connected with the mine.

(2) This return must be rendered in duplicate to the Mining Commissioner not later than the first day of the second month following the end of the month to which it relates.

Form 2
MONTHLY HEALTH AND MORTALITY RETURN (SURFACE WORKINGS-including open-cast mines, quarries and works)

REPUBLIC OF BOTSWANA
MINES AND MINERALS ACT
(Cap. 66:01)

MINES AND MINERALS (HEALTH, MORTALITY AND LABOUR RETURNS) REGULATIONS

For the month of
 Name of employer and address in Botswana

Name of mine, quarry or works

Inter-national list number	Name of Disease	SURFACE EMPLOYEES							
		Botswana				Expatriates			
		of European race		others					
		Sick at 1st of month	New cases	Recovered	Died	Sick at 1st of month	New cases	Recovered	Died
C1-2	Enteric and dysentery								
C4	Tuberculosis of lung								
C18	Ankylostomiasis (hook worm)								
C27	Miners nystagmus (eye disease)								
C32-38	Diseases of heart and circulatory system								
C41	Pneumonia								
C44	Pneumoconiosis (dust disease)								
C69	Gassing and inhalation of fumes								
C66-70	Accidents and injuries:								
	Fatal								
	Serious								
	Minor								
All other diseases not mentioned above									

I,do hereby certify that the info
 Signature

Signing in my capacity as
 Dated at this day of .

This return must be rendered in duplicate to the Mining Commissioner not later than the first day of the second mo

Form 3
MONTHLY LABOUR RETURN
(UNDERGROUND MINES-including Surface installations thereof)
REPUBLIC OF BOTSWANA
 MINES AND MINERALS ACT
 (Cap. 66:01)

MINES AND MINERALS (HEALTH, MORTALITY AND LABOUR RETURNS) REGULATIONS
 For the month of 20
 Name of employer and address in Botswana
 Name of mine or works

A. NUMBERS

1. Employees in service-Actual number *on last working day of month-*

		Botswana		Expatriates			
of European race		Others					
Males	Females	Males	Females	Males	Females		
Establishment- Employees							
Employees training							
Outside Contractors- Employees							
TOTAL IN SERVICE							

Note:- "Establishment" means the company, mine, works, firm or individual operator.
 "Outside Contractors" means persons or firms performing specific tasks on a mine, quarry or works on an outside contract basis.
 "Number of Employees": All employees registered in the books, including permanent, temporary, casual and seasonal employees as well as employees absent on holiday or sick leave.

2. Employees in service and at work-Total average during month

Establishment (including employees training)									C	
		Botswana		Expatriates				Botswana		
of European race		Others		of European race		Others				
Male	Females	Male	Females	Male	Females	Male	Females	Male	F	
In service										
<i>At work:-</i>										
Underground										
Plant/Mill										
Smelter										
Refinery										
Ancillary Process										
Other Surface										
TOTAL AT WORK										

N.B. "Average number of employees in service": The total of all persons registered in the books of the establishment on ea by the total number of working days in the month.

"Average number of employees at work": Total shifts worked during the month, including Sunday shifts, but excluding working days.

B. WAGES

	Botswana		Expatriates			
	of European race		Others			
	Males	Females	Males	Females	Males	F
	Pula	Pula	Pula	Pula	Pula	
1. Paid in cash (including bonus, etc.)						
Establishment						
Outside contractors						
Employees training (including instructors)						

TOTAL						
2. Paid in kind (including rations, housing, power and water, etc.)						
Establishment						
Outside contractors						
Employees training						
TOTAL						
GRAND TOTAL 1 and 2						

I,, do hereby certify that the information shown above is true and correct.
Signature

Signing in my capacity as

Dated at this day of 20.....

NOTE: This return must be rendered in duplicate to the Mining Commissioner not later than the first day of the second month succeeding the month to which the return relates.

Form 4
MONTHLY LABOUR RETURN
(SURFACE WORKINGS-including open-cast mines, quarries and works)

REPUBLIC OF BOTSWANA
MINES AND MINERALS ACT
(Cap. 66:01)

MINES AND MINERALS (HEALTH, MORTALITY AND LABOUR RETURNS) REGULATIONS

For the month of 20

Name of employer and address in Botswana

Name of mine or works

A. NUMBERS

1. Employees in service-Actual number on last working day of month-

		Botswana		Expatriates	
of European race		Others			
Males	Females	Males	Females	Males	Females
Establishment-Employees					
Employees training					
Outside Contractors-Employees					
TOTAL IN SERVICE					

Note: "Establishment" means the company, mine, quarry, works, firm or individual operator.

"Outside Contractors" means persons or firms performing specific tasks on a mine, quarry or works on an outside basis.

"Number of Employees" All employees registered in the books, including permanent, temporary, casual and employees as well as employees absent on holiday or sick leave.

2. Employees in service and at work-Total average during month-

Establishment (including employees training)						C			
		Botswana		Expatriates		Botswana			
of European race		Others		of European race		Others			
Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
	s		s		s		s		s
In service									

At work:								
Face								
Face to Plant/Mill								
Plant/Mill								
Smelter								
Refinery								
Ancillary Process								
Other Surface								
TOTAL AT WORK								

N.B. "Average number of employees in service" -The total of all persons registered in the books of the establishment on ea by the total number of working days in the month.

"Average number of employees at work" -Total shifts worked during the month, including Sunday shifts, but excluding working days.

B. WAGES

	Botswana		Expatriates			
	of European race		Others			
	Males	Females	Males	Females	Males	Females
	Pula	Pula	Pula	Pula	Pula	Pula
1. Paid in cash (including bonus, etc.)						
Establishment						
Outside contractors						
Employees training (including instructors)						
TOTAL						
2. Paid in kind (including rations, housing, power and water, etc.)						
Establishment						
Outside contractors						
Employees training						
TOTAL						
GRAND TOTAL 1 and 2						

I,, do hereby certify that the information shown above is true and correct.

Signature

Signing in my capacity as

Dated at this day of 20

NOTE: This return must be rendered in duplicate to the Mining Commissioner not later than the first day of the second month succeeding the month to which the return relates.

MINES AND MINERALS (DEMARCATON OF MINING LEASE AREAS) REGULATIONS

(under section 81)

(15th January, 1971)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Interpretation
3. Obligation to demarcate areas and keep them demarcated
4. Means of demarcation

5. Exemption where means of demarcation inappropriate
6. Nature and specifications of beacons and line marks
7. Nature and specification of ancillary marks
8. Position and numbering of beacons, line marks and ancillary marks
9. Plates on beacons, line marks and ancillary marks
10. Direction trenches
11. Belt on boundary line to be kept clear
12. Beacons, etc. to be kept in good order
13. Certificates to be sent
14. Interference with beacons, etc., prohibited
15. Survey plans
16. Penalties
17. Pre-existing beacons, line marks and ancillary marks

S.I. 1, 1971.

1. Citation

These Regulations may be cited as the Mines and Minerals (Demarcation of Mining Lease Areas) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires-

"ancillary mark" means a mark marking the position of a boundary line of an area where such boundary line is crossed by a railway, road or track;

"applicant" means a person making application under section 33 of the Act for the grant or registration of a mining lease in respect of an area;

"area" means the area of a mining lease granted under the Act;

"beacon" means a monument marking the boundary line of an area;

"demarcated" means demarcated in the manner prescribed in these Regulations;

"direction trench" means a direction trench referred to in regulation 10 and includes a row of stones referred to in subregulation (3) thereof;

"holder" means the holder of a mining lease granted under the Act;

"line mark" means a mark, other than an ancillary mark or a beacon, marking the position of a boundary line of an area;

"plate" means a metal plate referred to in regulation 9;

"survey plan" means a survey plan referred to in regulation 15.

3. Obligation to demarcate areas and keep them demarcated

(1) Whenever the Minister has approved an application for a mining lease the applicant shall, before such lease is granted or registered, cause the area to be demarcated.

(2) Every holder shall at all times keep the area effectively demarcated.

4. Means of demarcation

Areas shall be demarcated by means of beacons, line marks, ancillary marks, direction trenches and cleared belts.

5. Exemption where means of demarcation inappropriate

Notwithstanding anything in these Regulations, whenever the Commissioner is satisfied with reference to any portion of the boundary of an area that by reason of its physical nature demarcation by any or all of the means specified in regulation 4 cannot reasonably be required, he may on application exempt the applicant or holder from the obligation of establishing or maintaining on that portion of the boundary the means concerning which he is so satisfied.

6. Nature and specifications of beacons and line marks

(1) Every beacon and line mark shall be of a permanent nature and shall be constructed of solid concrete composed of at least one part of fresh cement mixed with three parts of clean sand and six parts of clean stone.

(2) Every beacon or line mark shall be constructed in the shape of a truncated pyramid having a centre pipe flush with the top of the block and protruding below the base.

(3) Every beacon shall measure one metre by one metre at the base and 30 centimetres by 30 centimetres at the top and shall be one metre from ground level in height and shall conform with the illustration in Appendix 1.

(4) Every line mark shall measure 60 centimetres by 60 centimetres at the base and 30 centimetres by 30 centimetres at the top and shall be 60 centimetres from ground level in height and shall conform with the illustration in Appendix 2.

(5) Unless securely set in solid rock, every beacon and line mark shall be sunk into the ground to a depth of at least 30 centimetres.

(6) The centre pipe of a beacon or line mark shall be not less than 25 millimetres in diameter and shall protrude from the base of the beacon or line mark-

- (a) in the case of a beacon or line mark set in solid ground, not less than 30 centimetres into such ground;
- (b) in the case of a beacon or line mark set in consolidated ground, not less than 60 centimetres into such ground;
- (c) in the case of a beacon or line mark set in unconsolidated ground, not less than 130 centimetres into such ground.

7. Nature and specification of ancillary marks

(1) Every ancillary mark shall consist of a heavy metal rail, bar or angle iron weighing not less than three kilogrammes per metre and shall be one metre above ground level in height and shall conform with the illustration in Appendix 3.

(2) Unless securely set in solid rock every ancillary mark shall protrude into the ground to a depth of not less than 60 centimetres and be firmly concreted to prevent any displacement.

8. Position and numbering of beacons, line marks and ancillary marks

(1) Every corner point of an area shall be marked with a beacon, and so many additional beacons shall be established along the boundary line of an area as are necessary to ensure that no two beacons on such line are more than 5,000 metres apart.

(2) Line marks shall be accurately placed on the boundary line of an area in such a position that no line mark is more than 1 000 metres from the nearest beacon or line mark, as the case may be, demarcating the area on either side of it, and that every line mark is readily visible by the eye of a person with normal vision from each such beacon or line mark.

(3) Every place where the boundary line of an area is crossed by a railway, road or track shall be marked by an ancillary mark, which shall be sited as close to such place as may be consistent with safety but not within the area of any railway or road servitude.

(4) The beacons and line marks demarcating an area shall be numbered consecutively in clockwise sequence according to type along the boundary line of such area, and each sequence shall begin with the number 1.

9. Plates on beacons, line marks and ancillary marks

(1) A plate shall be bolted or otherwise firmly affixed to one side of every beacon and line mark near the top thereof.

(2) Such plate shall be made of metal measuring 30 centimetres by 23 centimetres and shall have engraved or stamped and kept legible upon it the following particulars in the following order-

- (a) name of holder: e.g. "A.B.C. Mining Co.";
- (b) number of mining lease: e.g. "S.G. (M.L.) 9/69";
- (c) number of beacon or line mark: e.g. "BN 4" meaning beacon four; or "LM 14" meaning line mark 14; and
- (d) date of grant or registration of mining lease: e.g. "30.9.69".

(3) A plate shall be firmly welded on to the rail, bar or angle iron forming an ancillary mark near the top thereof.

(4) Such plate shall be made of metal measuring 30 centimetres by 23 centimetres and shall have engraved or stamped and kept legible upon it the following particulars in the following order-

- (a) name of holder: e.g. "A.B.C. Mining Co."; and
- (b) number of mining lease: e.g. "S.G. (M.L.) 9/69".

10. Direction trenches

(1) The direction of boundary lines meeting at a beacon shall, where possible, be indicated by direction trenches.

(2) Subject to subregulation (3), such trenches shall each be not less than three metres long, 30 centimetres wide, and 30 centimetres deep, and shall be dug upon the boundary lines so as to meet at the beacon.

(3) Where the surface of the ground is such that it is not possible to dig a trench conforming with subregulation (2), the person responsible for demarcating the area or keeping it demarcated shall cause rows of white-washed stones, each row being not less than three metres long and 30 centimetres wide, to be placed upon the boundary lines so as to meet at the beacon, and shall keep such rows of stones white-washed.

11. Belt on boundary line to be kept clear

A belt aligned and centred upon the boundary line of an area and having a width of three metres shall be cleared and kept completely clear of bush, scrub, trees and overhanging branches of trees.

12. Beacons, etc. to be kept in good order

All beacons, line marks, ancillary marks, plates and direction trenches shall be kept in good order.

13. Certificates to be sent

Every holder shall once in every calendar year before the end of the first quarter thereof send to the Commissioner by registered post a certificate signed by the holder or by a person authorized to sign on his behalf stating, if the requirements of regulation 11 or 12 have been complied with, that they have been complied with.

14. Interference with beacons, etc. prohibited

No person shall damage, deface or alter the position of any beacon, line mark, ancillary mark, plate or direction trench established in accordance with these Regulations.

15. Survey plans

(1) Every applicant shall cause a survey plan of the area to be prepared by a licensed land surveyor and shall cause every beacon and line mark established in accordance with these Regulations to be correctly plotted thereon.

(2) Such survey plan shall be submitted in duplicate by the applicant to the Director of Surveys and Lands for examination and, if it is approved, one copy shall be transmitted by the Director of Surveys and Lands to the Commissioner before the mining lease applied for is granted or registered.

(3) One copy of every survey plan submitted in terms of this regulation shall be framed on good quality drawing paper and the other copy shall be framed on either tracing linen or tracing film.

(4) Every survey plan shall contain the following numerical data and other information-

- (a) the co-ordinates in metres to two decimal places of every beacon and line mark;
- (b) the lengths in metres to two decimal places between every beacon or line mark and the beacon or line mark immediately adjacent to it on each side on the boundary line of the area;
- (c) the direction to the nearest 10 seconds of every line between beacons:
Provided that where the length of any such line exceeds 1500 metres the direction shall be expressed in single seconds;
- (d) a clear and concise description of every beacon and line mark;

- (e) the direction of true north, normally to be indicated by an arrow pointing towards the top of the plan;
- (f) the axes to which the co-ordinates are referred, indicated by fine lines the value of each of which shall be stated at its extremities;
- (g) the scale to which the figure is plotted:

Provided that when any beacons and line marks are in such close proximity to each other that the numerical data required by this subregulation cannot be clearly shown such beacons and line marks shall be represented in an inset on a larger scale, which scale shall be stated; and

- (h) all the main topographical features within the area clearly shown, with particular care taken in the neighbourhood of beacons and line marks.

(5) Every survey plan shall be certified and signed by the land surveyor who prepared it in the following manner-

"Surveyed inby me
(month and year)

.....
Land Surveyor".

16. Penalties

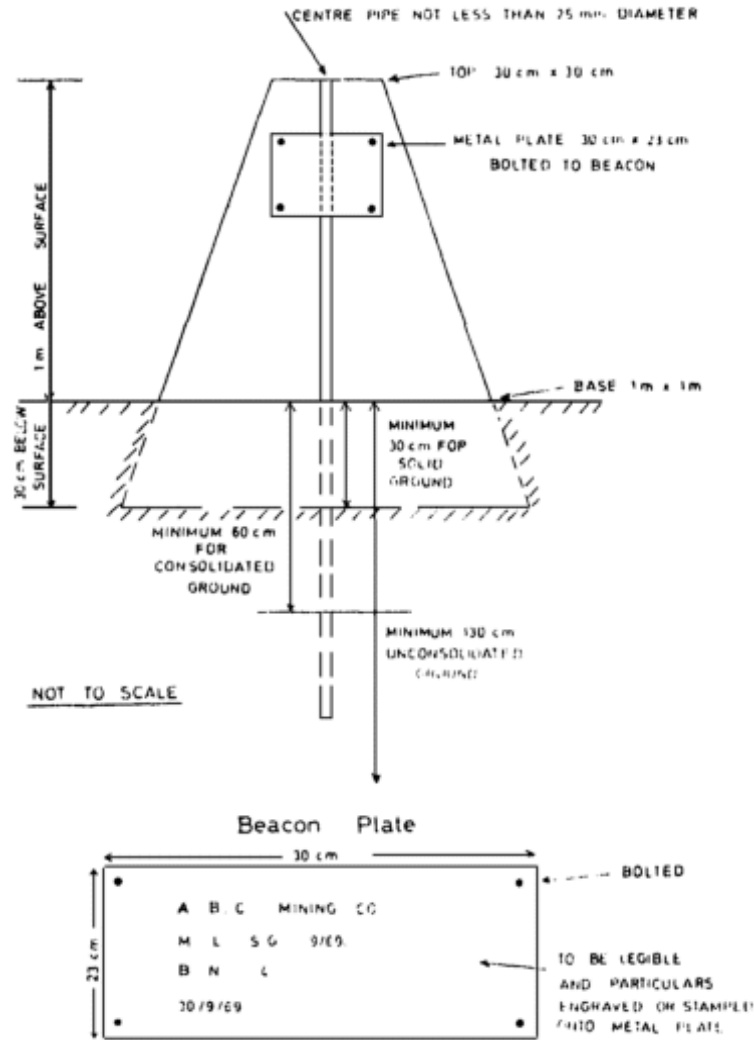
Any holder who fails to send the Commissioner a certificate as prescribed by regulation 13 or who sends to him a certificate which is false in any material respect and any person who contravenes any other provision of these Regulations shall be guilty of an offence and liable on conviction to a fine not exceeding P500 or to imprisonment for a term not exceeding six months, or to both.

17. Pre-existing beacons, line marks and ancillary marks

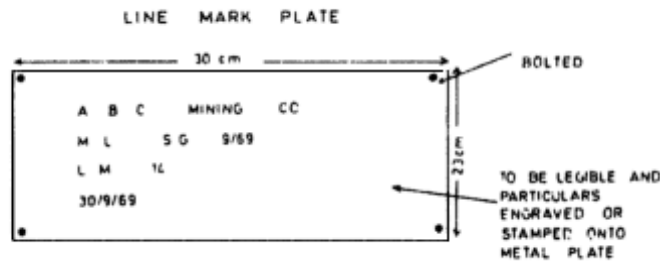
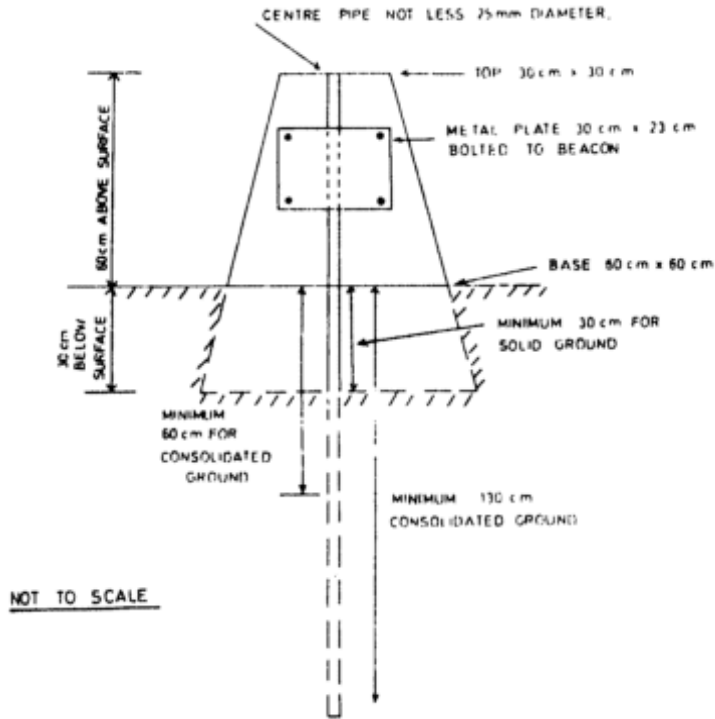
Whenever the Commissioner is satisfied that any beacon, line mark or ancillary mark, established before the commencement of these Regulations and not in strict compliance therewith in respect of specifications, complies adequately with these Regulations, he may on application approve such beacon, line mark or ancillary mark, which shall thereupon be deemed to comply with the requirements of these Regulations in respect of specifications.

APPENDIX 1

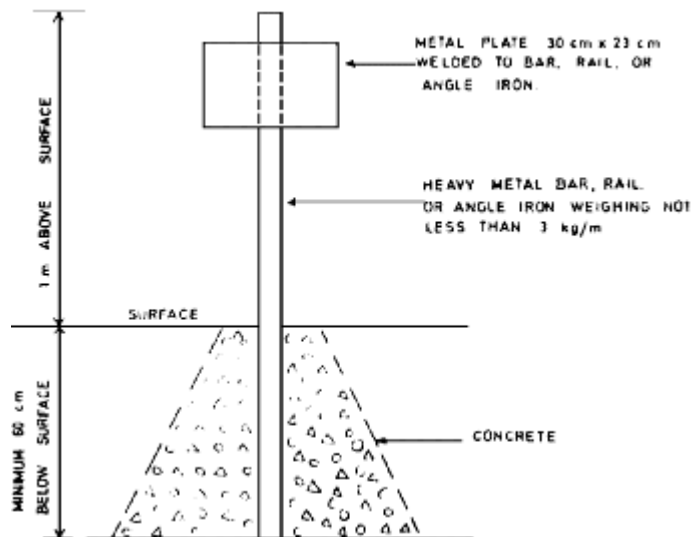
CONCRETE BEACON IN FORM OF TRUNCATED PYRAMID



**APPENDIX 2
CONCRETE LINE MARK IN FORM OF TRUNCATED PYRAMID**



APPENDIX 3 ANCILLARY MARKS



ANCILLARY MARK

