

MERCURY LAW, 1989 (PNDCL 217)

ARRANGEMENT OF SECTIONS

Section

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IN pursuance of the Provisional National Defence Council (Establishment) Proclamation, 1981, this Law is hereby

Section 1—Possession Etc. of Mercury Without Licence.

Any person who—

- (a) imports any quantity of mercury into the country; or
- (b) has in his possession or buys, sells or transfers any mercury,

except under a licence issued under this Law shall be guilty of an offence and shall on conviction be liable to a fine or imprisonment not exceeding two years or to both.

Section 2—Power to Grant and Revoke Licence.

(1) The Secretary for Trade may issue a licence to any person authorising him to import into the country, possession and use of mercury, subject to such conditions as may be specified in the licence.

(2) The Secretary for Trade may, at any time cancel any licence issued by him under this Law if he is satisfied that

- (a) the licensee is in breach of any of the terms and conditions of the licence or this Law; or
- (b) it is in the national interest to do so.

Section 3—Buying and Transferring Mercury from or to Unauthorised Person.

Any person who—

- (a) buys or receives any mercury from a person not authorised to sell or deal in mercury; or
- (b) sells or transfers any mercury to a person not authorised to buy or have possession of mercury,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ₪2,000,000.00 or to imprisonment for a term not exceeding two years, or to both.

Section 4—Small-Scale Gold Miners Authorised to Possess Mercury.

(1) Notwithstanding anything contained in any enactment to the contrary licensed small-scale gold miners may possess and use reasonable quantities of mercury as may be shown to be necessary for the purpose of their mining operations.

(2) Small-scale gold miners shall observe good mining practices in the use of mercury for carrying out mining operations.

Section 5—Offences and Punishment.

Any small-scale miner who —

- (a) sells or deals in mercury;
- (b) is found to be in possession of more mercury than he reasonably requires for his mining operations; or
- (c) does not observe good mining practices in the use of mercury for his mining operations,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ₪2,000,000.00 or to imprisonment for a term not exceeding two years, or to both.

Section 6—Cancellation of Licence by Court and Forfeiture.

(1) The court before which any person who holds a mercury licence is convicted of an offence under this Law may, if it is satisfied that

(2) Any quantity of mercury with respect to which an offence has been committed under this Law shall by order of the court be forfeited.

Section 7—Burden of Proof.

In any proceedings under this Law, the burden shall be on the person charged for dealing in or possessing mercury or to possess or deal in such mercury.

Section 8—Repeal.

The Mercury Ordinance (Cap. 184) is hereby repealed.

Section 9—Interpretation.

In this Law unless the context otherwise requires —

"mercury" means the metal known as mercury or quicksilver.

Made this 19th day of April, 1989.

FLT.-LT. JERRY JOHN RAWLINGS

Chairman of the Provisional National Defence Council

Date of Gazette Notification: 19th May, 1989.