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## SMALL-SCALE GOLD MINING LAW, 1989 (PNDCL 218)

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

### PART 1 OF SMALL- SCALE GOLD MINERS REGISTRATION AND LICENSING

#### Licensing of small-scale gold mining.

1. (1) Notwithstanding any law to the contrary, no person shall engage in or undertake any small-scale gold mining operation unless there is in existence in respect of such mining operation a licence granted by the Secretary for Lands and Natural Resources or by an officer authorised in that behalf by the Secretary.

(2) An application for a licence under this section shall be made in such forms as the Secretary may direct, to the relevant District Centre of the designated area and shall be accompanied by such fee as the Secretary may prescribe.

#### Qualification of applicants for small-scale gold mining licence.

2. Subject to subsections (1) and (2) of section 75 of the Minerals and Mining Law, 1986 (PNDCL 153) no licence for small-scale gold mining operation shall be granted to -

- (a) any person who is not a citizen of Ghana;
- (b) any person who has not attained the age of eighteen years; or
- (c) any person who is not registered by the District Centre in the designated area under subsection (1) of section 9 of this Law.

#### Conditions for the grant of a licence.

3. Except otherwise provided in this Law, a licence granted by the Secretary shall be subject to such conditions as may be specified therein.

#### Duration of a licence.

4. (1) A licence granted under section 1 of this Law to any person or group of persons other than a co-operative society shall be for a period not exceeding three years from the date of issue in the first instance and may be renewed thereafter for such further period as the Secretary may determine.

(2) A licence granted to a co-operative society shall have effect for a period not exceeding five years from the date of issue and may be renewed thereafter for such further period as the Secretary may determine.

(3) The Secretary may by legislative instrument prescribe such fees as may be paid for the grant and renewal of a licence under this Law.

#### Areas covered by licence.

5. The size of the area in respect of which a licence may be granted under this Law shall not exceed-

- (a) three acres in the case of a grant to any one person or group of persons not exceeding four in number;

- (b) five acres in the case of a grant to any group of persons not exceeding nine in number; and
- (c) twenty-five acres in the case of a grant to a co-operative society of ten or more persons.

Revocation of licences.

6. The Secretary may at any time revoke a licence granted under this Law where:-

- (a) he is satisfied that the licensee has contravened or failed to comply with any of the terms and conditions of the licence or any requirement of this Law or of the Minerals and Mining Law, 1986 (PNDCL 153) applicable to him;
- (b) the licensee is convicted of any offence relating to the smuggling or illegal sale or dealing in gold, or
- (c) he is satisfied that it is in the public interest to do so.

Licence not transferable.

7. A licence granted under this law shall not be transferable.

strict Centres and their functions.

8. (1) The Minerals Commission shall for the purposes of monitoring small-scale gold mining operations establish in an area designated as a small-scale gold mining operation area under subsection (1) of section 77 of the Minerals and Mining Law, 1986 (PNDCL 153), a Centre to be known as the District Small-Scale Gold Mining Centre (hereafter in this Law referred to as the ("District Centre").

(2) A District Centre shall in respect of its designated area have the following functions:

- (a) compile a register of all small-scale gold miners and prospective small-scale gold miners specifying such particulars as may be determined by the Secretary;
- (b) supervise and monitor the operation and activities of the small-scale gold miners and prospective small-scale gold miners;
- (c) advise and provide such training facilities and assistance as may be necessary for effective and efficient small-scale gold mining operations;
- (d) submit to the Minerals Commission in such form and at such intervals as may be directed by the Commission, reports or other documents and information on small-scale gold mining activities within the District.

Registration of prospective licensees.

9. (1) Any person engaged in or wishing to undertake any type of small-scale gold mining operation shall register with the District Centre of the designated area where he operates or intends to operate.

(2) The District Centre shall on the registration of any person under subsection (1) of this section issue a Certificate of Registration to such person.

(3) No person shall be granted a licence under subsection (1) of section 1 unless such person has been registered under subsection (1) of this section.

Small-scale Gold Mining Committees.

10.(1) There shall be established in every designated area a Small-scale Gold Mining Committee (hereafter referred to in this Law as "the Committee").

- (2) The Committee shall consist of the following members:
- (a) the District Secretary or his representative who shall be the Chairman of the Committee;
  - (b) the officer-in-charge of the District Centre;
  - (c) a representative of the Town Development and Planning Committee of the district;
  - (d) two representatives of the C.D.R. in the district.

(3) The Committee shall assist the District Centre to effectively monitor, promote and develop small-scale gold mining operations in the designated area.

(4) The members of the Committee shall hold office for such periods and on such terms and conditions as the Secretary may determine.

## PART 11 - OPERATIONS OF SMALL-SCALE GOLD MINERS

Operations of small-scale gold miners

11. A person licensed to mine gold under this Law may win, mine and produce gold by any effective and efficient method and shall in his operations observe good mining practices, health and safety rules and pay due regard to the protection of the environment.

Compensation for use of land.

12. Where a licence is granted in a designated area to any person other than the owner of the land, the licensee shall pay to the owner of the land such compensation for the use of the land as the Secretary may in consultation with the Minerals Commission and the Lands Valuation Board determine.

Use of explosives prohibited.

13. No small-scale gold miner shall use any explosive in his operations.

Purchase of mercury.

14. A small-scale gold miner may purchase from any authorised mercury dealer such quantities of mercury as may be reasonably necessary for the purposes of his mining operations.

Exemptions from income tax and royalties.

15. For a period of three years from the date of the coming into force of this Law, all persons engaged in small-scale gold mining operations shall be exempted from the payment of income tax and royalties in respect of such mining operations.

## PART 111 - LICENCE TO DEAL IN GOLD AND MISCELLANEOUS PROVISIONS

Licence to buy and deal in gold.

16. Without prejudice to any enactment empowering any person or body to purchase and deal in gold, the Secretary may in consultation with the Minerals Commission in writing, license such persons as he may consider fit, to buy and deal in such types and forms of gold and under such terms and conditions as may be specified in the licence.

#### Sale of gold.

17. (1) Any licensed small-scale gold miner or any person in possession of gold may sell such gold in his possession to authorised buyers only.

(2) A person shall be presumed to be lawfully in possession of gold until the contrary is proved.

#### Sale of jewellery, etc.

18. Nothing contained in this Law or in any other enactment shall be construed as precluding any person from dealing with or disposing of his gold jewellery, gold artifact or gold coin to authorised dealers or to any person whatsoever.

#### Offences and punishment.

19. (1) Any person who buys or sells gold without a licence granted under this law or without a valid authority granted under an enactment for the time being in force shall be guilty of an offence and shall on conviction be liable to a fine not exceeding 05 million or to imprisonment for a term not exceeding five years or to both.

(2) Any person who -

(a) without a licence granted by the Secretary undertakes any small-scale gold mining operation contrary to subsection (1) of section 1 of this Law; or

(b) acts in contravention of any other provision of this Law in respect of which an offence has not been prescribed,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding C2 million or to imprisonment for a term not exceeding 2 years or to both.

(3) A court before which any person is convicted under this Law may in addition to any penalty that it may impose order the forfeiture to the State of the gold or other mineral in respect of which the offence was committed.

(4) Where an alien is convicted of an offence under this Law he shall after paying the fine or serving any imprisonment imposed on him, be liable to deportation under section 13 of the Aliens Act, 1963 (Act 160).

#### Regulations.

20. The Secretary may on the advice on the Minerals Commission, and the Chief Inspector of Mines make such regulations as may be necessary for the effective implementation of this Law.

#### Interpretation

21. In this Law unless the context otherwise requires -

"authorised buyer" means a person authorised by the Secretary to buy gold;

"citizen of Ghana" has the same meaning as provided in section 84(1) of the Minerals and Mining Law, 1986 (PNDCL 153) but does not include a public Corporation;

"designated area" means an area designated as a small-scale mineral operation area by the Secretary by a notice published in the Gazette.

"gold" means gold dust, gold bullion, retorted gold, gold ore, gold amalgam, gold alloy, precipitates containing gold, slag, concentrates, tailings and residue containing gold;

"licensed small-scale gold miner" means a person licensed under this Law to win and mine gold;

"Secretary" means the PNDC Secretary responsible for Lands and Natural Resources;

"small-scale gold mining operation" means the mining of gold by any method not involving substantial expenditure by an individual or group of persons not exceeding nine in number or by a co-operative society made up of ten or more persons.

Made this 19th day of April, 1989.

FLT.-LT. JERRY JOHN RAWLINGS  
Chairman of the Provisional National Defence Council

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