



**OVERVIEW OF THE
MINERALS AND MINING ACT
(COMPENSATION & RESETTLEMENT)
REGULATIONS, 2012 (L.I. 2175)**

OUTLINE

- ❑ Background
- ❑ Compensation under the current law (Act 703)
- ❑ Key provisions of Compensation Regulations
- ❑ Highlight stakeholder roles for effective implementation of the new regulations
- ❑ Conclusions

BACKGROUND

- Act 703 [S. 13(9)] “Subject to sections 73 and 74, a mineral right granted by the Minister ... is sufficient authority for the holder over the land and entitles the holder to enter the land in respect of which the right is granted.”
- Types of Land Ownership
 - Stool Lands
 - Family/Individual lands – family/individual

RIGHTS OF PERSONS AFFECTED BY MINERAL ACTIVITIES – Act 703

- Act 703 makes entry onto the land conditional on the compensation provisions in sections 73 and 74.
- Claims for compensation (Reg. 1)
 - Holder serves notice on claimants within 14 days and posted in community
 - Claimants to respond within 60 days, failure Minister takes action

COMPENSATION UNDER THE CURRENT LAW LI 2175(R3)

Access to court in compensation claims

- Negotiation
 - 1 on 1 negotiation
 - Negotiation committee/ consultant paid for by the company
- Minister – Land Valuation Board
- High court

COMPENSATION UNDER THE CURRENT LAW LI 2175 (Reg3)

Compensation principles:

a) **In respect of crops;**

- Loss of expected income, which depends on the nature of crops and their life expectancy.
- Loss of earnings or sustenance suffered by the farmer under any customary tenancy or any other interest the farmer may have in the land.
- Any other disturbance suffered as a result of the grant of the mineral right .

COMPENSATION UNDER THE CURRENT LAW LI 2175(Reg3)

Compensation principles:

- b) **In respect of deprivation of use or particular use of the natural surface of the land;**
- The disruption of the socio-economic activities of the claimant.
 - Change or conversion of use of the land after mine closure
 - Duration of the mining lease.
 - Diminution of the value of the land as a result of the diminution of the use made of or which may be made of the land.
 - Any surface right or access.

COMPENSATION UNDER THE CURRENT LAW LI 2175(Reg3)

Compensation principles:

- c) **In respect of commercial structures which affect a business;**
 - The cost of re-establishing commercial activities elsewhere in a similar locality.
 - Loss of net income during the period of transition.
 - The costs of the transfer and reinstallation of plant, machinery or equipment.

COMPENSATION UNDER THE CURRENT LAW LI 2175(Reg3)

Compensation principles:

- d) **In respect of immovable property, where there is a loss or damage the payment of compensation based on full replacement cost.**
- e) **Other Compensations**
 - Ground rent**
 - Royalties**

KEY PROVISIONS OF LI 2175

- **Dispute Resolution & Time for Payment (Regs. 2 & 4)**
 - Compensation payable within 3 months of determination or interest apply

RESETTLEMENT (Reg. 6 – 11): Applies to mining leases holders only

- Where the operations of a holder of a mining lease involves the displacement of inhabitants, the inhabitant shall be resettled on;
 - suitable alternative land;
 - economic well being of the people;
 - socio-cultural values of the persons;

RESETTLEMENT (Reg. 6 – 11): Applies to mining leases holders only

- ❑ 12 (1) Where the operations of a mining lease holder involves the displacement of inhabitants, there shall be established under these Regulations a Resettlement Monitoring Committee which consists of the following members appointed by the Minister:
 - a) the DCE or a rep;
 - b) the District Engineer;
 - c) Dist. Town & Country Planning Officer;
 - d) **the Assembly member of the area of the lease;**
 - e) the most senior chief of the area of the lease;

RESETTLEMENT (Reg. 6 – 11): Applies to mining leases holders only

- 12 (1) Where the operations of a mining lease holder involves the displacement of inhabitants, there shall be established under these Regulations a Resettlement Monitoring Committee which consists of the following members appointed by the Minister:
 - f) two reps of those subject to the resettlement nominated, a woman inclusive;
 - g) rep of regional lands officer;
 - h) rep of the lease holder; and
 - i) rep of the Minister;

KEY PROVISIONS OF THE NEW REGULATIONS

Management of surface and mineral rights (Reg. 12-15)

- Surface rights holder can graze cattle or farm unless compensation is paid for those areas
- Surface rights may be exercised outside mining area with permission of Holder where compensation is paid.
- No permission required where no compensation is paid
- No surface rights exercisable in mining areas for which compensation paid
- No compensation payable for speculative development



*Thank
you!*