P.N.D.C.L. 217

MERCURY ACT, 1989

ARRANGEMENT OF SECTIONS

SECTION

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3. Buying and transferring mercury.
4. Small-scale gold miners authorised to possess mercury.
5. Offences and punishment.
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1. This Act was issued as the Mercury Law, 1989 (P.N.D.C.L 217) made on the 19th day of April, 1989 and notified in the Gazette on 19th May, 1989.
3. Buying and transferring mercury

A person who

(a) buys or receives a quantity of mercury from a person not authorised to sell
or deal in mercury, or

(b) sells or transfers mercury to a person not authorised to buy or have possess
sion of mercury,

commits an offence and on conviction is liable to a fine not exceeding five hundred pen-
alty units or to imprisonment for a term not exceeding two years or to both the fine and the
imprisonment.

4. Small-scale gold miners authorised to possess mercury

(1) Despite anything contained in an enactment to the contrary, licensed small-scale
gold miners may purchase from licensed mercury dealers a reasonable quantity of mercury
that may be shown to be necessary for the purposes of their mining operations.

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

5. Offences and punishment

A small-scale miner who

(a) sells or deals in mercury,

(b) is found in possession of more mercury than that small-scale miner reasonably
requires for mining operations, or

(c) does not observe good mining practices in the use of mercury for mining
operations,

commits an offence and on conviction is liable to a fine not exceeding five hundred pen-
alty units or to imprisonment for a term not exceeding two years or to both the fine and the
imprisonment.

6. Cancellation of licence by Court and forfeiture

(1) The Court before which a person who holds a mercury licence is convicted of an
offence under this Act may order the cancellation of the licence.

(2) A quantity of mercury with respect to which an offence is committed under this Act
shall by order of the Court be forfeited to the Republic.

7. Burden of proof

In proceedings under this Act, the burden of proof is on the person charged for dealing
in or possessing mercury to prove that that person holds a valid licence to possess or
deal in that mercury.
8. Repeal

Spent

9. Interpretation

In this Act, unless the context otherwise requires,

"Court" means a court of competent jurisdiction;

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

"Minister" means the Minister responsible for Trade.

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2. The section provided for the repeal of the Mercury Ordinance (Cap. 184) of the 1951 Revised Edition of the Laws.