

P.N.D.C.L. 217
MERCURY ACT, 1989
ARRANGEMENT OF SECTIONS

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P.N.D.C.L. 217
MERCURY ACT 1989¹

AN ACT to provide for the possession or importation of mercury and for related matters.

1. Possession of mercury

A person who

- (a) imports a quantity of mercury into the Republic,
- (b) has in the possession of that person or buys, sells or transfers mercury,

except under a licence issued under this Act, commits an offence and on conviction is liable to a fine not exceeding five hundred penalty units or to a term of imprisonment not exceeding two years or to both the fine and the imprisonment.

2. Power to grant and revoke licence

(1) The Minister responsible for Trade may issue a licence to a person authorising that person to import into the Republic, possess, buy, sell or deal in mercury, subject to the conditions specified in the licence.

(2) The Minister may cancel a licence issued under this Act if the Minister is satisfied

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

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 possession of mercury,

commits an offence and on conviction is liable to a fine not exceeding five hundred penalty 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 penalty 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.*²

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.

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

