

**P.N.D.C.L. 217**  
**MERCURY ACT, 1989**

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**P.N.D.C.L. 217**  
**MERCURY ACT 1989(1)**

**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.

**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(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.

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## Endnotes

### **1 (Popup - Footnote)**

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.

### **2 (Popup - Footnote)**

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