

# DECREE

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## MINES AND MINERALS DECREE

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**N.P.R.C. Decree  
No. 5**



Sierra Leone

**1994**

**The Mines and Minerals Decree, 1994**

Short title

**Being a Decree to provide for the establishment of the mineral Advisory Board for the mining of minerals and for other related matters**

*[4<sup>th</sup> March 1994] Date of commencement.*

PURSUANT to paragraph 3 of the Proclamation entitled "The Administration of Sierra Leone (National Provisional Ruling Council) Proclamation, 1992" the National Provisional Ruling Council makes and issues the following Decree

**PART I - INTERPRETATION**

1. In this Decree, unless the context otherwise requires Interpretation

"annual charge" means mining lease rent and licence fees for prospecting, exploration and artisanal mining

"artisanal mining operations" means operations carried out in the course of mining that do not involve capital expenditure in excess of US \$0.5 million or the equivalent. the use of specialised technology for the production of limited amounts of a mineral from deposits with few known ore reserves of a character not amendable to mass mining pursuant to section 58:

"authorized officer" means a person designated as such under the provisions of section 7:

"body corporate" means a company or corporation: '

"building and industrial minerals" means barite, basalt, clay, dolomite, feldspar, gabbro, granite, gravel, gypsum, laterite, limestone, mica, magnesite, marble, phosphate rock, sand, sandstone, slate and talc when mined for use in Sierra Leone for agricultural, building, roadmaking or industrial purposes and includes such other minerals and rocks as the Secretary of State may from time to time declare by notice published in the Gazette, to be building and industrial minerals:

"capital" means all cash contributions, plant, machinery, equipment, buildings, spare parts, raw materials, working capital and other business assets other than goodwill:

"commercial discovery" means a discovery of a mineral deposit which when evaluated is found to contain a mineral or group of minerals in sufficient quantities that can be mined for profit at the time:

"company" means a body corporate incorporated under the Companies Act:

**"continental shelf" means that part of the seabed and subsoil of the submarine area adjacent to the coast of Sierra Leone but outside territorial waters over which the Republic is entitled by law to exercise sovereign rights for the purpose of exploring and exploiting natural resources;**

"court" means any duly constituted court other than a local court;

"declared area" means an area declared for licensing for artisanal mineral operations pursuant section 30:

"Director" means the Director of Mines appointed under section 7 except that for the purposes of sections 47.55. 68 and 117 it means the Director of Mines and the Director of Geological Survey appointed under section 9:

"discovery" means, a discovery of a mineral deposit or a discovery of a mineral or group of minerals occurring in quantities or circumstances that indicate the presence of a mineral deposit:

"dredging licence" means the right to dredge acquire under Part XI:

"excavation" means any trench. pit, shaft or other open working;

"exploration area" means the land covered by an exploration license;

"exploration license" means an exploration license acquired under the provisions of Part VII:

"explore" means to define the extent and determine the economic value for a mineral deposit;

"government" means the Government of the Republic of Sierra Leone;

"holder" means the holder of Mineral Right in whose name the mineral right is registered under this Decree:

"in-default" means in breach of any of the provisions of the Decree and regulations made under it or of any condition of a mineral right;

land" includes land beneath water, the seabed and sub soil;

"mine" when used as a noun, means any place, excavation or working or by which any. operation connected with

mining is carried on together with all buildings, premises, erections and appliances belonging or appertaining to it, above and below the ground, for the purpose of winning, treating or preparing minerals, obtaining or extracting any mineral or metal by any mode or method or for the purpose of dressing mineral ores. and includes a quarry where building, and industrial minerals are mined:

"mine" when used a verb, means intentionally to win minerals and includes any operations directly or indirectly necessary for or incidental to mining operations:

"mineral" means any substance, whether in solid, liquid or gaseous form occurring naturally in or on the earth. formed by or subject to a geological process but does not include mineral oil (as defined in the Mining (Mineral Oil) Act) or water;

Cap. 197.

"mineral product" means a substance derived from an ore by mining or processing;

"mineral right" means a prospecting licence, and exploration licence, a mining lease or an artisanal mining licence:

"mining area" means the land subject to a mining lease or an artisanal mining licence;

"mining lease" means a mining lease acquired under the provisions of Part VII;

"mining operations" means operations carried out in the course of mining:

"ore" means a natural aggregate of one or more minerals which may be mined and sold at a profit or from which some part may be profitably extracted;

"person" includes any company or association or body of persons corporate or unincorporate;

“Precious minerals” includes

- (i) precious stones, namely amber, amaethyst, beryl, cat's eye, chrysotile, diamond, emerald, garnet, opal, ruby, sapphire, turquoise and all other substances of a similar nature to any of them:  
and
- (ii) precious metals, namely gold, silver, platinum, iridium, or ores containing any of these metals provided that they are in commercially recoverable or payable quantities:

"prescribed" means prescribed by regulations made under this Decree:

"programme of development, old mining operations" means such a programme approved on the grant of a mining lease and includes any amendments made to it in pursuance of the provisions of this Decree:

"programme of exploration operation" means a programme approved on the granting of an exploration license and includes any amendments made to it in pursuance of the provisions of this Decree:

"prospect" means intentionally to search for minerals and mineral deposits and includes operations to test the mineral bearing qualities of the land:

"prospecting area" means the land subject to a prospecting licence:

"prospecting licence" means a prospecting license as required under Part VII:

"radioactive mineral" means a mineral which contains by weight at least one twentieth of one percent (0.05 per centum) of uranium or thorium or, any combination of it and includes but is not limited to-

- (a) monazite, sand and other ore containing thorium: and
- (b) carnotite, pitchblende and other ores containing uranium:

"registered holder" in relation to a mineral right means the person whose name is for the time being recorded in the register pursuant to section 34 as being the holder of the mineral right

"regulations" means regulations made under sections 123 and 124 of this Decree:

"Republic" means the Republic of Sierra Leone:

"Secretary of State" means the Secretary of State responsible for Mines and Minerals:

"termination" means the lapse of a mineral right by expiry of time, surrender or cancellation:

"tributer" means a person who directly or indirectly is permitted to win minerals receiving in return for the minerals so won remuneration paid directly or indirectly by the person who permitted him to win the minerals:

"working for profit" means producing a mineral product for use or sale.

PART 11 - ADMINISTRATION

2. There is hereby established a body to be known as the Minerals Advisory Board in this Decree referred to as the "Board".

3. (1) The Board shall be responsible for

- (a) advising the Secretary of State on matters relating to minerals:

Establishment  
of Minerals  
Advisory  
Board

Responsibilities  
of the  
Board

- (h) formulating recommendations of national policy on the exploration for and exploitation of mineral resources with special reference to establishing priorities having due regard to the economy;
  - (e) monitoring the operation of such policy as the Government may adopt relating to minerals and reporting on it to the Secretary of State;
  - (d) monitoring the operations of all bodies or establishments concerning minerals and reporting on it to the Secretary of State;
  - (e) assessing proposed major agreements relating to minerals and advising the Secretary of State on it;
  - (f) securing a firm basis of comprehensive data collection on national mineral resources and the technologies of exploration and exploitation for decision-making; and
  - (g) such other functions as the Secretary of State may assign.
- (2) The Board shall be made up of:
- (a) the Director of Mines, who shall be the Chairman;
  - (h) the Director of Geological Survey;
  - (e) the Commissioner of Income Tax;
  - (d) a representative of the Attorney - General's office;
  - (e) a representative of the Department of Internal Affairs;
  - (f) a representative of the Department of Lands and Environment or the Environmental Protection Council;

(g) a representative nominated by the Chamber of Mines: and

(h) two persons with considerable qualifications and experience in industry generally appointed by the Secretary of State.

3) A member of the Board other than an ex-officio member. shall unless removed early for inability to perform the functions of his office hold office for a period not exceeding three years and may on the expiration of that period be eligible for re-appointment.

(4) The terms, and conditions of service of the members of the Board shall be as stated in their letter of appointment.

(5) The Department of Mineral Resources shall provide a Secretary to the Board

Meetings of  
Board.

**4.** (1) The Board shall meet for the Dispatch of business at such times and in such places as the Board may determine but shall meet at least once every quarter.

(2) The Board shall make provision for the regulation of its meetings subject to the provisions of this Decree.

(3) The quorum at any meeting of me Board shall be determined the Board.

(4) Every meeting of the Board shall he presided over by the Chairman and in his absence by a member of the Board appointed by the members present from among themselves.

(5) Questions before the Board shall he decided by a majority of members present and voting.

(6) The Chairman or the person presiding at a meeting of the Board shall in the event of equality of votes have a second or casting vote.

(7) The validity of any proceedings of the Board shall not he affected by any vacancy in its membership or any defect in me appoint-. ment of any of its members.

(8) If any person is present at a meeting of the Board at which any matter is subject of consideration which matter the person or his

spouse or child is directly or indirectly interested in a private capacity. such person shall. as soon as practicable after the commencement of the meeting disclose such interest and thereafter shall not participate in any consideration or discussion or voting on any question pertaining to such matter.

5. Wherever it is deemed necessary, the Board may co-opt any , person or persons to act as adviser or advisers at any of its meetings but no person or persons so co-opted shall be entitled to vote at any such meeting,

Power to co-opt

6. (I) The Board shall not later than six months after the end of each year submit to the Secretary state an annual report dealing generally with the activities and the operations of the Board within that year including;

Annual Report

(a) the number of mineral rights granted. renewed or cancelled during that year and the Board's recommendations, where required by this Decree, in respect thereof:

(b) recommendations of national policy for the ensuing year on the exploration for and exploitation of mineral resources,

(2) The Secretary of State shall, as soon as possible after receiving the annual report of the Board submit the report to the council of Secretaries with such statement as he may find necessary.

(3) The Board shall also submit to the secretary of State such other reports on its activities as the Secretary of state may in writing reasonably request from time to time

7. (I) The Public Service Commission on the approval of the Head of State shall appoint a person to be the Director of Mines who shall perform the functions conferred or imposed upon him by this Decree or any other law,

The Director of Mines,

(2) Anything required by or permitted under this Decree to be done by the Director may be done by any public officer who is authorized either specifically or generally. in that behalf in writing by the Director and for the purpose of doing so that officer is deemed to be the Director.

3) The Director may designate any public officer to be an authorized officer for the purposes of this Decree or any provision of this Decree.

**8.)** (I) The Director or an authorized officer may, at all reasonable times enter upon any land, prospecting area, exploration area, mining area or mine or any premises or workings thereon or thereunder. for the purpose of

(a) generally inspecting such area, premises or workings and examining prospecting, exploration or mining operations or the treatment of minerals being performed or carried on:

(b) ascertaining, whether the provisions of this Decree are being complied with:

(c) taking soil samples or specimen of rocks, ore, concentrates, tailings or minerals situated upon such area, premises or workings for the purpose of examination or assay:

(d) examining books, accounts, vouchers, documents or records of any kind required to be kept under this Decree, regulations made under it or the terms and conditions of any mineral right, and taking copies of such books, accounts, vouchers, documents or records: or

(e) obtaining such other information he may deem necessary.

(2) The Director or an authorized officer may, with respect to the health, and safety of persons employed by a holder of a mineral right issue directions to and impose restrictions on the holder or any person so employed. by instrument in writing.

(3) In exercising his powers under subsection (I), the Director or an authorised officer shall ensure that as little damage or inconvenience as possible is caused to the owner or lawful occupier of the land where the powers are exercised.

9. (1) The Public Service Commission on the approval of the Head of State shall appoint a person to be the Director of Geological Survey who shall perform the functions conferred or imposed upon him by this Decree or any other any other law.

Director of  
Geological  
Survey

10. (1) Without prejudice to the provisions of Section (9) the duties of the Director of Geological Survey shall include –

Duties and  
powers of  
Director of  
Geological  
Survey.

- (a) the giving of advice to the Secretary of State on all geological matters:
- (h) the undertaking or the geological mapping of Sierra Leone:
- (c) the undertaking of prospecting and exploration operations:
- (d) the compilation, publication all dissemination of data and information concerning the geology and mineral resources of Sierra Leone: and
- (e) the maintenance of such laboratory, library and record facilities as may be necessary for the discharge of his functions.

(2) For the purposes of performing his duties, the Director of Geological Survey may

- (a) inspect any prospecting, exploration or mining area:
- (b) take soil samples or specimen of rocks, ore, concentrates, tailings or minerals situated in that area for the purpose of examination or assay:
- (c) break up the surface of the land for the purpose of ascertaining the rocks or minerals within or under them:
- (d) dig up any land and fix any post, stone, mark or object to be used in the survey of such land: and

- (e) enter into or upon any land through which it may be necessary to pass for the purpose of carrying out surveys but in the case of a sacred bush with the permission of the local authority concerned.

(3) Anything required by or permitted under this Decree to be done by the Director of Geological Survey may be done by any public officer who is authorized either specially or generally in that behalf in writing by the Director of Geological Survey and for the purpose of doing so that officer is deemed to be the Director of Geological Survey.

Obstruction  
of  
Director or  
authorised  
officer

**11.** Any person who without reasonable excuse hinders or obstructs the Director of Mines, or the Director of Geological Survey or any authorised officer or person from carrying out any of his functions under this Decree commits an offence and shall be liable on summary conviction to a fine not exceeding one hundred thousand Leones or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

Indemnity of  
officers

**12.** The Director of Mines the Director of Geological Survey and an authorised officer or person shall not be liable for anything done or omitted to be done in good faith in the performance of any function vested in or delegated to him by or under this Decree.

Officers prohi-  
bited from  
certain actions.

**13.** (1) In this section, "officer" means a public officer for the time being engaged in the administration of this Decree.

(2) No officer shall directly or indirectly acquire any right or interest in any mineral right and any document or transaction purporting to confer any right or interest in any such officer shall be null and void.

(3) No officer shall acquire or retain any share in a company carrying on prospecting exploration or mining operations in Sierra Leone.

(4) No officer shall disclose any information obtained by him in or in connection with the administration of this Decree without the permission of the Secretary of State, unless the disclosure is made.

- (a) for or in connection with the administration of this Decree:

(b) for in connection with the preparation of official statistics: or

(c) for the purpose of any legal proceedings.

(5) The security of, and unpatented process or a process upon which research work is being carried out by the holder of a mineral right shall not be endangered as a result of an inspection by an officer.

### PART III - OWNERSHIP OF MINERALS AND ACQUISITION OF MINERAL RIGHTS

**14.** (1) All rights or ownership in. of searching for, mining and disposing of minerals in, under or upon any land in Sierra Leone and its minerals continental shelf are vested in the Republic of Sierra Leone.

Ownership of Minerals

(2) The provisions of subsection (1) shall have effect notwithstanding any right of ownership or otherwise that any person may possess in and to the soil on or under which minerals are found or situated.

**15.** (1) Subject to the provisions of this Decree rights of searching for, mining and disposing of minerals may be acquired and held under and in accordance with a mineral right granted pursuant to the provisions rights of this Decree

Acquisition of Mineral rights

(2) No person may prospect or explore for or mine and dispose of minerals except under and in accordance with a mineral right and as provided in this Decree.

(3) Notwithstanding any other provisions of this Decree, the Secretary of State may designate an area in which minerals have been discovered by Government survey and may cause any unallocated mineral rights to be awarded by public tender.

(4) Any person who contravenes subsection (2) shall be guilty of an offence and liable on summary conviction

(a) in the case of an individual, to a fine not exceeding two hundred thousand leones or to imprisonment for a term not exceeding twenty-four months or to both such fine and imprisonment; and

(b) in the case of a body corporate to a fine not exceeding two million leones.

(5) The court before which a person is convicted under subsection (4) may order the forfeiture of all minerals obtained by such person or if such minerals cannot be forfeited of such sum of money as the court shall assess as the value of such minerals. Any minerals so forfeited shall be sold or otherwise disposed of as the Court may direct and the proceeds of such sales shall be paid into the Consolidated Fund.

(6) Notwithstanding the provisions of subsection (2) the Secretary of State may subject to such conditions as he may determine authorize any person to undertake prospecting or exploration operations in the course of scientific investigation into the geological or mineral resources of Sierra Leone.

Restriction on acquisition of mineral right

**16.** (1) Except for such person as may be exempted by the Secretary of State on the advice of the Board *or* except as otherwise provided in this Decree no holder of a mineral right shall be

(a) an individual who

- (i) is under the age of 18 years;
- (ii) is not a citizen of Sierra Leone or has not been ordinarily resident in Sierra Leone for such period as may be prescribed: or
- (iii) is or becomes an undischarged bankrupt, having been adjudged *or* otherwise declared bankrupt under any written law: or

(b) a co-operative society which is not registered according to the laws of Sierra Leone;

(c) a company.

- (i) which has not been registered as a branch or incorporated under the Companies Act: or

- (ii) which is in liquidation except when: such liquidation is part of a scheme for the reconstruction or amalgamation of such Company .

**17. (1)** A mineral right shall be in accordance with such form as may be prescribed.

Form and content of mineral rights

(2) A mineral right shall specify-

- (a) the date of the grant of the mineral right and the period for which it is granted:
- (b) a description of the area over which it is granted:
- (c) the mineral or minerals in respect of which it is granted: and
- (d) the conditions on which it is granted.

**18.** An application for a mineral right

Application for mineral rights

- (a) shall be made to the Director as prescribed:
- (b) shall be in the form prescribed;
- (c) shall be accompanied by the prescribed fee: and
- (d) may be withdrawn by the applicant giving to the Director a notice of withdrawal

**19. (1)** The Director may, by notice served on an applicant for the grant of a mineral right, require the applicant to furnish him, within such reasonable time as is specified in the instrument, such further information relevant to the application as the Director may require.

Information etc. for disposal of application

(2) To enable him to dispose of an application for the grant of a mineral right, where the mineral right is an exploration license or a Mining Lease, the Secretary of State may on the advice of the Board cause such investigations, negotiations or consultations to be made or carried out as he considers necessary.

(3) Once an application has been duly completed where the mineral right is a prospecting license or artisanal mining license, the

Director shall dispose of the application in accordance with the provisions of this Decree but in no case later than three months after the submission of the completed application,

Types  
of  
mineral  
rights

**20.** (1) Prospecting, exploration and mining shall be carried out under rights granted under Part VII except where subsection (2) of this section applies,

(2) Where the Secretary of State considers that it is in the public interest to encourage exploration and mining of minerals in any area by methods not involving substantial expenditure or the use of specialised technology, he may by notice in the Gazette declare that area for licensing of artisanal mining operations and the provisions of Part VIII shall apply.

(3) A notice by the Secretary of State under sub-section (2) may prescribe that particular minerals or all minerals in the declared area are subject to the declaration,

(4) The Secretary of State may by notice in the Gazette vary or revoke any notice published pursuant subsection (2),

Restriction on  
exercise of  
rights

**21.** Where the doing of act is 'regulated or prohibited by a written law (other than this Decree) nothing in this Decree shall be construed as authorizing the holder of a mineral right to do the act otherwise than in accordance with the written law,

Agreement  
with respect  
to  
certain  
mineral  
rights etc.

**22.** The Secretary of State on behalf of the Government may enter into an agreement (not inconsistent with this Decree) with, any person with respect to all or any of the following matters.

- (a) the grant to that person, or to any person identified in the agreement, on the condition (if any) specified in the agreement, of a mineral right;
- (b) the conditions to be included in the mineral right as granted or as renewed: or
- (c) any matter incidental to or connected with the foregoing.

## PART IV - MINERAL RIGHTS AND SURFACE RIGHTS

23. (1) The holder of a mineral right shall not exercise any of his rights, under it -

Restrictions  
on exercise of  
mineral

(a) except with the written consent of the Secretary of State in respect of any land set apart for any public purposes (other than mining);

(h) except with the written consent of the owner or lawful occupier of this duly authorised agent in respect of

(i) any land dedicated as a place of burial or which is a place of religious or other cultural significance;

(ii) any land which is the site of, or which is within two hundred yards (or such greater distance as may be prescribed) of any inhabited, occupied or temporarily unoccupied house or building;

(iii) any land within fifty yards (or such greater distance as may be prescribed) of land which has been cleared or ploughed or otherwise bona fide prepared for the growing of, or upon which there are growing, agricultural crops;

(iv) any land which is the site of, or within one hundred yards (or such greater distance as may be prescribed) or any cattle dip, tank, dam or other body of water.

but where any consent so required is, in the opinion of the Secretary of State, being unreasonably withheld, the Secretary of State may, on such conditions (if any as he may impose, direct in writing that the need for the consent shall be dispensed with and authorise the holder of the mineral right to exercise all or any of his rights under it;

(c) in respect of any land reserved for the purposes of any railway track, highway or waterway or which is within fifty yards (or such greater distance as may be prescribed) of the boundaries of any land so reserved, except with the written consent of the responsible railway administration, highway or waterway authority:

(d) in respect of any land within any township, or within two hundred yards (or such greater distance as may be prescribed) of the boundaries of any township except with the written consent of the local authority having control over the township.

Right to graze  
stock and  
cultivate land

**24.** The owner or lawful occupier of any land within an area the subject of a mineral right shall retain the right to graze stock upon or to cultivate the surface of such land in so far as such grazing or cultivation does not interfere with the proper working in such area for prospecting, exploration or mining purposes.

Acquisition of  
exclusive  
surface rights  
by holder of a  
mining lease

**25.** Subject the provisions of any law relating to the acquisition of land titles the holder of a mining lease may if he requires the exclusive use of the whole or any part of the mining lease area obtain a land lease or other rights to use the lease upon such terms as to the rents to be paid for it, the duration or the extent or area of the land to which such lease shall relate as may be agreed between such holder and such owner or lawful occupier or failing that such agreement as may be determined by the Secretary of State on the advice of the Board.

Compensation  
for disturbances  
of rights

**26.** (1) The holder of a mineral right shall on demand being made by the owner or lawful occupier of any land subject to such rights pay such owner or lawful occupier fair and reasonable compensation for any disturbance of the rights of such owner or occupier and for any damage done to the surface of the land by his operations and shall on demand being made by the owner of any crops, trees, buildings or works damaged during the course of such operations pay compensation for such damage-

Except that

- (i) payment of rent shall be deemed to be ad

equate compensation for deprivation of the use land to which such rent relates:

- (ii) in assessing compensation payable under this section, account shall be taken of any improvement effected by the holder of the mineral right or by his predecessor in title the benefit of which has or will ensure to the owner or lawful occupier:
- (iii) the basis upon which compensation shall be payable for damage to the surface of any land shall be the extent to which the market value of the land (for which purpose it shall be deemed saleable) upon which the damage incurred has been reduced by reason of such damage but without taking into account any enhanced value due to the presence of minerals:
- (ir) no compensation shall be payable to the occupier of a state grant land in respect of any operations under a mineral right existing at the date of such grant.

(2) If the holder of a mineral right fails to pay compensation when so demanded under the provisions of this section, or if the owner of lawful occupier of any land is dissatisfied with any compensation offered such compensation may be determined by the Secretary of State on the advice of the Board.

(3) A claim for compensation under the provisions of subsection (1) shall be made within a period of two years from the date when the act which is the basis for such claim has occurred failing which, notwithstanding the provisions of any other written law, such claim shall not be enforceable.

**27.** (1) The Government shall by order published in the Gazette, compulsorily acquire in the name of the Republic private land or rights over or under private land for use by the holder of a mining lease.

Compulsory  
acquisition of  
private land

(2) Before making an order under subsection (1) the Government shall be satisfied that

(a) the holder of a mining lease has taken all reasonable steps to acquire on reasonable terms by agreement with the owner, the ) land or the right which he wishes to use and has been unable to do so: and

(b) the acquisition of such land or light is necessary for mining purposes or for purposes ancillary to mining.

(3) The Government may, under such conditions as it deems fit, including the payment of rent, permit the holder of the mining lease the use of any land or the exercise of any right acquired under the provisions of subsection (1): except, that the land or right shall not be used or exercised by the holder for any purpose other than the purpose for which it was acquired under the provisions of subsection (1).

**28.** (1) When the power under section 27 is exercised those persons having interest in or right over the land concerned shall be paid of acquisition compensation by the holder of the mineral right determined as land if made under section 26.

(2) The holder of a mining lease shall, before entering into possession of enjoyment of any land or before exercising any right make payment of compensation as determined in accordance with subsection (1) to the person or persons concerned or if the whereabouts of the person or persons concerned or any of them an: unknown, give such undertakings concerning the payment of compensation as the Government may require.

PART, V - SURRENDER, CANCELLATION AND  
SUSPENSION OF MINERAL RIGHTS

**29.** An applicant for a mineral right or any renewal thereof may withdraw his application at any time before such application is approved or rejected, by notifying the Director in writing that he wishes to withdraw such application.

**30.** (1) Subject to the provisions of section 71 and any condition

Compensation for compulsory acquisition of land

Withdrawal of application for mineral rights.

Surrender of

of his mineral right. the holder of a mineral right or part of it by

(a) giving the Secretary of State, not less than three months notice of his intention to surrender the whole or part of the area concerned: and

(b) complying with such conditions as may be prescribed or stated in the mineral right.

(2) Upon compliance with paragraph (a) and (b), the Secretary of State shall issue a certificate of surrender to the holder.

(3) If the application for a certificate of surrender is in respect of part only of the area covered by the mineral right the holder shall

(a) in his application,

(i) provide a reliable plan in a form and substance acceptable to the Secretary of State, of the area to be relinquished: and

(ii) give records and reports in relation to his mineral operations;

(b) if the application is approved, demarcate the remaining area in the prescribed manner.

(4) No surrender of any area covered by a mineral right shall be effective until the Secretary of State has issued a certificate of surrender in respect of that area,

(5) A surrender shall be without prejudice to any liabilities or obligations incurred by the holder in relation to the area surrendered prior to the date of surrender.

(6) On the issue of a certificate of surrender the Secretary of State shall

(a) if the surrender is in relation to the whole area covered by a mineral right, cancel such right: or

(b) if the surrender is in respect of part only of the area covered by a mineral right, amend the lease accordingly,

Area covered  
by mineral  
rights.

Suspension and  
cancellation of  
mineral right

**31.** (1) The Secretary of State on the advice of the Board may suspend or cancel a mineral right if the holder

- (a) fails to make any of the payments required by or under this Decree on the date due: or
- (b) grossly violates health and safety regulations or causes environmental harm: or
- (c) contravenes any provisions of this Decree or the conditions of his mineral right or the provisions of any other written law relating to mines and minerals: or
- (d) dies and his heir is not qualified under this Decree to hold the mineral right: or
- (e) makes any statement to the Secretary of State in connection with his mineral right which he knows or ought to have known to be false: or
- (f) for any reason becomes ineligible to apply for a mineral right under the provisions of section 16.

(2) The Secretary of State shall, before suspending or cancelling any mineral right give notice to the holder in such a manner as shall be prescribed and shall, in such a notice require the holder to remedy in not less than 90 days any breach of the conditions of his mineral right and where such breach cannot be remedied to show cause to the satisfaction of the Secretary of State why the mineral right should not be suspended or cancelled.

(3) On cancellation of a mineral right under this section the rights of the holder shall cease but without prejudice to any liabilities or obligation incurred in relation thereto prior to the date of cancellation.

(4) The powers of the Secretary of State under this section shall, in relation to artisanal mining licenses and non-exclusive prospecting licenses, be exercised by the Director as prescribed.

Assets on  
termination of  
mineral rights.

**32.** (1) Subject to the provisions of this Decree and any provision to the contrary in his mineral right the holder or former holder of a mineral right may, within six months after the date of termination of his mineral right, remove from the prospecting, exploration or mining area

any buildings, fixed machinery or other movable property and any mineral product which may have been extracted from it.

(2) If the Director certifies that any buildings or fixed machinery are necessary for the proper maintenance of any mineral right area such buildings or fixed machinery shall not be removed without the consent of the Secretary of State.

**33.** Upon termination of any mineral right, the holder or former holder shall deliver to the Secretary of State all the records which the holder is obliged under the provisions of this Decree to maintain.

Delivery of documents on termination of mineral rights

#### PART VI- REGISTRATION AND RECORDS

**34.** (1) The Director shall cause a record to be kept in a register of every mineral right granted and of any dealings with, affecting, a mineral right.

Registration

(2) When a mineral right is granted the Director shall cause the name of the person to whom the mineral right is granted to be recorded in the register as the registered holder of the mineral right.

(3) Where the Director is satisfied that there has been a mistake made in, or that some matter has been incorrectly entered in, the register, he shall rectify the register, by correcting that mistake or incorrect entry.

**35.** A person who willfully-

- (a) makes, or causes to be made or concurs in making, a false entry in the register; or
- (b) produces or tenders in evidence a document falsely purporting to be a copy of or extract from an entry in the register or of or from an instrument lodged with the Director under this Part,

Offences in relation to registration

is guilty of an offence and liable on conviction to a fine not exceeding fifty thousand leones or to imprisonment for a term not exceeding six months, or to both.

Inspection of  
register

**36.** (1) A copy of any entry in the register may be obtained on payment of the prescribed fee.

(2) The register shall at all reasonable times be open for inspection by any person on payment of the prescribed fee and a person may take copies of any license or entry in the register on payment of the prescribed fee.

Evidentiary  
provision,

**37.** (1) The Director may give a certificate with respect to any matter referred to in subsection (2).

(2) A certificate of the Director

- (a) that a mineral right was granted, transferred, suspended or cancelled on, or with effect from, a date specified in the certificate;
- (b) that any land, identified in the certificate is or was on a date specified in the certificate, subject to a mineral right;
- (c) that a mineral specified in the certificate is a mineral to which a mineral right relates;
- (d) that any condition specified in the certificate is or was on a date so specified, a condition of a mineral right;
- (e) that a certificate of surrender was issued in respect of land identified, on a date specified, in the certificate given by the Director;
- (f) that any condition specified in the certificate is a condition on which a certificate of surrender was issued or on which any consent or approval so specified was given; or
- (g) that a person named in the certificate is, or was on a date specified in the certificate, the holder of a mineral right,

shall be admissible in proceedings before any court or tribunal as evidence of that fact, but without prejudice to the right to adduce evidence in rebuttal.

PART VII - PROSPECTING LICENCES, EXPLORATION  
LICENCES AND MINING LEASES

38. An application for the grant of a prospecting licence

(a) shall contain, whether for an exclusive or non- licenses. Exclusive license, in respect of each person making the application.

(i) in the case of an individual his full name, address and nationality: or

(ii) in the case of a body corporate its registered name and place of incorporation. the name and nationalities of its directors and name of any shareholder who is the beneficial owner of more than 5% of the issued share capital;

and, in the case of application for an exclusive prospecting licence

(b) shall be accompanied by a plan of the area over which the license is sought, drawn in such a manner and showing such particulars as prescribed;

(c) shall identify the minerals in respect of which the license is sought;

(d) shall be accompanied by a statement giving particulars of the financial and technical resources available to the applicant;

(e) shall be accompanied by a proposed programme of prospecting operations and the estimated cost thereof, with details of the equipment expected to be used in connection with it and the names and particulars of the persons to be responsible for the conduct thereof;

(f) shall state the period within which the proposed prospecting programme is expected to be completed;

(g) shall give detail of any mineral right held within the preceding four years in Sierra Leone by the

applicant or by any person controlling, control by or under joint or common control with the applicant: and

- (h) may set out any other matter which the applicant wishes the Secretary of State to consider.

**39.** (1) Subject to Section 19 (3) an application for an exclusive prospecting licence in respect of any mineral for which application is made for the right to prospect exclusively, may be granted or rejected by the Secretary of State.

(2) The area of land over which an exclusive prospecting licence is granted shall be of such shape, orientation and dimension as may be prescribed.

(3) Where exceptional circumstances warrant the Secretary of State on the advice of the Board may grant an exclusive prospecting licence which confers on the holder the sole right to carry on prospecting operations in the prospecting area.

(4) There shall be appended to an exclusive prospecting licence an approved programme of prospecting operations.

(5) Where the application is for a non-exclusive prospective licence, in respect of minerals sought, the Director shall issue such licence as prescribed.

**40.** (1) No prospecting licence shall be granted over an area of land in or which constitutes

(a) an exploration area: or

(b) a mining area.

(2) Where an area of land is subject to a prospecting licence which pursuant to section 39 gives to the holder of the licence an exclusive right to carry on prospecting operations in that area, no other prospecting licence shall be granted over land in, or which constitutes that area in respect of any mineral to which such exclusive right relates.

(3) Where it is necessary to fly over any land for the purpose of the exercise of any right under a prospecting licence nothing in this

Disposal of application for prospecting licences

Restriction on grant of prospecting licences

...

section operates to prevent any such right from being undertaken provided it is in accordance with the provisions of section 21.

41. (1) The Secretary of State shall cause the applicant for an exclusive prospecting licence to be notified of the application for decision on his application and if the application is exclusive granted. of the details of the proposed licence.

Notice of decision on application for exclusive prospecting licences

(2) If an applicant. within sixty days after he is given notice pursuant to subsection (1) that the Secretary of State is prepared to grant an exclusive prospecting license, fails to give notice of his willingness to accept the proposed license, his application shall lapse.

42. (1) An exclusive prospecting licence shall be of a duration of not exceeding two years.

Duration of prospecting licences

(2) A non-exclusive prospecting licence shall be of once year duration.

43. (1) The holder of a prospecting licence may not later than three months before the expiration of the licence apply for the renewal of the licence in respect of all or any part of the prospecting area.

Renewal of prospecting licences

(2) An application under subsection (1)

(a) shall state the period for which renewal of the licence is sought;

(b) shall be accompanied

(i) by a report on prospecting operations then carried out: and

(ii) by a statement giving particulars of the programme of prospecting operations proposed to be carried out in the period of renewal, in the case of an exclusive licence:

(c) shall, if renewal of the area is sought in respect of part only of the prospecting area, be accompanied by a plan identifying that part of the prospecting area: and

(d) shall give particulars of any alteration in the matters shown in the application for the grant of the license pursuant to section 38 (a) and (d).

(3) On application duly made for the renewal of an exclusive prospecting license, the Secretary of State, on the advice of the Board may renew the license with or without variation of the conditions of the license for a period not exceeding twelve months with an option for another renewal for a period not exceeding twelve months.

(4) On application duly made for the renewal of a non-exclusive prospecting license, the Director shall renew the license for one year. On receipt of any subsequent applications for renewal, the Director may renew the license, provided he is satisfied that the holder is prospecting to the best of his ability and has submitted periodic reports of progress in a form and of substance commensurate with his capability.

(5) Where an application for renewal is made by the holder of a non-exclusive prospecting license who has made a discovery the Director of Mines shall renew the non-exclusive license as provided in subsection (4) and, if so requested in the application, the Secretary of State shall grant an exclusive prospecting license to such applicant in respect of the discovery and such surrounding area as the Secretary of State on the advice of the Board deems appropriate.

**44.** Where the holder of an exclusive prospecting license who has fulfilled the terms of the said license applies for the grant of an exploration license in respect of the prospecting area and the application has not been finally dealt with before the date on which the prospecting license would, but for this section, cease to have effect, the prospecting license shall continue to have effect over that area of land until the application is disposed of by

(a) giving notice to the applicant pursuant to sections 19 and 49 of the refusal to grant the exploration licence; or

(b) granting the exploration licence.

**45.** (1) Where an exploration license is granted over an area of land subject to a prospecting license, that area of land shall cease to be subject to the prospecting license to the extent that the prospecting license

Status of exclusive prospecting licence on application for exploration licences.

Effect of grant of other mineral rights

rights relates to a mineral in respect of which the exploration licence has been granted.

over prospecting

(2) Where an area of land becomes a mining area, it ceases to be subject to any prospecting license to which it was subject immediately before becoming a mining area.

**46.** (1) Subject to this Decree and the conditions that may be stated in the license an exclusive prospecting license granted under this Decree shall confer on the holder of the license, his employees, servants or agents the right to carry on prospecting operations, for the mineral to which the license relates, in the prospecting area.

Rights of holders of prospecting licenses

(2) The holder of a prospecting license shall not engage in any drilling, excavation or other sub-surface operations except where such operations are authorized by the license granted to him.

(3) For the purpose of exercising the right conferred under subsection (1) the holder of a prospecting license may enter the prospecting area and erect camps and temporary buildings, including installations in any water forming part of the prospecting area.

Except that the erection of any camp or building under the provisions of this section shall not be construed as conferring any right, title or interest in the land.

(4) The holder of a prospecting license may remove on or before the termination of his prospecting operations, any camps, temporary buildings or installations which he may have erected.

Except that any damage to the surface of the ground caused by such removal shall be made good to the satisfaction of the Director and adequate compensation shall be paid to the land surface owner in accordance with section 26.

**47.** (1) The holder of an exclusive prospecting licence shall

- (a) subject to subsection (2) carry on prospecting operations in accordance with his approved programme of prospecting operations:

Obligations of holders of exclusive prospecting licences

- (h) subject to subsection (2), expend in or in relation to the prospecting area an amount not less than the amount required by the license or otherwise to be so expended:
- (c) submit to the Director such reports and affidavits containing information and supported in such a manner and at such intervals as may be prescribed:
- (d) keep and maintain in Sierra Leone an address which shall be registered with the Director and to which all communications and addresses may be addressed.

(2) The Secretary of State on the advice of the Board may, on application made to him by the holder of a prospecting license limit, reduce, vary or suspend any obligation arising pursuant to subsection (1) either conditionally or unconditionally,

(3) The holder of a prospecting license shall not without the written permission of the Director and subject to such conditions as the Secretary of State may determine remove, my mineral from a prospecting area except for the purpose of having such mineral analysed, or of determining its value or conducting tests on it.

#### EXPLORATION LICENCES

#### 48. An application for the grant of an exploration license

- (a) shall be subject to the requirements prescribed by section 38 (a), (b), (c), (d), and (e):
- (b) shall state the period, not exceeding three years, for which the license is sought:
- (c) shall be accompanied by a proposed programme of exploration operations and the estimated cost:
- (d) shall provide details of any significant effects which the carrying out of the exploration programme would be likely to have on the environment and on any monument or relic in the area over which the license is sought and an estimate of the cost of combating any adverse effects:
- (e) shall give evidence in support of the existence of the mineralization which the license would cover in the proposed exploration area:

(f) shall give or be accompanied by a statement giving particulars of the applicant's proposals with regard to the employment and training of Sierra Leone citizens: and

(g) may set out any other matter which the applicant wishes the Secretary of State to consider.

**49.** (1) Subject to this Decree, an application for an exploration Disposal of license may on the advice of the Board, be granted or rejected by the Secretary of State.

Disposal of application for exploration licences

Except that where an application is made by a holder of an exclusive prospecting license who has made a discovery in such area the Secretary of State shall grant an exploration license to such applicant in respect of such area

(2) The area of land over which an exploration license is granted shall be such shape, orientation and dimension as may be prescribed.

(3) There shall be attached to an exploration license an approved programme of exploration operations.

**50.** (1) No exploration license shall be granted over an area of land in or which constitutes a mining area.

(2) Where an area of land is subject to an exploration license, no other exploration license shall be granted over that land

Restrictions on the grant of exploration licences

(3) Where an area of land is subject to a prospecting license which gives pursuant to section 39 to the holder of the license an exclusive right to carry on prospecting operations in respect of that land, an exploration license shall not be granted in respect of any mineral to which that exclusive right relates over land in, or which constitutes, that area, to a person other than the holder of the prospecting license.

(4) Any application for an exploration license shall be accompanied by

(a) particulars of the financial and technical resources available to the applicant for the proposed operations:

- (b) an estimate of the amount of money proposed to be spent on the operations;
- (c) particulars of the programme of proposed exploration operations, and
- (d) particulars of the applicant's proposals for the employment and training of Sierra Leoneans.

Notice of  
decision for  
exploration  
licences

**51.** (1) The Secretary of State shall cause the applicant to be notified of the decision on his application and if the application is granted application for of the details of the proposed license.

(2) If an applicant, within sixty days after he is given notice pursuant to subsection (1) that the Secretary of State is prepared to grant an exploration license, fails to give notice of his willingness to accept me proposed license, his application shall lapse.

Duration  
of  
exploratio  
n licences.

**52.** Subject to the provision of this Decree an exploration license shall be of such duration not exceeding three years, as may be specified in the license.

Renewal of  
exploration  
licences.

**53.** (1) The holder of an exploration license may, at any time not later than three months before the expiration of such license, apply for renewal of me license in respect of an area of land -

- (a) of such shape as may be prescribed: and
- (b) which is not greater in extent than half of the exploration area as at the date of the grant or last renewal of the license, unless the Secretary of State, on the advice of the Board, otherwise permits.

(2) An application under subsection (1)

- (a) shall state the period for which renewal of the license is sought;
- (b) shall be accompanied-
  - (i) by a general interpretative report of exploration operations so far carried out:
  - (ii) statement of the costs incurred in carrying out me operations; and

- (iii) by a statement giving particulars of the programme of exploration operation proposed to be carried out in the period of renewal;
- (c) shall be accompanied by a plan identifying the area of land in respect of which renewal of the license is sought; and
- (d) shall give particulars of any alteration in the matters shown in the application for the grant of the license pursuant to section 48 (a).

(3) Subject to subsections (4) and (5), on application duly made for the renewal, the Secretary of State, on the advice of the Board, shall renew the license for a period not exceeding two years.

(4) The Secretary of State, on the advice of the Board, may reject an application for renewal of an exploration license if

- (a) the applicant is in default; or
- (b) the programme of exploration proposed by the applicant is not adequate:

Except that no application duly made under subsection (1) shall be rejected unless before rejection the applicant has been given reasonable opportunity to remedy the default or, as the case may be, to submit a revised programme of exploration operations.

(5) An application under subsection (1) for the renewal of an exploration license may be on not more than two occasions and, accordingly, the power under subsection (3) may be exercised in relation to an exploration license on not more than two occasions.

(6) Where an exploration license has been renewed pursuant to subsection (3) on two occasions, the Secretary of State on the advice of the Board, may

- (a) at the request of the holder of the license; and
- (b) if he considers it in the public interest to do so.

by instrument in writing, extend the term of the license with effect from the date of expiry of the last period of renewal for such further period, and on such conditions, as are specified in the instrument.

(7) On the renewal of an exploration license the Secretary of State shall cause license to be amended accordingly and there shall be appended to it the approved proposed programme of exploration operations to be carried out in the renewal period.

Rights of holders of exploration licences.

**54.** Subject to this Decree and the conditions of the license, an exploration license, while it has effect, confers on the holder of the license the exclusive right to carry on exploration operations in the exploration area for the mineral to which the license relates, for the purpose of the exercise of that right the holder may, subject to this Decree and the conditions of the license, in particular, either himself, or by way of his employees or agents, enter the exploration area and erect Camps and temporary buildings, including installations in any waters forming part of the exploration area.

Obligations of holders of exploration licences.

**55. (1)** The holder of an exploration license shall

- (a) commence exploration within three months from the date of issue of the license or at such other time as the Secretary of State may specify;
- (b) demarcate and keep demarcated the exploration area in the prescribed manner;
- (c) carry on exploration operations in accordance with the approved programme of exploration operations and at the end of each year, if the stipulated minimum expenditure is not met, pay to the Government the shortfall: except that the annual expenditure in excess of proposed amount for any year can be credited to the succeeding year;
- (d) notify the Secretary of State of any discovery of the mineral to which the exploration licence relates or of any other mineral deposit of possible economic value and within three years of giving such notice or such further period as the Secretary or State may allow Carry out a feasibility study to determine whether such discovery is a commercial discovery and if he so determines promptly give notice to the Secretary of State to that effect:

- (e) backfill or otherwise make safe any boreholes or excavations made during the course of his exploration operations to the satisfaction of the Director;
- (j) unless the Director otherwise stipulates, remove, within 60 days of the expiry of the exploration licence, any camps, temporary buildings or machinery erected or installed by him and repair or otherwise make good any damage to the surface of the ground occasioned by such removal to the satisfaction of the Director;
- (g) subject to the conditions of the exploration license, expend on exploration not less than the amounts specified in the exploration license to be expended;
- (h) submit to such persons at such intervals as may be prescribed such reports and such information supported in such manner as may be prescribed;
- (i) employ and train citizens of Sierra Leone in accordance with the approved proposals particulars of which have been appended to the license; and
- (j) keep and maintain in Sierra Leone an address which shall be registered with the Secretary of State, and to which all communications and notices may be addressed.

(2) The holder of an exclusive exploration license shall keep, at the address referred to in subsection (1) (j), full and accurate records, to the satisfaction of the Secretary of State, of his exploration operations which shall show, among others

- (a) boreholes drilled;
- (b) strata penetrated, with detailed logs of such strata;
- (c) minerals discovered;
- (d) the results of any geochemical or geophysical analysis.
- (e) the results of any analysis or identification of minerals removed for such purposes;

- (f) the geological interpretation of the records maintained under paragraphs (a) to (e);
- (g) the number and particulars of persons employed;
- (h) other work done in connection with the exploration license; and
- (i) such other matters as may be prescribed;

and shall supply, at least once every 6 months copies of such records to the Director, together with any reports prepared as a result of such records. Except that the Secretary of State may, in his discretion and on application made to him in that behalf dispose with or modify any or all of the requirements of this subsection.

(3) Any person who intentionally or negligently provides the Secretary of State with false or misleading records commits an offence.

Amendment of  
programme of  
exploration  
operations

**56.** (1) The holder of an exploration license may from time to time notify the Secretary of State of amendments he wishes to make to his programme of exploration operations and such amendments shall, unless the Secretary of State rejects them within two months after being notified have effect after such a period.

(2) The Secretary of State, on the advice of the Board, may, on application made to him by the holder of an exploration license, limit vary or suspend the obligations of the holder under section 55 (1) (c) (g) and (i), subject to such terms and conditions as he may determine.

Transfer of  
exploration  
licences.

**57.** (1) A transfer of an exploration license shall be made to a person who qualifies for the license under this Decree.

(2) An application shall be made for the approval of a transfer and shall give to the Secretary of State such details of the transfer as may be prescribed together with such other information as the Secretary of State on the advice of the Board may require.

(3) Subject to subsection (1), the Secretary of State on the advice of the Board shall give his approval to the transfer of the exploration license and the transferee shall assume and be responsible for all rights, liabilities and duties incurred by the transferor under the exploration license prior to the transfer.

(4) A transfer or pledge or encumbrance of an exploration license shall not be effective until it is registered pursuant to the provisions of section 34.

**58.** (1) Subject to this subsection, where the holder of an exploration license applies for the grant of a mining lease over any area of land in or which constitutes the exploration area, and the application has not been finally dealt with before the date on which the exploration license, would, but for this subsection, cease to have effect, the exploration license continues to have effect, over that area of land until the mining lease has been granted or the application has been otherwise finally disposed of pursuant to section 60.

Status of exploration licenses on application for or grant of mining leases.

(2) Where a mining lease is granted

(a) the exploration license held by the person to whom the mining lease is granted ceases to have effect in the mining lease area;

(b) an exploration license held by any other person

(i) shall be deemed to have been surrendered if the whole of the exploration area is within or coincides with the mining lease areas;

(ii) shall, if part but not all of the exploration area falls within the mining lease area, with respect to that part but not otherwise, cease to have effect.

(3) An exploration license may continue to have effect pursuant to subsection (2) notwithstanding that the exploration area has ceased to be in the shape or to have the dimensions prescribed in respect of exploration areas or, as the case may be, approved in respect of that area.

#### MINING LEASE

**59.** (1) An application for the grant of a mining lease

(a) shall be accompanied by a plan of the area over which the lease is sought drawn in such manner as the Secretary of State may require;

Application for mining leases.

- (b) shall state the period for which the lease is sought:
- (c) shall give or be accompanied by a statement giving details of the mineral deposits in the area of land over which the lease is sought, including details of all known minerals proved, estimated or inferred, ore reserves and mining conditions:
- (d) shall be accompanied by a technological report on mining and treatment possibilities and the intention of the application in relation to them:
- (e) shall give or be accompanied by a statement giving particulars of the programme of proposed mining operations, including a statement of
  - (i) the estimated date by which the applicant intends to work for profit:
  - (ii) the estimated capacity of production and scale of operations:
  - (iii) the estimated overall recovery of ore and mineral products:
  - (iv) the nature of the products:
  - (v) proposals for the progressive reclamation and rehabilitation of land disturbed by mining and for the minimization of the effects of mining on surface water and ground water and on adjoining or neighboring lands:
  - (vi) the effects of the mining operations on the environment and on the local population and proposals for mitigation and compensation measures: and
  - (vii) any particular risks (whether to health or otherwise) involved in mining the mineral in particular a radio-active mineral and proposals for their control or elimination:

- (f) shall give or be accompanied by a statement giving a detailed forecast of capital investment, operating costs and revenues and the anticipated type and source of financing:
- (g) shall be accompanied by a report on the goods and services required for the mining operations which can be obtained within Sierra Leone and the applicant's proposals with respect to the procurement of those goods and services:
- (h) shall give or be accompanied by a statement giving particulars of the applicant's proposals with respect to the employment and training of citizens of Sierra Leone:
- (i) shall give or be accompanied by a statement giving particulars of expected infrastructure requirements:
- (j) shall be accompanied by a report on the proposed marketing arrangements for the sale of the mineral production: and
- (k) shall give details of any mineral rights held within the preceding four years in Sierra Leone, by the applicant or by any person controlling, controlled by or under joint or common control with the applicant: and
- (l) may set out any other matter which the application wishes the Secretary of State to consider.

(2) Where an application for the grant of a mining lease is made by a person who is not the holder of an exploration license to which the relevant mineral and proposed mining area relates, the application shall, in addition to the matters referred to in subsection (1), give or be accompanied by a statement giving particulars of the financial and technical resources available to the application for the lease and shall be subject to the requirements prescribed by sections 38 (a), (b), (c) and (h),

**60.** (1) Subject to this section and section 61, an application duly made by the holder of an exploration license-

- (a) not later than two months or such further period as the Secretary of State may allow, after the holder has

Disposal of  
application  
for mining  
lease

given notice to the Secretary of State of the discovery in commercial quantities of the mineral as provided in section 55 (1) (d):

(b) in respect of land subject to the exploration license:  
and

(c) in respect of a mineral to which his license relates,

the Secretary of State shall grant the mining lease applied for on terms and conditions which will enable the applicant to give effect to the programme of proposed mining operations.

(2) Subject to this section and section 61, on application duly made by a person who is not a holder of an exploration license relating to the proposed mining area, the Secretary of State on the advice of the Board may grant, on such conditions as he may determine, or refuse to grant, the mining lease applied for.

(3) To enable him to dispose of an application for the grant of a mining lease, the Secretary of State may, by notice given to the applicant, require the applicant, at his own expense, to commission an independent study by consultants and under terms of reference acceptable to the Secretary of State for the purpose of

(a) assessing the feasibility of the programme of mining operations proposed in the application; or

(b) assessing or making recommendations about such other matters arising out of or connected with the application, as the Secretary of State may specify in the notice.

Registration  
on grant of  
mining lease

**61.** (1) No mining lease shall be granted over land in or which constitutes, an exploration area or an area over which the holder of a prospecting license has the exclusive right to carry, out prospecting operations, to a person who is not the holder of such license over that land.

(2) Where more than one exploration license subsists wholly or partly over the same area of land no mining lease shall be granted to the holder of any such exploration license over that area of land unless

(a) every holder of such exploration licence ( other than

the applicant) consents in writing to the grant of the mining lease; or

- (b) the Secretary of State on the advice of the Board is satisfied
  - (i) that the rights of the holder of any other exploration license would not be substantially prejudiced by the grant of the mining lease; or
  - (ii) that the public interest requires that the mining lease should be granted.

(3) No mining lease shall be granted to an applicant unless

- (a) a programme of proposed mining operations is submitted and approved and is accompanied by an environmental impact assessment statement consistent with the provisions of Part XII;
- (b) the area of land over which the lease is sought is not in excess of the area reasonably required to carry out that programme;
- (c) the applicant has adequate financial resources, technical competence and experience to carry out effective mining operations;
- (d) the application includes a programme for employment and training of citizens of Sierra Leone;
- (e) the application includes, proposals with respect to the procurement of goods and services obtainable within Sierra Leone;
- (f) the application contains, proposals for insurance cover for its employees;
- (g) the application is able and willing to comply with the terms and conditions applicable to the mining lease; and
- (h) the applicant is not in material default of any provision of this Decree.

(4) The Secretary of State shall not refuse an application for the grant of a mining lease on a ground referred to in subsection (3) (a) (b) (d) (e) (f) or (h) unless he has

- (a) given notice to the applicant of his intention to refuse to grant the lease on that ground (giving full particulars): and
- (b) specified in the notice a date before which the applicant may make appropriate proposals to remove the ground for refusal. and the applicant has not before that date made, any such proposals.

Notice on decision on mining lease application

**62.** (1) The Secretary of State shall cause the applicant to be notified of the decision on his application and if the application is granted of the details of the proposed lease.

(2) If an applicant, within sixty days after he is given notice pursuant to subsection (1) that the Secretary of State is prepared to grant a mining lease: fails to give notice of his willingness to accept the proposed lease, his application shall lapse.

Contents of mining lease

**63.** (1) A mining lease shall

- (a) state the date of the grant of the lease and the period for which it is granted:
- (b) specify the mineral for which it is granted:
- (c) include a description and plan of the area of land over which it is granted; and
- (d) state the conditions on which it is granted.

(2) There shall be appended to a mining lease

- (a) the approved programme of development and mining operations:
- (b) particulars of the programme for the employment and training of citizens of Sierra Leone: and
- (c) particulars of the applicant's proposals with respect to the procurement of goods and services obtainable within Sierra Leone,

which shall form part of the lease.

(3) There may be included in a mining lease conditions with respect to the processing, disposal or sale of the mineral to be mined.

**64.** (1) The period for which a mining lease is granted shall be Duration of stated in the lease and shall not exceed twenty five years or the estimated mining Lease's life of the ore body proposed to be mined. which ever is shorter.

Duration of  
mining lease

(2) The period for which a mining lease is granted commences on and includes the date of the grant of the lease as stated in the lease.

**65.** (1) The holder of a mining lease may apply to the Secretary of State for the renewal of his lease in respect of all. or part of the lease area at any time not later than one year before the expiry of such lease

Renewal of  
mining leases

(2) An application under subsection ( 1), shall-

- (a) state the period not exceeding fifteen years, for which the renewal is sought:
- (b) be accompanied by a statement giving particulars of mining operations proposed to be carried out in the period of renewal:
- (e) be accompanied by a statement giving details of
  - (i) the latest proved, estimated or inferred ore reserves:
  - (ii) the capital investment to be made in, and production costs and revenue forecasts in respect of the period of renewal:
  - (iii) any expected changes in the method of mining and treatment;
  - (iv) any likely social impact and any likely effects on the environment and proposals for mitigation and compensation measures:

(v) such further information as the Secretary of State may require land

(d) shall if renewal of the lease is sought in respect of part only of the lease area, be accompanied by a plan and description identifying that part of the lease area.

(3) Subject to subsection (4), on application duly made for the renewal of a mining lease, the Secretary of State may renew the mining lease with or without variation of the conditions of the lease, for a period not exceeding fifteen years.

(4) The Secretary of State shall refuse to renew a mining lease, if -

(a) (i) the applicant is in default:

(ii) the development of the mining lease area has not proceeded with reasonable speed:

(iii) minerals in reasonable quantities do not remain to be produced:

(iv) he is advised by the Board that the programme of mining operations proposed to be carried out is not satisfactory: and

(b) the Secretary of State has given to the applicant notice of his intention to refuse to renew the mining lease

(i) giving in the notice particulars of the ground for the intended refusal; and

(ii) stating a date before which the applicant may take appropriate action or make representations in relation to that ground; and .

- (c) if the applicant has not before that date made appropriate amendments to his application, or made representations which remove the ground for the intended refusal.

**66.** (1) Subject to subsection (2) and the conditions of the lease the holder of a mining lease may, from time to time notify the Secretary of State of amendments he wishes to make to his programme of development and mining operations and such amendments shall, unless the Secretary of State rejects them within two months after being so notified, have effect after such period.

Amendment  
of programme  
of operations  
or of mining  
lease.

(2) An amendment which substantially alters the programme of development and mining operations shall not have effect unless the Secretary of State, on the advice of the Board, has agreed to the amendment.

3) If in the course of exercising his rights the holder of a mining lease discovers

- (i) further deposits of the mineral for which he holds a mining lease; or
- (ii) any other mineral to which such lease does not relate.

he shall, within thirty days after such discovery, notify the Director giving particulars of the deposits or the mineral discovered, and the site and circumstances of the discovery. and may apply to the Secretary of State to have the mining of such deposits or such mineral included in his mining lease, giving in his application a proposed programme of mining operations in respect of that discovery.

(4) If the Secretary of State is satisfied with a proposed programme of mining operations submitted under subsection (3), he may, on the advice of the Board, approve such application on such terms and conditions as he may determine and shall amend the mining lease accordingly.

(5) The holder of a mining lease may apply to the Secretary of State to have his mining lease area enlarged and the Secretary of State may, subject to the provision of subsection (6), approve such application

if he is satisfied that such approval will ensure the most efficient and beneficial use of the mineral resources of Sierra Leone.

(6) A mining lease shall not be enlarged so as to include any area over which the applicant, could not by reason of this Decree, be granted a mining lease.

Rights  
conferred by  
mining lease

**67.** Subject to the provisions of this Decree or any other law and any condition of the mining lease, the holder of a mining lease shall have the exclusive right to carry on exploration and mining operations in the mining area and may in the exercise of his rights enter upon any land to which his mining lease relates with his servants and agents and may

- (a) take reasonable measures on the under the surface of his mining lease area to mine and process the minerals to which his mining lease relates;
- (b) erect the necessary equipment plant, machinery and buildings for the purpose of mining, transporting, dressing, treating, smelting, and refining the minerals or mineral products recovered by him during his mining operations;
- (c) dispose of any mineral products recovered; and
- (d) stack or dump any mineral or waste product in a manner approved by the Director in consultation with the health and environmental authorities.

Obligations  
of  
holders of  
mining lease

**68.** (1) Subject to the provisions of this Decree, the holder of a mining lease shall

- (a) develop and mine the mineral deposits covered by his lease in accordance with the approved programme of development and mining operations;
- (b) commence production on or before the date referred to in the programme of development and mining operations as the proposed date of such production;
- (e) demarcate and keep demarcated his mining lease area in such a manner as may be prescribed;

- (d) keep and maintain in Sierra Leone an address which shall be registered with the Director and to which all communications and notices may be addressed; and
  - (e) notify the Secretary of State as soon as he begins to work his mining lease area for profit.
- (2) The holder of a mining lease shall
- (a) maintain at the address kept in accordance with subsection (1) (d),
    - (i) complete and accurate technical records of his operations in his lease in such form as the Secretary of State may approve:
    - (ii) copies of all maps, geological reports, including interpretations, mineral analysis, aerial photographs, core logs, analyses, tests and all other data obtained and compiled by the holder in respect of his lease area:
    - (iii) accurate and systematic financial records of his operations in his lease area and such other books of accounts and financial records as the Secretary of State may require; and if such holder is engaged in any activity not connected with his operation under the mining lease, he shall maintain separate books of accounts of his operations under such lease:
  - (b) permit an authorized officer at any time to inspect the books and records maintained in pursuance of paragraph (a) and shall deliver to the Secretary of State, without charge copies of any part of such books and records as the Secretary of State may from time to time require and shall every six months deliver to the Director, without charge copies of records kept pursuant to subsection (2) (a) (i) and (ii);
  - (c) furnish the Director with a copy of every annual financial report within three months of the end of

each financial year showing the profit or loss for me year and the state of financial affairs of the holder at the end of each financial year.

Wasteful  
mining and  
treatment  
practices

**69.** (1) If the Director of Mines considers the holder of a mining lease is using wasteful mining and treatment practices which are contrary to the approved programme of mining operations or the regulations he may notify such holder accordingly and require him to show cause, within such period as the Secretary of State may specify, why he should not cease to use such practices.

(2) If, within the period specified in any notice issued under subsection (1) the holder of a mining lease fails to satisfy the Director of Mines that he is not using wasteful mining or treatment practices or that the use of such practices is justified, the Secretary of State may order the holder to cease using such practices within such period as he may specify,

(3) If the holder of a mining lease fails, after being so ordered to cease using such wasteful mining or treatment practices, the Secretary of State may cancel the mining lease or may suspend such mining lease for such period as he deems fit.

Coordination  
of mining  
operations,

**70.** (1) Except where the coordination would result in criminal or civil liability under any applicable laws, if the Secretary of State considers that the public interest or the interests of the holders of mining leases covering neighbouring or contiguous mining areas would best be served with regard to the efficient and economic exploitation of minerals by the co-ordination of all or part of the mining operations of such holders, he may direct such orders to effect such coordination by such holders entering into an agreement for his approval to effect the co-ordination within such time as he may specify.

(2) Before giving any directions under subsection (1) of this section, the Secretary of State shall afford the holders of the mining leases concerned reasonable opportunity to make representations to him in writing.

(3) No direction shall be given under subsection (1) the effect of which shall be to cause financial gain by one party at the expense of another.

**71.** (1) The holder of a mining lease shall notify the Secretary of State -

- (a) one year in advance, if he proposes to cease production from his mine;
- (b) six months in advance, if he proposes to suspend production from his mine;
- (c) three months in advance, if he proposes to curtail such production,

and shall, in all cases, give reasons for such cessation, suspension or curtailment.

(2) If for reasons beyond his control, the holder of a mining lease terminates, suspends or curtails production from his mine, he shall within fourteen days of such termination, suspension or curtailment notify the Secretary of State.

(3) On receiving the notification under subsection (1) or (2) of this section, or if he otherwise becomes aware of any cessation, suspension or curtailment of production, the Secretary of State shall cause the matter to be investigated and shall subject to any relevant requirement contained in the mining lease, give his approval to such cessation, suspension or curtailment.

(4) Approval of cessation, suspension or curtailment may be given subject to such conditions as the Secretary of State may impose on the advice of the Board.

(5) The Secretary of State shall approve the cessation, suspension or curtailment if, assuming the continuance of the approved programme of mining operations, it appears that the estimated revenues from mining operations for the succeeding twelve months will not exceed the estimated operating expenses for that period.

**72.** (1) A transfer of a mining lease shall be made to a person who qualifies for the license under this Decree.

(2) An application shall be made for the approval of a transfer and shall give to the Secretary of State such details of the transfer as may be

Suspension or  
cessation of  
production

Transfer of  
mining leases.

prescribed together with such other information as the Secretary of State on the advice of the Board may require.

(3) Subject to subsection (1), the Secretary of State on the advice of the Board shall give the approval to the transfer of the mining lease and the transferee shall assume and be responsible for all rights, liabilities and duties incurred by the transferor under the mining lease prior to the transfer.

(4) A transfer or pledge or encumbrance of an exploration license shall not be effective until it is registered pursuant to the provisions of section 34 of this Decree.

#### PART VIII - ARTISANAL MINING LICENCES

**73 .** (1) Where an area has been declared an area for licensing for artisanal mining operations under section 20 the Secretary of State may, in respect of that area and in relation to the minerals prescribed, of this Decree which would otherwise apply for exploration or mining operations in the area for the minerals prescribed.

(2) Nothing in subsection (1) of this section shall be read or construed as authorizing anything to be done which has the effect of modifying or extinguishing the rights of any person holding a mineral right over a declared area or any part thereof.

**74.** (1) Any person who wishes to carry out artisanal exploration and mining operations shall apply for an artisanal mining license.

(2) (a) An artisanal mining license shall be granted

- (i) in the case of an individual only to a citizen of Sierra Leone;
- (ii) to a co-operative society registered in Sierra Leone;
- (iii) to a joint-venture or partnership registered in Sierra Leone;
- (iv) to a body corporate that is incorporated and registered in Sierra Leone.

Application of Decree 10 artisanal mining.

Artisanal mining licences.

(3) All such co-operatives, joint-ventures, partnerships and bodies corporate shall be required to register with the Director of Mines and will be required to provide further documentation as may be required by the Director of Mines.

**75.** (1) An application for the grant of an artisanal mining license application shall be made to the director and be in such form as may be prescribed.

Application  
for artisanal  
mining licen-  
ces

shall (2) An application for the grant of an artisanal mining license

- (a) state the full name of the applicant and in the case of a partnership or other association of persons the full names and nationalities of all such persons and in the case of a body corporate the registered name of such body and particulars of its shareholders;
- (b) identify the mineral in respect of which the license is sought;
- (c) identify the area in respect of which the license is sought;
- (d) be accompanied by a statement giving particulars of the capital and experience available to the applicant to conduct exploration and mining operations of the mineral efficiently and effectively, and
- (e) may set out any other matter which the applicant wishes the Director to consider.

**76.** (1) The Director may, subject to section 16 of this Decree and regulations may under it, grant or refuse to grant an artisanal mining licenses.

Grant of arti-  
sanal mining  
licences

(2) Any person aggrieved by the refusal of the Director to grant him the license may appeal to the Secretary of State, whose decision shall be final.

**77.** (1) The area covered by an artisanal mining license shall not exceed three hundred and fifty yards in length or three hundred and fifty yards in width unless otherwise prescribed

Size of area  
covered by  
artisanal  
mining  
licences

(2) The area covered by an artisanal mining license shall be demarcated by an authorized officer in such a manner as may be prescribed or as the authorized officer may, in the circumstances consider suitable.

Duration re-  
newal and  
re-  
vocation of  
artisanal  
mining  
licences

**78.** (1) Subject of the provisions of subsections (2) and (3) an artisanal mining licence shall be valid for such period, not exceeding three years as the Director may determine and may on application made to the Director be renewed for further periods not exceeding two years at a time.

(2) The Director may revoke an artisanal mining licence if

- (a) he is satisfied that, in case of an individual, the holder has entered into an arrangement with a person who is not a citizen of Sierra Leone the effect of which is a transfer to that person the benefit of such licence, or in the case of a body corporate the holder is no longer a body corporate of which at least fifty one per cent of the beneficial ownership is held by citizens of Sierra Leone:
- (b) within a period of two years no mining operations have commenced under the said licence or its renewal.

(3) An artisanal mining licence shall not be renewed pursuant to subsection (1)

- (a) if the land in the licensed area has ceased to be an area declared for artisanal mining operations:
- (b) in respect of any mineral which has ceased to be a mineral prescribed for artisanal mining operations:
- (c) unless the Director is satisfied that the applicant has carried on, in good faith, within the limits of his competence and resources, exploration or mining operations in the licensed area and intends to continue doing so:
- (d) if the applicant has not carried out effective rehabilitation and reclamation of his mined out areas to the satisfaction of the Director and authorities responsible for the protection of the environment or paid the prescribed fee: or
- (e) if the applicant is in default and the Director is not prepared to waive the default.

**79.** (1) The holder of artisanal mining licence has the right to enter his licensed area and, subject to this Decree, the regulations and the conditions of the licence, the exclusive right to explore for and mine in the

Right and  
duties of hold-  
of artisanal  
mining licences

area, and to remove minerals from the area and dispose of the mineral in respect of which the license was issued.

(2) The holder of an artisanal mining license shall

- (a) within the limits of his competence and resources carry on, in good faith, in the licensed area exploration or mining operations
- (b) furnish the Director with such information relating to his exploration or mining operations as the Director may reasonably require or may be prescribed;
- (c) carry out promptly any directives relating to his exploration or mining operations which may be given to him by the Director for the purposes of ensuring safety or good mining practices:
- (d) if not personally supervising the exploration or mining operations under the license employ a Mines Manager for the purpose of supervising the exploration or mining operations:

Except that all such Mine Managers must be approved by the Director and shall carry with them such means of identification as the director may direct;

- (e) before beginning or ceasing any exploration or mining operations notify the appropriate local authority and an authorized officer of his intention to begin or cease exploration or mining, as the case may be;
- (f) employ in the area in respect of which the licence is issued not more than fifty labourers or tributers under one licence;
- (g) sell the minerals obtained in his mining area as prescribed;
- (h) carry out rehabilitation and reclamation of mined out areas;
- (i) keep accurate records of his winnings and such records shall be produced for inspection on demand by the Director or a duly authorized officer.

Licensing of  
artisanal  
miners.  
dealers anti  
exporters.

**80.** Except as otherwise provided in any other legislation and notwithstanding any other provisions of this Decree, the Secretary of State shall license any person or body to mine, buy, deal in or export prescribed precious minerals under such additional procedures, terms and conditions as may be prescribed.

Notice to re-  
medy dan-  
gerous or de-  
fective  
mining

**81.** (1) Where an authorized officer considers any mining operation under an artisanal mining license or anything, matter or practice in or connected with any such mining operation to be so dangerous or defective as in his opinion to be likely to cause bodily injury to any person. He may give notice in writing of it to the holder of the license and may require the danger or defect to be remedied or removed, either immediately or within such time as he may specify and may, if he considers it necessary, order mining operations to be suspended until the danger is removed or the defect remedied to his satisfaction.

(2) A holder of a license, to whom notice has been given under subsection (1), shall comply with the notice or if he intends to object to any requirement or order given by the authorized officer, shall forthwith cease the mining operations or that part of the operations affected and may appeal to the Director who shall inquire into the matter and whose decision shall be final.

#### PART IX BUILDING AND INDUSTRIAL MINERALS

Mineral rights  
in respect of  
building and  
industrial  
minerals.

**82.** (1) The provisions of part VII of this Decree shall be subject to the following variations and exceptions in their application to building and industrial minerals -

- (a) the area for which a mineral right is granted shall not be more than five square miles;
- (b) the Secretary of State shall not grant a mining lease unless he is satisfied that the intended capital expenditure on plant, equipment and industrial buildings will not be less than two hundred and fifty thousand United States dollars or equivalent or such other sum as may be prescribed; and
- (c) the term of the mining lease shall not exceed fifteen years, and shall be renewable at the discretion of the Secretary of State.

(2) The provisions of part VIII of this Decree shall be subject to the following variations and exceptions in their application to building and industrial minerals

- (a) the area for which an artisanal mining license is issued in respect of building and industrial minerals shall not exceed five acres;
- (b) an application for an artisanal mining license in respect of building and industrial minerals shall be accompanied by evidence of consent of the surface land owner to such application;
- (c) an artisanal mining license in respect of building and industrial minerals may be granted over an area forming part of any exploration or mining area which is subject to a license or lease the holder of which is not the applicant, if the Secretary of State is satisfied that such holder will not be prejudiced by the grant of an artisanal mining license in respect of building and industrial mineral;
- (d) an artisanal mining license may be granted in respect of building and industrial minerals to a person who is not a citizen of Sierra Leone if the Secretary of State is satisfied that it is in the public interest for such a grant to be made;
- (e) the term of an artisanal mining license in respect of building and industrial minerals shall be for such period, not exceeding five years as the Secretary of State may determine.

83. (1) Nothing in this Decree shall prevent -

- (a) the Republic or a local authority on land owned by it, or
- (b) the owner or lawful occupier on any land owned or occupied by him, or
- (c) the holder of a mineral right on land the subject of such right,

Special rights with respect to building and industrial minerals

from prospecting for and mining, building and industrial minerals to be used solely for building, road making or agricultural purposes on such land, so long as the exercise of such owners is not inconsistent with or detrimental to the rights of any person who is a holder of a mineral right.

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(2) For the purposes of subsection (1) a chiefdom council established under the Chiefdom Councils Act shall be deemed to be a local authority.

#### PART X - RADIOACTIVE MINERALS

Provisions relating to radioactive minerals.

**84.** The provisions of this Decree relating to prospecting, exploration and mining of minerals shall apply to radioactive minerals with such modifications as are provided in this Part and as may be prescribed.

Notification of discovery of radioactive minerals.

**85.** (1) Where any radioactive mineral is discovered in the course of exercising any right under this Decree or any authority under any other enactment, the holder of the mineral right or such other authority shall immediately notify the Secretary of State, but in any case not later than seven days after the discovery.

(2) Where any radioactive mineral is discovered on any land other than land subject to a mineral right, the owner of the land shall as soon after he is aware of such discovery notify the Secretary of State.

Report of operation related to radioactive minerals.

**86.** The holder of a mineral right in respect of a radioactive mineral shall, within the first week of every month, furnish the Director with a true report, in writing of: the prospecting and mining operations conducted by him in the immediately preceding month.

Export or disposal of radioactive minerals.

**87.** (1) No person shall prospect or explore for or mine or treat or export or otherwise dispose any radioactive mineral except under and in accordance with the terms and conditions of a permit granted by the Secretary of State.

(2) A permit issued under subsection (1) of this section shall be in such form and shall be subject to the payment of such fee as the Secretary of State may prescribe.

Offences against this part.

**88.** (1) Any person who contravenes any of the provisions of this Part or who obtains a permit referred to in section 87 by means of any false statement or representation commits an offence and shall, on summary conviction, be liable to a fine not exceeding five million leones or imprisonment for a term not exceeding five years or both.

(2) The court before which any person is convicted of an offence under subsection (1) shall order the forfeiture of any radioactive minerals which may have been obtained by the person convicted.

(3) Any police officer not below the rank of an Assistant Superintendent and any authorized officer, may for the purposes of enforcing the provisions of this Part, without warrant

- (a) enter and search any place where he has reasonable grounds to suspect that an offence under this Part has been or is about to be committed;
- (c) seize any radioactive mineral which he suspects to have been obtained contrary to the provisions of this Part; or
- (d) close any prospecting or mining operations which are being used or about to be used in the commission of an offence under this part

#### PART XI - DREDGING FOR MINERALS

Dredging  
licences

**89. (1)** It shall not be lawful for holder of a mining lease or an artisanal mining license to dredge or permit any other person to dredge, any river, stream, watercourse, pond, lake, or waters of the continental shelf without a license from the Secretary of state

(2) A license to dredge shall be issued on payment of such fee as may be prescribed.

(3) A license to dredge may be issued with such conditions or restrictions as the Secretary of State, may on the advice of the board, think fit and endorse on the license.

(4) Any person who contravenes the provisions of subsection (1) commits an offence and shall be liable on summary conviction to a fine not exceeding one hundred thousand Leones for every day during which the offence continues.

(5) Any person who acts in contravention of any condition or restriction endorsed on a license to dredge commits an offence, and shall be liable on summary conviction to a fine not exceeding fifty thousand leones, and the holder of the license shall be liable for any damage which may have arisen in consequence of such contravention.

Cancellation  
of dredging  
licences

**90.** On the conviction of any person under the provisions of section 89 (5) the Secretary of State may cancel the relevant license

Non-compliance  
deemed as  
contravention

**91.** Non-compliance with any lawful order, direction or notice given by the Director under and by virtue of the conditions or restrictions endorsed upon the license pursuant to the provisions of section 89 (3) shall be deemed a contravention of such conditions or restrictions.

#### PART XII - PROTECTION OF THE ENVIRONMENT

Protection of  
natural re-  
sources to be  
taken into  
account

**92.** (1) In deciding whether or not to grant mineral right, the Secretary of State shall take into account the need to conserve the natural resources in or on the Land over which the mineral right is sought, or in or on neighbouring land.

(2) The Secretary of State shall require environmental impact assessments as prescribed as condition for granting a mining lease, except in the case of leases for building and industrial minerals.

Condition for  
the protection  
of the  
environment,  
etc

**93** (1) There shall be included in a mineral right conditions with

(a) the prevention, limitation or treatment of pollution:  
and

(b) the minimization of the effects of mining on adjoining or neighbouring areas and their inhabitants.

**94.** (1) There may be included in a mineral right granted under this Decree such conditions relating to

(a) the reinstatement, levelling, regressing, reforesting and contouring of any part of the exploration or mining area that may have been damaged or deleteriously affected by exploration or mining operations; and

(b) the filling in, sealing or fencing off, of excavations, shafts and tunnels, as may be prescribed, or as the Secretary of State may, in any particular case determine, or as may be agreed.

Rehabilitation  
of damaged  
area

(2) Where any condition is to be included in a mineral right pursuant to subsection (1) the Secretary of State may require the applicant

for the mineral right to lodge with the Director, within such time as the Secretary of State may require, security for the performance of the condition in such amount and form as may be prescribed.

**95** (1) Where a mineral right over any land is wholly or partly determined or cancelled, or expires, the Secretary of State may by notice served on the person who is or was the last holder of the mineral right, direct him to take such steps within such time as may be specified in the notice, to give effect, in relation to the land which is no longer subject to the mineral right, to any conditions included in the mineral right pursuant to section 93 or 94.

Direction to comply with conditions of mineral rights for protection of the environment.

(2) Any person to whom a direction is given under subsection (1) who without reasonable excuse, fails or neglects to comply with the direction commits an offence and liable on conviction -

- (a) in the case of an individual, to a fine not exceeding fifty thousand leones or to imprisonment for a term of two years, or to both; or
- (b) in the case of a body corporate to a fine not exceeding five million leones.

(3) If a person to whom a direction is given under subsection (1) does not comply with the direction the Secretary of State may cause to be taken any steps specified in the notice containing the direction.

(4) Costs and expenses incurred pursuant to subsection (3) in taking any steps referred to in that subsection are a debt due to the Republic and are recoverable in a court of competent jurisdiction.

(5) In any proceedings instituted for the recovery from a person to whom a direction was given under subsection (1) of a debt due by that person to the Republic under subsection (4); a certificate of the Secretary of State that a specified amount is the amount of the debt due shall be admissible as evidence of that fact; but without prejudice to the right to adduce evidence in rebuttal.

(6) A debt due by any person to the Republic under subsection (4) is recoverable notwithstanding that person is convicted of an offence under subsection (2).

(7) Where two or more persons constitute, or constituted, the holder of a mineral right, those persons are jointly and severally liable for the payment of any costs and expenses which may be recovered under this section from the person who is or was the last holder of the mineral right, but without prejudice to any right to contribution existing between.. them.

PART XIII - FINANCIAL

Royalties

**96.** (1) Subject to this Decree, the holder of a mineral right shall pay to the Government royalty in respect of any mineral obtained by him in the course of the exercise of his rights.

(2) Royalty is payable pursuant to subsection (1) at the rate of

(a) 5% for precious stones:

(b) 4% for precious metals:

(c) 3% for all other minerals except building and industrial minerals.

(3) Royalty is payable pursuant to subsection (1) in respect of building and industrial minerals at such rate as may be prescribed.

(4) Royalty shall be calculated ad valorem on the ex-mine price as defined in regulations.

(5) Royalty payable in pursuance of subsection (1) shall constitute an operating cost of the mineral right holder and shall be allowed as a deductible expense in ascertaining his net chargeable income for Income Tax purposes. Royalty shall not be imputed as part-payment of any tax on income.

Exemption  
from payment  
of royalties

**97.** The Director may exempt from liability with respect to royalty samples of minerals acquired for the purpose of assay, analysis or other of examination or testing.

Provisional  
royalties.

**98.** (1) Where for any reason it is impracticable to assess the amount of any royalty due, the Secretary of State may assess a provisional royalty.

(2) Where any royalty due has been ascertained, the holder of the mineral right concerned shall pay any sum which may be required to complete such ascertained royalty or be entitled to be repaid any sum paid in excess of the ascertained value.

**99.** (1) If the holder of a mineral right fails to pay any royalty payable by him on or before the due date or any extension allowed by the Secretary of State, he may, by notice serve on the holder of the mineral right prohibit the disposal of any mineral in his possession from the mining area concerned, from any other mining area held by that holder, until all outstanding royalty has been paid or until an arrangement has been made, acceptable to the Secretary of State, for the payment of the royalty, and the holder shall comply with the notice.

Prohibition on disposal of mineral

(2) Any holder of a mineral right who contravenes or fails to comply with the provisions of an order given under subsection (1) and any person who, knowing of such an order and contrary to it receives any mineral from the holder or from the area concerned, commits an offence and shall on conviction be liable to a fine not exceeding one hundred thousand leones or to a term of imprisonment not exceeding two years or to both, in the case of an individual, or a fine not exceeding five million leones in the case of a body corporate.

**100.** (1) There shall be payable to the Government by the holder Annual charge of any mineral right an annual charge of such amount as may be in respect of prescribed

Annual charge in respect of mineral rights

(2) The annual charge payable pursuant to subsection (1) is payable on the grant of a mineral right and after that annually on the anniversary of the grant until the termination of the mineral right.

**101.** The holder of a mineral right shall, where appropriate, in Payment of respect of any year of assessment of the exercise of his rights under mineral right pay an aggregate income tax (including surtax) in accordance with the provisions of the Income Tax Act and the Surtax , (Temporary imposition) Act.

Payment of income tax

Cap. 273  
No. 14 of  
1968

**102.** The holder of a mineral right shall, where appropriate, be Minimum liable to pay the prescribed minimum income tax on the turnover derived Income Tax, from the exercise of his right under the mineral right in accordance with the provisions of the Income Tax Act:

Cap.  
273.

Except that where audited accounts have been submitted and the accounts and records have been audited to the satisfaction of the Commissioner of Income Tax and no action has been taken by the holder of the mining lease

to deliberately reduce his chargeable income for Income tax purposes. no minimum tax will be payable.

allowable  
deductions  
from  
chargeable  
Income.

103. For the purpose of computing the chargeable income for any year of assessment of a holder of a mineral right there shall be deducted all outgoings and expenses which are exclusively and necessarily incurred by the holder for the purpose of exercising his rights under the mining lease and which are allowable deduction under the Income Tax Act calculated in the manner provided under that Act:

Cap. 273.

Except that

- (a) in the case of head office expenses such expenses shall not exceed 1.5% of sales;
- (b) interest paid or payable for any loans made by a parent or affiliated company shall not be deductible if the total loan burden of the mineral right holder exceeds a sum which is equivalent to three times the paid up value of the equity share capital.

104. The holder of a mineral right shall, where qualified, be entitled to capitalise all expenditure on prospecting and exploration incurred pursuant to a programme of operations approved under sections 39,49 or 63, where the holder starts development of a commercial find.

Capitalization  
of exploration  
expenditure.

105. The holder of a mineral right shall, where applicable, pay the prescribed withholding tax from all dividends paid to his shareholders and on profits remitted abroad in accordance with the provisions of the Income Tax Act.

Withholding  
tax.

Cap. 273.

106. (1) The holder of a mineral right shall be entitled to import free of customs duty, charges and levies on machinery, plant and other equipment which may be needed exclusively for the conduct of prospecting and exploration operations as certified by the Director of Geological Surveys.

Customs Duty.

(2) The aggregate amount of import, customs and excise duties and all other levies or charges on the importation of mining machinery, plant and equipment, consumable mining stores as defined in subsection (3) of this section, fuel and all other imports payable by the holder of a mineral right shall be in accordance with the provisions of the Customs Act and the Customs Tariff Act.

Cap. 271  
No. 16 of  
1968.

(3) For the purposes of this section, "mining machinery, plant and equipment and consumable mining stores" include all machinery plant and equipment useful to and used by persons carrying on mining operations, in clearing land, removing minerals from it and transporting, separating, handling and packaging such minerals for sale, including, but without prejudice to the generality of the foregoing construction materials for mining and processing, dredges, barges, towboats, pumps, piping, screens, concentrating and separating equipment, power generating and distributing equipment, cranes, lorries, road building equipment, mineral storage, conveying and handling equipment and consumable mining stores and packaging facilities, together with accessories, spare parts and appliances for use and used exclusively with any of the foregoing.

"plant" includes prefabricated fixtures not including building materials as well as special purpose vehicles such as dumpers and shuttle trucks for use in mining or dredging; and "machinery" means machines consisting of a combination of moving parts and mechanical elements which may be put in motion by physical or mechanical force, admitted as such by the Comptroller of Customs.

107. (1) The holder of a mining lease shall, where appropriate, make payment annually to an agricultural development fund which shall be utilized for the development of agriculture the areas in which the mining lease is situated and shall be controlled by a committee comprising representatives of the Departments of Agriculture and Mineral Resources, the affected areas and the mining lease holder.

Agricultural  
development  
fund levy.

(2) The rate of payment shall be one tenth of one percent (0.1%) of the ex-mine price of mineral produced, and shall take effect from the date of the first sale of such mineral or mineral product.

108. (1) the chargeable income for any year of assessment of a holder of mining lease whom this Decree applies shall be calculated separately for each mining lease under which lease such holder is carrying on mining operations and for that purpose, such holder shall maintain separate balance sheets, statements of earnings and cash flow and other financial statements and books of accounts for each mining lease under which mining operations are carried on.

Separate  
accounting for  
all mining  
leases.

(2) A holder of a mineral right, other than a mining lease may elect, by informing the Commissioner of Income Tax in writing, to have

the provisions of subsection (1) apply to him in respect of his mineral right.

(3) A holder of a mineral right to whom this Decree applies may, on application for the relevant mining lease, elect to maintain his accounts and be assessed for taxation and other Government impositions in United States dollars and such holder shall, for the duration of the lease, account in, and make all payments to the Government in that currency.

(4) Notwithstanding the provisions of subsection (1), a holder of a mining lease may deduct prospecting and exportation expenditures in determining chargeable income attributable to any mining lease provided the expenditures were incurred by the lease holder on prospecting and exploration licenses within Sierra Leone.

**109.** (1) A holder of a mineral right shall deliver to the Director of Mines and the Commissioner of Income Tax; certified copies of all sales, management, commercial and other financial agreements relating to mining operations carried on by such holder concluded with any other person, including affiliates of such holder.

(2) The agreements referred to in subsection (1) shall be submitted to the Director and the Commissioner pursuant to that subsection within fifteen days after the conclusion of such agreements.

**110.** (1) A holder of a mineral right shall sell prescribed mineral products obtained under his mining operations

- (a) in accordance-with generally accepted international business practices;
- (b) at the best available international market prices at the time the contract for sale is made;
- (c) on the best international terms compatible with world market conditions and conditions obtainable in the circumstances.

(2) A holder of a mineral right shall make sales commitments to affiliates only at prices based on or equivalent to arms length sales to non-affiliated purchasers and in accordance with such terms and conditions on which agreements would be made if the parties had not been affiliated.

(3) Failure to comply with subsections (1) and (2) above shall result in the Secretary of State, on the advice of the Board, determining the appropriate price.

Submission of financial agreement

Arms-length sales

**111.** Every holder of a mineral right to whom this Decree applies. Foreign at least 50% of whose capital investment in the mining operations carried currency on by him is financed out of freely convertible currency shall have the retention. right, freely to receive, hold in banks of his own selection wherever located, and dispose of in any country all revenues, receipts and other foreign currency funds held by him arising under or in connection with the mining operations:

Foreign  
Currency  
retention

Except that the rights specified in this sections shall only be exercised if such holder pays all taxes, royalties and other impositions on him under any law in United States of America dollars.

**112.** The Secretary of State from time to time, make such arrangements as appear appropriate to him to secure that the holder of a mineral right complies with this Decree and in particular may accept guarantees. whether from shareholders or otherwise, in respect of that compliance.

Security for  
compliance.

**113.** (1) Royalties, export duty and any annual charge payable Recovery of under this part, are debts due to the Government and are recoverable in a court of competent jurisdiction.

Recovery of royalties  
taxes, duties,  
etc

(2) In proceedings pursuant to subsection (1) a certificate of the Secretary of State certifying that a charge of a specified amount is payable by an identified person shall be received as evidence of the fact; but without prejudice to the right to adduce evidence in rebuttal.

(3) Where two or more persons constitute the holder of a license or a lease when royalty becomes payable, those persons are jointly and severally liable for the payment of royalty or any annual charges; but without prejudice to any right to contribution pursuant to any agreement, express or implied, existing between them.

**114.** (1) Where the Secretary of State has reason to believe that a person is capable of giving information or producing or making available books or documents relating to minerals obtained, or the value of minerals obtained, he may by instrument in writing served on that person, order that person

Secretary of  
State may  
require  
information to  
be furnished.

- (a) to furnish to him in writing, within the period and in the manner specified in the instrument, any such information;

- (b) to attend before him or a person specified in the instrument at such time and place as is so specified and there to answer questions relating to minerals obtained, or the value of minerals obtained; or
- (e) to produce or make available to a person specified in the instrument, at such time and place as is so specified books or documents in his custody, power or control relating to minerals obtained or the value of minerals obtained.

(2) A person is not excused from furnishing information, answering a question or producing or making available books or documents when required to do so under this section, on the ground that the information so furnished, the answer to the question or the production or making available of any books or documents might tend to incriminate him or make him liable to a penalty but the information so furnished is not admissible in evidence against him in any proceeding other than proceedings for an offence against this section.

(3) Where books or documents are made available pursuant to a requirement under subsection (1) (c) the person to whom the books or documents are made available may make copies of or take extracts from the books or documents.

(4) No person shall

- (a) refuse or fail to comply with a requirement under subsection (1) to the extent to which he is capable of complying with it;
- (b) in purported compliance with such a requirement, knowingly furnish information that is false or misleading in a material particular;
- (e) when attending before the Secretary of State or any person in pursuance of such a requirement knowingly make a statement or produce books which are, false or misleading in a material particular; or
- (d) when making available books or documents in pursuance of such a requirement, knowingly make available books which are, or a document which is, false or misleading in a material particular.

(5) Any person who contravenes subsection (4) is guilty of

an offence and liable on conviction to a fine of fifty thousand leones or to a term of imprisonment of two years, or to both.

PART XIV - MISCELLANEOUS

**115.** The holder of a mineral right shall in the conduct of his mining operations give preference to-

Preference for  
Sierra Leone  
products

- (a) Materials and products made in Sierra Leone:
- (b) service agencies located in Sierra Leone and owned by

- (i) Sierra Leoneans;
- (ii) companies or partnerships registered in Sierra Leone;
- (iii) Public Corporations,

to the maximum extent possible and consistent with safety, efficiency and economy.

**116.** (1) Citizens of Sierra Leone possessing the necessary qualifications and experience shall be given preference for employment in all phases under mineral rights

Employment  
and training of  
Sierra Leone

(2) A mineral right holder shall not import unskilled labour for the carrying out of any of its operations undertaken under the mineral right.

(3) A mineral right holder shall carry out a scheme of training and employment of local employees in each phase and level of operations taking into account the requirements of safety and the need to maintain acceptable standards of efficiency in the conduct of the operations, such employees may be trained in Sierra Leone or abroad as required by the training programme which shall provide appropriate instruction and training to ensure the advancement of Sierra Leonean employees in the skilled technical, supervisory, administrative and managerial categories.

(4) A mineral right holder shall submit an annual written report to the Director describing the number of personnel employed, their nationality, their positions and the status of training programmes for citizens of Sierra Leone.

(5) Subject to any legislation in force in Sierra Leone the Government undertakes to grant all necessary visas and permits to enable those non-citizens of Sierra Leone who are necessary to employ in the operations of a mineral right holder, and their families, to enter and reside in Sierra Leone.

**117.** (1) Minerals shall not be removed from any land from which they have been obtained, nor disposed of, in any manner, except-

- (a) subject to subsection (2), by the holder of a mineral right for the purpose of sampling or analysis:
- (b) by the holder of a mineral right in accordance with the terms of the mineral right concerned:
- (c) as authorized by the Director for scientific or research purposes; and
- (d) as otherwise permitted by this Decree.

(2) the holder of a mineral right shall not, pursuant to subsection (1) (a) take or send out of the country samples without the written consent of the Director.

(3) any person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine not exceeding five hundred thousand le ones or to a term of imprisonment not exceeding twelve months or to both such fine and imprisonment

**118.** (1) The Secretary of State may grant to any person a permit to export saleable minerals from Sierra Leone on conditions determined by the Secretary of State and specified in the permit, but the grant of such permit does not exempt the person concerned from complying with the requirements of any other law relating to the export of minerals.

(2) Any person who exports any saleable mineral from Sierra Leone otherwise than under and in accordance with a permit granted under subsection (1) commits an offence and is liable on conviction to a fine not exceeding two hundred thousand leones or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Removal  
of  
minerals.

Permit to  
export  
saleable  
minerals.

**119.** (1) Where there is an accident in connection with any operations under a mineral right involving the loss of life or serious injury to any person the holder of the mineral right shall report as soon as possible to the Director or an authorized officer.

Accidents and insurance.

(2) For the purposes of subsection (1), the expression serious injury means injury likely to result in the injured person being incapacitated from doing his usual work for at least fourteen days.

(3) Holders of mining leases shall ensure adequate insurance cover for their employees.

**120.** (1) Any person who places or deposits or is an accessory to the placing or depositing of any mineral in any spot or place for the purpose of misleading any person as to the nature naturally occurring at such spot or place, or who shall mingle or cause to be mingled with any sample of metal, mineral or ore any substance which will increase or decrease the value or in any way change the nature of the said metal, mineral or ore, with intent to defraud. any person, commits an offence and shall be liable to a fine not exceeding one million leones or to a term of imprisonment not exceeding two years.

Miscellaneous offences

(2) Any person who falsely represents that he has obtained the grant of a mineral right and thereby induces or attempts to induce any person to invest capital in any company or syndicate connected therewith shall in addition to any possible liability to civil action or criminal persecution, be liable to forfeit any claim to the grant of such mineral right.

(3) Any person who without lawful authority willfully breaks, defaces or removes, or in any way interferes with any boundary mark, beacon, pillar, peg or post erected for any of the purposes of this Decree or under any regulations made under it, or removes or alters any such mark, beacon, pillar peg or post after it has been delineated on a plan or survey, commits an offence and is liable to a fine not exceeding fifty thousand leones or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(4) Any person who-

(a) interferes with any mining prospecting, exploration or mining operations authorized by or under this Decree:

- (b) obstructs any holder of a mineral right in the exercise of any right conferred by or under this Decree;
- (c) interferes with any machinery plant, works or property established on, in under or over any land in exercise of a right conferred by or under this Decree; or
- (d) commits any breach of any of the provisions of this Decree for which breach a penalty is not expressly provided,

commits an offence and shall be liable on summary conviction to a fine not exceeding one million leones or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

Liability of employer for offences committed by his servants.

**121.** Whenever it is proved to the satisfaction of a court having jurisdiction that an offence against this Decree has been committed by a person employed by the holder of a mineral right, such holder of the mineral right shall also be held liable for such offence and to the penalty provided for it, unless he proves to the satisfaction of such court that the offence was committed without his knowledge or consent and that he had taken all reasonable measures to prevent the commission of the offence:

Except that nothing in this section shall be deemed to exempt the person who commits the' offence from any penalty prescribed for it.

**122.** With the exception of the provisions of section 76 (2) any decision or order of the Secretary of State under. this Decree may be reviewed upon the application of any affected party to the Court which shall hear and determine the issue de novo:

Except that such application shall be made within sixty days of the date of such decision or order.

#### PART XV - REGULATIONS

**123.** (1) The Secretary of State may make regulations for the conservation and development of mines and minerals and for the purpose of giving effect to the provisions of Decree.

(2) Without prejudice to the generality of subsection (1) regulations may provide for or with respect to

Review of decision of Secretary of State.

Regulations.

- (a) prescribing anything which in terms of this Decree is to or may be prescribed;
- (b) the manner in which applications under this Decree shall be made, form of documents required and information to be supplied by applicants;
- (c) the shape and size of the areas over which mineral rights may be granted;
- (c) the manner in which areas and boundaries shall be marked, beacons and surveyed and the fees payable in respect of such surveys;
- (e) the renewal, transfer, assignment and surrender of mineral rights.
- (f) the returns to be rendered and the nature of the accounts, books and plans to be kept by the holders of mineral rights;
- (g) the valuation, sampling, weighing and testing of minerals;
- (h) the method of calculation of the amount of royal ties and the manner and time of payment thereof;
- (i) the fees to be paid in respect of any matter or thing done under this Decree;
- (j) the safety of the public and the safety and welfare of persons employed in mines and the carrying on of mineral operations in a safe proper and effective manner;
- (k) the reporting of accidents;
- (l) the protection of shafts, pits, tunnels, excavations and such other dangerous places;
- (m) the examination of mines by authorized officers;
- (n) the proper and efficient working of prospecting areas, exploration areas, mining areas and mines;
- (o) the avoidance of wasteful mining practices or wasteful metallurgical practices;

- (p) the penalties for offences against the regulations and anything which is to be prescribed.

(3) The Secretary of State shall, in consultation with the Secretary of State for Lands Housing and the Environment, make regulations restricting or prohibiting prospecting, exploration or mining operations for environmental reasons and selling out terms and conditions' of environmental impact assessment required under this Decree.

(4) Regulations under subsection (2) (h) may

- (a) prohibit the exploit of any mineral unless or until the royalty payable on it has been paid or secured;
- (b) specify the person or persons by whom royalty shall be payable and may specify whether two or more persons are jointly and severally liable to pay such royalty;
- (c) provide for the examination of mineral consignments and the issue of export permits in respect thereof
- (d) provide for the remission or refund of royalty or any part thereof in any case or class of case and the manner in which and conditions on which such remission or refund may be made;
- (e) confer upon any public offer specified in it such powers of inspection and enquiry as may be reasonably necessary.

124. (1) With regards to mining operations for precious minerals the Secretary of State may make regulations

- (a) empowering the holder of the mineral right to demarcate by a fence, or by pillars of posts, anyone or more portions of the area included in his mineral right not exceeding in each case a prescribed size, but not including any dwelling without the occupier's consent, and to keep such portion or portions so demarcated while mining operations for the precious minerals are in progress on it;
- (b) empowering the holder of the mineral right who has complied with the provisions of any regulations

Power of Secretary of State to make special regulations with regards 10 precious minerals.

made under paragraph (a) to prohibit and prevent any persons, other than those absolutely or conditionally exempted, from entering such demarcated portions;

- (c) prohibiting any persons, other than those absolutely or conditionally exempted, from entering any town, village or camp which is situated within the area of a mining right and the whole or the greater part having been built or set up by the holder of the mineral rights;
- (d) conferring on such persons as may be specified in it the power of searching persons, buildings and articles within such demarcated portions and such towns, villages and camps.

(2) Regulations made under this section may apply to any particular mineral right or to any particular town, village or camp.

#### PART XVI - REPEAL AND SAVINGS

**125.** (1) The following enactments are repealed

Cap. 196. (a) the Minerals Act 1927; and

Cap. 198. (b) the Alluvial Diamond Mining Act.

Repeal of  
Caps.  
196 and  
198.

(2) Notwithstanding the repeal of the enactments referred to in subsection (1), any regulations made under the repealed enactments shall in so far as they are consistent with the provisions of this Decree continue in force as if they were regulations made under sections 124 and 125 of this Decree.

**126.** Notwithstanding the repeal of the enactments referred to in Transitional section 125, any mineral right, mining to lease, mining license, or any permit granted under any of those enactments and subsisting immediately before the commencement of this Decree shall continue in force.

Transitional  
provisions to  
existing  
mineral right  
licences etc

**127.** Subject to the provisions of section 125

(a) the Sierra Rutile Agreement 1989 Ratification Act 1989;

Modification  
of existing  
enactments.

Act No.  
of 1989

Decree No. 11 of  
1992

(h) the Bauxite Mineral Prospecting and Mining  
Agreement 1992 (Ratification) Decree, 1992:

Cap199

(c) the Diamond Industry Protection Act.

(d) the Marampa Iron Ore Mining Company Ltd.  
Agreement (1980) (1981) Ratification Act 1981.

Act No. 20  
Of 1981

and any enactment relating to minerals as defined under section 1 shall  
apply with such modifications as may be necessary to give full effect to  
the provisions of this Decree.

MADE and ISSUED this *21st* day of *February*. 1994.

CAPTAIN VALENTINE E. M. STRASSER  
*Chairman. National Provisional Ruling  
Council.*

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