

## **MINES AND MINERALS REGULATIONS**

### **CITATION**

1. These regulations may be cited as the "Mines and Minerals Regulations."

### **DEFINITIONS**

2. In these regulations,
  - "advanced exploration" means the excavation of exploratory shafts, adits or declines, the digging of test pits, and the associated removal of mineral bearing substances for bulk testing from an exploration or mining area; the installation of pilot mill or plant facilities for testing purposes or any other significant ground disturbance conducted to determine the economic value of a mineral deposit.
  - "Board" means the Minerals Advisory Board established pursuant to section 2 of the Decree.
  - "Decree" means the Mines and Minerals Decree, 1994.
  - "Department" means the Department of Mineral Resources.
  - "Director" means, unless otherwise specified, the Director of Mines.
  - "Government Gold and Diamond Office" means, a body empowered to value prescribed precious minerals for export under regulation 58.
  - "in person" means, with respect to submission of application for a mineral right, the personal transmission of such application, along with all required documents and fees to the office of the Director, by the applicant or an agent to act on behalf of the applicant under the Laws of Sierra Leone.
  - "pending" means, with respect to an application for a mineral right, the first in time, exclusive status of such application for consideration by the Director over the period between submission of an acceptable application, final approval and official registration of a granted mineral right, or notification of rejection of such application.

- "reclamation" means, those remedial measures necessary to alleviate or eliminate conditions arising from mining operations.
- "rehabilitation" means, the stage of activity following reclamation, comprising land development for environmental improvement of an area disturbed by mining operations.
- "working" means, any excavation whether at the surface or underground made for the purpose of searching for, exploring or mining minerals and includes an excavation that is not in use or has been abandoned.

## **PART 1**

### **GENERAL MINERAL RIGHTS ADMINISTRATION**

3. All applications for non-exclusive prospecting licences, exclusive prospecting licences, exploration licences and mining leases shall be submitted in person to the office of the Director.
4. Applications for artisanal mining licences may be submitted to authorized officers at regional offices of the Department.
5. An individual who is not a citizen of Sierra Leone may not hold a mineral right unless he has been resident in Sierra Leone for at least one year.
6. Upon receipt of a completed application form and accompanying fee, the applicant for an exclusive prospecting licence, exploration licence or a mining lease, where applicable, shall receive an official time and date stamped confirmation that the application is pending, subject to first in time adjudication by the Department prior to formal notification of the granting or rejection of such application.
7. All forms necessary to apply for and conduct artisanal mining licence activities shall be prescribed in **Schedule A**.
8. The application forms for the grant of all other mineral rights, and renewal, surrender and transfer/ assignment of mineral rights, shall be as prescribed in **Schedule B**.

9. The form for all other mineral rights shall be as prescribed in **Schedule C**.
10.
  - (1) The fees for all mineral rights shall be as prescribed in **Schedule D**.
  - (2) All fees directly related to artisanal mining licence activities shall be in **Schedule D, Part 2**.
11.
  - (1) Upon receipt and acceptance of the original application for an exclusive prospecting licence, exploration licence, or mining lease, the Secretary of State shall notify the applicant of his decision to grant such mineral right, and provide details of the proposed mineral right in the form as prescribed in **Schedule F - Form 9**.
  - (2) Within 60 days, the successful applicant shall inform the Secretary of State of his acceptance of the proposed mineral right, by endorsing the appropriate section of **Schedule F - Form 9** and returning it in person to the Director.
12. Statutory monthly, half yearly and annual reports, required to maintain mineral title shall be in forms as prescribed in **Schedule E**.
13. Notices of general application to the regulation of mineral rights shall be in forms as prescribed in **Schedule F**.
14. Permits required for special issues related to mineral rights shall be in forms as prescribed in **Schedule G**.
15. Royalty calculation and manner and time of payment for all mineral rights shall be as prescribed in **Schedule H**.
16. Where any area in which minerals have been discovered and/or determined as containing a significant mineral deposit by Government surveys, and such land is not within any existing, valid exclusive mineral right area, the Secretary of State may, by notice, declare that area as open for public tendering for either exploration licences or mining leases under the following terms and conditions:
  - (a) Where in any tract of land any mineral has been, or may hereafter be discovered by any person searching for minerals on behalf of the Government, the Secretary of State, acting on the advice of the Board, may cause the whole or any part of such tract of land to be divided up into areas of such sizes (whether equal or unequal) and shapes as would allow of the grant in respect of them exploration licences or mining leases, according as the Secretary of State may specify.
  - (b) The Secretary of State may thereupon invite any person, or such

persons as he may select (being in either case persons qualified to apply for the grant of an exploration licence or mining lease, as the case may be), to state what financial consideration, of a kind which the Secretary of State shall specify, they are prepared to pay to the Government in consideration of the grant of an exploration licence or a mining lease (according as such invitation shall specify), in respect of any such area.

- (c) Any financial consideration so tendered shall be deemed to be in addition to any fees, rents, royalties or other payments required by the Decree and any rules made thereunder and in force.
- (d) The Secretary of State shall be under no obligation to grant an exploration licence or mining lease in respect of any such area to the person whose tender is the highest; and nothing in this regulation shall in any way fetter the Board's advice to the Secretary of State to grant or to withhold the grant of such a licence or lease.
- (e) Any financial consideration tendered under this rule shall be paid to the Director at such time or at such times as the same may become due.
- (f) The Secretary of State, on the advice of the Board, may revoke any exploration licence or mining lease granted in consideration of an offer of a financial payment within the meaning of this regulation, or any renewal of such exploration licence or mining lease or of a part thereof, in the event of such financial consideration not being paid or there being any cessation in the payment thereof.

17. (1) Where a proposed programme of exploration or programme of development and mining operations documents a major exploration investigation or mining venture deemed to be of national socio-economic significance, the Secretary of State may, on behalf of the Government, initiate special negotiations leading to an agreement, not inconsistent with the Decree, containing additional terms and conditions, and supplementary rights and obligations, dealing with one or more of the following issues:
  - (a) financing provisions
  - (b) taxation, royalties and duties
  - (c) foreign exchange and remittance
  - (d) management and control of operations
  - (e) insurance and indemnity
  - (f) employment, training and local suppliers
  - (g) infrastructure and construction
  - (h) value-added processing
  - (I) amendment, termination and force majeure
  - (j) disputes and appeals
  - (k) protection for foreign investment
  - (l) any other relevant issues as may be agreed by the Secretary of State and the proposed investor.
- (2) The Department shall be the coordinating agency with regard to the necessary inter-governmental liaisons and approvals associated with such an agreement.
18. Every mineral right boundary shall be considered to extend downwards, vertically, without limit.
19. Any dispute over boundaries between holders of mineral rights shall be determined by investigations, and surveys where required, under the supervision of the Director, at the expense of the parties.
20. In the event of a dispute regarding boundaries of leases or licences, the Director shall require both parties to deposit a sum sufficient to cover the cost of a survey. The error shall be determined by the Director whose decision may be subject to an appeal only to the Secretary of State. The Secretary of State shall get appropriate advice from the Board and give a final decision.

21. (1) The holder of any mineral right may voluntarily surrender all or part of the area covered by his mineral right by submitting to the Secretary of State an application for surrender as prescribed in **Schedule B - Form 9**.
- (2) Upon receipt of a satisfactory application, the Secretary of State shall issue a Certificate of Surrender to the holder as prescribed in **Schedule C - Form 6**.
22. (1) An application for a transfer/assignment of an exploration licence or mining lease shall be in the form as prescribed in **Schedule B - Form 10**.

Provided that an exploration licence may only be considered for transfer/assignment after the satisfactory completion of the first term of the licence.

- (2) The transfer/assignment of an exploration licence or mining lease shall be in the form as prescribed in **Schedule C - Form 7**.

23. The holder of an exploration licence or a mining lease shall have the following additional rights:

- (a) within or outside the exploration area or mining area to dig, widen or deepen channels in rivers, streams and watercourses as may be necessary to permit or facilitate water flow to or from a process plant.
- (b) within the exploration area or mining area to use the water from any natural watercourse and to return the same together with the processing spoils to the river, stream or watercourse,

Provided that in so doing such holder shall not discharge or permit to be discharged any poisonous or noxious matter,

- (c) to fell trees and otherwise clear the land to be explored or mined, in a reasonable manner;

Provided that the permission of the Chief Conservator of Forests is first obtained when such land is situated in a Forest Reserve.

- (d) to construct and operate within an exploration area or mining area, roads,

living quarters, water supply systems, pipelines, communication system, electric power systems, loading stations, airstrips, storage facilities and other similar necessary works and installations which are necessary or useful in carrying out approved operations under such mineral rights areas

Provided that where special permits are needed for the exercise thereof such permits are not unreasonably withheld.

(e) to demand and receive rents at such rates and subject to such conditions as may be approved by the Commissioner of labour in respect of the occupation of employees or others of huts and houses constructed by or at the cost of the holder within or outside the exploration or mining area.

24. A notice of suspension or cancellation to the holder of a mineral right, issued under sub-section 31(2) of the Decree and prescribed in **Schedule F - Form 6** shall specify the particular breach complained of and if the breach is capable of remedy, require the holder to remedy the breach or to make compensation in money for the breach if such breach is compensatable.
25. (1) Where radioactive minerals, as defined in section 1 of the Decree, are discovered on any mineral right area, the holder shall immediately submit a notice of discovery in the form as prescribed in **Schedule F - Form 7**.
- (2) An application for a radioactive minerals investigation permit shall be in the form as prescribed in **Schedule B - Form 11**.
- (3) A radioactive minerals investigation permit shall be in the form as prescribed in **Schedule G - Form 1**.
26. No other mineral right shall be granted over land in or which constitutes an exclusive prospecting area, an exploration area or a mining area, without the written consent of the Secretary of State, on the advice of the Board, stating his satisfaction that
- (a) the rights of the holder of any existing exclusive licence or lease would not be substantially prejudiced; or

- (b) the public interest requires that the overlapping mineral right should be granted.
- 27.
  - (1) An application for a permit to export saleable minerals, where applicable, shall be in the form as prescribed in **Schedule B - Form 12.**
  - (2) A permit to export saleable minerals shall be in the form as prescribed in **Schedule G - Form 2.**
- 28.
  - (1) The confidentiality period for all technical reports necessary to maintain an exclusive prospecting licence or an exploration licence in good standing shall be four (4) years from the date of submission of such reports to the Department.
  - (2) All information submitted in reports, plans, records and notices during the term of a mining lease or an artisanal mining licence shall remain confidential for the life of the relevant mineral title or unless the Department receives permission in writing from the holder to allow public disclosure of such information.

Provided however that:

- (a) information related to environmental and social issues may be released to the public upon notification to the holder of such action by the Secretary of State, and
- (b) the Department may compile and publish relevant consolidated statistics from such data as it relates to mining activities in Sierra Leone.

## PART 2

### ARTISANAL MINING LICENCE

29. Where an area has been declared an area for licensing for artisanal mining operations under section 20 of the Decree, and pursuant to due notice by the Secretary of State, the following prescribed mineral categories, as defined in section 1 of the Decree, are applicable for artisanal mining activities.
- (a) precious stones, especially including diamonds
  - (b) precious metals, especially including gold
  - (c) building and industrial minerals.
30. (1) Applicants for an artisanal mining licence other than individual citizens of Sierra Leone, such as cooperatives, joint ventures, partnerships and bodies corporate, shall first apply for a certificate of registration with the Director in the form as prescribed in **Schedule A - Form 1**.
- (2) The certificate of registration for the grant of an artisanal mining licence shall be in **Schedule A - Form 2**.
31. An application for an artisanal mining licence shall be made to the Director in the form as prescribed in **Schedule A - Form 3**.
32. An artisanal mining licence shall be in the form as prescribed in **Schedule A - Form 4**.
33. An application for the renewal of an artisanal mining licence shall be made to the Director in the form as prescribed in **Schedule A - Form 5**.
34. An artisanal mining licence may be renewed an unlimited number of times for further periods of one year or two years maximum, in each instance, based on the Director's assessment of particulars provided in each application for renewal made to the Director.
35. An applicant may submit any number of applications for artisanal mining licence, and where approved, may hold any number of such licences,

Provided that the Director may limit the number of artisanal mining licences for prescribed precious metals or stones that can be granted to an applicant and whilst such limitation order is in force no authorised officer shall issue to that applicant any artisanal mining licence for the prescribed mineral beyond the number specified.

36. The area to be covered by an artisanal mining licence for a prescribed mineral shall be demarcated, surveyed and planned by a licensed surveyor or an authorized officer in such a manner as the authorized officer may in the circumstances consider suitable.

Provided that it shall not be greater than 25 acres in total area.

37. An artisanal mining licence shall be valid for a period of one year, two years, or three years maximum in the first instance, based on the Director's assessment of the particulars of the proposed operation as documented in the application.
38. The holder shall have the exclusive right to explore for, mine, remove and dispose of all minerals prescribed in the licence, and by written notice of discovery, as prescribed in **Schedule A - Form 6**, similar exclusive rights to additional prescribed artisanal minerals subsequently encountered within the artisanal mining licence area.
39. An application for a mines manager certificate shall be made to the Director in the form as prescribed in **Schedule A - Form 7**.
40. The mine managers' certificate for the identification of a mine manager employed by the holder of an artisanal mining licence to supervise the exploration and mining operations under his licence because of his inability to personally do so shall be in **Schedule A - Form 8**.
41. The holder of an artisanal mining licence shall pay to the Chiefdom Council in respect of which his licence is issued a surface rent for distribution to the landowner and/or occupier, and the Chiefdom Council and Authorities as prescribed in **Schedule D - Part 2**.
42. The holder of an artisanal mining licence shall be required to pay a fee towards the cost of rehabilitation and reclamation of his mined out area as prescribed in **Schedule D - Part 2**.

43. The holder of an artisanal mining licence shall submit a monthly mineral return conforming in form and content to that prescribed in **Schedule A - Form 9**.
44. The holder shall submit an annual report on artisanal exploration and mining operations conforming in form and content to that prescribed in **Schedule A - Form 10**.
45. The holder of an artisanal mining licence shall be required to keep accurate records of his winnings and sales and such records shall be produced for inspection by the Director or an authorised officer.
46. (1) The holder of an artisanal mining licence for a prescribed precious metal or precious stone shall be issued a precious mineral sales card in the form as prescribed in **Schedule A - Form 11**.
- (2) The holder of an artisanal mining licence for a prescribed precious metal or precious stone shall be required to sell all his winnings to a licensed dealer or exporter of the prescribed precious mineral but shall not be allowed to buy from or sell to another artisanal mining licence holder for the prescribed mineral, unless he is a licenced dealer or exporter.
- (3) All sales of winnings by the holder of an artisanal mining licence for a precious metal or precious stone are to be recorded on the precious minerals sales card.
- (4) The holder of an artisanal mining licence for a prescribed precious metal or precious stone shall produce the precious mineral sales card to an authorised officer for inspection at the time of the renewal of the artisanal mining licence or at the time of payment of the annual fees.
47. The holder of an artisanal mining licence for a prescribed industrial mineral or building material shall be subject to variations and exceptions as specified in section 82(2) of the Decree.
48. (1) The holder of an artisanal mining licence shall continuously and adequately work the area allocated to him to the satisfaction of the authorized officer.

- (2) In the event of the holder failing to comply with this regulation over a period of more than three months, his licence may be revoked.
- 49.
- (1) The holder of an artisanal mining licence shall take such measures as are necessary to prevent persons from inadvertently entering or falling into any excavation made on the working.
  - (2) The holder of an artisanal mining licence shall not
    - (a) undercut any face nor shall he wilfully do any act which might cause any gravel or rock to overhang in any way;
    - (b) cut or excavate any face of a height exceeding six feet or make any bench of width of less than four feet.
50. Artisanal mining shall be done, where applicable, in such a systematic manner as to avoid patches of payable ground being left unworked.
51. An artisanal mining licence shall be revoked if within the period of 2 years from the time of issue no mining has commenced or recommenced.
52. The application for an exporter's licence shall be made to the Director in the form as prescribed in **Schedule A - Form 12**.
53. An exporter's licence shall be in the form as prescribed in **Schedule A - Form 13**.
54. The application for an exporter's agent's certificate shall be made to the Director in the form as prescribed in **Schedule A - Form 14**.
55. An exporter's agent's certificate shall be in the form as prescribed in **Schedule A - Form 15**.
56. The application for a dealer's licence shall be made to the Director in the form as prescribed in **Schedule A - Form 16**.
57. A dealer's licence shall be in the form as prescribed in **Schedule A - Form 17**.

58. (1) A prescribed precious mineral is subject to;
- (a) valuation either by the Government Gold and Diamond Office or some other similarly qualified person or body specifically appointed by the Secretary of State for this purpose.
  - (b) packaging and sealing by the valuing officer and custom officer, and
  - (c) the payment of the prescribed taxes and levies before export.
- (2) The taxes and levies shall be as prescribed in **Schedule D - Part 2**.
59. (1) An application for a transfer / assignment of an artisanal mining licence shall be in the form as prescribed in **Schedule A - Form 18**.
- Provided that no arrangement having the effect of a transfer shall be made by the holder to any person who is not a citizen of Sierra Leone, or any body corporate with less than fifty-one percent of the beneficial ownership held by citizens of Sierra Leone, on penalty of the revocation of the licence.
- (2) The transfer / assignment of an artisanal mining licence shall be in the form as prescribed in **Schedule A - Form 19**.
60. Where the holder of an artisanal mining licence requires dredging as an activity for such mining, a dredging licence shall be required, as prescribed in **PART 6** of these regulations.

**PART 3**

**PROSPECTING LICENCES**

61. An application for a non-exclusive prospecting licence shall be made to the Director in person in the form as prescribed in **Schedule B - Form 1**.
62. A non-exclusive prospecting licence shall be in the form as prescribed in **Schedule C - Form 1**.
63. A non-exclusive prospecting licence shall be renewed by application to the Director in the form as prescribed in **Schedule B - Form 2**.
64. An application for an exclusive prospecting licence shall be made in person to the Director in the form as prescribed in **Schedule B - Form 3**.
65. An Exclusive Prospecting licence shall be in the form as prescribed in **Schedule C - Form 2**.
66. An exclusive prospecting licence may be renewed by application to the Director in the form as prescribed in **Schedule B - Form 4**.
67. An applicant may submit any number of applications for prospecting licences, and where approved, may hold any number of such licences.
68.
  - (1) The area of land over which an exclusive prospecting licence is granted shall be:
    - (a) no greater than 100 square miles or equivalent in total area
    - (b) no less than 4 square miles or equivalent in total area
    - (c) rectangular in shape to the extent deemed reasonable by the Director
  - (2) The Director may in his discretion allow an area other than a rectangle if he is satisfied that such boundary shall be contiguous with another area but in any case it shall
    - (a) not have more than 8 sides.

- (b) be in conformity with the orientation and location of established UTM grid coordinates to the extent deemed reasonable by the Director.
  - (c) be clearly marked and identified by detailed geographic or UTM grid coordinates, on location maps with an accurate schedule at 1:50,000 scale, and attached to the application.
- 69.
  - (1) The holder of a non-exclusive prospecting licence shall have the right to prospect only, for the minerals specified in the licence, and, on a first in time basis, the right to submit a written notice of discovery in the form as prescribed in **Schedule F - Form 1**, of one or more specified minerals.
  - (2) If so requested in the notice of discovery, the holder of a non-exclusive prospecting licence shall, by subsequent application and fee, be granted an exclusive prospecting licence for the discovery site and such surrounding area, not to be greater than one square mile in total area, as the Secretary of State, on the advice of the Board, deems appropriate.

Provided that no exclusive mineral right has been previously granted over the area requested.
- 70. The holder of an exclusive prospecting licence shall have the exclusive right to prospect for the minerals specified in the licence, and, by written notice of discovery, in the form as prescribed in **Schedule F - Form 2**, similar exclusive rights to additional minerals subsequently encountered within the licence area, and the licence shall be amended accordingly.
- 71. The holder of an exclusive prospecting licence shall relinquish at least fifty (50) percent of the area held under the licence at the date of each renewal of the licence.
- 72. The holder of a non-exclusive prospecting licence shall be notified in writing when any exclusive mineral right has been granted within the area covered by his licence.
- 73. The holder of an exclusive prospecting licence shall submit a half-yearly progress report in the form as prescribed in **Schedule E - Form 1**.

74. (1) The holder of an exclusive prospecting licence shall submit an annual report on prospecting operations on or before the anniversary date of the licence in the form as prescribed in **Schedule E - Form 2.**
- (2) When the annual report is submitted in conjunction with an application for renewal of the licence, a proposed programme of prospecting operations shall be attached.

#### **PART 4**

##### **EXPLORATION LICENCE**

75. An application for an exploration licence shall be made in person to the Director in the form prescribed in **Schedule B - Form 5.**
76. An exploration licence shall be in the form as prescribed in **Schedule C - Form 3.**
77. An exploration licence may be renewed by application to the Director in the form prescribed in **Schedule B - Form 6.**
78. An applicant may submit any number of applications for exploration licences, and where approved, may hold any number of such licences.
79. (1) The area of land over which an exploration licence is granted shall be:
- (a) no greater than 20 square miles or equivalent in total area.
  - (b) no less than 4 square miles or equivalent in total area.
  - (c) rectangular in shape to the extent deemed reasonable by the Director.
- (2) The Director may in his discretion allow an area other than a rectangle if he is satisfied that such boundary shall be contiguous with another area but in any case it shall
- (a) not have more than 8 sides.

- (b) be in conformity with the orientation and location of established UTM grid coordinates to the extent deemed reasonable by the Director.
  - (c) be clearly marked and identified by detailed geographic, or UTM grid coordinates, on location maps with an accurate schedule, at 1:50,000 scale, and attached to the application.
- 80.
  - (1) The holder of an exploration licence shall have the exclusive right to prospect and explore for specified minerals within the area designated in the licence and, by written notice of discovery, in the form as prescribed in **Schedule F - Form 3 (a)**, similar exclusive rights to additional minerals subsequently encountered within the licence area, and the licence shall be amended accordingly.
  - (2) Where the holder of an exploration licence determines the existence of a mineral deposit of possible economic value, he shall submit a notice of discovery regarding such a determination in the form as prescribed in **Schedule F - Form 3(b)**.
  - (3) Where, upon further evaluation, the holder of an exploration licence establishes that a mineral deposit constitutes a "commercial discovery", as defined in section 1 of the Decree, he shall give such notice of discovery to the Secretary of State in the form as prescribed in **Schedule F - Form 3 (c)**.
- 81. The holder of an exploration licence shall relinquish at least fifty (50) percent of the exploration area held under the licence at the date of each renewal of the licence.
- 82. The holder of an exploration licence shall submit a half-yearly progress report in the form as prescribed in **Schedule E - Form 3**.
- 83.
  - (1) The holder of an exploration licence shall submit an annual report on exploration operations on or before the anniversary date of the licence, in the form prescribed in **Schedule E - Form 4**.

- (2) When the annual report is submitted in conjunction with an application for renewal of the licence, a proposed programme of prospecting operations shall be attached.

84. Where the holder of an exploration licence begins advanced exploration activities, he shall promptly notify the Director of Mines, with a copy to the Director of Geological Survey, in the form as prescribed in **Schedule F - Form 5**.

**PART 5**

**MINING LEASE**

85. An application for a mining lease shall be made in person to the Director in the form prescribed in **Schedule B - Form 7**.
86. An application for a mining lease shall be accompanied by a feasibility study in the general form and content as prescribed in **Schedule E - Form 5**.
87. The feasibility study shall contain accurate information dealing with some or all of the following major components, to be addressed as determined by the Director, and in such detail as the magnitude of the proposed mining operation warrants
- (a) Mine Plan
  - (b) Processing Plan
  - (c) Plant Site and Facilities Analysis
  - (d) Environmental Impact Assessment and Action Plan
  - (e) Mine Reclamation and Rehabilitation Plan
  - (f) Marketing and Sales Plan
  - (g) Financial Analysis
  - (h) Capital and Operating Cost Analysis
  - (i) Employment and Training Analysis

Provided, however, that no mining lease shall be granted unless the following documents are submitted by the applicant, approved by the Secretary of State, and are then appended to the mining lease.

- (a) programme of proposed mining operations, including an environmental impact assessment, and proof of financial resources to implement and maintain the programme.
  - (b) programme for employment and training of citizens of Sierra Leone, including proposals for insurance of all employees.
  - (c) proposals for procurement of goods and services obtainable within Sierra Leone.
88. Guidelines on the form and content of environmental impact assessments and action plans are prescribed in **Schedule E - Form 6**.
89. A mining lease shall be in the form as prescribed in **Schedule C - Form 4**.

90. The holder of a mining lease may apply to the Secretary of State for renewal of a mining lease in the form prescribed in **Schedule B - Form 8**.
91. (1) The boundaries enclosing the area of land over which a mining lease is granted must be clearly demarcated with lines at least six feet wide with beacons in the middle.
- (2) Holders must survey such boundaries to the satisfaction of the Director of Surveys and Lands.
- (3) Forest Reserves shall only be surveyed with the consent of the Chief Conservator of Forests.
92. In accordance with sections 63 and 67 of the Decree, the holder of a mining lease shall have the exclusive right to prospect, explore for, mine, process, dispose of, sell, all minerals specified in his mining lease, and by written notice of discovery, as prescribed in **Schedule F - Form 4**, similar exclusive rights to additional minerals subsequently encountered within the lease, and the lease shall be amended accordingly.
93. The holder of a mining lease shall submit a monthly mineral production return as prescribed in **Schedule E - Form 7**.
94. The holder of mining lease shall submit an annual report on mining operations in conjunction with every anniversary date of the lease, and not later than one year before the expiry date of such lease, as prescribed in **Schedule E - Form 8**.

**PART 6**

**DREDGING FOR MINERALS**

95.           (1)    The holder of a mining lease or an artisanal mining licence may not dredge any river, stream, watercourse, pond, lake, or waters of the continental shelf without a dredging licence.
- (2)    The application for a dredging licence shall specify if it is required for mining lease activity or artisanal mining licence activity, and shall be made to the Director in the form as prescribed in **Schedule B - Form 13**.

96. A dredging licence shall be in the form as prescribed in **Schedule C - Form 5.**
97. A dredging licence may be renewed by application to the Director in the form as prescribed in **Schedule B - Form 14.**
98. (1) The fee for a dredging licence for mining lease activity shall be as prescribed in **Schedule D - Part 1.**
- (2) The fee for a dredging licence for artisanal mining licence activity shall be as prescribed in **Schedule D - Part 2.**

## **PART 7**

### **ROYALTIES**

99. Pursuant to section 96 of the Decree, royalties shall be calculated and paid in the manner as prescribed in **Schedule H.**

**PART 8**

**PROPER CONDUCT OF OPERATIONS**

100. The Director may designate any public officer to be an authorized officer for the purposes of administering rules and regulations that may be in force or from time to time be prescribed, for the following operational elements relating to the necessity of all mineral rights holders to implement and maintain safe exploration and mining practices.
- (a) conservation and development of mines and minerals for the purpose of giving effect to the provisions of the Decree;
  - (b) the safety of the public and the health, safety and welfare of persons employed in mines and the carrying on of mineral operations in a safe, proper and effective manner;
  - (c) the investigation and reporting of accidents;
  - (d) the protection of shafts, pits, tunnels, excavations and such other dangerous places;
  - (e) the examination of mines by authorized officers;
  - (f) the proper and efficient working of prospecting areas, exploration areas, mining areas and mines;
  - (g) the avoidance of wasteful mining practices or wasteful metallurgical practices.
101. Without prejudice to the generality of regulation 100, every mineral right holder, agent, manager or tributer shall be responsible for adherence to safe practice with respect to the following operational elements.
- (a) safe worker access to surface and underground workings
  - (b) control and safety of the public in and around mine sites
  - (c) proper ventilation of workings

- (d) mechanical and electrical equipment maintenance and safety
- (e) explosives and blasting procedures
- (f) emergency and fire protection procedures
- (g) workers health and safety programs
- (h) employee education and training programs
- (I) reclamation and rehabilitation programs
- (j) mine site environmental management programs.

102. For the purposes of the inspection of any working pursuant to regulations 100 and 101, an authorized officer shall have the power to do all or any of the following things, namely:

- (a) to make such examination and inquiry as is necessary to ascertain whether the provisions of the Decree relating to matters above ground or below ground are complied with in the case of any mineral rights area;
- (b) to enter, inspect and examine any mineral rights area and any part thereof, at all times by day and night, but so far as possible not to unnecessarily impede or obstruct the working of approved operations;
- (c) to examine and make inquiry in respect of the state, condition, of any mineral rights area, and the sufficiency of any special rules for the time being in force, and all matters and things connected with or relating to the safety of the persons employed in or around the mineral rights area;
- (d) to give notice to the holder, agent, manager or tributer in writing of any particulars in which he considers such mineral rights area or any portion thereof, or any matter, thing, or practice to be dangerous or defective or contrary to this Decree, and to require the same to be remedied within the time named in such notice;

- (e) to order the immediate cessation of work in and the departure of all persons from any mineral rights area or portion thereof which he considers unsafe, or to allow persons to continue to work therein on such precautions being taken as he deems necessary;
  - (f) to give to the Director a copy of every notice or order given by him under clauses (d) and (e);
  - (g) to exercise such other powers as may be necessary for ensuring the health and safety of workers and all other persons employed in or about mineral rights areas.
  - (h) to exercise such other powers as are necessary for carrying the Decree into effect.
103. Where there is an accident in connection with any operations under a mineral right involving the loss of life or serious injury, as defined in section 119 of the Decree, the holder, agent, manager or tributer shall report such accident in the form as prescribed in **Schedule E - Form 9**.
104. (1) Every mineral right holder, agent, manager or tributer who violates any of the provisions of this Decree or regulations or rules in force at any time made pursuant to this Decree, shall be guilty of an offence against this Decree.
- (2) Every person employed in or about a mineral right area other than a holder, agent, manager or tributer, who violates any of the provisions of this Decree or regulations or rules in force at any time, shall be guilty of an offence against this Decree.
105. (1) Every mineral right holder, agent, manager or tributer who is guilty of an offence against this Decree shall be liable to a penalty as stipulated in the Decree or as may be prescribed.
- (2) Every person employed in or about a mineral right area other than a holder, agent, manager or tributer, who violates any of the provisions of this Decree, shall be liable to a penalty as stipulated in the Decree or as may be prescribed.