

MINES AND MINERALS (MINERAL RIGHTS) REGULATIONS

under s. 128

G.N. 32/1981

101/1988

4/2001

1. Citation

These Regulations may be cited as the Mines and Minerals (Mineral Rights) Regulations.

2. Shape of area of land over which a Mineral Right is granted or renewed

(1) Subject to subregulation (2), the area of land over which a Mineral Right is granted or renewed shall be rectilinear in outline, and in the case of a reconnaissance or an exclusive prospecting licence the corners shall be formed either at trigonometrical stations, international boundary pillars or bench marks, or if necessary at other fixed points which are marked on the 1:50 000 maps of the National Topographical Series.

(2) Where the Minister is satisfied in any particular case (whether the grant or renewal of a Mineral Right) that it is not desirable or possible to comply with any one or more of the requirements of subregulation (1) the area of land concerned shall be as determined by the Minister in that particular case.

3. Dimensions of Mineral Right

(1) Subject to subregulation (4), the area of land over which a reconnaissance licence is granted or renewed shall not exceed 100,000 square kilometres.

(2) Subject to subregulation (4), the area of land over which an exclusive prospecting licence is granted shall not exceed 2,500 square kilometres.

(3) Subject to subregulation (4), the area of land over which a mining licence is granted—

(a) shall not, where the applicant for the licence is not the holder of an exclusive prospecting licence, exceed 250 square kilometres; and

(b) shall not, in any other case, exceed the area of land subject to the exclusive prospecting licence held by the applicant.

(4) Where the Minister is satisfied in any particular case that it is desirable that the area of land over which a reconnaissance licence is granted or renewed, or over which an exclusive prospecting

licence or a mining licence is granted, should exceed the area referred to in subregulation (1), (2) or (3) (a), as the case may be, the area of land concerned shall be of such dimension as is determined by the Minister in that particular case.

4. Demarcation of mining area

(1) The manner in which the holder of a mining licence shall, for the purpose of complying with section 44 (1) (e) of the Act, demarcate and keep demarcated the area of land subject to the licence shall be as provided in this regulation.

(2) A mining area shall be demarcated by the erection of beacons so placed as to afford evidence of the boundaries of the mining area, or in such other manner as may be agreed between the Commissioner and the holder of the mining licence concerned.

5. Service of documents on Minister, etc.

A document or notice required or permitted under or for the purposes of the Act to be served on or given to the Minister or the Commissioner may be served or given—

(a) by sending it by post in an envelope addressed to the Secretary for Forestry and Natural Resources, Private Bag 350, Capital City, Lilongwe 3; or

(b) by leaving it with the Secretary for Forestry and Natural Resources or his sufficient deputy, or the Commissioner, at the Ministry of Forestry and Natural Resources, Capital City, Lilongwe 3.

6. Application for approval of transfer, etc.

A person seeking the approval of the Minister under section 60 (2) of the Act shall deliver, or cause to be delivered, to the Commissioner—

(a) an application for approval giving particulars of the proposed transfer and including a certified copy of the instrument by which the transfer is to be effected, or

(b) as the case may be, an application for approval giving particulars of the legal or equitable interest concerned and including a certified copy of such instrument.

7. Fees

The fees set out in the Schedule shall be paid in respect of the matters and things specified in the Schedule.

8. Annual charges

(1) Subject to subregulation (2), annual charges payable pursuant to section 90 of the Act are—

4/2001(a) in the case of a reconnaissance licence, K10 per square kilometre; G.N. 101/1988

- (b) in the case of an exclusive prospecting licence, K100 per square kilometre; and
- (c) in the case of a mining licence, K10,000 per square kilometre.

(2) Where the annual charges payable in respect of a Mineral Right are specified, or the manner of their calculation is specified, in a relevant agreement of a kind referred to in section 10 of the Act the annual charges payable in respect of the Mineral Right shall be, or shall be calculated, as so specified.

SCHEDULE reg. 7

Fees G.N. 101/1988, 4/2001

Application for—K	(a)	a reconnaissance licence	10,000 00	(b)	an	exclusive
prospecting licence	5,000 00	(c)	a mining licence	10,000 00	(d)	renewal of a Mineral
Right	2,000 00	(e)	a certificate of surrender	1,000 00	(f)	approval of the Minister (under
section 60 of the Act)	1,000 00					