

Minerals Act

Unofficial translation of "Minerallagen" SFS 1991:45

Issued on January 24, in force July 1, 1992
including changes up to January 1, 1999

Chapter 1. Introductory Regulations

Application of the law

Section 1.

This Act is applicable to exploration and exploitation of deposits, situated on the owner's land or on land belonging to someone else, if the deposit contains anyone of the following mineral substances (concession minerals):

- 1) antimony, arsenic, beryllium, lead, cesium, gold, iridium, iron (in the bedrock), cobalt, copper, chromium, mercury, lanthan and lanthanites, lithium, manganese, molybdenum, nickel, niobium, osmium, palladium, platinum, rhodium, rubidium, ruthenium, silver, scandium, strontium, tantalum, tin, titanium, thorium, uranium, vanadium, bismuth, tungsten, yttrium, zinc and zirconium,
- 2) alum shale, andalusite, apatite, brucite, fluorspar, graphite, kyanite, refractory clay or clinkering clay, magnesite, pyrrhotite, nefelinsyenite, sillimanite, coal, rock salt or other salt present in a similar manner, pyrite, barite and wollastonite,
- 3) oil, gaseous hydrocarbons and diamonds.

Section 2.

This Act shall not be applicable to areas within public waters of the sea.

Definitions.

Section 3.

Exploration is considered to be the kind of work to prove the existence of a deposit of a concession mineral and to establish the probable value of the deposit and its nature in other respects, to the extent that such work involves encroachment on the rights of either the owner of the land or another assignee.

Exploitation is considered to be extraction and utilization of a concession mineral.

The right to exploration and exploitation

Section 4.

Exploration may be carried out only by the holder of an exploration permit and exploitation only by the holder of an exploitation concession.

Without a permit exploration may only be undertaken by:

- 1) The owner of the property or, with his permission, by another person in cases referred to in Chapter 3, Section 2.
- 2) A person holding a concession in cases referred to in Chapter 5, Section 3.

A deposit may be exploited without a concession by

- 1) The owner of the property in cases referred to in Chapter 5, Section 2.
- 2) A person holding a permit in cases referred to in Chapter 3, Section 4.
- 3) A person holding a concession in cases referred to in Chapter 5, Sections 4-6.

Section 5.

An exploration permit which is based on an application in respect of one or more of the concession minerals referred to in Section 1, sub-sections 1 and 2 is valid for all minerals referred to therein unless the applicant requests otherwise.

In other cases, an exploration permission or an exploitation concession is applicable to the mineral or minerals which are referred to in the permit or in the concession.

Section 6.

Excluded since 1st of July 1993.

Provisions in other legislations

Section 7.

Provisions which affect activities referred to in this Act are also embodied in the Environmental Code (1998:808), the Planning and Building Act (1987:10) and the Act (1988:950) concerning Cultural Heritage Management, etc. **(1998:845)**

Regulations relating to the right to acquire and possess or in some other manner to deal with nuclear substances or mineral containing such substances are also contained in the Nuclear Technical Activity Act(1984:3). Provisions about rights in other respects to undertake operations involving radiation are contained in the Act concerning Protection against Radiation (1988:220).

Section 8.

Ceased to apply January 1, 1999. **(1998:845)**

Chapter 2. Exploration permit

Permit area

Section 1.

An exploration permit shall apply to a specific area which may not be larger than it may be assumed that the permit holder can explore in an appropriate manner and its shape shall also be suitable for the intended purpose.

Prerequisites for a permit

Section 2.

An exploration permit shall be granted, if

- 1) there is reason to assume that exploration in the area can lead to the discovery of a concession mineral and
- 2) the applicant does not obviously lack the possibility or intention of conducting appropriate exploration.

A permit for exploration with regard to oil, gaseous hydrocarbons or diamonds may only be granted to a person who can prove that he is suitable to carry out such exploration work.

Precedence in the case of competition

Section 3.

If there are several applications for exploration permits within the same area under this Act or for a concession under the Certain Peat Deposits Act (1985:620), the applicant who first submitted an application shall have precedence. If applications are received on the same day, the applicants shall have equal rights in respect of the area which they have in common.

Section 4.

If a person holds an exploration permit or an exploitation concession under this Act or a concession under the Act (1985:620) concerning Certain Peat Deposits within an area, no other person may be granted an exploration permit for the same mineral within this area. If special reasons apply, some other person may be granted an exploration permit within the area for minerals not covered by the permit or the concession.

Period of validity for an exploration permit

Section 5.

An exploration permit is valid for three years from the date of the decision.

Section 6.

The period of validity for the exploration permit may be extended on application by the permit-holder for a total of not more than three years, if appropriate exploration work has been carried out within the area. The same also applies if the permit-holder has acceptable reasons for not undertaking exploration work and, furthermore, that it appears probable that the area will be explored in the period covered by the application.

Section 7.

If the period of validity for the exploration permit has been extended under Section 6, the permit shall be extended on application by the permit-holder by a further total of not more than four years, if special reasons apply.

Subsequently, the period of validity may be extended by a further period of not more than five years if extraordinary reasons apply, for instance if the permit-holder shows that considerable work has been undertaken in the area and that further exploration will probably result in the granting of an exploitation concession. (1998:165)

Section 8.

Applications in respect of extension of the period of validity shall have been received during the period of validity if they are to be considered. If the permit-holder has applied for extension within the stated period or if he has applied for an exploitation concession within the same period, the permit is valid until the application has been finally decided on.

Impediments concerning the granting of an exploration permit

Section 9.

When an exploration permit or an exploitation concession has expired, an application for an exploration permit regarding land in the same area may not be considered until not less than one year has elapsed since the permit or concession ceased to apply (1998:165).

If extraordinary reasons apply, the Mining Inspector may allow an exception to be made from the provision in the first paragraph.

Section 9 a (1998:165)

An exploration permit may not be granted for land within a protected zone surrounding an area covered by an exploitation concession. The protected zone must extend 1,000 metres from the boundary of the area covered by the concession. The protected zone may be reduced if special reasons apply.

However, if a mine or corresponding installation has not been brought into operation within three years after the granting of an exploitation concession, an exploration permit may be granted within the protected zone until the installation is brought into operation.

Notwithstanding the first paragraph, if a mine or corresponding installation has been brought into operation within the concession area, an exploration permit may be granted within the protected zone to an entity holding an exploitation concession or to an entity which has received permission from the concession-holder.

Section 9 b (1998:165)

If an application for an exploitation concession has been submitted for a given area, the provisions of the first paragraph of Section 9 a concerning impediments concerning the granting of an exploration permit are to apply until the question of a concession is finally decided. An application for an exploration permit within a protected zone is to be stayed until a final decision is reached regarding the concession.

Conditions in certain exploration permits

Section 10.

Exploration permits for oil, gaseous hydrocarbons or diamonds shall comply with the conditions required to protect the public interest or individual rights.

Chapter 3. Exploration Work

Introductory provisions

Section 1.

A person holding an exploration permit may carry out exploration work within the permit area in accordance with Sections 3-8.

The right to explore without a permit

Section 2.

If it is possible without encroachment on usufructuary rights, easements or other special rights, the property owner or, with his permission, another person without an exploration permit may carry out exploration with regard to all concession minerals except oil, gaseous hydrocarbons and diamonds, but not, however, in areas where somebody else holds a permit or a concession under this Act. The provisions of Sections 3-7 shall apply in respect of such exploration work, where relevant.

How the exploration work may be carried out

Section 3.

Exploration work may only be carried out to show that a mineral covered by the permit is present within the area and to obtain more knowledge about the size, nature and extractability of the deposit.

The permit-holder may utilize land in order to erect buildings which are absolutely necessary for the exploration work. Where necessary, he may also utilize land in order to build a road within the area or use existing roads to and within the area. The permit-holder may also utilize land in order to build an essential road leading to the area, on receipt of permission from the Mining Inspector.

The work shall be so carried out as to cause the least possible damage and encroachment.

Section 4.

The permit-holder may only use concession minerals which are extracted during operations and which are covered by the permit to study their character and suitability for technical processing. He may also turn to his own account the products he then produces or extracts. The same applies to previously mined concession minerals covered by the permit, unless otherwise prescribed under Chapter 13, Section 2, second paragraph.

The permit-holder may only process and use mineral substances which are not covered by the permit or by this Act as far as this is necessary for the proper execution of the exploration work.

Section 5.

At least two weeks before exploration work commences, the permit-holder shall give notification of commencement of the work to the Mining Inspector as well as the owner of the land on which the work is to be carried out and to the holders of usufructuary rights or easements. If it can be assumed that the operations will presumably affect other special rights, the holder of such rights shall be notified.

Notification to others than the Mining Inspector shall be communicated by the serving of a writ.

Notification to holders of a right to reindeer breeding may be communicated to the Sami community, of which the holders are members.

Before operations commence, the permit-holder shall provide security for compensation in accordance to the provisions of Chapter 7, Section 1, unless the person entitled to compensation allows otherwise.

Impediments to exploration work

Section 6

Exploration work cannot be carried out within a National Park or an area for which a government authority has submitted a request to the Government regarding designation as a National Park, or contrary to regulations issued for a nature or cultural heritage reserve under Chapter 7 of the Environmental Code. **(1998:845)**

Unless permission is obtained from the County Administrative Board, exploration work can not be carried out within:

- 1) a fortification area and surrounding area, as decided by the Government,
- 2) a churchyard or other burial ground,
- 3) an area stipulated in Chapter 4, Section 5, of the Environmental Code. **(1998:845)**

Permission granted in accordance with sub-section 3 of the second paragraph is to be subject to conditions required to ensure that there is no significant detriment to the area's natural and cultural values. The County Administrative Board may also attach conditions to permission granted in other respects in accordance with the second paragraph. **(1998:165)**

Section 7.

Unless permission is given by the Mining Inspector, exploration work may not be carried on within:

- 1) an area situated less than thirty metres from a public highway or from the course of such highway in accordance with an established plan of works, thirty metres from a railway or a canal open for public transport or thirty metres from a public airport,
- 2) an area situated less than one hundred metres from a site with a building in which somebody is living for the greater part of the year,
- 3) an area occupied by a church, other assembly hall, educational institution, hotel or boarding house or area occupied by a medical or social care institution, student hostel or comparable establishment, if intended for the use of more than fifty persons,
- 4) an area occupied by an electric power station or an industrial plant,

5) an area included in a detailed town plan or in regional provisions under the Planning and Building Act (1987:10).

In cases stated under sub-section 5 of the first paragraph, permission may not be granted in contravention of the plan or the regional provisions. If the purpose of the plan or the provisions is not counteracted, minor divergences may be allowed, however.

The Mining Inspector may stipulate conditions for permission granted by him. **(1998:165)**

Notwithstanding the provisions stated in sub-sections 2-4 in the first paragraph, exploration work may be carried out, if permission is given by the person who is affected by the work. In cases stated under sub-section 2 in the first paragraph, such permission shall be given by the owner of the building or the site and whoever holds the usufructuary rights thereto. In cases referred to in sub-sections 3 and 4 in the first paragraph, such permission shall be given by owner and by the holder of usufructuary rights.

Section 8.

If several exploration permits or concessions granted under this Act or under the Certain Peat Deposits Act (1985:620) are valid for the same area, work which is carried out on the basis of a prior right may not be impeded or delayed by operations based on a right which has been established at a later date.

Chapter 4. Exploitation Concession

Concession area.

Section 1.

A concession shall be valid for a definite area, which is decided on the basis of what is appropriate with regard to the extent of the deposit, the purpose of the concession and other circumstances.

The prerequisites for concession

Section 2.

A concession shall be granted if

- 1) a deposit has been found which can probably be utilized on an economic basis,
- 2) the location and nature of the deposit does not make it inappropriate that the applicant is granted the concession requested.

A concession for exploitation with regard to oil or gaseous hydrocarbons may only be granted to a person who can prove that he is suitable to carry out such exploitation work.

In matters concerning granting a concession, Chapters 3 and 4 of the Environmental Code shall be applied. **(1998:845)**

If the granting of a concession involves an operation which is to be subject to subsequent review in accordance with the Environmental Code or other legislation, only Chapters 3 and 4 of the Environmental Code are to be applied in examining the question of the concession. **(1998:845)**

In granting a concession, an environmental impact assessment shall be appended to the application. Chapter 6, Section 3, Section 7, Section 8 first paragraph, and Sections 9-12 of the Environmental Code are to be applied as assessment, plans and planning documentation. **(1998:845)**

A concession may not contradict to the existing detailed plan or regional provisions. If the purpose of the plan or the provisions is not counteracted, minor divergences may be allowed.

Precedence in the case of competition etc.

Section 3.

If there are several applications for a concession within the same area and more than one person can be taken into consideration under Section 2, the person who holds an exploration permit within the area for a mineral which is covered by his application for a concession shall have precedence.

If none of the applicants holds an exploration permit, the applicant who has carried out appropriate exploration work within the area shall have precedence. Otherwise the applicant who first submitted an application shall have precedence. If the applications are received on the same day, the applicants shall have equal right to share in the concession.

Section 4.

If a person holds an exploration permit or an exploitation concession within an area under this Act or a concession under the Certain Peat Deposits Act (1985:620) nobody else can be granted a concession for the same mineral within this area. If special reasons apply, another person may be granted a concession within the area for minerals which are not covered by the permit or the concession.

Section 5.

A concession shall comply with the conditions required to protect the public interest, or individual rights, or which are required for appropriate exploration and exploitation of the natural resources.

Section 6.

The concession-holder shall be ordered to furnish security that his obligations under Chapter 13, Section 4 may be fulfilled, unless there are special reasons to order otherwise. If such security proves to be insufficient, the County Administrative Board may decide that additional security shall be lodged.

Period of validity for an exploitation concession

Section 7.

An exploitation concession is valid for twenty-five years. A shorter period may be decided on request of the applicant.

Section 8.

The concession period shall be extended by ten years at a time without special application if regular exploitation is continuing when the period of validity expires. If the concession-holder so requests, a shorter period may be decided.

Section 9.

If regular exploitation work is not in progress when the concession expires, the period shall be extended for ten years, following an application from the concession-holder, provided that there is in progress

1) preparatory work or construction work for an exploitation within the concession area

2) exploration work on a large scale, within the concession area, or

3) mineral-technical, metallurgical or other development work of greater extent with purpose to make it possible to exploit the deposit.

If the concession-holder so requests, a shorter period than ten years may be decided. The concession-holder is entitled to receive advance notice from the authority responsible for examination if planned exploration work or planned mineral-technical, metallurgical or other development work may be considered to be on a large scale.

Section 10.

If regular exploitation work or such activity which is referred to in the first paragraph of Section 9 is not in progress, the concession period may be extended for a maximum of ten years, following an application by the concession-holder, if this is justified in view of the public interest in the utilization of the mineral resources in a appropriate manner. Chapters 3 and 4 of the Environmental Code shall be applied in taking such a decision.
(1998:845)

Section 11.

An application for extension in accordance with Section 9 or 10 shall be made not later than six months before the termination of the concession period. If the concession-holder has applied for extension within the stated period, the concession is valid until the application has been finally decided upon.

Chapter 5. Exploitation etc.

Introductory provisions

Section 1.

A person holding a concession may within the concession area, in the open or below ground, on the one hand carry on exploration work in accordance with Section 3, and on the other hand execute exploitation work and activities connected therewith in accordance with Sections 4-7. However, the concession-holder may only make use of land which has been assigned for this purpose, for exploitation work and activities connected therewith which are carried out in the open.

Land outside the concession area may be used for other purposes than exploration work or exploitation work in accordance with the decision regarding the designation of the land.

Matters regarding land designation shall be considered in proceedings relating to land designation in accordance with the provisions contained in Chapter 9.

The Mining Inspector may, after the decision about concession has acquired legal force, allow land to be utilized while awaiting settlement of the question of land designation. Such permission may only be granted if the concession-holder provides security for compensation referred to in Chapter 7, Section 2.

The right to carry out exploitation work without a concession.

Section 2.

The owner of the property may exploit deposits of concession minerals for household purposes without a concession, providing no other person holds a concession within the area.

If a concession is granted to somebody else within an area where the owner of the property exploits deposits of concession minerals or other mineral substances for household purposes, the owner of the property has right to continue the operation on a reasonable scale, unless there is no special reason otherwise.

How exploration work may be conducted

Section 3.

Exploration work applies to minerals covered by the concession. To the extent that no other person holds a permit or a concession, the concession-holder may also explore other concession minerals within the concession area except oil, gaseous hydrocarbons and diamonds.

The provisions under Chapter 3, Sections 3-5 shall apply in respect of exploration work which is carried on in the open on land which is not assigned.

How exploitation work etc. may be conducted

Section 4.

Exploitation applies to minerals which are covered by the concession. The concession-holder may also extract other concession minerals or other mineral substances within the concession area to the extent that this is necessary for carrying out work in an appropriate manner. Of the material thus extracted, the concession-holder may use what is needed during the exploitation.

Section 5.

The concession-holder may utilize concession minerals covered by the concession which have been previously extracted unless otherwise prescribed in Chapter 13, Section 2, second paragraph.

Section 6.

The concession-holder may utilize such concession minerals and other mineral substances which cannot be separated prior to concentration or similar processing from the mineral covered by the concession.

The concession-holder may also utilize other extracted concession minerals and mineral substances than these referred to in the first paragraph if the owner of the land does not remove the mineral and pay the costs expended within six months of notification.

Section 7.

Exploitation may not be carried out in such a manner that the future mining of any concession mineral is jeopardised or the utilization of remaining known resources of such a mineral is rendered impossible or considerably more difficult. Exploitation may not be carried out so that there is evident mismanagement of minerals in other respects.

Transport roads and fencing etc.

Section 8.

Transport roads and areas leading to the unworked parts of the mine shall be kept open. Drill-holes for oil, gas or salt deposits shall be filled with muzzle protectors. The closing of such transport roads, areas or drill-holes requires special permission from the Mining Inspector.

Section 9.

The concession-holder shall erect and maintain necessary fences on land which is used for exploitation or activities connected therewith.

Impediments to exploration work and exploitation etc.

Section 10.

The provisions in Chapter 3, Sections 6 and 7 regarding impediments to exploration work shall apply on the one hand to exploration work which the concession-holder carries out as open-cut work on non-designated land, and on the other hand to exploration work and exploitation and activity connected therewith that the concession-holder executes below ground. This shall, however, only apply if the impediment has arisen before the concession was granted.

Section 11.

If several exploration permits or concessions are valid for the same concession area under this Act or under the Certain Peat Deposits Act (1985:620), operations or activities which are carried out on the basis of a prior right may not be obstructed or delayed by operations or activities carried out on the basis of a right which has originated later.

Chapter 6. Transfer, Relinquishing, Revocation and Amendment of Exploration Permits and Exploitation Concessions

Transfer

Section 1.

An exploration permit or an exploitation concession may be transferred following the consent of the authority responsible for examination. Consent may be granted, if the requirements are fulfilled which are stated in Chapter 2, Section 2, first paragraph sub-section 2 and the second paragraph relating to exploration permits. Consent relating to an exploitation concession may be granted, if the requirements are fulfilled which are stated in Chapter 4, Section 2, first paragraph 2 and the receiver furthermore can prove that he is suitable to carry out exploitation of the deposit.

Relinquishing

Section 2.

If an exploration permit-holder informs the Mining Inspector that he wishes to relinquish his right wholly or partially, the permit shall correspondingly cease to apply one month from the date on which his notification is received by the Mining Inspector.

If an exploitation concession-holder informs the Mining Inspector that he wishes to relinquish his right entirely, the concession shall cease to apply six months from the date on which his notification is received by the Mining Inspector.

If a concession-holder wishes to relinquish only for a certain portion of the concession area, he shall apply therefor to the consideration authority. The application may be granted only if the remaining portion of the concession area is suitable with regard to the mineral deposit, the purpose of the concession and other circumstances. If the application is granted, the authority responsible for examination shall prescribe the

conditions required to protect the public interest or individual rights or for the exploration, utilization and preservation of the natural resources in an appropriate manner

Revocation

Section 3.

An exploration permit or an exploitation concession may be revoked if the permit or concession-holder does not fulfil his obligations under this Act or the terms of the permit or concession, or if the permit-holder violates the conditions for permission for exploitation operations, or if there are other special reasons. **(1998:165)**

Amendments of conditions

Section 4.

If the activity in accordance with a concession gives rise to considerable inconveniences which was not foreseen when the concession was granted, the authority responsible for examination may determine the conditions for the continued operations which are necessary to prevent or reduce the inconvenience. The same shall apply in respect of operations for an exploration permit for oil, gaseous hydrocarbons and diamonds.

Otherwise, the conditions in an exploration permit or a concession may only be amended in accordance with the request or consent of the permit-holder or concession-holder.

In the case of such consideration, Chapters 3 and 4 of the Environmental Code shall apply. **(1998:845)**

Chapter 7. Compensation

Compensation for plaintiff

Section 1.

Damage or encroachment which is caused by exploration work shall be compensated by the holder of an exploration permit or concession by virtue of which the work is conducted.

Section 2.

The concession-holder shall compensate for damage or encroachment which is a result of land being taken in use for exploitation or activities connected therewith.

If particular disadvantage arises for a property or a part of it because land is utilized, the concession-holder shall acquire the property or the part of the property which sustains such disadvantage if the owner so requests.

Section 3.

Regarding the compensation and acquisition payment in accordance with Section 1 or 2, Chapter 4 and Chapter 5, Sections 23, 24 and 27, first paragraph, first sentence, of the Expropriation Act (1972:719) shall apply where relevant. The provisions of Chapter 4, Section 3 of the same Act shall apply herewith in respect of the increase in value accruing over the ten-year period prior to the date of the submission of the application for the designation of land.

Section 4.

This Act shall not apply in respect of damage or encroachment arising after the designation of land and which could not have been foreseen in this context.

Compensation in connection with revocation

Section 5.

If an exploration permit or an exploitation concession is revoked for special reasons under Chapter 6, Section 3, the permit-holder or concession-holder shall be entitled to receive compensation from the State for the damage he sustains in consequence of the revocation.

Chapter 8. Authorities Responsible for Examination etc.

Exploration permit and exploitation concession

Section 1.

Matters relating to the granting of an exploration permit or an exploitation concession shall be considered by the Mining Inspector unless otherwise stipulated under Section 2. **(1998:165)**

The Mining Inspector may decide a case relating to granting an exploration permit without anyone but the applicant being afforded an opportunity to express an opinion.

In matters relating to the granting of an exploitation concession, the Mining Inspector shall consult the County Administrative Board in the county or counties where the concession is situated as regards application of Chapters 3, 4 and 6 of the Environmental Code. The County Administrative Board may then decide on a special investigation in accordance with Chapter 2, Section 11, of the Act (1988:950) concerning Cultural Heritage Management, etc. **(1998:845)**

Section 2.

Cases relating to the granting of an exploitation concession shall be referred for consideration by the Government if

1) the Mining Inspector considers the matter of concession to be of special importance from point of view of the public interest or

2) the Mining Inspector, in applying Chapter 3 or 4 of the Environmental Code, finds reason to reject what the county administrative board has proposed. **(1998:845)**.

Section 3.

Other matters regarding exploration permits or exploitation concessions are examined by the Mining Inspector. **(1998:165)**

In matters regarding the extension of exploitation concessions in accordance with Chapter 4, Section 10, the Mining Inspector shall consult the County Administrative Board in the county or counties where the concession is situated as regards application of Chapter 3 and Chapter 4 of the Environmental Code. **(1998:845)**

Cases related to the extension of a exploitation concession in accordance with Chapter 4, Section 10, shall be referred for consideration by the Government if the Mining Inspector, in applying Chapter 3 or 4 of the Environmental Code, finds reason to reject what the county administrative board has proposed. Such referral shall also made in cases regarding revocation of an exploration permit or exploitation concession due to special

reasons under Chapter 6, Section 3, and other matters under this Section which the Mining Inspector considers to be of special importance from the point of view of the public interest. **(1998:845)**

Section 4.

The Mining Inspector shall inquire into and enclose a comment of his own in cases which he refers for consideration by the Government.

Section 5.

The Mining Inspector may, in investigating cases which are referred to in Sections 1-3, call on the assistance of experts for the consideration of questions which require special expertise. A person connected with the matter or with a plaintiff in such a manner as to put his reliability in question may not be called as an expert.

Reimbursement to experts shall be decided by the Mining Inspector. If an opinion is given by an authority, an employee in the public service or another person whose official duty is to give an opinion, reimbursement shall be paid only when this is specifically prescribed. The applicant shall reimburse the costs incurred by the State for compensation to experts.

Section 6.

The Mining Inspector may, in investigating matters referred to in Sections 1-3, conduct an investigation on the site if necessary. The interested parties shall be informed of the time and place for the investigation. The applicant shall pay the costs of the investigation.

Section 6 a.

If a concession for exploitation is applied for, ordainment of the need for investigation may be notified if the exploitation may cause substantial harm to agriculture or forestry and if the matter cannot be assessed in any other way.

Such ordainment is notified by the Swedish Board of Agriculture as regards agriculture, and by the National Board of Forestry as regards forestry.

Consultation with the County Administrative Board shall take place prior to notification.

The applicant for a concession shall defray the costs of such an investigation, but may be relieved partially or in whole from the obligation to provide such compensation if there are special reasons.

Compensation for the investigation is determined by the authority which has ordained that investigation is required.

Examination of certain disputes

Section 7.

The Mining Inspector shall, on application, consider disputes between a holder of an exploration permit or exploitation concession on the one hand and, on the other hand, the owner of the property or holders of rights regarding the rights and obligations of the permit-holder or concession-holder as regards exploration or exploitation work.

Section 8.

Disputes about compensation under Chapter 7, Section 1 shall be considered by the Mining Inspector. If such a dispute exists when the proceeding for designation of land is in progress, the matter shall be considered at the

proceeding. In disputes which are not considered at the proceeding for designation of land, the Mining Inspector may call on experts under the provisions in Section 5 and conduct a study on the site in accordance with the provisions in Section 6.

Section 9.

Disputes relating to questions referred to in Chapter 7, Section 2 shall be considered at the proceeding for designation of land.

Section 10.

Decisions pronounced under Section 8 or 9 are to be carried out.

Section 11.

Disputes about compensation under this Act in other cases than those referred to in Chapter 7, Section 1 or 2 shall be considered by the land court in whose area the concession area or the greater part thereof is situated.

Costs in certain disputes

Section 12.

In disputes which are referred to in Chapter 8, Section 7 and in disputes about compensation in accordance with Chapter 7, Section 1, the permit-holder or concession-holder shall reimburse the State for the costs in the case, in accordance with the directions issued by the Government.

Chapter 9. Proceeding for Designation of Land

General provisions

Section 1.

A proceeding for designation of land is held at the request of the concession-holder.

The land within the concession area which the concession-holder may utilize for exploitation of the mineral deposit is determined at the proceeding. Furthermore, a decision is taken regarding the land, within or outside the concession area, which the concession-holder may use for activities connected with the exploitation. The nature of the activity shall be stated in this connection.

Section 2.

If the concession-holder is in agreement with the owner of the land and the holders of special rights to the land, the land shall be designated in accordance with the agreement. Insofar as agreement has not been reached, the necessary land shall be designated. If an area within or outside the concession area is threatened by landslide or subsidence, such land may also be designated.

Designation may not apply to land within an area which is referred to in Chapter 3, Sections 6 and 7.

Section 3.

Land is assigned until further notice, unless the applicant requests otherwise.

The authority for the designation proceeding etc.

Section 4.

The proceeding for designation of land is held by the Mining Inspector (1998:165).

Two assessors shall also participate as executive officials if the Mining Inspector finds that this is necessary or when an interested party so requests and undue delay is not caused.

Section 5.

The Mining Inspector shall appoint assessors from amongst persons who are elected to act as assessors for the drawing-up of property lots in the locality.

Section 6.

If an assessor is prevented from serving due to a conflict of interests or because he is absent and if another assessor cannot attend without causing delay, the Mining Inspector may appoint a person who is eligible to act as an assessor in the drawing-up of property lots.

Section 7.

The provision in Chapter 4, Section 12 of the Code of Judicial Procedure on impediments for persons to serve simultaneously as judges if they are closely related with each other shall also apply to executive officials.

Section 8.

An executive official shall be subject to the same challenge as that applying to a judge.

Section 9.

If an interested party wishes to challenge an executive official on the grounds of conflict of interest, he shall raise such an objection on the first occasion he pleads in the matter after having learned that the executive official is serving and that there are grounds for challenge. If he fails to do so, his right to challenge shall be forfeited.

If a challenge is made to an executive official on the grounds of conflict of interest, such an official may only take such actions which cannot be postponed without significant inconvenience and which do not involve a decision in a matter of importance for the proceeding. However, such actions may be taken by the Mining Inspector even if he has been declared subject to conflict of interest.

The fact that an executive official is found to be subject to conflict of interest does not affect the validity of a decision or action taken before the question of challenge arose.

Section 10.

The authority responsible for the designation proceeding may call on experts to study questions which require special expertise. A person connected with the matter or with an interested party in such a way that his reliability can be questioned may not be called as an expert.

Application for designation of land

Section 11.

Applications for designation of land shall be made to the Mining Inspector in writing. The applicant shall, if so required by the Mining Inspector, make an advance payment in respect of reimbursement for the costs in the case.

Section 12.

If the application is incomplete or if the applicant has not paid the prescribed application fee or advance payment in accordance with Section 11, second paragraph, the Mining Inspector may order the applicant to rectify the deficiency.

If the applicant does not comply with the order in accordance with the first paragraph, the application shall be rejected if it is so incomplete that it cannot be made the basis for a proceeding without considerable inconvenience or if such negligence applies to the payment of an application fee or an advance payment.

Meeting with the interested parties etc.

Section 13.

At the proceeding, a meeting shall be held with the applicant and other interested parties. However, if there is no conflict of interest, a meeting is not required.

More than one meeting may be held only if a specific question cannot be decided without further study or if required for some other reason.

The authority for the designation proceeding may conduct an investigation on the site if necessary. The interested parties shall be notified of the time and place for the study in an appropriate manner.

Section 14.

All interested parties shall be summoned if a meeting is held. Notification shall be served in good time before the meeting. If the time and place for a new meeting is announced at a meeting, it shall not be necessary to summon the person who was statutorily summoned to the meeting at which the announcement was made.

Section 15.

If the owner of the property or his representative is permanently abroad and notification cannot be served through a representative in Sweden, notification may instead take the form of delivery of the document to whoever manages or uses the property.

A person who has received the document referred to in the first paragraph shall, if possible, immediately forward the document to the owner of the property or his representative. He shall be informed thereof when the document is delivered to him. If the whereabouts of the party are known, the Mining Inspector shall immediately inform the party by post of the notification served on him.

Notification shall be considered to have been served when the document has been delivered in accordance with the first paragraph.

Section 16.

The owner of a property affected by the application shall name to the Mining Inspector the parties interested in the question of the property who are known to him. The owner of a property who, without due cause, fails to do so shall pay compensation to the interested parties for the damages resulting from his omission.

Section 17.

If the applicant, although he has been summoned as prescribed, is absent from the first meeting without lawful excuse, the meeting shall be suspended. A new meeting shall be arranged if he so requests within three weeks. If he does not so request, the case shall be dismissed.

If an interested party has not been summoned to a meeting as prescribed, the meeting shall be postponed, unless he has presented himself or permits the proceeding to be concluded.

Notwithstanding the second paragraph, such measures may be taken in the proceeding which do not materially affect the rights of the interested party.

Section 18.

The proceeding may not be terminated until the decision has gained legal force.

Voting

Section 19.

If the executive officials hold differing opinions then the decision shall be accordance with the opinion of two of them. If each executive official has his own opinion, then the opinion of the Mining Inspector shall rule. As regards the question of money or other matters involving quantity, then the opinion supporting the second largest amount shall rule.

The costs of the proceeding

Section 20.

Reimbursement to experts shall be decided by the authority responsible for the designation proceeding. If an opinion has been given by an authority, public official or other person whose official duty is to give such opinion, reimbursement shall be paid only where this is specifically prescribed.

Section 21.

The applicant shall compensate the State for the costs of the proceeding in accordance with instructions issued by the Government.

The applicant shall pay his own costs and reimburse other interested parties for their costs for safeguarding their rights at the proceeding. However, this does not apply if otherwise implied by the application of Chapter 18, Section 6 or 8 of the Code of Judicial Procedure.

The content of the decision about designation of land

Section 22.

A decision for the designation of land shall state the situation, extent and purpose of the designated land and record decisions in disputes about reimbursement which have been considered at the proceeding in accordance with Chapter 7, Sections 1 or 2 . Furthermore the decision shall include the questions which are referred to in Sections 20 and 21.

If compensation for acquisition or encroachment is determined, the decision shall also specify whether a certain sum shall be deposited in accordance with Chapter 10, Section 2 and where such a deposit shall be made.

Section 23.

An agreement for compensation referred to in Chapter 7, Sections 1 and 2 shall be determined in the decision for designation of land, if any of the parties so requests.

Time for announcement of decision

Section 24.

The decision of designation of land shall be announced at a meeting or at a time and place notified by the authority for the designation proceeding to the interested parties and others who have the right of appeal against the decision. Such notification shall be given at a meeting or in writing.

Chart , Map,etc.

Section 25.

The boundaries of land assigned shall be staked out and demarcated to the extent necessary. A chart of the land shall be drawn up. It shall be carried out as accurately as required by the circumstances. However, if the proceeding can be held and the result of the proceeding be made clear without a chart, it is not necessary to draw up such a chart.

Prior to announcement of a decision of compulsory acquisition of a part of a property in accordance with Chapter 7, Section 2, second paragraph, a chart with a description shall have been drawn up for the area and its boundaries in the same manner as for the drawing up of property lots.

Access to land

Section 26.

The applicant may have access to the designated land before the decision of designation of land has gained legal force, if the applicant has furnished security for the compensation obligation referred to in Chapter 7, Sections 1 and 2 and if the Mining Inspector does not decide otherwise.

Chapter 10. Payment of Compensation etc.

Section 1.

Compensation decided at the proceeding for the designation of land shall be paid within one month from the date the decision of designation of land gained legal force. Such compensation shall also include interest from the day when the decision gained legal force or, from the date of access, if the applicant has had access to the land before this date .

Interest shall be calculated in accordance with the provisions in Section 5 of the Act of Interest (1975:635) for the period until payment has been made, and in accordance with Section 6 of the Act of Interest for the period thereafter.

Section 2.

Compensation which is referred to in Section 1 and which does not relate to personal injury shall be deposited with the Administrative Board of the County where the land is situated, if the property has decreased in value to the extent that it can be assumed that it does not constitute full security for the creditors who have a mortgage on the property when the right to compensation arose.

If the compensation applies to land situated in different counties, the compensation shall be deposited where the authority responsible for the designation proceeding decides.

Compensation which is not to be deposited shall be paid to whoever is entitled to the compensation. If the compensation applies to land which is to be compulsorily acquired, the party liable to pay compensation shall report to the Administrative Board of the County where the property is situated and demonstrate in this context that compensation has been paid. If the compensation applies to property in different counties, notification shall be made to the County Administrative Board which the authority for the designation proceeding decides.

Section 3.

If a creditor referred to in Section 2 suffers a loss because a deposit has not been made, he has right to reimbursement from the concession-holder. The same applies if the creditor suffers a loss because compensation which has not been considered at proceeding for the designation of land or by a court of law has been underestimated.

Section 4.

If the party liable to pay compensation fails to pay compensation or to deposit the compensation within the prescribed period, at the request of the party entitled to receive compensation, and after consulting the Mining Inspector, the County Administrative Board may stipulate that exploitation work may not be carried out until compensation has been paid or deposited.

Section 5.

Compensation and accrued interest shall be paid by the County Administrative Board to the person entitled to the compensation. In this connection the provisions of Chapter 6, Section 18, second and third paragraphs, together with Section 19 of the Expropriation Act (1972:719), shall apply.

The party liable to pay compensation shall defray the costs of the distribution of compensation unless otherwise implied in application of Chapter 18, Section 6 or 8 of the Code of Judicial Procedure.

Section 6.

Compulsory acquisition of land is completed when the concession-holder has fulfilled his obligations under Section 2.

Section 7.

If part of a property is compulsorily acquired, the amendment of the division of property shall be made when the compulsory acquisition is completed in accordance with Section 6. Such special rights to a property which have arisen as a result of voluntary transfers cease when compulsory acquisition of the property, or a part thereof which is affected by such a right, is completed in accordance with Section 6, unless the land court or the authority for the designation proceeding has prescribed that such a right shall continue. Such prescription may only be made when it is obviously of no importance for the rights of creditors with mortgages on the property.

Other special rights to the property than those which are stated in the second paragraph continue to apply after the compulsory acquisition, unless otherwise prescribed by the court or the authority responsible for the designation proceeding.

The liability of the acquired property with regard to claims ceases as a result of the compulsory acquisition. However, this does not apply to a claim which has precedence in accordance with Section 6, sub-section 1 of the Priority Right Act (1970:979).

Chapter 11

Excluded since 1st of July 1993

Chapter 12. Joint Administration of Concession Rights

Introductory provision

Section 1.

The provisions of this Chapter concern concessions where several persons have shares in the concession.

The provisions in Sections 4-9 only apply to the extent that the joint share-holders have not agreed otherwise.

Manager for the operations

Section 2.

The share-holders shall appoint a manager for the operation (mining manager). He shall reside in Sweden.

The appointment of the manager shall be notified to the Mining Inspector. If such notification is not made or if an unqualified person is appointed, each share-holder shall hold the same responsibility as if he were the manager.

Section 3.

As deputy for the share-holders, the manager shall be responsible for the undertaking of operations in accordance with the provisions in Chapter 5, Sections 4-11 and Chapter 14, Sections 4 and 5. He may claim from the share-holders the contributions needed for this purpose and for payment of fees.

Meeting with the share-holders

Section 4.

A meeting shall be held with the share-holders when share-holders who together hold at least one-fourth of the concession so request or if the manager considers it necessary. At this meeting, questions relating to the conduct of the operations and other matters of common interest shall be dealt with.

The manager shall call the meeting. If there is no manager or if he is unable to issue a summons for a considerable period of time, any of the share-holders may call a meeting.

The share-holders shall be summoned to the meeting by registered letter.

Section 5.

The chairman of the meeting is appointed by the share-holders. The share-holders shall have voting rights in accordance with their shares in the concession. If there are differences of opinion, the decision of the meeting shall be the opinion gaining the highest number of votes. If the number of votes is equal, a decision shall be taken by drawing lots if the question concerns election. In other questions, the chairman has casting vote if the number of votes is equal, unless otherwise implied by Section 6. However, a loan may not be raised unless all share-holders agree to this.

Exploration and exploitation

Section 6.

If one or more share-holders who together hold at least half of the concession wish to carry on exploration or exploitation work on a larger scale than the other shareholders, the larger scale work shall be carried out. The same shall apply when the question is whether a certain exploration or exploitation operation shall commence or not.

The person who has requested such operations shall be responsible for the costs for these operations and shall be awarded the additional quantity of mineral extracted as a result of the work.

Disputes relating to matters referred to in the second paragraph shall be considered by the land court in whose area the concession area or the greater part thereof is situated.

Section 7.

A share-holder who has carried out exploration work in the concession area shall, on request, furnish other share-holders with the results of his exploration.

Section 8.

A share-holder who has not participated in certain operations may participate in the operations following notification at a meeting or in writing to the manager. In such cases the share-holder shall pay costs of the following kinds incurred in the operations in proportion to his share in the concession:

- 1) costs in respect of such buildings and other installations, machinery, tools, inventories and stores, which are necessary or useful for further exploration or exploitation, according to the value of such property at the time the share-holder joins the operations,

- 2) costs for compensation or compulsory acquisition in accordance with Chapter 7, Section 2 and the costs of the proceeding for the designation of land and the distribution of the compensation,

3) costs in respect of such exploration and preparatory works carried out after the proceeding for the designation of land which are necessary or useful for further exploration or exploitation.

If land belonging to a share-holder is utilized for the operations, a share-holder joining the operations shall pay compensation for this in relation to his share in accordance with the principles laid down in Chapter 7, Section 3.

Forfeiture of a share in the concession

Section 9.

If a share-holder fails to pay his share of the costs under the provisions of Section 3 or his share of the necessary costs in respect of exploration or exploitation work within two months after payment has been requested, his share in the concession and the appurtenances thereto shall be forfeited to the other share-holders.

Chapter 13. Effect of Termination of an Exploitation Concession

Section 1.

When an exploitation concession is terminated, the concession-holder shall forfeit the right to land assigned to him under the land designation.

Section 2.

When the concession is terminated, the concession-holder shall also forfeit the right to the mineral referred to in the concession, which has been worked or extracted in any other manner but not brought to the surface or dealt with in similar way. Minerals which have been brought to the surface or dealt with in similar way may remain within the area on the concession-holder's account for not more than the two years after the concession has ceased to apply. The concession-holder shall forfeit his right to material not removed during this period.

Minerals to which the concession-holder forfeits his right under this Section and which are not covered by a new exploration permit or a new exploitation concession shall accrue to the owner of the property.

Section 3.

When an exploitation concession is terminated, the concession-holder forfeits his right to such constructions which have been erected for strengthening and maintaining the mine or equivalent plant, including the lining of drill-holes and the fence which the concession-holder has been required to provide. Such installations shall be left on the site.

Section 4.

To the extent that this is justified in the public or private interest, the concession-holder shall carry out after-work and remove other installations than those stated in Section 3. This provision does not involve any limitation of the concession-holder's obligations under Chapter 2, Section 8, or Chapter 10 of the Environmental Code.
(1998:845)

Section 5.

Installations which are not removed shall be in such condition that no danger to the public will occur. Such fencing referred to in Section 3 shall be erected so it will remain durable after the concession has been terminated.

Installations referred to in Section 3 which are left on the site shall accrue to the owner of the property or to whoever has later been granted a concession within the area. Other installations which are left shall accrue to the owner of the property.

Section 6.

In connection with the termination of the concession, the authority with responsibility for examination shall determine the duties of the concession-holder in accordance with Section 4.

Section 7.

If, after the concession has been terminated, it is desired to close such transport roads, drifts or drill-holes referred to in Chapter 5, Section 8, the permission of the Mining Inspector is required.

Section 8.

The Government may issue regulations regarding protective measures at mine-shafts or excavations which are closed and regarding control measures for protection against landslides or subsidence at mines which are closed.

Chapter 14. Fees and other Special Obligations

Fees

Section 1.

An applicant in matters under this Act shall pay an application fee in accordance with the Government's stipulations.

Section 2.

A holder of an exploration permit shall pay a fee to the State. The fee shall be decided with regard to the extent of the exploration area and the nature of the minerals which are covered by the permit in accordance with what the Government further prescribes.

Furnishing reports on exploration works carried out

Section 3 (1998:165)

When an exploration permit is terminated without the granting of an exploitation concession within the exploration area, if he is carrying on exploration work professionally the permit-holder shall submit a report of exploration works carried out to the Mining Inspector within not more than three months. A chart of the area explored shall be appended to the report. The report shall indicate

1. who has conducted the exploration work,
2. what kind of exploration work has been carried out,
3. how extensive the exploration work has been, and
4. the results of the exploration in the form of unprocessed data.

The Government or the public authority determined by the Government may stipulate more detailed provisions concerning the contents of the report and the manner in which it is drawn up.

Obligation to produce a chart and to keep records etc.

Section 4.

The concession-holder shall produce a chart of the mines and equivalent installations which are worked. The chart shall show the drill-holes within the concession area which are of permanent value. If no exploitation is in progress, such drill-holes shall instead be indicated on a drill-hole chart.

The charts shall be kept by the concession-holder and shall be continually updated by him. Extracts from the chart shall be submitted to the authority appointed by the Government.

Mines and equivalent installations may not be closed down without permission, until all mining operations have been surveyed and indicated on a chart.

Section 5.

The concession-holder shall, to the extent decided by the Government, keep a record of exploration work and exploitation and submit samples and furnish reports to the authority appointed by the Government.

The Geological Survey of Sweden shall on request be able to follow the concession-holder's operations in its geological aspects and to obtain information on the geological results of the operations. The Government may decide that other authorities can do the same.

Chapter 15. Supervision, Assistance, Penalties and Responsibility

Section 1.

The Mining Inspector shall exercise supervision of compliance with this Act and of conditions or regulations which are issued under the Act.

Section 2.

A person who holds an exploration permit or an exploitation concession and others carrying on activities covered by this Act shall at the request of the Mining Inspector

- 1) provide the Mining Inspector with such information and furnish such documents as are required for the supervision, and
- 2) give the Mining Inspector access to installations or places where activities covered by this Act are carried on, to the extent required for supervision.

Section 3.

The Mining Inspector may issue regulations to secure compliance with this Act or with conditions or provisions which are issued under the Act.

If work is carried on in such a manner that evident danger to public or private interests arises, the Mining Inspector may prohibit the work. Such prohibition takes immediate effect and may be implemented.

Section 4.

If exploration work is commenced without security for compensation being provided in accordance with Chapter 3, Section 5, third paragraph or if installations are erected contrary to the provisions in Chapter 3, Section 3,

second paragraph, the district court may on application from the owner or holder of the land, order the work to be suspended or the construction to be removed at the expense of the person carrying on exploration work.

In respect of measures referred to in the first paragraph, the relevant regulations are contained in section 17 of the Executory Assistance Act (1991:847).

Section 5.

If a person does not act as required or comply with what has been prescribed by virtue of Section 2 or Section 3, first paragraph or if a person does not fulfil his obligations in accordance with Chapter 13, Section 4 or 5, first paragraph or in accordance with Chapter 14, Section 3, Section 4 first or second paragraph or Section 5, the Mining Inspector may order a fine.

If the concession-holder does not fulfil his obligations in accordance with Chapter 13, Section 4, the Mining Inspector may order that the work or the measure shall be carried out at the expense of the concession-holder. Such decision may be implemented.

Section 6.

Fines or imprisonment for a maximum period of six months shall be imposed upon a person who willfully or through negligence

- 1) carries on exploitation work contrary to the provisions regarding requirement of an exploration permit or an exploitation concession,
- 2) commences exploration work without observing the provisions of Chapter 3, Section 5, relating to notification and the provision of security
- 3) carries out exploitation work or other connected activities contrary to the provisions of the exploitation concession,
- 4) closes transport roads, areas or drill-holes contrary to the provisions requiring permission in Chapter 5, Section 8 or Chapter 13, Section 7 or
- 5) closes down a mine or equivalent installation contrary to Chapter 14, Section 4, third paragraph.

A sentence of fines or imprisonment for not more than six months shall also be imposed on a person who deliberately or through gross negligence supplies incorrect information when he fulfils obligations to provide information in accordance with the provisions of the concession or in accordance with Section 2, sub-section 1.

In cases mentioned in first paragraph, sub-section 3, a mineral which has been extracted may be declared forfeited.

If offences referred to in the first paragraph, sub-section 2 solely affect the rights of a private person, the public prosecutor may only institute proceedings if the injured party reports the offence for prosecution.

Chapter 16. Appeal against Decisions

Section 1.

In respect of appeal against decisions in accordance with this Act, the following shall apply:

Decision

Appeals with

Decisions of the Inspector of Mining on questions which to exploration permits

The Administrative Court of Appeal

Decisions of the Inspector of Mining on questions which apply to the granting of an exploitation concession, permission to transfer a concession or amendment of the conditions for a concession

The Government

Decisions of the Inspector of Mining on questions of extension of the period of validity for an exploitation concession in accordance with Chapter 4, Section 10

The Government

Decisions of the Inspector of Mining on other questions concerning an exploitation concession

The Administrative Court of Appeal

Permission by the Inspector of Mining to build a road in accordance with Chapter 3, Section 3, second paragraph

The Geological Survey of Sweden

Decision of the Inspector of Mining in questions covered by Chapter 3, Section 7

The County Administrative Board

Advance notice by the Inspector of Mining in accordance with Chapter 4, Section 9, third paragraph

The Geological Survey of Sweden

Permission from the Inspector of Mining to close transport roads, drifts or drill-holes in accordance with Chapter 5, Section 8 or Chapter 13, Section 6

The Geological Survey of Sweden

Decisions of the Inspector of Mining in matters of compensation in accordance with Chapter 7 Section 1

The Land Court within whose area the property which is subject to dispute, or the greater part thereof, is situated
Decisions of the authority responsible for the designation proceeding in accordance with Chapter 8, Section 7

The Land Court within whose area the property which is subject to dispute, or the greater part thereof, is situated
Decisions of the authority responsible for the designation proceeding in matters concerning the designation of land

The Land Court within whose area the property which is subject to dispute, or the greater part thereof, is situated
Permission by the Inspector of Mining to shut down a mine or equivalent installation in accordance with Chapter 14, Section 4, third paragraph

The Geological Survey of Sweden

Decisions of the Inspector of Mining on other questions under this Act

The Administrative Court of Appeal

Decisions of the County Administrative Board on questions referred to in Chapter 3, Section 6

The Government

Decisions of the County Administrative Board on questions regarding the examination of safety matters in accordance with Chapter 17

The Administrative Court of Appeal

Decision by the Swedish Board of Agriculture or by the National Board of Forestry in accordance with Chapter 8, Section 6a, first or fourth paragraph

The Administrative Court of Appeal

Section 2.

Appeals against decisions regarding proceedings for the designation of land may be lodged separately if the authority for the proceeding has

- 1) disallowed a challenge on the grounds of conflict of interest with respect to an executive official,
- 2) decided regarding reimbursement to an expert or interpreter, or
- 3) decided upon the utilization of land under Chapter 5, Section 1, fourth paragraph.

There is no appeal against a decision by the authority responsible for the designation proceeding to accept an objection to a challenge on the grounds of conflict of interest.

Section 3.

A person who considers that a proceeding for the designation of land has been unnecessarily delayed by a decision at the proceeding may lodge an appeal at the land court. This right to appeal is not restricted to a certain period.

Section 4.

Appeals against a decision by the Mining Inspector regarding the granting of an exploitation concession also may be lodged by the municipality in which the exploitation concession is located.

If a decision by the Mining Inspector in a question covered by Chapter 3, Section 7 refers to an area with detailed plan or regional provisions, appeals against the decision may also be lodged by the municipality.

Section 5.

A decision of the Geological Survey of Sweden in accordance with Section 1 is final.

The decisions of the county administrative board in matters of appeal in accordance with Chapter 3, Section 7 are final. This also applies to decisions of the land court in cases subject to appeal concerning challenge on the grounds of conflict of interest concerning an executive official.

Section 6.

If appeals are lodged against decisions by the Mining Inspector in matters of compensation in accordance with Chapter 7, Section 1, or in disputes in accordance with Chapter 8, Section 7, or against decisions of the authority for the designation proceeding for land, the permit or concession holder shall defray his own costs in the land court and in the superior court. A permit or concession holder shall also defray the costs incurred by his counterparts in the land court because the permit or concession holder has lodged an appeal against the decision of the Mining Inspector and in a superior court because an appeal has been lodged there. However, this shall not apply if otherwise implied by Chapter 18, Section 6 or 8 of the Code of Judicial Procedure. In other respects, Chapter 18 of the Code of Judicial Procedure shall apply.

Chapter 17. Special Provisions

Section 1.

For the purpose of this Act, special rights to a property shall mean usufructuary rights, easements, reindeer breeding rights and the right to electric power and similar rights.

The provisions in this Act relating to interested parties do not apply to holders of claims against the property.

Section 2.

If security to be lodged in accordance with the provisions of this Act is not approved by the person in whose favour it is lodged, the matter of security shall be considered by the county administrative board.

Security may be approved by the county administrative board only if the guarantor is accountable for his own debts or, if several persons have issued personal guarantees, they are accountable jointly and severally.

The State, a municipality, a county council or a local government federation need not provide security.

Section 3.

In other cases than those referred to in Chapter 3, Sections 6 and 7, the Government may decide that exploration work or exploitation and other connected activities may not be carried out within a certain area without the permission of the Government or the authority appointed by the Government. Such decision may only be issued if the operations or the activities can be assumed to impede or significantly obstruct such current or planned use of the land which is of major importance from the point of view of the public interest.

A decision in accordance with the first paragraph does not affect the right of a concession-holder to carry on exploration work or exploitation and other connected activities, if the concession is granted before the decision was issued.

Entry into force and transitional provisions. (1998:218)

1. This Act enters into force on July 1, 1998.
2. The new provisions contained in Chapter 2, Sections 9a and 9b of the Minerals Act do not apply to exploitation concessions granted by the Mining Inspector prior to July 1, 1998.
3. The former wording of Chapter 14, Section 3, of the Minerals Act continues to apply to exploration permits granted prior to July 1, 1998.

Entry into force and transitional provisions (1998:845)

1. This Act enters into force on January 1, 1999.
2. Cases initiated prior to entry into force of this Act, are to be processed and assessed on the basis of earlier provisions.
3. Chapter 1, Section 8, is to continue to apply in cases in which the Government has granted a permit prior to entry into force of this Act.
4. The prohibition in Chapter 3, Section 6, first paragraph, on exploration work in contravention of regulations concerning nature reserves does not apply to areas designated as nature conservation areas on December 31,

1998. However, the prohibition is to apply if a regulation preventing exploration work is issued subsequent to this date.