

Mines and Minerals (Licences) Regulations [Cap 190]

Commencement: 1 September 1986

MINES AND MINERALS (LICENCES) REGULATIONS

Order 26 of 1986

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SCHEDULE 1 – Form of Exploration Licence

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To make provision concerning the application for and grant of exploration and prospecting licences.

1. Application for licence

All applications for the grant or renewal of an exploration or prospecting licence under the Mines and Minerals Act Cap., 190 (“the Act”) shall be made to the office of the Commissioner for Mines and Minerals, Port Vila.

2. Plan to accompany application

All applications for the grant of an exploration licence shall be accompanied by a plan of sufficient scale as to enable the area concerned to be properly identified.

3. Area applied for

All applications for the grant of a prospecting licence shall be –

- (a) for an area whose boundaries are straight lines running to the North-South and East-West;

(b) for one piece of land whose total area does not exceed 100 km²; and

(c) accompanied by a plan of a scale not less than 1:100,000 (one to one hundred thousand) showing the area applied for and also giving the latitude and longitude of the comers of the area.

4. Exhibiting application

The Minister shall not grant any exploration or prospecting licence unless a copy of the application has been exhibited for a period of not less than 30 days at the headquarters of every Area Council having land which is the subject of the application, and the Minister has taken such other steps (if any) as he thinks appropriate to publicise the application and shall take into account any objections received, either then or at any other time, in deciding the application, but may reject the application whether or not any objections are received.

5. Fee for exploration licence

The fee payable for an exploration licence shall be VT10 per km² per year payable in advance.

6. Fee for prospecting licence

The fee payable for a prospecting licence shall be VT 50 per hectare per year payable annually in advance.

7. Form of licence

A licence shall be in the form set out in Schedule 1 or 2.

8. Licence not transferable

A licence is not transferable except with the consent in writing of the Minister, who shall only grant such consent if he is satisfied as to the status of the new licensees as he should be for the grant of a new licence.

9. Minister may revoke licence

In the case of a prospecting licence, the Minister may revoke the licence if prospecting has not begun within 3 months of the granting of the licence.

10. Address of licensee for service of notice

The licensee shall maintain, for the whole period of the licence, an address in Vanuatu at which notices can be served, and shall notify the Minister of that address and of any change.

SCHEDULE 1

(regulation 7)

FORM OF EXPLORATION LICENCE

REPUBLIC OF VANUATU

EXPLORATION LICENCE NO. _____

1. The Minister exercising his powers under section 15 of the Mines and Minerals Act Cap. 190 (“the Act”) and all other necessary powers, hereby grants to

(“the Licensee”) the non-exclusive rights to conduct exploration operations in the area set out in Annex 1 for a period of ____ beginning _____ and ending

_____.

2. This licence is subject to the conditions and provisions of Annex 2, as well as all conditions imposed by law.

3. The Licensee shall carry out exploration in accordance with the provisions of the Act and any regulations, and in accordance with the programme of exploration work set out in Annex 3.

DATED this ____ day of _____, 20 ____.

Minister

ANNEX 1

(Description of area as set out in original application)

ANNEX 2

1. Any terms defined in the Act shall have the same meaning in this Annex.

2. This licence does not give the Licensee any right to a prospecting licence or a mining licence.

3. The Licensee shall not, without the written permission of the Minister and subject to any conditions in that permission, remove any mineral from the area of licence except for the purposes of having it analysed, determining its value, or conducting tests on it.

4. All unskilled employees of the Licensee in Vanuatu shall be citizens of Vanuatu.
5. (1) If the Licensee is a body corporate, it shall notify the Commissioner of any new appointment in its board of directors within 30 days of such appointment;

(2) If the Minister determines that such appointment is likely to be prejudicial to the interests of Vanuatu, he may require the Licensee to revoke such appointment failing which the Minister may cancel this licence forthwith.
6. This licence is not transferable except with the consent in writing of the Minister.
7. The Licensee may at any time relinquish all or any part of the area of licence by written notification to the Commissioner, but no monies paid shall be refundable in these circumstances.
8. This licence shall terminate, in respect of any area of licence, if a prospecting licence is granted in respect of that part.

ANNEX 3

PLAN OF WORK

SCHEDULE 2

(regulation 7)

FORM OF PROSPECTING LICENCE

REPUBLIC OF VANUATU

PROSPECTING LICENCE NO. _____

1. The Minister exercising his powers under section 20 of the Mines and Minerals Act Cap. 190 (“the Act”) and all other necessary powers, hereby grants to

(“the Licensee”) the exclusive rights to prospect for

in the area set out in Annex 1 for a period of _____ beginning _____ and ending _____.

2. This licence is subject to the conditions and provisions of Annex 2, as well as an conditions imposed by law.

3. The Licensee shall carry out prospecting in accordance with the provisions of the Act and any regulations, and in accordance with the programme of prospecting operations set out in Annex 3.

DA TED this ____ day of _____, 20__.

Minister

ANNEX 1

(Description of land by reference to longitude and latitude)

ANNEX 2

1. Any term defined in the Act shall have the same meaning in this Annex.
2. All unskilled employees of the Licensee in Vanuatu shall be citizens of Vanuatu.
3. (1) If the Licensee is a body corporate, it shall notify the Commissioner of any new appointment in its board of directors within 30 days of such appointment;

(2) If the Minister determines that such appointment is likely to be prejudicial to the interests of Vanuatu, he may require that Licensee to revoke such appointment, failing which the Minister may cancel this licence forthwith.
4. The Licensee shall backfill or otherwise make safe any excavation made during the course of a prospecting operation to the satisfaction of the Commissioner.
5. Unless the Commissioner otherwise specifies, the Licensee shall remove, within 60 days of

the expiry of the licence, any camp, temporary buildings or machinery erected or installed by him, and repair or otherwise make good any damage to the surface of the ground occasioned by such removal, to the satisfaction of the Commissioner.

6. This licence is not transferable except with the consent in writing of the Minister.

7. The Licensee may at any time relinquish all or any part of the area of licence by written notification to the Commissioner, but no monies paid shall be refundable in these circumstances.

8. The Licensee shall keep, to the satisfaction of the Minister, full and accurate records of his prospecting operations and shall supply to the Commissioner, at least every 3 months during the term of the licence, copies of such records, together with any reports prepared as a result of such records.

9. Drill cores shall be retained in suitable core boxes, which shall be provided at the expense of the Licensee but which, together with the cores they contain shall become the property of the Government of Vanuatu on the termination of this licence or the relinquishment of any area of licence. The cores and the location and geological horizon of origin of the core shall be clearly identified on the box with paint.

ANNEX 3

PLAN OF WORK