

Geothermal Energy (Prospecting Licences) Regulations [Cap 197]

Commencement: 23 November 1987

GEOTHERMAL ENERGY (PROSPECTING LICENCES) REGULATIONS

Order 54 of 1987

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

1. Applications

(1) All applications for the grant or renewal of a prospecting licence under the Geothermal Energy Act, Cap. 197 (the Act) shall be made to the office of the Director of Geology, Mines and Rural Water Supply, Port Vila.

(2) 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 corners of the area.

2. Minister's powers

The Minister shall not grant any 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.

3. Fee

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

4. Prospecting licence

A prospecting licence shall be in the form set out in the Schedule.

5. 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 would be for the grant of a new licence.

6. Revocation

The Minister may revoke the licence if prospecting has not begun within 3 months of the granting of the licence.

7. Licensee's address in Vanuatu

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

FORM OF PROSPECTING LICENCE

REPUBLIC OF VANUATU

GEOTHERMAL PROSPECTING LICENCE NO. _____

1. The Minister, exercising his powers under section 11 of the Geothermal Energy Act, Cap. 197 (the Act), hereby grants to

("The Licensee")

the exclusive right 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 all 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.

DATED this _____ day of _____, 20_____.

Minister

ANNEX 1

Prospecting Area

ANNEX 2

Conditions of Licence

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 Director of any new appointment to 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.
4. The Licensee shall backfill or otherwise make safe any excavation made during the course of a prospecting operation to the satisfaction of the Director.
5. Unless the Director 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 Director.
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 Director, but no monies paid shall be refundable in these circumstances.

8. The Licensee shall keep, to the satisfaction of the Director, full and accurate records of his prospecting operations and shall supply to the Director, 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.

ANNEX 3

PLAN OF WORK