

CHAPTER 226

MINES AND MINERALS (GENERAL) REGULATIONS

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CHAPTER 226

MINES AND MINERALS (GENERAL) REGULATIONS
(Section 119)

Ch. 183.
34 of 1994.

[30th April, 1994.]

PART I
PRELIMINARY

1. These Regulations may be cited as the Short title.

MINES AND MINERALS (GENERAL) REGULATIONS.
2. (1) In these Regulations, unless the context otherwise requires, Interpretation.

“Board” means the Board constituted under Part X of the Act;

“the Act” means the Mines and Minerals Act. CAP. 226.

(2) The words and expressions used in these Regulations shall have the meanings respectively assigned to them in the Mines and Minerals Act. CAP. 226.

PART II
NON-EXCLUSIVE PROSPECTING LICENCE

3. (1) Every person who desires to prospect for the purpose of locating claims shall apply for a non-exclusive prospecting licence, either personally or in writing to the Inspector. Application for non-exclusive prospecting licence.
- (2) An application under paragraph (1) above shall contain the following particulars:-

- (a) the full name and address of each person applying for the licence;
- (b) the name, style or form, if any, by which it is intended that the prospecting is to be carried on;
- (c) a permanent residential address in Belize at which all notices and other processes necessary for the purpose of these Regulations may be served; and
- (d) a statement that the applicant is over eighteen years of age;

Second Schedule. and every application shall be accompanied by the fee specified in the Second Schedule to these Regulations.

(3) Where an application for a non-exclusive prospecting licence is made by a company or corporation, the applicant shall provide the Inspector with all the evidence required to demonstrate that the application is in compliance with section 71 of the Act.

Issue of non-exclusive prospecting licence.

4. (1) The person holding a non-exclusive prospecting licence shall be subject to all the obligations imposed under the Act and these Regulations.

(2) The Inspector shall not issue a non-exclusive prospecting licence to any person who is a minor, and where any licence is issued to a minor it shall be deemed null and void.

CAP. 297.

(3) The Inspector may refuse to issue a non-exclusive prospecting licence to any person convicted of an offence under the Labour Act.

(4) Where the Inspector refuses to issue a licence under paragraph (3) above, the applicant may appeal to the Minister whose decision shall be final.

(5) A person may hold only one non-exclusive prospecting licence, and any other non-exclusive prospecting licence issued contrary to this Regulation shall be null and void.

(6) Subject to the Act and these Regulations, the Inspector may issue a non-exclusive prospecting licence to the applicant in Form 1 of the First Schedule to these Regulations. First Schedule.

(7) The Inspector may decide to revoke any non-exclusive prospecting licence, by notifying the licence holder in writing giving the reasons for such revocation and the licence holder may appeal the Inspector's decision to the Minister whose decision shall be final.

5. (1) The Inspector shall keep a proper record of the particulars of all non-exclusive prospecting licences. A certified copy of such record shall be given to any person on payment of the fee specified in the Second Schedule. Recording of particulars.

(2) A licence holder shall give notice in writing to the Inspector of any changes in his registered address and upon receipt of such notice, the Inspector shall duly record such change of address.

(3) The production of a copy of a non-exclusive prospecting licence certified by the Inspector shall be proof that the non-exclusive prospecting licence was issued to the holder on the date stated thereon and such certificate shall be *prima facie* evidence that the particulars were given by the licence holder.

6. (1) Any person exploring or prospecting the ground without a non-exclusive prospecting licence or who refuses or neglects to produce such licence after having received notice from any authorised officer commits an offence and shall be liable on summary conviction to a fine of five hundred dollars (\$500) and for each day that the offence continues after notice has been given under these Regulations, to a further fine of two hundred dollars (\$200). Offence and penalty.

(2) Where a person is given notice under paragraph (1) above, it

shall not be necessary for an authorised officer to prove that such person was searching for minerals.

PART III
PEGGING OF CLAIMS

- Pegging claims. 7. The holder of a non-exclusive prospecting licence may peg claims provided that:-
- (a) the land has not previously been pegged pursuant to these Regulations; or
 - (b) the land has not been reserved by notice published in the *Gazette*; or
 - (c) in respect of any land within two hundred meters of the boundaries of any district, the written consent of the local authority having control over the district has been given.
- Number of claims. 8. No person shall peg more than three claims except with the written consent of the Inspector.
- Size and shape of claim. 9. No claim shall be more than eight hectares in area and shall be rectangular or polygonal in shape and shall only be granted to a depth consistent with the safe conduct of the mining activity described in the application approved pursuant to the Act and these Regulations.
- Marking boundaries. 10. (1) All boundaries of a claim shall be marked as follows:-
- (a) by a tree or by a corner post or beacon, not less than six inches in diameter, and not less than five feet out of the ground, at each corner of the claim, and by lines distinctly defined from the corner by

a path not less than four feet wide, and

(b) by a fastened board on each tree, corner post or beacon, not less than nine inches by six inches and in the case of a river location, not less than three feet by two feet, to be called a location board, on which shall be plainly marked:-

- (i) the name of the licence holder marking the location;
- (ii) the date of the marking;
- (iii) the number of the non-exclusive prospecting licence under which the location is made;
- (iv) the name of the area and the district in which the location is made; and
- (v) within one month after the issue of the Registration Certificate, the number and date thereof.

(2) No paper or material attached to a location board which can be erased shall be used as a proper marking.

(3) Every holder of a Registration Certificate shall keep the boundaries of his claim distinctly marked as provided under this Regulation and shall keep all location boards in proper order.

11. (1) Any licence holder who contravenes the provision of paragraph (2) of Regulation 10 above, commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars (\$500) or to imprisonment for a term not exceeding six months, or to both.

Offence and
penalty.

(2) It shall not be an offence under this Regulation where a person holding a group of contiguous claims for which Registration Certificates have been issued, does not keep the boundaries of each claim distinctly marked, provided that the external boundaries of the whole group are kept distinctly marked and the location boards are kept as required under Regulation 10 above.

(3) Any person who destroys, defaces, or removes, either wholly or in part, any tree, post, beacon, location board, or other marking of a claim, whether in the exercise of any right as regards such claim or otherwise, or procures any other person to do so, commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars (\$500) or to imprisonment for a term not exceeding six months, or to both.

Removal of
boundary
demarcation by
Inspector.

12. It shall be lawful for the Inspector, in cases where:-

- (a) a claim has been cancelled under section 78 of the Act; or
- (b) a claim has been abandoned under Regulation 21; or
- (c) the period for filing notice has expired without notice having been filed; or
- (d) in the opinion of the authorised officer the date of location has been altered with intent to defraud; or
- (e) a claim has been re-located without the permission of the Inspector;

to pull down, destroy or obliterate any beacons, location boards, or other marks erected to demarcate the boundaries of any claim.

13. Every person who, having located a claim:-

Offence and
penalty.

- (a) alters the date of location on any location board;
or
- (b) re-locates such claim without having previously
obtained the permission in writing of the Inspector,

commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars (\$500) or to imprisonment for a term not exceeding six months, or to both.

14. (1) Any person who locates a claim shall, within seven days thereafter, file an application for registration of the claim in duplicate with the Inspector in Form 2 of the First Schedule containing -

Application for
certificate.
First Schedule.

- (a) the name of the person making the claim;
- (b) the date on which the claim was pegged;
- (c) a description of the ground located and its situation
in order to enable the claim to be identified by an
authorised officer; and
- (d) a request to mine for the mineral discovered,

and shall pay the fees for registration of the claim specified in the Second Schedule.

Second Schedule.

(2) Where an application is not filed in accordance with paragraph (1) above, the claim shall be null and void and it shall be deemed that the area has not been pegged provided that the person whose location is annulled by this Regulation shall not relocate the claim without the written permission of the Inspector.

Duty to record/
publish application.

15. On receiving an application made pursuant to Regulation 14 above, the Inspector or authorised officer, shall:-

- (a) make a record of the application noting the time and date on which it was received; and
- (b) cause the application to be published in three consecutive issues of the *Gazette*.

Validity of claims
and non-
refundable fees.

16. (1) The acceptance by the Inspector or an authorised officer of an application, and publication thereof, shall not affect the validity of the pegging of such claims and no claim shall be deemed valid unless it satisfies the requirements of these Regulations.

(2) Where any location of a claim is deemed to be null and void under these Regulations, neither the fee paid on filing the application nor the amount deposited or paid as rent in respect of the claim shall be refunded.

Registration of
claim.

17. Where no objection is made or if there is a decision pursuant to Part X of the Act in favour of an applicant, the Inspector shall record the claim and issue a Certificate of Registration of Claim to the applicant.

Conditions of
claim.

18. The Certificate of Registration of Claim shall include as conditions that the holder of the Certificate:-

- (a) shall mine to the depth outlined in the approved application; and
- (b) shall rehabilitate or restore and reforest any part of the claim that may have been damaged by prospecting or mining operations; and
- (c) shall fill, seal or fence-off excavations, shafts and tunnels;

and may include any other requirement that the Inspector may, in a particular case, determine.

19. The occupation of all land for the purpose of being worked as a claim shall be subject to the rights of any person to pass through such land and have access to any land beyond, and to any timber or water rights issued pursuant to any legislation. Rights of access.

20. (1) On the third week in the month of April in each year, the Inspector shall publish in the *Gazette*, a list of claims for which rents have not been paid, up to and including the 31st day of March in that year. Publication of unpaid claims.

(2) All claims on which rent has not been paid as published under paragraph (1) above, shall be deemed to be abandoned for non-payment of rent, and the lands upon which such claims were pegged shall be open from the 1st April next following, provided that nothing in this paragraph shall prohibit any subsequent list of claims abandoned.

21. Every person who desires to abandon a claim shall send written notice as such to the Inspector of his intention to abandon such claim. The Inspector shall publish such claim in three consecutive issues of the *Gazette* and the land upon which such claim was pegged shall be open after the expiration of one month from the date of the last publication of notice. Abandonment of claim.

22. A person wishing to renew his claim shall apply in writing to the Inspector for renewal of the claim and such application shall be made on the first working day in January of each year, but in no circumstances later than the 31st day of March in each year, and the application shall be accompanied by the fee specified in the Second Schedule. Renewal of application.

PART IV
QUARRY PERMIT

Application for
quarry permit.
First Schedule.
Second Schedule.

23. (1) An application for a quarry permit and any renewal thereof shall be made in Form 3 of the First Schedule and shall be accompanied by the fee stipulated in the Second Schedule.

(2) An applicant for a quarry permit shall provide the following information:-

- (a) a plan of the area in which the proposed quarry is located indicating the size and parameters of the area;
- (b) information on the ownership of the land in the area where the quarry is located; and
- (c) if the applicant is not the owner, an agreement with the owner allowing the applicant to use the land.

(3) Upon receiving an application under this Regulation, the Inspector shall file the application and give notice to the owner of the area in which the proposed quarry is to be located.

(4) The Inspector shall review the application and ensure that all information required pursuant to section 80(2) of the Act is provided, and upon being satisfied with such information, the Inspector shall grant the quarry permit and give notice that the holder must complete an official survey of the quarry area within thirty days of the grant of the permit.

(5) An applicant for a quarry permit may also make an application for recording the area as a Registered Quarry pursuant to section 82 of the Act by filing the form prescribed as Form 3 of the First Schedule.

First Schedule.

24. A quarry permit shall include as conditions that the holder -

Conditions of
quarry permit.

- (a) shall mine to the depth outlined in the approved application; and
- (b) shall rehabilitate, restore and reforest any part of the quarry that may have been damaged by prospecting or mining operations; and
- (c) shall fill, seal or fence-off excavations, shafts and tunnels; and
- (d) shall not commence mining until the survey required pursuant to Regulation 23(4) above, is completed; and
- (e) shall pay the fees specified in the Second Schedule at the time requested by the Inspector; and

Second Schedule.

may include any other requirement that the Inspector may, in any particular case, determine.

PART V

MINERAL RIGHT AND OBJECTIONS

25. (1) An application for a mineral right or renewal thereof shall be made to the Inspector in the form prescribed as Form 4 of the First Schedule and shall be accompanied by the fee specified in the Second Schedule.

Application for
mineral right.
First Schedule.
Second Schedule.

(2) Upon receiving an application under paragraph (1) above for a mineral right, the Inspector shall review such application and, where accompanied with all documentation required by the Act, shall record the application and enter the time and date of such application.

(3) Within ten working days of receipt of the application, the Minister shall give notice directing the applicant to publish details of the application pursuant to section 10(3) of the Act.

(4) An application for a mineral right shall include all documentation and plans required pursuant to the Act.

(5) An application for a mineral right shall be accompanied by the surface rental fees for the first year of the term of such right as stipulated in the Second Schedule.

(6) The surface rentals for the remaining term of the mineral right shall be paid on each anniversary of the date of issue of the mineral right. In the event a rental is not paid on the anniversary date, the Inspector shall give notice to the holder of the mineral right and within fourteen days of the date of such notice, the holder shall pay the rental fees. If after notice, such fees are not paid, the Minister shall give notice pursuant to section 55 of the Act.

Grant of mineral
rights.
First Schedule.

26. (1) A mineral right shall be granted in accordance with the provisions of the Act and these Regulations and shall be as set out in Form 6 of the First Schedule.

(2) Any mineral right granted by the Minister will include, as terms and conditions, all plans and documentation approved by the Minister and any agreement executed between the Government of Belize and the holder of the mineral right.

Objections.

27. (1) Any person wanting to object to the approval for a claim, quarry permit or mineral right, shall file an objection in writing with the Inspector, giving the reasons for objection within 10 days of the last date on which the application was published in the *Gazette*.

(2) An objection under paragraph (1) above, shall be made in duplicate form and shall be accompanied by a non-refundable fee of one

hundred dollars (\$ 100) in respect of each application to which an objection is made.

(3) Every person who files an objection shall serve a copy of the objection at the registered address of the applicant within three days after filing such objection and the procedure to be followed shall, *mutatis mutandis*, be in accordance with Part X of the Act.

PART VI

ROYALTY AND TRANSFERS

28. (1) Subject to section 85 of the Act, the holder of a mining licence or a claim shall pay to the Government a royalty in respect of any mineral obtained in the area of such mining licence. Royalty payable for mineral.

(2) Royalty shall be payable pursuant to paragraph (1) above at the rate of not more than:-

- (a) five percent (5 %) of the ex-mine value of gold, silver, platinum and other precious minerals; and
- (b) three percent (3 %) of the ex-mine value of all other minerals.

(3) In this Part,

“ex-mine value” means the sales price in arm’s length transactions of the F.O.B. value of the mineral less transportation cost to the port of export from Belize or place of disposition in Belize;

“arm’s length transaction” means a sale or transaction where:-

- (a) the buyer and the seller in negotiating the sale have sought to promote their own best interests in

accordance with fair and honest business;

- (b) the consideration expressed in the agreement for sale is the only consideration for the sale; and
- (c) the price and other terms of the sale have not been affected by, nor determined as a consequence of, any other agreement or any direct or indirect relationship (other than the relationship created by the agreement for sale between the sellers or shareholders of the seller, or a company in which the seller is a shareholder, and the buyer or shareholder of the buyer, or a company in which the buyer is a shareholder).

(4) Every holder of a mining licence shall submit to the Inspector, within thirty days after the expiration of every quarterly period in a calendar year, the amount of royalty in respect of any mineral obtained or sold in the area of the mining licence.

(5) Upon payment of royalty as provided by this Regulation, the Inspector shall issue a receipt certifying the amount of royalty paid.

(6) In the event that the holder of the mineral licence fails to pay the royalty as provided, the Minister shall charge interest amounting to one percent per day of the amount of the royalty owing for each day that the offence continues after notice has been given.

Transfers.
First Schedule.
Second Schedule.

29. (1) The transfer of a mineral right shall be done by making an application in the form prescribed as Form 5 in the First Schedule and the application shall be accompanied by the fee specified in the Second Schedule.

(2) Upon receiving notice of any intended transfer and the fee as

stipulated in the Second Schedule, the Inspector shall cause the same to be published in three consecutive issues of the *Gazette*. Second Schedule.

(3) Every person wishing to object to such transfer shall proceed in the manner provided in Part V of these Regulations.

(4) Nothing in these Regulations shall be construed as giving the holder of a mineral right which contains any condition forbidding or limiting the right of transfer, any right to transfer in contravention of such condition.

30. (1) In the case of a mineral right, if no objection is made or if any objections are over-ruled, the Minister shall, within fourteen working days of the receipt of the application or removal of objection, as the case may be, give notice of his approval or refusal of the transfer pursuant to section 58 of the Act. Approval/refusal of transfer.

(2) Where a transfer is approved by the Minister, the Inspector shall record the transfer and issue a Certificate of Transfer in Form 6 of the First Schedule. First Schedule.

31. No right, title or legal or equitable interest, shall be created in any quarry permit or mineral right by the holder thereof in favour of any other person until such transfer has been recorded in accordance with these Regulations. Transfer invalid if not recorded.

PART VII

MINERAL DEALER'S LICENCE AND EXPORT PERMIT

32. (1) Any person who wants to buy reserved minerals shall apply to the Inspector in the form prescribed in Form 7 of the First Schedule and shall submit an application fee as stipulated in the Second Schedule. Application for mineral dealer's licence.
First Schedule.
Second Schedule.

(2) Upon receipt of an application under paragraph (1) above, the Inspector shall review the application and issue a mineral dealer's licence in the form prescribed in Form 8 of the First Schedule and shall identify the reserved First Schedule.

minerals in which the holder of the licence may deal.

Term of licence. 33. The term of a mineral dealer's licence shall be three years and may be renewed for subsequent terms of two years each. An application for renewal shall be made in Form 7 of the First Schedule and shall be accompanied by the fee stipulated in the Second Schedule.

Cancellation of licence. 34. A mineral dealer's licence:-

- (a) shall be cancelled by the Inspector in the event of a conviction for an offence pursuant to section 100 of the Act; and
- (b) may be cancelled for any other valid reason which the Inspector deems necessary by giving the holder of the licence notice in writing, which notice shall give the reasons for such cancellation. Such notice shall give the holder of the licence fourteen working days to appeal the Inspector's decision to the Minister whose decision shall be final.

Book required to be kept by licenced mineral dealer. 35. (1) The holder of a mineral dealer's licence shall keep a book in a form approved by the Inspector and shall record the following particulars, and such further particulars, if any, as the inspector may from time to time require:

- (a) the name and address of every person from whom reserved minerals are purchased during any month;
- (b) the date of every such purchase;
- (c) the weight and number of such reserved minerals purchased at any one time;
- (d) the name and address of every person to whom

reserved minerals were sold or disposed of during the month; the weight and number of such reserved minerals; the number and date of the receipt given for the purchase money and the signature of the purchaser and, where exported through a local bank, the name of the bank and the date of export; and

- (e) the weight and number of reserved minerals on hand at the end of the month.

(2) The holder of a mineral dealer's licence if so requested by the Inspector or by an authorised officer, shall produce every such book for inspection by the Inspector or authorised officer, as the case may be.

(3) The holder of a mineral dealer's licence shall, within fifteen days following the preceding month, forward to the Inspector a certified copy of entries made in the book during the preceding month and such other particulars as the Inspector may from time to time require.

(4) The holder of a mineral dealer's licence commits an offence where he:- Offence and penalty.

- (a) fails to produce the book for inspection by the Inspector or an authorised officer pursuant to paragraph (2) above; or
- (b) wilfully makes or concurs in making any materially false entry in the book; or
- (c) fails to comply with any of the provisions of paragraph (3) above, and

shall be liable on summary conviction to a fine of five hundred dollars (\$500) or

to imprisonment for a term of six months, or to both.

Production of
reserved minerals.

36. (1) Where the book required to be kept under Regulation 35 above shows that the holder of a mineral dealer's licence has reserved minerals in his possession, the holder, if requested by the Inspector or by an authorised officer, shall produce such reserved minerals for inspection and the Inspector or authorised officer may convey such reserved minerals to some place where they can be properly weighed and the holder of the mineral dealer's licence shall have the opportunity of attending such weighing.

Offence and
penalty.

(2) The holder of a mineral dealer's licence commits an offence where,

(a) he fails to produce reserved minerals in his possession for inspection as required by paragraph (1) above; or

(b) in the absence of a lawful excuse, the weight or number of the reserved minerals under paragraph (1) above exceeds, or is less than, the weight or number of the reserved minerals, as the case may be, which is recorded in the book and in such case the holder of the mineral dealer's licence shall be liable on summary conviction to a fine not exceeding five hundred dollars (\$500) or to imprisonment for a term not exceeding six months, or to both.

Application for
export permit.
First Schedule.
Second Schedule.

37. (1) Any person wishing to export minerals from Belize shall make an application to the Inspector in the form prescribed as Form 9 of the First Schedule and such application shall be accompanied by the fee stipulated in the Second Schedule.

(2) The Minister may grant a permit to an applicant in the form

prescribed as Form 10 of the First Schedule and such permit shall be subject to the terms and conditions stipulated in that permit. First Schedule.

(3) No export permit shall be required by any person who:- Exemption.

(a) has signed an agreement with the Government which waives the requirement for such permit; or

(b) is exempted by the conditions of a claim, quarry permit, or mineral right.

PART VIII **RESIDENCE/USE OF LAND**

38. (1) The Inspector may, on such terms and conditions as he thinks fit, permit any holder of a claim, quarry permit or mineral right to occupy a portion of national land in the vicinity of the land subject of the claim, quarry permit or mineral right for the purpose of erecting thereon a residence for himself or persons in his employ, or any mill, or any work or building required for mining purposes or for any activity connected with mining, provided that such land is not required for mining operations or the occupation thereof would interfere prejudicially with mining operations. Construction of facilities.

(2) The Inspector may, on the written application of the holder of a claim, quarry permit or a mineral right, require the holder of any other claim, quarry permit or mineral right to permit the holder of the first-mentioned claim, quarry permit or mineral right to cut, construct and use therein, to the satisfaction of the Inspector, any of the works mentioned in Regulation 38 which may be necessary for the proper working of the first-mentioned claim, quarry or area subject of mineral right, provided always that the holder of the claim, quarry permit or mineral right on which such work is constructed shall be entitled to receive from the holder of the other claim, quarry permit or mineral right such compensation as the Inspector may award.

Construction of
railway or tramway.

39. (1) The Inspector may, on such terms and conditions as he thinks fit, permit the holder of a claim, quarry permit, or mineral right to construct and maintain a railway or tramway on any portion of national land leading to or from his claim, quarry permit or area of the mineral right which may be necessary for the better and more efficient working of such area.

(2) The Inspector may permit such railway or tramway to be carried across the claim, quarry or land subject of mineral right of any other person, provided that such railway or tramway does not interfere with, or prevent the proper working of the claim, quarry or land subject of mineral right. In the event that damage is done to such mining operations, the Inspector may order that reasonable compensation be paid to such person by the person who desires to construct and maintain the railway or tramway.

(3) Any dispute as to the amount of compensation awarded by the Inspector or in connection with the operation of any railway or tramway across the claim or land subject of mineral right, shall be determined in accordance with the provisions of Part X of the Act.

PART IX **SURVEYS**

Shape of area of
land.

40. The area of land over which a mining right or quarry permit is granted or renewed may be rectilinear or polygonal in shape.

Survey of claim,
etc.

41. (1) The holder of a claim who wishes to have the same surveyed, shall make an application for a survey to the Inspector and pay the necessary fees and costs in advance.

(2) The holder of the mining licence or quarry permit shall have the area covered by such licence or permit surveyed by a registered surveyor and shall pay for the cost of the survey.

Demarcation of
mining area.

42. (1) For the purpose of complying with section 43 of the Act and

subject to paragraph (2) of this Regulation, 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 Inspector and the licensee of the mining area.

(2) Where the mining area is wholly or partly constituted by land beneath water or the seabed, then, for the purpose of complying with section 43 of the Act, the mining area or the part of it so constituted shall be demarcated in such manner as may be required by the Inspector by notice served on the licensee of the mining area.

(3) The method of marking the boundaries of a prospecting area shall be the same as provided in paragraphs (1) and (2) of this Regulation.

43. Where there is a dispute over land which is the subject of a claim, quarry permit or mineral right, the dispute shall be determined in accordance with the provisions of Part X of the Act and costs shall be determined by the Board and recovered as cost in the cause. Determination of disputes.

44. Where the Inspector considers it necessary that a survey should be made to avoid dispute or error, he shall cause the holder of a claim, quarry permit or mineral right to carry out such survey either wholly or in such proportion as the Inspector may direct. Survey to be done in case of dispute.

45. A surveyor may modify or alter the boundaries of a claim, quarry or land subject of a mineral right so as to make the claim, quarry or land subject of the mineral right conform to these Regulations, or so as to avoid interference with the rights and privileges of persons other than the holder of the claim, quarry permit or mineral right, provided that any material modification or alteration will be done with the agreement of the holder of the claim, quarry permit or mineral right and the Inspector. Alteration of boundaries.

46. The fees to be deposited for any survey ordered by the Inspector shall be based on the actual estimated cost of the survey, including the surveyor's Survey fees.

salary and field allowances. If such estimate is subsequently found to exceed or to be less than the actual cost as aforesaid, the difference shall be returned to or paid by the applicant, as the case may be.

PART X
KEEPING OF RECORDS OF MINERALS

Duty to keep
record of minerals.

47. (1) Every holder of an exclusive prospecting licence, claim, quarry permit or mining licence or his representative shall record in a book, kept at the area of operations or in any place approved by the Inspector, a correct account of all minerals obtained from the area the subject of exclusive prospecting licence, claim, quarry permit or mining licence.

(2) The pages of the book shall be consecutively numbered; shall bear the stamp and number of the Geology and Petroleum Office; shall be in a form approved by the Inspector; and shall at all times be open to inspection by any authorised officer.

(3) The account of minerals shall be written up daily, and shall include any day on which minerals are not obtained.

(4) A copy of the account shall be furnished on any specified date if so requested by the Inspector.

Production of
minerals may be
required by
authorized officer.

48. An authorised officer, may at any time, require the holder of an exclusive prospecting licence, claim, quarry permit or mining licence or his representative, to produce all minerals which are stored on the land subject of exclusive prospecting licence, claim, quarry permit or mining licence for the purpose of enabling the authorized officer to compare the quantity with the books and the authorized officer may search any such prospecting area, claim, quarry or mining area, and every person thereon, if he has reason to believe that any such mineral has not been produced.

Offence and
penalty.

49. The holder of any exclusive prospecting licence, claim, quarry permit

or mining licence or his representative who:-

- (a) fails to comply with the provisions relating to the keeping and use of a book under this Part; or
- (b) refuses or neglects to allow any authorized officer to inspect such book or fails to comply with any reasonable request made by the authorized officer; or
- (c) refuses or neglects to produce any minerals when required by the authorized officer to do so,

commits an offence and shall be liable on summary conviction, for each offence, to a fine not exceeding five hundred dollars (\$500) or to imprisonment for a term not exceeding six (6) months, or to both.

PART XI

RETENTION OF MINERALS

50. (1) Where the Inspector has reasonable cause to suspect that:- Retention of minerals.

- (a) minerals have been obtained from land not the subject of a claim, quarry permit or mineral right; or
- (b) the rent payable has not been paid; or
- (c) minerals have been stolen or are not the property of the person in whose possession they are found;

he may retain the minerals, and, if such minerals are retained by any authorized officer, such officer shall forward a report to the Inspector explaining the reasons for the retention.

(2) The Inspector shall, on retention or upon receipt of the report, make inquiries and take such action as he may think fit.

(3) All expenses incurred in retaining the minerals, if any, shall be a charge against the person in whose possession they were found, and the minerals shall not be released by the Inspector until the expenses have been paid.

Delivery of minerals.

51. Any minerals retained under these Regulations may be delivered up to any person on sufficient security being given by, or on behalf of such person to cover the value thereof.

PART XII **MISCELLANEOUS**

Service of documents.

52. A document or notice required or permitted to be served on or given to the Minister or the Inspector under or for the purpose of the Act or these Regulations may be served on the Minister or Inspector by:-

- (a) serving it personally upon the Minister or Inspector; or
- (b) by sending it by registered post to the office of the Minister or Inspector, as the case may be; or
- (c) sending it by facsimile to the office of the Minister or Inspector and mailing the original to the address of same.

Delivery of notice.

53. Delivery of any notice or process required by these Regulations at a registered address for the time being shall have the same effect as personal service.

Register to be kept by Inspector.

54. (1) The Inspector shall keep a register in which all mineral rights,

quarry permits and claims, and any interests created therein, shall be registered, and the register shall be open to public inspection.

(2) A certified copy of the particulars relating to any mineral right, quarry permit or claim or interests therein shall be given to any person requesting same, on payment of the fee specified in the Second Schedule to these Regulations. Second Schedule.

55. The production of a copy of particulars pursuant to Regulations 5 and 54, certified by the Inspector to be a true copy shall *prima facie* be proof of the matters therein mentioned. Copy of particulars *prima facie* proof.

PART X

WATER AND TIMBER RIGHTS

56. (1) Where any water-course passes through or is adjacent to any claim, quarry or land subject of a mineral right, the use of the water passing through or along the same shall be subject to any law or regulations which may be in force from time to time. Use of water.

(2) Subject to paragraph (1) above, every mineral right holder shall be entitled to the free use of water naturally flowing through or past the area subject of the claim, quarry permit, or mineral right, and not already lawfully appropriated in such manner, which may, in the opinion of the Inspector, be necessary for the proper working thereof.

57. (1) No person shall back the water of any river, creek or water-course upon any claim or cause any claim to be flooded, either wilfully or by neglect, through the construction of any dam or stop-off, or in any other way. Offence and penalty.

(2) Any person who contravenes paragraph (1) of this Regulation commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars (\$500) or to imprisonment for a term not

exceeding six (6) months, or to both.

(3) In addition to the penalty stated in paragraph (2) above, any person who backs any river, creek or water-course so as to obstruct or cause damage to any road, railway, trail or other means of access, shall be liable for such damages as may be assessed by the Inspector.

Permission to
construct dam, etc.

58. The Minister may permit any person on such terms and in accordance with any law:-

- (a) to construct and use any dam, reservoir or water race, or lay down pipes for the conveyance of water, or erect any wire or land cable for the purpose of conveying electricity, and to erect and use pumping or other machinery in connection therewith, through or upon any national lands (whether or not the land is a claim or area subject of a mineral right) for the purpose of working any claim; and
- (b) to take, direct, and use any water from any river, creek, tributary, stream, lake or pool, situated upon or flowing through any national lands for the purpose of supplying water for any machine, any engine or machinery employed for mining purposes; provided that such works shall not unduly interfere with existing rights or cause damage to the environment.

Water-race to
have point of use.

59. (1) Every water-race shall have a point to be specified by the Inspector at which point water shall be taken from the river, creek, or other source, but in no case shall such river, creek or other source be included in or form part of any water-race or pipe for the conveyance of water.

(2) Any licensee of a water-race who leads a water-race across any road or thoroughfare shall construct and keep in repair suitable crossings, to the satisfaction of the Inspector.

60. The natural channel of a river or creek shall be considered as a public trail race, and all claim holders and mineral right holders shall be entitled to, and if required by an Inspector, shall turn their trail water into the river or creek at the end of their claim or mining land subject to a mineral right. Public trail race.

61. Subject to the laws and regulations in force from time to time, the holder of a claim, quarry permit or mineral right shall have the right to use such timber located on land subject of claim, quarry permit or mineral right as may be required for the proper working of such claim or land. Timber rights.

MADE by the Minister responsible for mines and minerals this 5th day of April, 1994.

(EDUARDO JUAN)

Minister of Natural Resources

Minister Responsible for Mines and Minerals

FIRST SCHEDULE
[Regulation 4]
FORM 1

BELIZE

NON-EXCLUSIVE PROSPECTING LICENCE

No. _____ of 2 _____.

Issued to Mr./Mrs./Ms. _____ to prospect for

_____ in the country of Belize.

This Licence authorizes the holder to enter into all lands of _____
with the following exceptions:

- (a) Any private land, without the prior written consent of the owner and/or lawful occupier.
- (b) Any area already held under a Mineral Right, Claim Licence or Quarry Permit.

This Licence is valid for one (1) year from and including the date of issue.

The licence holder shall at all times comply with the conditions attached hereto, the breach of which shall be a ground for the revocation of this Licence.

Administration fee: _____

Date: _____

Signed: _____

INSPECTOR OF MINES

THE SUBSIDIARY LAWS OF BELIZE

REVISED EDITION 2003

[Printed by the Government Printer,
No. 1 Power Lane,
Belmopan, by the authority of
the Government of Belize.]

OTHER CONDITIONS

1. Samples taken during prospecting are for analysis only.
2. Duplicate samples of mineral samples found in the field should be lodged with the Inspector of Mines within 14 days of the taking of such samples.
3. Samples may be extracted for sale only on the award of a Claim Licence/ Mining Licence.
4. The holder of a Non-Exclusive Prospecting Licence shall report a commercial find within 30 days of such a find and an archaeological find within 96 hours of such find.
5. The holder of a Non-Exclusive Prospecting Licence shall observe all laws, regulations and rules especially those pertaining to national lands, forests, and the environment.
6. The holder of a Non-Exclusive Prospecting Licence shall **NOT** wilfully discharge into the environment (stream, etc.) poisonous wastes/effluents during prospecting in Belize.

Signed:

INSPECTOR OF MINES

FIRST SCHEDULE
[Regulation 14]

FORM 2

APPLICATION FOR REGISTRATION OF CLAIM

BELIZE

To the Inspector of Mines

I/We _____ hereby
make application for the Registration of a Claim to mine for _____
in the _____ District under Non-Exclusive Prospecting Licence
No. _____.

The situation and description of the Claim are attached and a Location Board has been posted.

Dated this _____ day of _____, 2 _____.

(Signed) _____

**FIRST SCHEDULE
[Regulation 23]**

FORM 3

BELIZE

APPLICATION FOR A QUARRY PERMIT

Quarry No. _____ of 2 _____.

To the Inspector of Mines

- _____
1. Name of applicant _____
 2. Nationality of applicant _____
 3. Age of applicant _____
 4. Address in Belize at which notices, etc., may be served

 5. If a company, name of principal shareholders _____

 6. Address of company _____

7. Whether he has previously made an application for a Quarry Permit and if so, whether any such application has been refused _____
8. Whether the applicant or his employer (if any) has previously held any permit, right or licence authorizing quarrying, prospecting, or mining in Belize, which has been revoked or forfeited _____
9. (a) The part of Belize in which he intends to quarry _____
- (b) Ownership of the land over which the quarry permit will be granted. If not owned by the applicant, a copy of the agreement with the landowner, if applicable.
10. Whether the applicant wants to have a Registered Quarry
Yes _____ No _____
11. The type of material he intends to extract _____
12. The quantity of material he intends to extract _____
13. The price of material to be extracted ex-mine _____

Attach documentation required pursuant to the Regulations.

Signature of applicant or agent _____

Date: _____

FIRST SCHEDULE
[Regulation 25]

FORM 4

BELIZE

APPLICATION AND RENEWAL FORM FOR A MINERAL RIGHT

RECONNAISSANCE LICENCE, EXCLUSIVE PROSPECTING LICENCE, AND MINING LICENCE, to the Government Inspector of Mines.

Number of Application

(To be filled in by Mines Department)

1. Name of applicant _____
2. Nationality of applicant _____
3. Age of applicant _____
4. Address in Belize at which notices, etc., may be served _____

5. If a company, name of principal shareholders _____

6. Address of company (and Agent) _____

-
7. Whether he has previously made an application for a Mineral Right, N.E.P.L. or Quarry Permit, and if so, whether any such application was refused
-
8. Whether the applicant or his employer (if any) has previously held any Permit, Right or Licence authorising prospecting/ mining in Belize which has been revoked or forfeited
-
9. Description of area, the part of Belize in which he intends to prospect/ mine
-
10. The type of materials he intends to extract _____
-
11. The quantity of materials he intends to extract _____
-
12. The price of material to be extracted ex-mine _____
- (a) _____
- (b) _____
- (c) _____
- (d) _____
- (e) _____

13. Requested duration of Reconnaissance Licence or Exclusive Prospecting Licence or Mining Licence _____

14. Signature of applicant _____

Date _____

**FIRST SCHEDULE
[Regulation 29]**

FORM 5

BELIZE

APPLICATION FOR TRANSFER OF MINERAL RIGHT

I, _____ of _____

intend to transfer _____

my right, title and interest in and to the following Mineral Right

to _____.

(Signed) _____

Accepted by me to be held subject to the Mines and Minerals Act and Regulations and conditions attached.

(Signed) _____

Transferee

Dated this ____ day of _____, 2 ____.

THE SUBSIDIARY LAWS OF BELIZE

[Printed by the Government Printer,
No. 1 Power Lane,
Belmopan, by the authority of
the Government of Belize.]

REVISED EDITION 2003

FIRST SCHEDULE
[Regulation 26]

FORM 6

BELIZE

APPROVAL OF TRANSFER OF MINERAL RIGHT

I, _____, Minister of Natural Resources, do hereby approve of the
transfer of Licence No. _____ dated _____
to _____ the transferee.

Dated at Belmopan, this ____ day of _____, 2 ____.

(Signed) _____
Minister of Natural Resources

**FIRST SCHEDULE
[Regulations 32 & 33]**

FORM 7

BELIZE

**APPLICATION AND RENEWAL FORM FOR RESERVED MINERALS,
MINERAL DEALER'S LICENCE**

No. _____ of 2 _____.

1. Name of applicant _____

2. Nationality of applicant _____

3. Age of applicant _____

4. Address in Belize at which notices, etc., may be served

5. Whether the applicant has previously made an application to purchase minerals in Belize.
If yes, furnish details

6. Signature of applicant or agent _____

7. Date of application _____

FIRST SCHEDULE
[Regulation 32]**FORM 8****BELIZE****MINERAL DEALER'S LICENCE**

No. _____ of 2 _____.

Issued to _____ under section 99 of the Mines
and Minerals Act _____

This Licence being valid for _____ years from and including the date of issue.

The licence holder shall at all times comply with the conditions in the Mines and Minerals Act
and Regulations, the breach of which shall be a ground for the revocation of this licence.**DATE OF ISSUE:** _____**SIGNED:** _____

(INSPECTOR OF MINES)

**FIRST SCHEDULE
[Regulation 37]
FORM 9**

BELIZE

APPLICATION FORM TO EXPORT MINERALS

No. _____ of 2 _____.

1. Name of Applicant/Company _____
2. Nationality of applicant/major Shareholders _____

3. Age of applicant _____
4. Address in Belize at which notices, etc., may be served _____

5. Whether the applicant has previously made an application to purchase minerals in Belize.
If yes, furnish details _____

6. The type of minerals to be exported _____
7. Signature of applicant/company representative/manager _____

8. Date of application _____

SIGNED:

FIRST SCHEDULE
[Regulation 37]**FORM 10****BELIZE****MINERAL EXPORT PERMIT**To export the mineral(s) _____

issued on this ____ day of _____, 2 ____ to Mr/Mrs/The Company under
registered Quarry Permit No. _____ of 2 _____. The total volume of such mineral (s)
not to exceed _____ tons/cubic yards. On the condition that
all royalties and taxes are paid to the concerned relevant Government, Quasi-Government
bodies except where such royalties and taxes are waived or exempted by the responsible
authorities.

SIGNED:_____
(INSPECTOR OF MINES)

SECOND SCHEDULE

	INDIVIDUAL/ COMPANY	INDIVIDUAL/ COMPANY
	<u>LOCAL BZ\$</u>	<u>FOREIGN US\$</u>
I. <u>APPLICATION FEE/RENEWAL FEE</u>		
Non-Exclusive Prospecting Licence	10.00	10.00
Claim Licence	25.00	25.00
Quarry Permit/Registered Quarry	10.00	10.00
Reconnaissance Licence	25.00	25.00
Exclusive Prospecting Licence	50.00	50.00
Mining Licence	100.00	100.00
Mineral Dealer Licence	50.00	50.00
Reserved Minerals Licence, Mineral Export Licence, and for all others not specifically mentioned herein	50.00	50.00
II. <u>PERMIT/LICENCE FEE (ANNUAL) AND FOR YEARLY RENEWAL</u>		
Non-Exclusive Prospecting Licence	50.00	50.00
Claim Licence	300.00	300.00
Quarry Permit)) 0 - 5,000 cu yds	500.00	500.00
Registered Quarry) 5,000-10,000 cu yds	700.00	700.00
10,000-16,0000 cu yds	1,000.00	1,000.00
Reconnaissance Licence	250.00	250.00
Exclusive Prospecting Licence	300.00	300.00
Mining Licence	500.00	500.00
Mineral Dealer's Licence	1,000.00	1,000.00
Mineral Export Licence	500.00	500.00
Non Commercial Quarry Permit	25.00	25.00

III. REGISTRATION FEE

Claim	100.00	100.00
Quarry	100.00	100.00

IV. TRANSFER OF PERMIT/LICENCES

Quarry permit	100.00	100.00
All others	250.00	250.00

V. CERTIFIED COPIES OF LICENCES 50.00 50.00**VI. ROYALTIES**

Industrial and construction mineral ex-mine value on:

Government Land	3%
Private	2 1/2%
Precious Minerals	5%

Provided that:

Where royalties are outstanding, a late fee equivalent to one percent (1 %) total value of outstanding royalties will be levied also, for each additional day after the date on which royalty was due.

VII. RENTAL

An annual rental of ten dollars BZ/US (\$10.00 BZ/US\$) per acre, bar, boats,

etc., be charged for all mining/quarrying operations.

For an Exclusive Prospecting Licence the annual rental per acre being:

LOCAL

0.50 BZ\$
0. 70 BZ\$
1.00 BZ\$

FOREIGN

0.50 US\$ 1st year
0.50 US\$ 2nd year
1.00 US\$ 3rd year

For a Reconnaissance Licence the annual rental per acre being:

LOCAL

0.25 BZ\$
0.35 BZ\$
0.50 BZ\$

FOREIGN

0.25 US\$ 1st year
0.35 US\$ 2nd year
0.50 US\$ 3rd year