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PRELIMINARY

1. These Regulations may be cited as the Mining Regulations, and shall apply to gold and precious stones and valuable minerals and minerals and metals, their ores and compounds other than bauxite and mineral oil, asphalt, coal and other substances of a like nature. Cit and app

Interpretation.
[Reg. 11/1954
13/1955
1 of 1972]

2. In these Regulations—

- “claim” means the area of State land in respect of which a concession is granted or a lease or licence is issued, and includes any claim located whether a concession, lease or licence has been issued in respect thereof, or not, and includes the area of any land or water in respect of which a dredging concession or river location licence is granted;
- “Commissioner” means the Commissioner of Geological Surveys and Mines;
- “concession” means and includes any permission, exclusive right, concession or grant, in respect of any portion of the State lands of Guyana under Part II of the Act;
- “gold” means raw gold and includes any substance or thing containing gold or of which gold forms a part whether it has been smelted or not, upon which the payment of royalty is not admitted by the Commissioner and shall include gold won by milling or dredging and gold imported into Guyana;
- “licence and claim licence” means any licence to occupy any portion of the State lands of Guyana for the purposes of mining;
- “river location licence” means a licence issued under Part III of the Act in respect to any river or portion thereof; and “river location” means the area of any land or water in respect of which a river location licence is issued;
- “metals” includes ores or compounds of metals;
- “minerals” includes ores or compounds of minerals;
- “mining district” means any portion of Guyana declared to be a mining district;
- “officer” means and includes every district commissioner, assistant district commissioner, mines officer, officer of the Department of Geological Surveys and Mines, customs officer, all ranks of the Police Force, every other public officer or justice of the peace specially appointed by the Minister to act under these Regulations and, when specifically referred to in any particular regulation, rural constables;
- “mines officer” means any officer appointed by the Minister for the purposes of the Act and of these Regulations to be mines officer of a mining district;
- “precious stones licence” means a licence for the purpose of mining or working for precious stones only;
- “precious stones” means rough and uncut precious stones only;

“servant” means any person who has entered into and is subject to a contract of service, to be performed on or in respect of any claim and includes a registered labourer;

“valuable minerals” means any mineral containing gold, silver, platinum or any of the rarer metals or any combination of them together with some other metal or mineral matter in such proportion that the gold, silver, platinum or rarer metal or combination of them is or was of greater value than the baser metal or mineral matter in which it is or was contained.

PART I

ISSUE OF PROSPECTING LICENCES AND LOCATING OF CLAIMS CLAIMS

3. (1) Every person who desires to prospect for the purpose of locating claims shall apply either personally or in writing to the Commissioner or mines officer for a licence, hereinafter called a prospecting licence, to do so.

Requisites
of applica-
tion for pro-
specting
licence.
[Reg. 3/1954
3/1955
1 of 1972]

(2) The applicant shall give—

(a) the full name and address of each person for whom the prospecting licence is desired;

(b) the name, style or firm, if any, by which it is intended that the prospecting and working is to be carried on;

(c) a permanent residential address in Guyana called a “registered address” at which all notices and other process necessary for the purposes of these Regulations may be served; and

(d) a statement that he is not under twenty-one years of age.

(3) No prospecting licence shall be issued in the name of any firm, syndicate or partnership, unless the name or names and addresses of the persons constituting such firm, syndicate or partnership are stated to the Commissioner or mines officer, and such persons shall, for all purposes, be subject to all the obligations imposed by these Regulations on the holders of such licences.

(4) Where a licence is applied for in the names of more than one person, the licence shall be granted to one of such persons only for and on behalf of himself and the other persons named in the application.

(5) The Commissioner or mines officer shall not issue a prospecting licence to any person known to be a minor, and if any such licence is issued to a minor it shall be null and void.

c. 98:01 (6) The Commissioner or mines officer may refuse to issue a prospecting licence to any person convicted of an offence against the Labour Act, or for any other reason he may think fit, but where the Commissioner or mines officer refuses to issue a licence the applicant may appeal to the President whose decision shall be final.

(7) It shall not be lawful for any person (other than a tributor) while he is employed on or in respect of a claim to apply for, receive or hold a prospecting licence except for and on behalf of his employer.

(8) Subject to paragraph (9), a prospecting licence or an authority to prospect under a prospecting licence shall not be issued—

(a) to any person who is the holder either in his own name or for and on behalf of himself and other persons of a valid prospecting licence;

(b) to any person who is the holder of a valid authority to prospect under an existing prospecting licence.

c. 89:01 (9) Paragraph (8) shall not apply to any company duly registered under the provisions of the Companies Act.

(10) Any prospecting licence or authority to prospect under a prospecting licence issued contrary to paragraph (8) shall be null and void.

Issue, etc.,
of prospecting
licence.
{Reg. 51/1945
I of 1972}.
First
Schedule.
Form 1.

4. (1) If the application is granted the Commissioner, any officer of the Department of Geological Surveys and Mines appointed by the Minister for the purposes of this paragraph, or the mines officer shall, subject to regulation 3 (4), thereupon issue a prospecting licence to the applicant in Form 1 in the First Schedule.

Second
Schedule.

(2) There shall be payable in advance for the licence the sum specified in the Second Schedule.

(3) The licence shall continue in force for twelve months from the date of issue.

(4) It shall be lawful for the Commissioner for good cause at any time to revoke any prospecting licence, subject to an appeal to the President whose decision shall be final.

(5) Subject to Regulation 6 (1), a prospecting licence shall entitle the person to whom it is issued to prospect and locate claims in every mining district, but under and subject to these Regulations.

(6) A prospecting licence issued to any person shall, unless the location is *null* and *void* or he is informed by the Commissioner or mines officer that his location is disallowed or is ordered to suspend

work, be deemed to entitle and to have entitled him to work the ground located thereunder from the date of location until his application for a claim licence can be published and such licence either issued or refused:

Provided that nothing contained in this Regulation shall be held to make valid any location made by a person who has not previously taken out a prospecting licence.

5. (1) The Commissioner or mines officer shall file and preserve the particulars of all prospecting licences issued and on receipt of any notice of change of address shall endorse thereon the date of receipt and shall file and keep such notice with the particulars of the prospecting licence to which it relates.

Keeping of record of particulars relating to prospecting licences. [1 of 1972].

A certified copy of the particulars relating to any prospecting licence shall be given to any person demanding the same on his paying therefor the fee specified in the Second Schedule.

Second Schedule.

(2) The mines officer shall without delay report in writing to the Commissioner all prospecting licences issued by him and the Commissioner shall file and preserve such report.

(3) A registered address shall not be changed until notice in writing of such change has been served on the Commissioner or mines officer by the person or all the persons if more than one who applied for the licence.

(4) 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.

(5) The information contained on a prospecting licence shall be *prima facie* evidence that such information was given by the person whose name appears on the licence.

(6) The production of a copy certified by the Commissioner to be a true copy of a prospecting licence issued to any person shall be proof that the prospecting licence was issued to the person named therein on the date stated thereon and that the particulars therein given were furnished by the person to whom it was issued.

LUCATING OF CLAIM

6. (1) A person on obtaining a prospecting licence may, personally or by some other person who is authorised by him and who acknowledges such authorisation, with the approval of the Commissioner, any officer of the Department of Geological Survey and Mines appointed by the Minister for the purpose of this paragraph, or the mines officer in writing in Form 2 in the First Schedule, prospect for and locate claims subject to regulation 37 on any of the State lands

Prospecting for and locating of claim. [Reg. 51/19, 17/1946 2/1961 1 of 1972] Form 2.

in Guyana provided such land has not previously been lawfully occupied or lawfully located or reserved by notice published in the *Gazette*, or is not a landing place, or a creek set aside by the mines officer for drinking purposes, or building site necessary for use by others or situate within three hundred yards of the land boundary of Guyana. Any location made contrary to this regulation shall be *null and void*.

(2) When a licence has been granted to one person for and on behalf of himself and other persons, as provided in regulation 3(4), only the person authorised under such licence to act on behalf of the other persons named in the licence, or some person duly authorised by him in writing in Form 2 in the First Schedule, shall be entitled to enter a mining district by virtue of the licence so granted or to prospect or locate claims under such licence.

(3) The name of the person to whom it is desired that the licence should be granted, shall be stated to the Commissioner or mines officer, at the time the application for the licence is lodged.

(4) Any officers may require any person exploring or prospecting or searching the ground to produce his licence or authority so to do and it shall not be necessary for such officer to prove that such person was searching for gold or precious stones.

(5) Any person exploring or prospecting or searching the ground (except in the case of private lands) without a licence or authority or refusing or neglecting to produce his licence or authority when required by any officer shall be guilty of a breach of these Regulations.

PART II

MARKING OF BOUNDARIES, ISSUE OF CLAIM LICENCES, ETC.

Marking out of limits of claim.

7. Every person locating a claim shall, in the presence of two witnesses, distinctly mark on the ground the limits desired, so that the boundaries may be readily traced.

Rules as to marking out of boundaries. [Reg. 11/1954 12/1957]

8. All boundaries shall be marked as follows:

(a) by a tree or by a corner post or beacon, not less than three inches square and in the case of a river location, 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 corner to corner by a path not less than four feet wide, and

(b) on each tree, corner post, or beacon there shall be securely fastened a board or other object, not less than nine inches by six inches and in the case of a river location, not

less than three feet by two feet called a location board, on which shall be plainly and permanently marked—

- (i) the name of the person for whom the location is made;
- (ii) the date of the location;
- (iii) the number of the prospecting licence under which the location is made;
- (iv) the name of the creek, hill, or flat on which the location is made; and
- (v) within three months after the issue of the claim licence, the number and date thereof.

9. No paper or other material attached to a board or other object which may be liable to be washed off shall be deemed a proper marking. Material for marking.

10. (1) Every holder of a claim whether a licence has been issued or not shall keep the boundaries of his claim distinctly marked out as provided by regulation 8 and shall keep his location boards in proper order and in default of his doing so the claim may be challenged: Keeping open of boundaries and penalty for destruction. [1 of 1972]

Provided always that any person holding a group of contiguous claims for which a concession or lease has been granted or licences have been issued shall not be bound to keep the boundaries of each claim distinctly marked as aforesaid, if the external boundaries of the whole group are kept distinctly marked and the location boards in proper order as provided by regulations 7 and 8.

(2) Every person who destroys, defaces, injures, 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, shall be deemed guilty of a breach of these Regulations:

Provided, however, that a person shall be at liberty to alter the boundaries if he has the permission to do so in writing of the Commissioner or mines officer.

11. It shall be lawful for the mines officer—

- (a) where a licence has been revoked by the President under section 31(1) of the Act; or When licence revoked or claim abandoned beacon and boards to be destroyed. [1 of 1972]
- (b) where the President has ordered under section 31(3) of the Act that a licence shall not be issued; or
- (c) where notice of revocation of a licence has been published in the *Gazette* as provided in regulation 26(3); or

(d) where a claim has been abandoned under regulation 26 (4); or

(e) where the period for filing notice of location has expired without a notice having been filed; or

(f) where in the opinion of the mines officer the date of location has been altered with intent to defraud; or

(g) where a claim has been re-located without the permission of the Commissioner or mines officer, to pull down, destroy or obliterate any beacons, boards or other marks erected to demarcate the boundaries of any claim.

SIZE AND SHAPE OF CLAIM

Length and breadth of claim.
[Reg. 11/1954]

12. No claim other than a river location located for the purpose of mining for gold or precious stones or valuable minerals, or minerals or metals, under a claim licence, shall be more than 1,500 feet long or 800 feet wide: and no river location shall be longer than one mile measured along the bank of the river or creek as the case may be.

Shape of claim.
[Reg. 11/1954
1 of 1972].

13. The side-lines and the end-lines of the surface boundaries of a claim shall, as far as possible, be run in parallel lines, except where prior locations or natural features prevent this being done, in which case the claim shall be of such shape as may be approved by the Commissioner or by the mines officer, subject to the approval of the Commissioner, or by a surveyor making a survey under these Regulations.

(2) The side-lines of a river location shall be fixed at the low water mark on each bank of the river or creek as the case may be and the end-lines by straight lines between corner marks.

NOTICE OF LOCATION AND APPLICATION FOR LICENCE

Giving notice of locating and application for licence.
[Reg. 11/1954
1 of 1972]

14. (1) Every person who locates a claim shall within a reasonable time after such location, and in any case not more than three months thereafter, or in localities where the mines officer's office is readily accessible, such shorter reasonable period as the Commissioner may declare by notice in the *Gazette*, file or cause to be filed at the office of the mines officer or at the office of the Department of Geological Surveys and Mines in Georgetown, a notice in duplicate in Form 3 or in the case of a river location, in Form 4, in the First Schedule, stating the name of the person for whom the location is made, the name of the person actually locating, the names of the witnesses in whose presence the location was made, the date of the location and such a description of the ground located and its situation as will enable the claim to be identified by the mines officer, together

with an application in writing in Form 5 in the said Schedule for a licence to mine for gold or to mine for precious stones, or to mine for gold and precious stones as the case may be, and shall pay for filing such notice and application the fee specified in the Second Schedule together with the fee for a claim licence and if such application and notice be not filed as required with the amount payable, the location shall be *null and void* and thereafter any person may locate a claim in respect of the same land:

Form 5.

Second
Schedule.

Provided that the person whose location is annulled by this regulation shall not re-locate the claim without the permission in writing of the Commissioner or mines officer previously had and obtained.

(2) Every person who, having located a claim—

(a) alters the date of location on any location board; or

(b) without the permission in writing of the Commissioner or mines officer previously had and obtained, re-locates such claim,

shall be guilty of an offence.

Failing to give notice of location and application within the prescribed period and altering date of location.

15. (1) The mines officer or Commissioner on receiving such notice in duplicate and application, shall mark on each of them the time when it was received, shall file and preserve the same, and give to the person filing the documents a receipt in the Form 6 in the First Schedule.

Recording of notice and application. [1 of 1972].
Form 6

(2) The mines officer shall file in his office one copy of the notice and shall forward the other, together with the application, by the first opportunity to the office of the Commissioner, and shall at the same time furnish to the Commissioner such information, if any, respecting such location and application as he may think requisite.

16. Where any dispute arises as regards the person who is to be deemed the first applicant for a licence, the person who first lawfully locates the claim in accordance with these Regulations shall be deemed the first applicant.

Rule of decision as to first applicant.

17. Where a person employed as described in regulation 3(7) applies for or locates a claim by virtue of a prospecting licence of which he is the holder during such employment such application or location shall be deemed to be made on behalf of his employer.

Claim located by employee.

18. On receiving the notice and application, the Commissioner shall, subject to regulation 6, cause the same to be published in the *Gazette* for three successive Saturdays, in order to allow of any

Publication of notice of location.

opposition to the issue of a licence therefor being made, in the manner hereinafter provided.

Right to gold, etc., obtained by provisional working of claim.

19. All gold or precious stones or valuable minerals or minerals or metals obtained by any person from any land, pending the issue of a licence, after locating a claim, shall be subject to the same regulations and shall be recorded and dealt with in all respects as if it or they had been obtained after the issue of a licence.

Location null and void if not in accordance with regulations. [Reg. 21/1941 1 of 1972]

20. (1) The acceptance by the Commissioner or mines officer of notice of location and publication thereof shall not affect the validity of the location and no location shall be deemed to be valid unless it has been made strictly in accordance with these Regulations.

(2) When any location is deemed to be *null and void* under this regulation neither the fee paid on filing the notice of location nor the amount deposited or paid as rent in respect of the location shall be refunded.

OBJECTION TO ISSUE OF LICENCES

Making of objection to granting of claim licence.

21. (1) Any person who desires to object to the issue of a licence shall file at the office of the Commissioner his reasons of opposition in writing in duplicate on or before the last Saturday on which the application is required to be published, and shall deposit at the same time a sum of twenty-five dollars in respect of each licence to which objection is made, to meet expenses other than those of the officer who decides the case, such sum to be dealt with as such officer may decide:

Provided that where more than one licence is objected to by the same person, the Commissioner in his discretion may reduce the amount to be deposited in respect of the second and subsequent licences.

(2) Every such person shall be bound, within three days after such filing, to serve at the registered address of the applicant for the licence a copy of such reasons; and the procedure shall, *mutatis mutandis*, be in accordance with Part XI.

ISSUE OF LICENCES

Restrictions on issue of licence, etc. Form 7. [Reg. 11/1954]

22. (1) If there is no opposition to the issue of a licence, or if there is opposition but it is decided in favour of the applicant, a licence may be issued for the land so located in Form 7 or in the case of a river location, in Form 8, in the First Schedule.

Verification of claim.

(2) Every applicant for a claim licence when required by the warden to do so shall either by himself or by some other duly

authorised person deputed by him, point out to the mines officer the position and boundaries of the claim for which a licence is sought, and if such applicant fails to have such claim pointed out and verified within six weeks after the mines officer has notified him of his readiness to verify the location, the application for the same shall be cancelled and a notice to this effect shall be published by the Commissioner in the *Gazette* and thereupon the location shall be null and void and the land open to location by any person.

(3) A licence shall not be issued to any person known to be a minor, and if any licence is issued to a minor it shall be null and void:

Provided always that where the right to obtain a licence devolves by will or on intestacy to a minor, a licence may be issued to the guardian of such minor, and such guardian shall thereupon become subject to all the obligations imposed by these Regulations on the holder of a licence.

(4) The Minister may direct that a licence shall not issue to any person who has been convicted of any indictable offence, or of the larceny of gold or of any offence under the Act, or against whom any unsatisfied judgment for labourers' wages exists, or against whom any judgment or sentence for any ill-treatment or neglect of any labourer employed by him has been given, and thereupon the location shall be void, and the land open to location by any other person.

(5) No licence shall be issued in the name of any firm, syndicate, or partnership, unless the name or names and addresses of the persons constituting such firm, syndicate, or partnership are stated in writing signed by such persons to the Commissioner, and such persons shall for all purposes until transfer of the licence, be subject to all the obligations imposed by these regulations on the holders of such licences.

23. A licence, so long as the holder thereof complies with the Act, shall, subject to its terms, confer the right to the use and enjoyment of the surface included within the boundary lines of the claim, and to all veins, lodes, ledges, and deposits below such surface and of all the metals, minerals, or precious stones covered by such licence within the vertical planes in which the surface boundaries lie:

General rights conferred by licence.

Provided always that, the occupation of all land for the purpose of being worked under these Regulations shall be subject to the right of any person to pass through or along any road or path on such land which gives access to any land beyond, to which such person desires, and is entitled to go and to the rights of any person duly authorised to cut timber or take forest produce, also to the right of any grantee, lessee or concessionaire, with the approval of the Commissioner first

Right of way.

had and obtained in writing, to convey across such land any machinery, equipment, materials or stores required for mining purposes, and to construct any road, railway, tramway or cableway and to erect and maintain any pipe-line, telegraph, telephone or transmission line or other contrivance in such manner and on such conditions as the Commissioner may approve.

DURATION, ETC., OF LICENCE

Revocation
of licence.

24. (1) The President may revoke a licence issued:

Provided that no licence shall be revoked until the holder of the licence has had an opportunity of being heard either personally or by counsel and showing cause² against such revocation before the President.

(2) Where upon the complaint of any person who desires to obtain a licence for the same area, or any part thereof, the mines officer certifies that the area included in any licence is not being efficiently worked and upon such certificate such licence is cancelled it shall be lawful to grant to such complainant a licence for such area or any part thereof.

Duration of
licence.

25. Subject to the Act, every licence shall continue in force so long as the rent payable in respect thereof is regularly paid.

List of
claims in
existence
at the end
of each year.
[Reg. 33/1951
1 of 1972].

26. (1) On the third Saturday in the month of January in each year the Commissioner shall publish in the *Gazette* a list of all claims in existence on the 31st December of the previous year.

List of
claims on
which rent
has not
been paid.

(2) On the third Saturday in the month of April in each year the Commissioner shall publish in the *Gazette* a list of claims on which rent has not been paid up to and including the 31st March in that year.

Claims
deemed
abandoned
for non-
payment of
rent.

(3) All claims on which rent has not been paid up to and including the 31st March in any year shall be deemed to be abandoned for non-payment of rent, and the lands upon which such claims were located shall be open to location from the 1st April next following:

Provided that nothing in this paragraph shall prohibit the Commissioner from publishing any subsequent list of claims abandoned.

Voluntary
abandonment
of claims.

(4) Every person who desires to abandon a claim shall send written notice to the Commissioner or mines officer of his intention to abandon such claim. The Commissioner shall publish in the *Gazette* a notice of every such abandonment for three successive Saturdays, and the land upon which such claim was located shall

after the expiration of one month from the date of the first publication, be open to location.

RENT PAYABLE IN RESPECT OF LICENCES

27. (1) There shall be payable in advance for each licence the rent specified in the Second Schedule, or any regulations for the time being in force.

Fees payable for licence. Second Schedule. [1 of 1972]

(2) The Commissioner or mines officer may detain any gold or precious stones obtained from any claim in case such payment has not been made and sell the same and deduct from the proceeds of such sale the amount due to the Government for such rent.

PART III REWARD CLAIMS

28. (1) When any person locates in accordance with these Regulations, one or more claims not less than ten miles from an existing working claim, and proves, to the satisfaction of the Commissioner or mines officer, that such claim contains gold or silver or precious stones or valuable minerals in commercial quantities, the President may grant to the holder of the prospecting licence under which the claim was located a claim licence free of any fees payable under these Regulations for such period as the President may decide, and such claim shall be known as a reward claim:

President may grant reward claims. [1 of 1972]

Provided that—

(a) a reward claim shall not entitle the holder thereof to exemption from the payment of any royalty payable under these Regulations:

(b) not more than six reward claims shall be granted to one person in the same locality.

(3) Reward claims shall remain in existence so long as they are worked to the satisfaction of the Commissioner or mines officer by the grantee or his lessee.

Duration of reward claims.

(3) Reward claims may be sub-let or transferred in accordance with these Regulations but when a reward claim is transferred it shall cease to be known as such and shall become liable for annual licence fees from the date of transfer.

Sub-letting, etc., of reward claims.

PART IV RIGHT OF CHALLENGE

29. If a claim is left unworked for a period of one year, or if the boundary lines are not kept reasonably clear and the boundary marks erected and marked in accordance with these Regulations for a period of six months in any one year, or if the area located is greater than that allowed by these Regulations, any holder of a prospecting

Conditions under which claim may be challenged.

licence may challenge the right of the holder of the claim to continue in occupation thereof.

Procedure
in case of
challenge.
(1 of 1977)

30. (1) Such challenge shall be made in writing setting out precisely the grounds on which it is based and shall be lodged in duplicate with the Commissioner or mines officer with a filing fee of fifty cents and a deposit of twenty-five dollars for each claim challenged to cover the cost of inspection by the Commissioner or mines officer or other officer thereto detailed by the Commissioner or mines officer or any other costs incurred by Government apart from the costs in the case and a copy thereof shall be served by the challenger on the claim-holder in the manner laid down in these regulations for filing complaints and the procedure thereafter shall, *mutatis mutandis*, be that prescribed in Part XI for the hearing of complaints.

(2) If, upon the facts, it appears to the satisfaction of the Commissioner, mines officer or other officer appointed that there has been on the part of the claim-holder a *bona-fide* attempt to work the claim or to comply with the regulations as to the marking of boundaries, as the case may be, and that the non-observance of the formalities of those regulations is not of a character calculated to mislead other persons desiring to locate claims in the vicinity, or that the excess in size is small and that there was no intention to deceive or defraud on the part of the locator the Commissioner, mines officer or other officer may hold that the failure on the part of the claim-holder to work or to observe the regulations as aforesaid shall not be deemed to have invalidated his holding and the Commissioner, mines officer or other officer may grant time not exceeding six months to the claim-holder to rectify his omission or reduce the size of the claim.

(3) If the claim-holder fails to rectify his omission or reduce the size of the claim within the time granted to him to do so, or if on the facts it appears to the satisfaction of the Commissioner, mines officer or other officer that failure to work the claim or to keep the boundary lines clear and marked is due to wilful neglect or is calculated to mislead others desiring to locate claims in the vicinity, the Commissioner, warden or other officer shall declare the claim forfeit, and if notice of appeal is not given and recognisance entered into in the manner and within the periods laid down by the Act may permit the challenger to locate the claim.

(4) If any challenger, prior to the determination by the Commissioner, mines officer or other officer of the matter in question—

(a) enters upon the challenged claim for any purpose whatever; or

(b) does any act which interferes with the working of the challenged claim.
he shall be guilty of an offence and shall *ipso facto* forfeit his right to challenge the said claim.

31. Any mines officer may challenge the right of a holder of a claim to remain in occupation thereof on the grounds laid down in regulation 29 and the procedure shall be the same as in the case of a challenge by the holder of a prospecting licence except that the matter shall be heard by the Commissioner in Georgetown or by an officer appointed by the Commissioner.

Mines officer may challenge a claim.
[1 of 1972]

32. In the event of a claim being declared forfeit as a result of a challenge by a mines officer the claim shall, after the period allowed for appeal and if no appeal is lodged, be open to location by any holder of a prospecting licence on the Commissioner so notifying in the *Gazette*.

Claim forfeited open to location.
[1 of 1972]

33. If the occupation of a claim is successfully challenged the licence under which such claim was held and occupied shall become absolutely forfeited and the Commissioner shall so advertise in the *Gazette*, together with the name of the challenger.

Successfully challenged claim forfeited.

34. If the successful challenger fails to locate the claim and to file location papers and pay the fees within two months of his being granted permission to do so then the forfeited claim shall be open to location by any holder of a prospecting licence.

Failure of challenger to locate.

PART V

EXCLUSIVE PERMISSIONS TO EXPLORE

35. (1) Under section 13 (1) and (2) of the Act, the President may issue an exclusive permission to occupy temporarily any unoccupied State land and during such period to explore for the purpose of testing the value thereof.

President may grant exclusive permission.
[Reg. 9/1966A]

(2) Such permission shall not confer the right to work the area for profit or to give out any portion thereof to lessees or to tributors.

(3) The terms and conditions of such permission shall ordinarily be as hereunder set out, but the President may if he think fit in a particular case vary the terms and conditions in such manner as he may consider expedient:

(a) The permission shall not be granted for a longer period than three years on the first instance. Renewals or extensions thereafter shall be for not longer than one year at a time.

(b) The area shall in no case be less than 500 acres, to be defined by natural features where practicable, or as prescribed by regulations 7, 8 and 9 as to the marking of boundaries.

(c) An annual rent of ten cents per acre shall be payable during the first three years a permission is in force. If the permission is renewed or extended the rent payable shall be increased to twenty cents per acre or the fourth year and to twenty-five cents per acre for any and every year after the fourth year. The first instalment of the annual rent shall be payable in respect of the period intervening between the date on which the applicant is notified of the approval of his application and the 30th June or 31st December next following as the case may be, and thereafter the rent shall be payable in two equal instalments half yearly in advance on the 2nd January and the 1st July, and the permission shall remain in force only so long as the rent is in arrear.

(d) All mining claims previously located within the boundaries of such area shall be excluded from a permission and the extent of such claims from the acreage for which rent is payable.

(e) The holder of an exclusive permission may from time to time abandon any part or parts of the area held under such permission, provided that he demarcates such part or parts on the ground and deposits the estimated cost of inspection and when the area to be abandoned has been ascertained by the inspecting officer no further rent shall be payable in respect thereof and any difference between the amount deposited and the actual cost of inspection shall be refunded to the holder or paid by him as the case may be.

(f) During the continuance of an exclusive permission to occupy and explore, the holder shall be at liberty to mark off in the manner laid down by these regulations such areas as he may desire to have the right of working for profit and a concession or lease for working the same may be given to him under Part II of the Act, or he may locate claims within the area in the manner set out in these Regulations and he shall be entitled to an abatement of rent under the exclusive permission in respect of the area so taken up under concession lease or licence.

(g) Such portions of the area held under an exclusive permission as shall be abandoned by the holder or not

allocated to him as a mining concession or claim licence at the expiration of his exclusive permission, shall become open for application and location by others.

36. (1) In special cases where properly organised geological and mineralogical surveys or diamond drilling or other tests of a scientific or technical nature involving considerable outlay are to be undertaken, the information and results obtained from which would be advantageous to Guyana and the applicants are prepared to guarantee an annual expenditure thereon to an amount approved by the Minister, the Minister may in consideration of such expenditure and of all information and results obtained being furnished to the Government at times to be agreed upon together with maps to a suitable scale, waive or reduce the rent ordinarily payable.

Conditions of exclusive permissions in special cases.

(2) Such guaranteed annual expenditure shall not be less than the amount of rent waived or reduced unless the Minister is satisfied that a smaller expenditure may be accepted in consideration of the value to Guyana of the work contemplated.

37. (1) Every application for such an exclusive permission shall be in writing signed by the applicant and shall be addressed to the Commissioner for transmission to the President.

Applications for exclusive permission. [Reg. 17/1946]

(2) The application shall state the name and nationality of the person for whose benefit the exclusive permission is sought to be obtained, whether such person is the actual applicant or not, and the term for which such exclusive permission is desired, and shall set out an address in Guyana called a "Registered Address" at which all notices and other process necessary for the purposes of these Regulations may be served.

(3) The application shall contain a description of the portion of the land, river or creek to which it relates, setting forth as far as possible its situation, extent and boundaries and the applicant shall also, if called upon to do so, furnish such further information or particulars in support of the application as may be required by the President.

(4) The area applied for shall not be less than five hundred acres and shall be defined by natural features where practicable or as prescribed by regulations 7 and 8.

(5) The applicant shall, on filing his application, pay to the Commissioner the sum of ten dollars, and the portion of the land, river or creek to which the application relates shall thereupon not be open to location by any person and not be the subject of any other application for exclusive permission.

Provided that where the President refuses the application the hereinbefore mentioned restrictions shall cease on the publication in the *Gazette* by the Commissioner of a notice of such refusal.

(6) Every applicant for an exclusive permission shall on being informed by the Commissioner that his application has been approved by the President pay to the Commissioner the first instalment of the annual rent in respect of the period intervening between the date on which the applicant is notified as aforesaid and the 30th June or 31st December next following as the case may be and if such instalment of rent is not paid within one month of such notification the application may be declared abandoned by the Commissioner by notice in the *Gazette*.

Advertisement
of application
for exclusive
permission
and opposition
thereto.
[Reg. 17/1946]

38. (1) Before any exclusive permission is granted the Commissioner shall publish a notice of the intention to grant such exclusive permission in the *Gazette* for three successive Saturdays.

(2) Any person who claims that he has any right or interest in respect of the area to be granted which will be injuriously affected by the grant of an exclusive permission may, within twenty-one days after publication of the first advertisement, lodge with the Commissioner a petition to the President objecting to the grant of the permission.

(3) Every petition shall state shortly the grounds of objection to the grant of a permission and shall set out the address of the petitioner.

(4) The petitioner shall lodge with his grounds of objection a statutory declaration containing the material facts on which he relies in support of his grounds of objection.

(5) The petitioner shall, within two days after lodging the petition and statutory declaration, deliver a copy thereof at the registered address of the applicant.

Reply to
objection.

39. The applicant may, within fourteen days after delivery of the petition, lodge with the Commissioner—

(a) an answer to the petition stating shortly the grounds on which he relies; and

(b) a statutory declaration setting forth the material facts in support of such grounds.

The applicant shall, within two days after lodging the grounds and statutory declaration aforesaid, deliver a copy thereof at the address given by the petitioner in his petition and addressed to him.

40. If an opposition is entered and the President is of opinion that it is well founded, the application shall be refused.

Refusal of
exclusive
permission.

41. If no opposition is entered or any opposition entered is not in the opinion of the President well founded, the President may direct the Commissioner to issue such exclusive permission on the terms and conditions laid down by the President and published in the *Gazette*.

Issue of
exclusive
permission.

PART VI

CONCESSIONS (OTHER THAN A PERMISSION OR AN EXCLUSIVE RIGHT TO EXPLORE UNDER PART V AND LEASES)

42. (1) Every application for a concession or lease shall be in writing signed by the applicant and shall be addressed to the Commissioner for transmission to the President.

Application
for concession
or lease.

(2) The application shall state the name and nationality of the person for whose benefit the concession or lease is sought to be obtained, whether such person is the actual applicant or not, the term of years for which the concession or lease is desired, the number and date of the prospecting licence held by the applicant and his registered address.

(3) The application shall also contain a description of the land, river or creek to which it relates, setting forth as far as possible its situation, extent and boundaries, and the applicant shall also, if called upon to do so, furnish such further information as may be required by the President for the purpose of determining whether any valid reason exists why a concession or lease should not be granted.

(4) The boundaries of every concession or lease applied for shall be defined by natural features or in accordance with Part II.

(5) The applicant shall, on filing his application, pay to the Commissioner the sum of ten dollars.

(6) Every applicant for a concession or lease shall, on being informed by the Commissioner that his application has been approved by the President, pay to the Commissioner the first year's rent in advance, from the date of approval and if such rent is not paid within three months of such notification the application may be declared abandoned by the Commissioner by notice in the *Gazette* for three successive Saturdays and the land referred to therein shall thereupon be open to location by any person.

43. (1) Where the concession or lease is to mine for gold, silver and valuable minerals the rent payable shall be at the rate of twenty cents per acre *per annum*.

Rent payable
for
concessions.
(27/7/1938
34/1953)

(2) Where the concession or lease is to mine for precious stones, the rent payable shall be at the rate of twenty cents per acre *per annum*.

(3) Where the concession or lease is to mine for gold, silver, valuable minerals and precious stones the rent payable shall be at the rate of forty cents per acre *per annum*.

(4) Where the concession or lease is to dredge for gold, silver and valuable minerals the rent payable shall be at the rate of ten cents per acre *per annum*.

(5) Where the concession or lease is to dredge for gold, silver, valuable minerals and precious stones the rent payable shall be at the rate of twenty cents per acre *per annum*.

(6) Where the concession or lease is to mine or dredge for minerals the rent payable shall be at the rate of twenty cents per acre *per annum*.

Advertisement of application for concession and opposition therein.

44. (1) Before any concession or lease is granted the Commissioner shall publish a notice in the *Gazette* for three successive Saturdays of the intention to grant such concession or lease and the area comprised within an application shall be deemed to be lawfully occupied from the date of such notice.

(2) Any person who claims that he has any right or interest in respect of the area to be granted which will be injuriously affected by the grant of such concession or lease may, within twenty-one days after publication of the first advertisement, lodge with the Commissioner a petition to the President objecting to the grant of a concession or lease and the procedure shall, *mutatis mutandis*, be in accordance with regulations 38 to 41 (inclusive).

Survey of concession.

45. If no opposition is entered or any opposition entered is not in the opinion of the President well founded, and the Commissioner reports that a survey is necessary, the President may permit such survey to be made by any duly qualified surveyor or may order such survey to be made by a surveyor of the Department of Geological Surveys and Mines on the estimated cost of survey being deposited with the Commissioner as provided in regulation 80.

On failure of applicant to have survey made application shall be abandoned.

46. If any applicant after being required by the Commissioner—

(a) to have such portion of land, river or creek as is applied for surveyed by a duly qualified surveyor; or

(b) to deposit the estimated cost of survey,

fails for three months to have the necessary survey commenced or to deposit the estimated cost of survey, his application shall be deemed

to be abandoned and all fees paid in connection therewith shall be forfeited, and any other application may be proceeded with as if such application had never been made and notice shall be published by the Commissioner in the *Gazette* to the effect that the application has been abandoned.

47. If the holder fails to comply with any of the conditions of his concession or lease or of these Regulations applicable thereto the President may cancel the same, and thereupon all the rights thereunder of the holder and all persons claiming under him shall cease and determine and any moneys deposited as aforesaid shall be forfeited and any moneys secured by any bond shall forthwith become due and payable and the holder shall forthwith peaceably surrender the concession or lease to the Commissioner.

Forfeiture of concession or lease and security.

48. The President may in any case and at any stage refuse to grant a concession or lease.

President may refuse to grant concession or lease.

49. The boundaries of a concession or lease shall be, beneath the surface, the vertical planes in which the surface boundaries lie.

Boundaries of concession or lease.

PART VII

PURCHASE AND TRANSFER OF CONCESSIONS, LEASES AND LICENCES

50. (1) The holder of a concession, lease or licence shall be entitled to transfer his rights thereunder, either wholly or in part, to any other person in the manner hereinafter provided.

General right to transfer licences, etc.

(2) On receiving notice of any intended transfer in Form 9 in the First Schedule, the Commissioner shall cause the same to be published in the *Gazette* for three successive Saturdays in order to allow of any opposition to such transfer being entered as hereinafter provided.

Form 9.

(3) Every person desiring to object to such transfer on the ground that he has any right, interest or title in or to the concession, lease or licence about to be transferred shall proceed in the manner provided by regulation 21 as to objections to the issuing of licences.

(4) Nothing in these Regulations shall be construed to give the holder of any concession or lease containing any condition forbidding or limiting the right of transfer, any right to transfer in contravention of such condition.

51. (1) If no opposition is entered to an intended transfer or any opposition entered is removed, the Commissioner shall record the

Requisites of purchase and transfer.

transfer and shall note on the concession, lease or licence the fact of such transfer.

(2) Every transferee shall give in writing to the Commissioner a permanent residential address in Guyana to be called a "Registered Address" at which all notices or other process may be served.

Sale of concession, lease or licence in execution.

52. On the sale at execution of the holder's rights under a concession, lease or licence the purchaser shall, subject to regulation 50(4) and, on production to the Commissioner of a copy of the Conditions of Sale signed by the Registrar of Deeds, or a bailiff as the case may be, with a certificate that the purchase money has been paid, be entitled on payment of the prescribed fee to have an entry made in the Register of concessions, leases and licences of such sale and purchase and also to receive from the Commissioner a Certificate of Transfer in Form 10 in the first schedule to these regulations, and such certificate duly signed by the Commissioner shall be evidence in all courts of law of the transfer to the purchaser at execution sale of the concession, lease or licence therein mentioned.

Form 10.

Fee upon transfer.

53. The fee payable to the Commissioner for making the entry and giving the Certificate of Transfer mentioned in the last preceding regulation shall be the same as for filing notice of a transfer.

Fee payable on transfer. Second schedule.

54. There shall be payable in advance on every notice of a transfer the fee specified in the Second Schedule.

PART VIII WATER RIGHTS

Extent of claims which may be held in water-course. Reg. 11/1954)

55. A person may hold at the same time on any water-course which is not navigable, claims extending from the point where such water-course ceases to be navigable to its source. No claim other than a dredging concession or river location shall include the bed of a navigable river or water-course.

Determination of navigability of water-course. [1 of 1972]

56. The question whether a water-course is or is not navigable, and at what point a water-course is or is not navigable shall be determined by the mines officer or Commissioner.

Saving of right of navigation.

57. No person holding a claim on either bank of a navigable water-course shall prevent free navigation and passage thereon.

Use of water-course passing through or adjacent to any claim. [1 of 1972]

58. (1) Where any water-course passes through or adjacent to any claim the use of the water passing through or along same shall be subject to any Regulations which may be for the time being in force.

(2) Every holder of a claim shall be entitled to the free use of water naturally flowing through or past his claim, and not already lawfully appropriated in such manner as may, in the opinion of the Commissioner or of the mines officer, subject to the approval of the Commissioner, be necessary for the proper working thereof.

59. (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.

Prohibition
of flooding
of claim.
[1 of 1972]

(2) In addition to any penalty for a breach of this regulation, 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 necessarily used by others, shall be liable for such damages as may be assessed by the Commissioner or for the provision of alternative means of access to the satisfaction of the Commissioner or mines officer.

60. The Minister may grant to any person a licence, with such terms and conditions as he may think proper—

Licence for
construction
of dam, etc.

(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 State lands (whether or not the land is held under a licence, lease or concession) 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 State lands for the purpose of supplying with water any machine or any engine or machinery employed and for mining purposes:

Provided that such works shall not interfere with existing rights.

61. (1) The construction of a dam, reservoir, water-race, the laying of pipes for the conveyance of water or the erection of any wire or land cable for the conveyance of electricity or the erection of pumping or other machinery in connection therewith, shall be commenced within such time as the Commissioner may consider reasonable from the issue of the licence authorising the same, and the holder of the licence shall continue such work until it is completed to the satisfaction of the Commissioner or mines officer, otherwise any right which he may be entitled to by virtue of such licence may be declared by the Minister to be forfeited.

Rules as to
construction
of dam, etc.,
on lands
occupied by
claim-holder
or vacant.
[1 of 1972]

(2) Every water-race shall have a point to be specified by the Commissioner or mines officer at which 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 or the conveyance of water.

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

Construction of dams, etc., on lands not occupied by the claim-holder.
[1 of 1972]

62. The Commissioner may, on the written application of the holder of any claim, require the holder of any other claim to cut and construct on his claim or permit the holder of the first mentioned claim to cut, construct and use thereon, to the satisfaction of the Commissioner or mines officer, any of the works mentioned in regulation 60 which may be necessary for the proper working of the first mentioned claim:

Provided always that the holder of the claim on which such work is constructed shall be entitled to receive from the holder of the other claim such compensation (if any) as the Commissioner or mines officer may award.

Permitting dredge to cross claim.
[1 of 1972]

63. The Commissioner, on the written application of the owner of any dredge or his representative, may permit such dredge to be taken from one part of a creek to any other part thereof across any claim or claims held by other persons: Provided always that the holders of such claims across which any dredge is permitted to pass shall be entitled to be paid by the owner of the dredge such compensation (if any) for actual damage done to the claim-holders' workings or disturbance of operations as the Commissioner or mines officer may award.

Right to use of channel of river or creek.

64. The natural channel of the river or creek shall be considered as a public tail race, and all claim-holders shall be entitled to, and if required by a mines officer, shall turn their tail water into the river or creek at the end of their claims.

Prohibition of damage to race, etc.

65. No person shall, under any pretence whatever, damage, destroy, or otherwise interfere with any race, tail-race, dam, sludge-channel, or draining machine or other appliance connected therewith, or with any claim or area, unless the same has been abandoned or the sanction of the owner thereof, or the authority of the mines officer has first been obtained in writing for that purpose.

Power to cancel licence.

66. In case any holder of a licence under regulation 60 fails to make a reasonable use of the advantages allowed to him by his

licence or if he takes water in excess of a reasonable quantity or if he wastes water or if he fails to comply with the condition under which his licence was granted the Minister may cancel his licence.

67. No person shall deposit or cause to be deposited upon any claim or site in the occupation of any other person except with the consent of such person, any earth, stone, gravel, debris, or tailing or any other substance.

Protection of claim-holder from deposit of earth, etc.

TIMBER RIGHTS

68. (1) The holder of a claim shall have the right to use all timber growing on his claim as he may require for the proper working of such claim, subject however to the rights reserved under regulation 23.

Right to use trees on claim.

(2) The holder of a claim who may require any wood, timber or other material from the ungranted State lands outside the limits of his claim, for the purposes set forth in these Regulations, may apply for and take out a licence or licences for the same under the State Lands Regulations for the time being in force, and any application made under this regulation shall have preference over any other application for a licence made under the State Lands Regulations.

69. Any person who fells or causes to be felled any tree across or upon any road, footpath, crossing-place, claim, water-race, or other mining property, shall cause the same to be removed within twelve hours after the felling thereof.

Removal of tree felled on road, etc.

PART IX

OCCUPATION OF LAND FOR RESIDENCE, MILL, ETC.

70. (1) The Commissioner may, on such terms and conditions as he thinks fit, permit any holder of a claim to occupy a portion of State land in the vicinity of his claim 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 business or other legitimate object connected with mining, provided that such land is not required for mining purposes or the occupation thereof calculated in any way to interfere prejudicially with mining operations.

Occupation for specified purposes of land in vicinity.

(2) The Commissioner may similarly grant permission to the holder of a licence to trade in gold or precious stones to occupy a site not exceeding one acre for the erection of business premises.

71. The Commissioner may, on such terms and conditions as he thinks fit, permit the holder of a claim to construct and maintain a

Permission to construct railway or tramway.

railway or tramway on any portion of State land leading to or from his claim which may be necessary or desirable for the better and more effectual working of such claim, and the Commissioner may also permit such railway or tramway to be carried across the claim of any other person, provided that such railway or tramway does not interfere with, or prevent the proper working of the claim of such last mentioned person, and provided further that such compensation for damage done to workings or disturbance of operations as the Commissioner shall think just and reasonable shall be paid to such last mentioned person by the person who desires to carry any railway or tramway across such last-mentioned claim, and any dispute as to the amount of such compensation or in connection with the carrying of any such railway or tramway across the claim of any person, shall be determined under Part XI.

PART X SURVEYS

Defraying
of costs of
survey.
[1 of 1972]

72. (1) The holder of a claim located under Part I who desires to have the same surveyed by a Government surveyor, shall defray the cost of the survey.

(2) Application for the survey shall be made to the Commissioner or mines officer and the necessary fees and costs shall be paid in advance.

(3) The costs of a survey of a claim in dispute shall be defrayed in the first instance by the person applying to have the dispute determined and the officer determining the same shall have power to say on whom the costs shall fall, and the same shall be recoverable as costs in the cause.

Power to
Commissioner
to direct
survey.
[1 of 1972]

73. Where the Commissioner or mines officer considers it necessary that a survey should be made to prevent dispute or error, he shall cause an intimation to that effect to be given to any holder of a claim, and the cost of such survey shall be defrayed by the holder of the claim either wholly or in such proportion as the Commissioner or mines officer may direct.

Modification
of boundaries
on survey.

74. (1) On making a survey, the surveyor may modify or alter the boundaries of a claim, so as to make the claim conform to these Regulations, or so as to avoid interference with the rights and privileges of persons other than the holder of the claim.

(2) In such case the diagram shall show the boundaries as marked out by the holder of the claim and the boundaries which the surveyor lays down by way of modification or alteration.

75. (1) Subject to regulation 76 no concession or lease shall be granted unless the area to be granted has been surveyed by a duly qualified surveyor.

Concession not to be granted till survey is made.

(2) If any such survey is not made by a surveyor of the Department of Geological Surveys and Mines, the original diagram of such survey together with a duplicate of the same shall be delivered to the Commissioner.

76. (1) No survey of any area in respect of which an application has been made, shall be necessary if such area has been previously granted, and any duly qualified surveyor is able from personal knowledge to certify that the boundary paals are in good order and are to the best of his belief standing in their original positions, and in such cases the applicant shall obtain from the Department of Geological Surveys and Mines a certified copy of the diagram on record in that department together with a certificate of the surveyor who inspected the boundaries.

Survey not necessary in certain cases.

(2) No survey shall be necessary if the area applied for is bounded by tributary creeks or other well defined limits and such boundaries are well marked on a chart of a survey on record in the Department of Geological Surveys and Mines from which it is possible to calculate accurately the area applied for.

77. The width of a river or creek for the purpose of calculating its area shall be taken from the top of one bank to the top of the other bank, as fixed by the survey.

Area of concession.

78. The surveyor at the cost of the applicant, shall place at the bank extremity of the granted portion of a river or creek on each bank thereof, iron or concrete and hardwood paals in the manner laid down in the Land Surveyors Act.

Boundary marks.

c. 97:01

79. The boundary lines defining the limits of length of any portion of river or creek to be granted shall run across such river or creek at right angles to its course at the point where such boundary lines are fixed.

Position of boundary lines.

80. The fees to be deposited for any survey to be executed by a surveyor of the Department of Geological Surveys and Mines under these regulations shall be based on the actual estimated cost of the survey to the Government including the surveyor's salary and field allowances.

Survey fees.

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 XI

DETERMINATION OF DISPUTES

General provision as to determination of disputes in first instance. [1 of 1972].

81. All disputes by way of opposition to the issue of any licence, and all disputes as to what land is or is not lawfully occupied or has or has not been lawfully located, or any other disputes arising under these regulations shall be decided by the Commissioner, or an officer appointed by him or the mines officer of the mining district in which the dispute arises.

Making of complaint. [1 of 1972].

82. (1) The person desiring to have any dispute other than by way of opposition settled shall file a complaint in writing in duplicate setting forth the names of the parties to the dispute, a short statement of the cause of complaint, and the remedy or redress which he asks for, and shall, within seven days thereafter, serve on the opposite party, either personally or by leaving the same at his registered address, or in such other manner as the Commissioner, or an officer appointed by him or the mines officer may direct, a copy of the complaint.

(2) There shall be endorsed on the complaint an address in Georgetown or New Amsterdam or in the mining district, as the case may be, at which all notices may be served on the complainant.

Filing answer.

83. (1) The opposite party may, within seven days or such longer time as the Commissioner may allow after service upon him of the statement or complaint, file an answer in writing stating how much he admits and how much he denies in the statement or complaint. He shall within the same time serve on the party complaining at the address contained in the statement or complaint, a copy of the answer.

(2) There shall be endorsed on the answer an address in Georgetown, New Amsterdam or in the mining district as the case may be, at which all notices may be served on the opposite party.

Filing of reply. [1 of 1972].

84. On such answer being filed, the Commissioner, or an officer appointed by him or the mines officer may, if he thinks fit, by notice in writing, require the complainant to file a reply and in such case the reply shall be filed and a copy served on the opposite party within such time, and in such manner as may be prescribed in the notice.

85. Every person filing any document under the last three preceding regulations shall do so in duplicate at the office either of the Commissioner or of the mines officer.

Place for
filing
documents.
{1 of 1972}

86. The Commissioner, or an officer appointed by him or the mines officer may on the *ex parte* application of either party or after such notice as he may direct, either before or after the time limited by this Part for the filing of any document or the doing of any act, enlarge the time for filing such document or doing such act.

Enlarging of
time for
filing docu-
ments.
{1 of 1972}

87. (1) The answer or reply, as the case may be, having been filed or default having been made therein, the Commissioner, or an officer appointed by him or the mines officer, shall forthwith cause notice in writing to be served on both parties at their addresses for services of the day, hour and place at which the dispute will be heard and determined.

Giving
notice of
hearing.
{1 of 1972}

(2) If the hearing so appointed does not take place, a fresh notice of hearing may be served, and so on *toties quoties*.

88. At the day, hour and place mentioned in the notice of hearing, the Commissioner, officer appointed by him or the mines officer, shall proceed to hear and determine the dispute:

Hearing.
{1 of 1972}

Provided, however, that, in any case which is to be heard by the officer appointed or the mines officer, the officer appointed or the mines officer shall have power to refer the case to the Commissioner, and the Commissioner may hear and determine the same accordingly or may in his discretion remit the case to be heard and determined by the officer appointed or the mines officer.

89. Any extract from any book, record, or other document required to be kept by any officer under these Regulations, or any copy of any document or of any entry in any book or other record in the custody or possession, or under the control of any officer under these Regulations, if certified to be true by the officer for the time being in charge of such book, record or other document may be given in evidence on the hearing of any dispute or other proceeding without calling any such officer to prove the same.

Proof of
document.

90. The Commissioner, officer appointed by him or mines officer shall for the purpose of hearing and determining any dispute, have power to sit in any part of Guyana and to adjourn from place to place as occasion may require.

Place of
sitting, etc.
{1 of 1972}

[Subsidiary]

Mining Regulations

Power to
require
survey, etc.
[1 of 1972]

91. The Commissioner, officer appointed by him or the mines officer may for the purpose of hearing and determining any dispute, require one of the parties to the dispute to cause such surveys and measurements to be made and taken as he may think proper; and he shall enter on the records of the proceedings the fact of his having required any such survey or measurement to be taken, and shall in his decision say on whom the expenses of the survey or measurement shall fall.

Procedure at
hearing.

92. (1) At the time appointed for the hearing of the dispute the opposer or complainant shall proceed to state his case and then examine his witnesses, who may be cross-examined and re-examined, and tender his documentary evidence, and if the opposite party adduces no evidence, the opposer or complainant may sum up his evidence, and comment thereon.

(2) When the opposer or complainant has concluded his case, the opposite party may state his case and adduce evidence, and sum up and comment thereon.

(3) If the opposite party adduces no evidence, the opposer or complainant shall have no right of reply.

(4) If the opposite party adduces evidence, the opposer or complainant shall be at liberty to reply generally on the whole case.

Giving of
decision.
[1 of 1972]

93. After the hearing has been concluded the Commissioner, officer appointed by him or the mines officer shall give his decision and order and the reasons thereof in writing, which shall form part of the record, and shall intimate the same to the several parties as soon after the delivery of such decision and order as practicable.

Determination
of licences
affected by
decision.
[1 of 1972]

94. When the Commissioner, officer appointed by him or the mines officer declares that a location made by any party to a dispute is null and void, the licence, if any, held by such party for the land included in such location as aforesaid, shall at the expiration of the period allowed for appeal against the decision of the Commissioner, officer appointed by him or the mines officer and provided that no appeal has been lodged, *ipso facto* cease and determine.

Enforcement
of decision.
[1 of 1972]

95. The decision or order of the Commissioner, officer appointed by him or the mines officer shall be given effect to and enforced notwithstanding any appeal, until such decision or order has been varied or set aside on appeal, unless the High Court otherwise orders for such reasons and on such terms as it may think fit.

96. Every party shall be entitled, on application at the office of the Commissioner or mines officer, to a copy of the proceedings on payment of the prescribed fee. Right to copy of proceedings.

97. Any party aggrieved by any such decision as aforesaid may appeal therefrom to the High Court. Appeal.

98. The Commissioner, officer appointed by him or the mines officer may, where it appears to him absolutely necessary to do so for the maintenance of the public peace or for the protection of the interests of the State or of private persons, order that all work shall cease on a claim, either generally or by any particular person or persons and thereupon work shall be discontinued accordingly. Power to Commissioner or mines officer to order work to cease. [1 of 1972]

99. If either party to an opposition or dispute refuses or neglects to give effect to any order or decision lawfully made therein, he shall, in addition to any other penalty or process to enforce such order to which he may be subject forfeit all his interest in the subject-matter of the opposition or dispute, and be liable to a fine of three hundred dollars. Consequence of refusal or neglect to give effect to order.

100. The Commissioner, officer appointed by him or the mines officer may award to either of the parties to any dispute such costs not exceeding the scale in actions in the High Court as in his discretion he thinks fit. The fees for filing documents and for other proceedings under this Part shall be those specified in the Second Schedule. Fees. [1 of 1972] Second Schedule.

PART XII

SANITARY REGULATIONS

101. (1) Every holder of a claim or of a permission under regulation 70 shall provide for the use of all persons employed by him, within a reasonable distance, to leeward if practicable of the camp or place where such persons are working, a properly screened latrine with a pit or proper movable receptacle beneath and also such other pits or trenches as may be necessary for the deposit of excreta. Provision of latrine, etc., on claim. [1 of 1972]

(2) The position of such latrine and of such pits or trenches shall be subject to the approval of the mines officer.

(3) Every such latrine shall be kept clean and disinfected to the satisfaction of the mines officer.

(4) All excreta shall be deposited in such latrine or in such other pits or trenches, and not elsewhere.

102. (1) Each mines officer shall appoint suitable spots in the different parts of his mining district for the deposit of rubbish and refuse matter, animal and vegetable, other than excreta. Disposal of refuse matter. [1 of 1972]

(2) No person shall deposit or cause to be deposited, any such rubbish or refuse matter in any place except the spot appointed by the mines officer.

Removal
of refuse
matter.
[1 of 1972]

103. The occupier of any dwelling-house, hut, logie or tent in a mining district nearest to which any rubbish or refuse matter or excreta is or are deposited shall be bound to bury at least three feet below the surface of the ground or remove or burn the same and shall so bury, remove or burn the same within twenty-four hours after being required by any mines officer to do so.

Burial of
dead animal.

104. The owner or any person in charge of any animal which dies on or near a claim shall within twelve hours after such death, cause the animal to be burnt or buried at least six feet deep and a distance of not less than one hundred yards from any habitation.

Keeping
land around
shop, etc.,
clean.
[1 of 1972]

105. Every owner, person in charge or watchman of a shop or magazine shall be bound to keep the land around the shop or magazine within a radius of fifty feet or such smaller area as may be under his control, in a clean state and properly drained and free from empty tins, bottles, or other receptacles to the satisfaction of the mines officer.

Establishment
of graveyards.
[1 of 1972]

106. Any mines officer may cause graveyards to be marked out and fenced off not less than a quarter mile from and if practicable to leeward of the camps in his mining district; and the interment of persons dying in the district shall, as far as possible, be made therein, within thirty-six hours of death, but in no case shall interments be made at a less distance than a quarter of a mile from the nearest inhabited building or any camp.

Reservation
of creek for
drinking
water.
[1 of 1972]

107. Any mines officer may reserve such creeks for drinking purposes as he may from time to time deem necessary and thereupon, and until the reservation is removed, such creek shall not be open to location.

Causing
water to
become
contaminated.

108. Every person who wilfully or negligently causes the water of any well or reservoir on or near any claim, or of any creek used for drinking purposes and set apart by the mines officer for that purpose, to become contaminated shall be guilty of a breach of these Regulations.

Drainage,
etc., of land
near dwellings.

109. (1) It shall be the duty of every holder or person in charge of a claim to see that the land to the extent of fifty yards (if under his control) surrounding the dwellings of the persons employed by him