

MINING (GENERAL) REGULATIONS
- CHAPTER 285A

Empowering section VerDate:30/06/1997

(Cap 285, section 67)

[15 October 1954]

(G.N.A. 124 of 1954)

REGULATION 1

Citation VerDate:30/06/1997

PART I

PRELIMINARY

These regulations may be cited as the Mining (General) Regulations.

REGULATION 2

Interpretation VerDate:30/06/1997

In these regulations, unless the context otherwise requires-"temporary marker" means a concrete post not less than 75 millimetres square or 75 millimetres in diameter projecting in an upright position not less than 600 millimetres above the surface of the ground:

(L.N. 87 of 1986)

Provided that where cement is not available, timber may be used.

REGULATION 3

Manner and forms of applications and amendments thereof VerDate:30/06/1997

PART II

APPLICATIONS

(1) Any person who desires to obtain a prospecting licence, a mining licence or a mining lease, shall apply to the Superintendent of Mines in duplicate on the appropriate form prescribed in the First Schedule.

(2) A plan, in duplicate, of the area applied for, drawn to the scale of 1:20000, shall accompany every such application and shall show-

(a) all important local objects, landmarks, streams and buildings within the area applied for; and

(b) the topographical features, including the courses and names, if any, of streams within or adjacent to the area applied for, as shown on the 1:20000 topographical sheet in the map series HM20C covering the district in which the area lies. (L.N. 92 of 1971; L.N. 87 of 1986)

(3) When no question of priority of application arises, the Superintendent of Mines may permit amendment of any application in the case of clerical or minor errors in the plan, and the date of any

application so amended shall remain the original date of its first acceptance, which shall have been endorsed thereon at the time of acceptance.

(L.N. 155 of 1963)

REGULATION 4

Applicants to give notice to owners, etc. of land within area applied for VerDate:30/06/1997

Not less than four weeks and not more than six weeks after the making of any application pursuant to the provisions of regulation 3, the applicant shall, unless his application has been refused, give written notice of the particulars of such application to the owner and any lawful occupier of any private land situated within the area to which such application relates, and shall give or send by registered post to the Superintendent of Mines a copy of each such notice.

(L.N. 155 of 1963)

REGULATION 5

Marking and inspection of land VerDate:30/06/1997

At any time after the expiration of fourteen days from the date on which the notice or, where more than one such notice is required, the last of such notices was given pursuant to regulation 4, the Superintendent of Mines, subject to notice having been given to the owner or occupier, if any, of any private land in question, may inspect, or cause to be inspected, the area to which the application relates, and for the purposes of any such inspection may require the applicant, subject to the consent of such owner or occupier, to erect temporary markers indicating on the ground the boundaries of the area to which the application relates.

(L.N. 155 of 1963)

REGULATION 6

Withdrawal of application VerDate:30/06/1997

(1) Any applicant who withdraws his application for a prospecting licence, a mining licence or a mining lease shall pay to the Treasury the appropriate prescribed fee.

(2) An application for a prospecting licence shall not be withdrawn after the applicant has marked out within the prospecting area an area in respect of which a mining licence or a mining lease has been applied for.

REGULATION 7

Refusal of application on failure to furnish financial security or for want of working capital VerDate:30/06/1997

(1) An application shall be refused if the applicant fails to furnish any financial security which may be required of him for any purposes for which security is required under the Ordinance or these regulations.

(2) Notwithstanding that no financial security is required of an applicant as aforesaid, the Commissioner may refuse to grant an application for a prospecting licence or a mining licence unless he is satisfied that the applicant commands sufficient working capital to ensure adequate prospecting of, or, as the case may be, proper working of, the area applied for.

(L.N. 155 of 1963)

REGULATION 8

Fees and payments VerDate:30/06/1997

The applicant shall within fourteen days after demand pay to the Treasury any payments which may have been demanded, and in the event of the applicant failing so to do the Commissioner may refuse his application.

REGULATION 9

Maintenance of boundary markers VerDate:30/06/1997

All markers indicating the area in respect of which a prospecting licence, a mining licence or a mining lease has been issued shall at all times be kept in good condition and repair by the licensee or lessee.

REGULATION 10

Prospecting licence VerDate:30/06/1997

PART III

PROSPECTING LICENCES

A prospecting licence shall be in the form prescribed in the First Schedule. (See Form IV)

REGULATION 11

Application to dispose of or retain minerals VerDate:30/06/1997

(1) Every holder of a prospecting licence who desires to dispose of or retain any minerals obtained in the course of prospecting shall apply in writing to the Commissioner, and shall- (L.N. 155 of 1963)

- (a) state the kind and quantity of minerals in respect of which the application is made; and
 - (b) state the location from which each mineral was obtained; and (L.N. 155 of 1963)
 - (c) furnish such other information as the Commissioner may require;
- and
- (d) pay the prescribed fee.

(2) The consent of the Commissioner to the disposal of or retention of any mineral by the holder of a prospecting licence shall be in writing and shall specify the kind and quantity of the minerals which may be disposed of or retained.

REGULATION 12

Duty to fill in excavations VerDate:30/06/1997

The holder of a prospecting licence shall fill in or otherwise render secure, to the satisfaction of the Superintendent of Mines, all unproductive shafts, excavations or trenches made by him in the course of prospecting.

REGULATION 13

Survey VerDate:30/06/1997

In the case of a prospecting licence, the Superintendent of Mines or a mines officer authorized by him shall make a survey in respect of the whole or part of the boundaries or may postpone such survey for such time as he may think fit.

REGULATION 14

Minimum expenditure on prospecting VerDate:30/06/1997

The expenditure by the holder of a prospecting licence for prospecting alone shall be at the average rate of not less than \$25 per hectare per month over each period of six months during which the licence is in force, the first such period commencing on the date of the licence and, where the licence is renewed, the second and any subsequent period as aforesaid commencing forthwith upon the expiration of the period immediately preceding it.

(L.N. 155 of 1963; L.N. 87 of 1986)

REGULATION 15

Suspension or reduction of minimum VerDate:30/06/1997

On the application of the holder of a prospecting licence and on payment of the appropriate prescribed fee, the Commissioner, for good cause shown, may by writing under his hand either suspend the obligation imposed on the holder of the licence by regulation 14, or reduce the average minimum rate of expenditure imposed upon the holder of the licence by the said regulation to such rate, in either case for a period of six months at any one time (being a period referred to in regulation 14), as he may deem proper, and such power may be exercised by the Commissioner notwithstanding that the period for which suspension of the obligation or reduction of the average minimum rate of expenditure, as the case may be, is granted, has commenced to run.

(L.N. 155 of 1963)

REGULATION 16

Renewal or surrender of prospecting licences VerDate:30/06/1997

Application for the renewal or surrender of a prospecting licence shall be made through the Superintendent of Mines.

REGULATION 17

Mining licence VerDate:30/06/1997

PART IV

MINING

A mining licence shall be in the form prescribed in the First Schedule. (See Form V)

REGULATION 18

Duty to submit prospecting plan VerDate:30/06/1997

In addition to the plan furnished in accordance with the provisions of regulation 3, the applicant shall submit to the Superintendent of Mines for retention a further plan on a scale not smaller than 1:2000 showing all prospecting done on the area in respect of which the application for a mining licence is made together with the minerals found and a statement of the ore reserves as calculated from such prospecting.(L.N. 155 of 1963; L.N. 87 of 1986)

REGULATION 19

Power to substitute mining lease for mining licence VerDate:30/06/1997

Where there is reason to believe that the mineral deposit is such as to justify the grant of a mining lease, such a lease may be granted in substitution for a mining licence provided that the applicant complies with the provisions of the Ordinance and of these regulations in respect thereof.

(L.N. 155 of 1963)

REGULATION 20

Renewal of mining licences VerDate:30/06/1997

Application for renewal of a mining licence shall be made through the Superintendent of Mines.

(L.N. 155 of 1963)

REGULATION 21

Grant of mining lease within prospecting licence or mining licence boundaries VerDate:30/06/1997

(1)The holder of a prospecting licence or mining licence may apply for a mining lease on the prescribed form.

(2)Where there is reason to believe that the mineral deposit is not such as to justify the grant of a mining lease, a mining licence may be granted to the holder of a prospecting licence provided that the applicant complies with the provisions of the Ordinance and of these regulations in respect of mining licences. (L.N. 155 of 1963)

REGULATION 22

Obligations in respect of labour and Superintendent's power of modification. Acceptance of horse-power equivalent in substitution VerDate:30/06/1997

(1)The holder of a mining licence or mining lease shall keep continuously employed in mining operations on the area to which the licence or lease relates at least five persons for every 4 hectares or part thereof. (L.N. 155 of 1963)

(2)(a)Labour-saving apparatus calculated at the rate of 1 kilowatt per 7 persons may be accepted in substitution, pro rata, for the number of persons specified in paragraph (1).

(b) For the purpose of this regulation, the kilowatt power of all internal combustion, ignition compression and steam engines shall be the output power in kilowatts declared in the manufacturer's specifications.

(3)If it is shown to the satisfaction of the Commissioner that circumstances have arisen in connection with any mining licence or mining lease or the holder thereof which render it necessary for him so to do, he may, by writing under his hand and on such conditions and for such time as he may specify, either suspend the obligations of the licensee or lessee imposed by this regulation or reduce the minimum number of persons required to be employed for every 4 hectares to such number as he may specify. (L.N. 155 of 1963)(L.N. 87 of 1986)

REGULATION 22A

Interpretation VerDate:01/07/1997

Adaptation amendments retroactively made - see 57 of 1999 s. 3

PART V

POSSESSION AND PURCHASE OF SPECIFIED MINERALS

(L.N. 23 of 1966)

In this Part, the expression "specified minerals" means any minerals, in their unmanufactured state, to which the Chief Executive may by order apply Part VI of the Ordinance.
(L.N. 23 of 1966; 57 of 1999 s. 3)

REGULATION 23

Application to Commissioner for Authorized Buyer's Licence VerDate:30/06/1997

(1) Any person who desires to obtain an Authorized Buyer's Licence shall apply in writing to the Commissioner declaring-

(a) the class or classes of specified minerals he desires to purchase; (L.N. 155 of 1963; L.N. 23 of 1966)

(b) the address of the godown or other place at which he proposes to store any specified mineral; and (L.N. 155 of 1963; L.N. 23 of 1966)

(c) an address where notices may be served.

(2) The Commissioner may reject any application or may grant the applicant a licence in the form prescribed in the First Schedule. (See Form VIII) (L.N. 155 of 1963; L.N. 23 of 1966)

REGULATION 24

Requirement of Mineral Removal Permit VerDate:30/06/1997

All specified minerals removed from any mining area shall be accompanied by a Mineral Removal Permit issued by the Commissioner in the form prescribed in the First Schedule. (See Form VI)
(L.N. 23 of 1966)

REGULATION 25

Requirement relating to removal of specified minerals by authorized buyers VerDate:30/06/1997

All specified minerals removed from an Authorized Buyer's godown or other place of storage shall be accompanied by an Authorized Buyer's Removal Permit issued by the Commissioner in the form prescribed in the First Schedule. (See Form VII)
(L.N. 23 of 1966)

REGULATION 25A

Permission to dispose of minerals other than those specified in mining licence or lease
VerDate:30/06/1997

PART VA

DISPOSAL OF MINERALS OTHER THAN THOSE SPECIFIED IN MINING LICENCE OR LEASE

The Commissioner may, on payment of the prescribed fee, grant permission to the holder of a mining licence or mining lease to dispose of minerals other than those specified in the licence or lease.
(L.N. 23 of 1966)

REGULATION 26

Deposit of tailings VerDate:30/06/1997

PART VI

TAILINGS AND DUMPS

The holder of a mining licence or a mining lease, if the area covered by his licence or lease gives access to a natural watercourse, may, within such area, deposit in the watercourse tailings not in excess of 10 grams per litre: (L.N. 87 of 1986)

Provided that the Superintendent of Mines may by order in writing prohibit the deposit of tailings in any watercourse, or any part thereof, or may limit the extent of the deposit in such manner as he may think fit, and in such event may prescribe the method of deposit.

REGULATION 27

Prohibition of dumps without approval VerDate:30/06/1997

No dumps for overburden, low grade ore or debris may be started without the approval in writing of the Superintendent of Mines.

REGULATION 28

Duty to pay rents, and in advance. Power of Chief Executive in Council to reduce or remit rents. Application of rents payable prior to enactment of regulations VerDate:01/07/1997

Adaptation amendments retroactively made - see 57 of 1999 s. 3

PART VII

RENTS, PREMIUMS AND FEES

(1)The rents set out in the Second Schedule shall be paid by the persons named therein but the Chief Executive in Council may, in his discretion, reduce or remit either temporarily or for the remainder of the term the amount of any rents so payable. (57 of 1999 s. 3)

(2)Rents in force at the time of coming into operation of these regulations shall continue to apply to leases granted prior to that date but rent for any period of renewal shall be the rent prescribed at the time of renewal.

(3)(a)Rents shall be payable in advance to the Treasury, and shall be in addition to any royalties.

(b) Rents which have become payable and are not paid within thirty days of the date of demand shall be increased by the addition of a surcharge equal to 5 per cent of the unpaid rents and the surcharge and unpaid rents shall become payable forthwith.

REGULATION 29

Duty to pay premiums and fees VerDate:01/07/1997

Adaptation amendments retroactively made - see 57 of 1999 s. 3

The premiums and fees set out in the Third Schedule shall be paid in respect of the matters mentioned therein but the Chief Executive in Council may, in his discretion, reduce or remit the amount of any premium or fee so payable.

(57 of 1999 s. 3)

REGULATION 30

Royalty VerDate:01/07/1997

Amendments retroactively made - see 29 of 1998 s. 105

PART VIII

ROYALTIES

(1)When any minerals which have been won by the holder of any prospecting or mining licence or mining lease, whether or not by virtue of the licence or lease, are sold or otherwise disposed of by him or on his behalf, there shall become due and payable to the Government by such holder a royalty of 5 per cent of the value of such minerals. (L.N. 23 of 1966; 29 of 1998 s. 105)

(2)The value of minerals for the purpose of determining the amount of royalty payable in respect thereof shall be their value in the condition in which they were when they were sold or otherwise disposed of by or on behalf of the person by whom they were won, less any deductions made under the provisions of paragraph (3).

(3)In determining the amount of royalty payable in respect of any minerals, the Commissioner may, in respect of any process necessary to put the minerals in the condition in which they were when they were sold or otherwise disposed of or in any other respect, make such deductions as he thinks fit from the value of the minerals as determined in accordance with the provisions of paragraph (2).

(4)For the purpose of enabling him to determine the amount of royalty payable in respect of any minerals, the Commissioner may require the licensee or lessee by whom the minerals were won to produce to him such accounts, books, records or documents as he may specify.

(4A)(a)Notwithstanding the provisions of paragraph (1), where by reason of the fact that the holder of a prospecting or mining licence or mining lease manufactures goods from minerals that he has won under his licence or lease the Commissioner is satisfied that there is no means of assessing the value of such minerals in accordance with paragraph

(2), the Commissioner may specify a rate per tonne at which royalty shall be payable in respect of such minerals and the period for which it shall be payable and royalty at that rate shall become due and payable to the Government by such holder. (L.N. 87 of 1986; 29 of 1998 s. 105)

(b) The holder of a prospecting or mining licence or mining lease who is aggrieved by a decision of the Commissioner made in respect of him under subparagraph (a), as to the rate per tonne at which royalty shall be payable in respect of any minerals may, within 28 days after receipt of notice of such decision, appeal to the Administrative Appeals Board. (6 of 1994 s. 53)

(c) (Repealed 6 of 1994 s. 53)

(5)(a) Where any royalty has become due and payable to the Government and for any reason it is not possible immediately to determine with sufficient accuracy the value of the minerals in respect of which such royalty has become so due and payable, the Commissioner may require the licensee or lessee by whom such minerals were won to pay to the Government, by way of provisional payment of such royalty, such reasonable sum as he thinks fit having regard to the likely value of such minerals.

(29 of 1998 s. 105)

(b) If, when the value of such minerals has been duly determined, the sum paid in accordance with a requirement of the Commissioner under the provisions of sub-paragraph (a) exceeds the amount of royalty actually due and payable in respect of such minerals, the Commissioner shall forthwith refund to the licensee or lessee the amount by which such sum exceeds the amount of royalty so due and payable, and the balance of such sum shall be regarded as having been paid in payment of such royalty.

(c) Save as provided in sub-paragraph (b), the sum so paid shall, when the value of such minerals has been duly determined, be regarded as having been paid in payment or part payment, according to the value of the minerals when so determined, of the royalty so due and payable.

(6) For the purposes of this regulation, the expression "Commissioner" includes the Superintendent. (G.N.A. 54 of 1961)

REGULATION 31

Provision of certain advance information VerDate:30/06/1997

The Superintendent of Mines, by writing under his hand, may, at any time and in respect of such period as he may specify, require the holder of any mining licence or any mining lease to provide him, in advance of shipment, local sale or other disposal, with information as to the weight, grade and value of minerals mined under such licence or lease. (L.N. 155 of 1963)

REGULATION 32

Duty to keep records, plans and accounts VerDate:30/06/1997

PART IX

ACCOUNTS, PLANS AND RETURNS

The holder of a prospecting licence, mining licence or mining lease shall keep-

- (a) accurate and regular accounts;
- (b) full particulars of all minerals obtained and the manner of their disposal;
- (c) records of miners and surface workers in connection with prospecting or mining operations in such manner as to enable the rendering of satisfactory returns required by regulation 34;
- (d) the plans required by subsection (1) of section 8 of the Ordinance and by Part XI of the Mines (Safety) Regulations (Cap 285 sub. leg.).

REGULATION 33

Revision of plans VerDate:30/06/1997

(1) The plans required to be kept by subsection (1) of section 8 of the Ordinance shall be revised at least once in every three months and shall-

(a) show all sample points and the assayed value in respect of each mineral taken by way of a sample from each such point; (L.N. 155 of 1963)

(b) show the position of all sample pits and boreholes, the depth to bedrock in the case of each and the overall value in respect of each mineral;

(c) show all natural watercourses and prominent topographical features;

(d) be to a scale of 1:2000, 1:1000 or 1:500, which scale shall be delineated on the plan. (L.N. 87 of 1986)

(2) Plans submitted in respect of a mining lease shall, in addition show-

(a) all watercourses, dams and reservoirs;

(b) all buildings;

(c) railways and excavations;

(d) intersection of underground workings; and shall be to a scale of 1:500 in the case of underground plans and sections.

(3) The scales prescribed in this regulation may be varied in writing in any particular case by the Superintendent of Mines.

(4) The Superintendent of Mines may require copies of plans supplied in accordance with subsection (1) of section 8 of the Ordinance to be certified in accordance with regulation 35.

REGULATION 34

Duty to render returns VerDate:01/07/1997

Adaptation amendments retroactively made - see 57 of 1999 s. 3

(1) On or before the seventh day of each month, the holder of a prospecting licence, mining licence or mining lease shall send to the Superintendent of Mines a written statement setting forth-

(a) in the case of a prospecting licence-

(i) the month in respect of which the return is being made;

(ii) the name and address of the holder or attorney;

(iii) the number and area of the prospecting licence;

(iv) the mineral or minerals sought;

- (v) the average number of miners employed on prospecting on the area and wages paid;
- (vi) any other particulars which the Superintendent of Mines may require; and
- (b) in the case of a mining licence or mining lease-
 - (i) the month in respect of which the return is being made;
 - (ii) the name and address of the holder or attorney;
 - (iii) the location of the mining area of the lease;
 - (iv) the number of the mining licence or the mining lot; (L.N. 155 of 1963)
 - (v) particulars of the labour employed and the man-power equivalent calculated in accordance with paragraph (2) of regulation 22; (L.N. 155 of 1963)
 - (vi) particulars of the wages paid;
 - (vii) the kilowatts used for power drilling and monetary equivalent; (L.N. 87 of 1986)
 - (viii) the number of metres of pitting and drilling respectively and cubic metres of other excavations during the month; (L.N. 87 of 1986)
 - (ix) the precise nature of any prospecting undertaken during the month and the length in metres thereof; (L.N. 87 of 1986)
 - (x) the amount of minerals on hand at the end of the preceding month;
 - (xi) the amount of minerals won during the month;
 - (xii) the amount of minerals dispatched during the month;
 - (xiii) the amount of minerals on hand at the end of the month;
 - (xiv) any other particulars which the Superintendent of Mines may require.

(2) On or before the 15th day of February in each year, every holder of a mining licence or mining lease shall send to the Superintendent of Mines a written statement setting forth his prospecting and mining operations as a whole during the year ended the previous 31st day of December including- (L.N. 155 of 1963)

- (a) the average gross cost per metre of shaft digging;
- (b) the average gross cost per metre of drilling with manual labour;
- (c) the average gross cost per metre with drills;
- (d) the average gross cost per cubic metre of other excavations;
- (e) the estimated average profit in respect of each tonne or other appropriate unit for each mineral delivered to the buyer but calculated before allowing for amortization of capital;

(f) in relation to any method of mining with regard to which the Superintendent of Mines requires the information, the cost of mining a cubic metre or a tonne or other appropriate unit as the case may be; and

(g) the estimated disbursements in Hong Kong in respect of local purchases and such other items as the Superintendent of Mines may reasonably require. (L.N. 87 of 1986; 57 of 1999 s. 3)

REGULATION 35

Authentication of certificates VerDate:01/07/1997

Adaptation amendments retroactively made - see 57 of 1999 s. 3

The certificate required by paragraph (4) of regulation 33 shall be signed and certified to be correct-

(a) in the case of an individual licensee or lessee resident in Hong Kong, by the licensee or lessee or his attorney;

(b) in the case of an individual licensee or lessee not so resident, or in the case of a partnership or company having its head office out of Hong Kong, by the resident attorney of the licensee, lessee, partnership or company;

(c) in the case of a partnership having its head office in Hong Kong, by all the partners or by the attorney of the partners; and

(d) in the case of a company incorporated in Hong Kong, by the manager or secretary of the company.

(57 of 1999 s. 3)

MINING (GENERAL) REGULATIONS - REGULATION 36

Method of renewal VerDate:30/06/1997

PART X

MISCELLANEOUS

The renewal of a prospecting licence or mining licence may be made by endorsement on the licence.

REGULATION 37

Offences and penalties VerDate:30/06/1997

Any person who contravenes the provisions of regulation 9,12, 14, 18, 22(1), 24, 25, 26, 27, 31, 32, 33 or 34 shall be guilty of an offence and liable to a fine of one thousand dollars and to imprisonment for six months.

MINING (GENERAL) REGULATIONS - SCHEDULE 1
VerDate:01/07/1997

Adaptation amendments retroactively made - see 29 of 1998 s. 105; 57 of 1999 s. 3

FORM I [regulation 3]

MINING (GENERAL) REGULATIONS

Application for a Prospecting Licence

To the Superintendent of Mines.

Number of application

.....
.....

(To be filled in by Mines Department).

1. Name of applicant.
2. Nationality of applicant.
3. Number of identity card.
4. Address at which notices may be served.
5. Whether the applicant intends to prospect on his own account or as an employee of any other person.
6. (1) If he is in the employ of any other person, state the name, nationality and address of such person.

(2) If the application is made by an employee evidence of the employer's consent to the application.
7. Whether the applicant has previously made an application for a prospecting licence, and if so, whether any such application was refused.
8. A plan of the area he intends to prospect.
9. The minerals he intends to prospect for.

Dated the day of 19 .

.....
(Signature of Applicant).

FORM II [regulation 3]

MINING (GENERAL) REGULATIONS

Application for a Mining Licence

To the Superintendent of Mines.

Number of application
.....

.....
(To be filled in by Mines Department).

1. Name of applicant.
2. Nationality of applicant.
3. Number of identity card.
4. Address at which notices may be served.
5. Number of applicant's prospecting licence (if any).
6. Name of the company, firm or person (if any) which the applicant represents.
7. Position or appointment held by applicant in relation to, or under, such company, firm or person.
8. Whether the area included is within the area of a prospecting licence.
9. Whether the area has been prospected by the applicant and if so, for what period and with what results
10. The mineral or minerals to be mined.

11. Plan of the area covered by this application for a mining licence.

12. In the case of a company, a copy of the memorandum and articles of association must be lodged with the Superintendent of Mines, giving the following details-

- (a) Name of company (if any).
- (b) Name, nationality and description of members or directors (if any).
- (c) Amount of nominal capital subscribed and cash working capital.
- (d) Address at which notices may be served.

Dated the day of 19 .

.....
(Signature of Applicant).

FORM III
[regulation 3]
MINING (GENERAL) REGULATIONS

Application for a Mining Lease

To the Superintendent of Mines.

Number of application
.....

.....
(To be filled in by Mines Department).

- 1. Name of applicant.
- 2. Nationality of applicant.
- 3. Number of identity card.
- 4. Address at which notices may be served.

5. The number of applicant's prospecting licence or mining licence (if any).

6. Name of company, firm or person (if any) which the applicant represents.

7. Position or appointment held by applicant in relation to, or under, such company, firm or person.

8. Plan and description of area.

9. The mineral or minerals to be mined.

10. Length of term desired.

Dated the day of 19 .

.....
(Signature of Applicant).

FORM IV
[regulation 10]
MINING (GENERAL) REGULATIONS

Prospecting Licence

Serial No.

LICENCE is hereby granted to (1)
.....
.....

(hereinafter called the licensee(s)) to prospect for (2)
.....
within the following area (hereinafter called the prospecting area) (3)
.....,
..... as delineated approximately on the
plan attached hereto and edged red.

2. This licence shall remain in force for six months from the date hereof, unless previously cancelled under the provisions of the Ordinance, but unless so cancelled may be renewed by the Commissioner for further terms of six months each:

Provided that the total period of the original licence together with all renewals thereof shall not exceed five years.

3. This licence is subject to the fees prescribed by regulations for the time being in force under the Mining Ordinance.

4. This licence entitles the licensee(s) to enter upon and prospect on-

(a) any Government land(4) within the prospecting area; and

(b) with the prior consent in writing of the owner and any lawful occupier, any private land(5) within the said area.

5. This licence is not transferable and any right or interest conferred by this licence is not assignable except with the prior consent in writing of the Commissioner of Mines.

6. This licence is subject to the provisions of the Mining Ordinance and of any regulations made thereunder for the time being in force, and further is subject to the following terms and conditions-

Dated the day of 19 .

.....
Commissioner of Mines.

Notes:

(1) Insert name, address and description of licensee(s).

(2) Insert class of mineral.

(3) Insert description of boundaries of area.

(4) "Government land" is defined by section 2 of the Ordinance to mean all land other than private land.

(5) "Private land" is defined by section 2 of the Ordinance to mean land held under lease, agreement for lease, tenancy agreement, licence, permit, deed of appropriation, or other valid title from the Government, and also land occupied by Her Majesty's Forces under lease, licence, permit, requisition or other permanent or temporary title.

(29 of 1998 s. 105)

FORM V [regulation 17]

MINING (GENERAL) REGULATIONS

Mining Licence

Serial No.

LICENCE is hereby granted to (1)
.....
.....

(hereinafter called the licensee(s)) to mine for (2)
.....
within the following area (hereinafter called the mining area) (3)
.....
..... as delineated approximately on the
plan attached hereto and edged red.

2. This licence shall remain in force for six months from the date hereof, unless previously cancelled under the provisions of the Ordinance, but unless so cancelled may be renewed by the Commissioner of Mines for further terms of six months each:

Provided that the total period of the original licence together with all renewals thereof shall not, save with the consent of the Chief Executive, exceed five years.

3. This licence is subject to such rentals, fees, royalties, premiums and other payments as may be prescribed from time to time by regulations made under the Mining Ordinance.

4. This licence confers on the licensee(s) the following rights-

(a) to carry out mining operations below the surface of the mining area;

(b) to enter upon, use and carry out mining operations on the surface of any Government land (4) within the said area; and

(c) with the prior consent in writing of the owner and any lawful occupier of any private land (5) within the said area, to enter upon, use and carry out mining operations on the surface thereof.

5. This licence is not transferable and any right or interest conferred by this licence is not assignable except with the prior consent of the Commissioner of Mines.

6. This licence is subject to the provisions of the Mining Ordinance and of any regulations made thereunder for the time being in force, and further is subject to the following terms and conditions-

Dated the day of 19 .
.....
Commissioner of Mines.

Notes:

(1) Insert name, address and description of licensee(s).

(2) Insert class of mineral.

(3) Insert description of boundaries of area.

(4) "Government land" is defined by section 2 of the Ordinance to mean all land other than private land.

(5) "Private land" is defined by section 2 of the Ordinance to mean land held under lease agreement for lease, tenancy agreement, licence, permit, deed of appropriation, or other valid title from the Government, and also land occupied by Her Majesty's Forces under lease, licence, permit, requisition or other permanent or temporary title.

(29 of 1998 s. 105; 57 of 1999 s. 3)

FORM VI[regulation 24]

MINING (GENERAL) REGULATIONS

Mineral Removal Permit

Serial No.

Mining Licence/Lot No.
.....
.....

Permission is hereby granted to
.....

on behalf of
.....
.....

to remove (a) of (b)
.....

from
.....
.....

to
.....
.....

- (a) Quantity
- (b) Mineral

Signed

Date of issue 19 .

This permit is valid only for twenty-four hours from date of issue.

FORM VII [regulation 25]

MINING (GENERAL) REGULATIONS

AUTHORIZED BUYER'S REMOVAL PERMIT

Serial No.

Authorized Buyer's Licence No.
.....

Permission is hereby granted to
.....

on behalf of
.....
.....

to remove (a) of (b)
.....

from
.....
.....

to
.....
.....

- (a) Quantity
- (b) Mineral

Signed

Date of issue 19 .

This permit is valid only for twenty-four hours from date of issue.

FORM VIII [regulation 23]

MINING (GENERAL) REGULATIONS

Authorized Buyer's Licence

Serial No.

Licence is hereby granted to (a)
.....

of (b)
.....
.....

to purchase (c)
.....
.....

for a period of one year from
.....

- ... (a) Name
(b)Address
(c) Mineral

CONDITIONS.

Business under this licence shall be transacted by the authorized buyer at the following addresses only-

Dated this day of 19 .

Fee \$500.00 paid by Demand Note No.
.....

Treasury Receipt No.
.....
.....

.....
Commissioner of Mines.

This licence is not transferable.
(L.N. 15 of 1971; L.N. 79 of 1997)

[regulation 28]

- (1) Per hectare, by the holder of a mining licence \$30.00 for every 6 months.
- (2) Per hectare, by the lessee of a mining lease \$12.50 per annum.
(L.N. 87 of 1986; L.N. 347 of 1992; L.N. 68 of 1994; L.N. 61 of 1995; L.N. 271 of 1996; L.N. 478 of 1997)

MINING (GENERAL) REGULATIONS - SCHEDULE 3
PREMIUMS AND FEES VerDate:28/11/1997

[regulation 29]

	Premiums	\$
1.	Premium per hectare on lease not exceeding 21 years	250.00
2.	Premium per hectare for each year of renewal of the lease	12.50
3.	Premium per hectare on mining licence	320.00
	Fees	\$
4.	For the preparation of a prospecting licence or mining licence	630.00
5.	For the preparation of a mining lease	150.00
6.	On each renewal of a prospecting licence or mining licence	255.00
7.	Per hectare, upon issue or renewal of prospecting licence	30.00
8.	On renewal of a mining lease	500.00
9.	For sanction to assign a mining lease or a mining licence or a prospecting licence or any right or interest thereunder	375.00
10.	For the Commissioner's consent, referred to in section 18(c) or 21(c) of the Ordinance, wholly or substantially to discontinue prospecting or mining operations under a prospecting or mining licence, or referred to in section 31(1)(c) of the Ordinance, wholly or substantially to discontinue mining operations under a mining lease during a continuous period of 6 months	25.00
11.	For permission to the holder of a prospecting licence to remove, retain or dispose of minerals	125.00
12.	For permission to dispose of minerals other than those specified in the mining licence or lease by licensee or lessee	255.00
13.	For suspension under regulation 15 of the obligation imposed by regulation 14 on the holder of a prospecting licence or reduction under regulation 15 of the average minimum rate of expenditure for prospecting	25.00
14.	For suspension of a licensee's or lessee's obligation, or reduction of the minimum number of persons required to be employed, under regulation 22	25.00
15.	For a licence to purchase specified minerals for a period of 12 months	1260.00

16. The fees payable upon withdrawal of an application shall be-

(a) Upon withdrawal of an application after the grant of a temporary title in respect thereof-	1260.00
(i) if for a mining licence	1000.00
(ii) if for a mining lease	375.00

(b) In any other case upon withdrawal of an application for a prospecting licence, mining licence or mining lease (except upon good cause shown to the satisfaction of the Superintendent of Mines)

(L.N. 347 of 1992; L.N. 68 of 1994; L.N. 61 of 1995; L.N. 271 of 1996;
L.N. 478 of 1997)