

**NEWFOUNDLAND AND LABRADOR
REGULATION 39/13
Copper-in-Concentrate Exemption Order, 2013
under the Mineral Act
(O.C. 2013-079)**

(Filed March 27, 2013)

Under the authority of section 31.1 of the Mineral Act, the Lieutenant-Governor in Council makes the following Order.

Dated at St. John's, March 27, 2013.

Robert Thompson
Clerk of the Executive Council

ORDER

Analysis

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Short title

1. This Order may be cited as the Copper-in-Concentrate Exemption Order, 2013 .

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Interpretation

2. (1) In this order

(a) "Act" means the Mineral Act ; and

(b) "development agreement" means the Development Agreement made as of September 30, 2002 among Her Majesty the Queen in Right of Newfoundland and Labrador, Voisey's Bay Nickel Company Limited and Inco Limited and includes the amendments to the agreement entered into on February 28, 2009 and March 28, 2013 by Her Majesty in Right of Newfoundland and Labrador, Vale Inco Newfoundland and Labrador Limited and Vale Inco Limited.

(2) In interpreting this Order, the terms "copper-in-concentrate", "project" and "proponent" have the meanings given to them in the development agreement.

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Exemption

3. The proponent shall be exempt from the provisions of the Voisey's Bay Nickel Company Limited Primary Production Order with respect to all copper-in-concentrate for the life of the project.

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Suspension of exemption

4. (1) Notwithstanding section 3, the right of the proponent to ship copper-in-concentrate from the province shall be suspended where a term of the development agreement provides for the suspension for a failure of the proponent to fulfil an obligation under the development agreement, or for another reason provided for in the development agreement, and a notice, where one is required in the circumstances, has been given by the government to the proponent.

(2) Where the failure of the proponent, or the other reason, giving rise to the suspension of the proponent's right to ship copper-in-concentrate from the province under this Order has been remedied as provided for under the development agreement, the proponent may resume the shipments.

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Order continues in force

5. Notwithstanding section 3, this Order shall continue in force until it is rescinded or repealed

(a) as contemplated in section 4.14.3 of the development agreement; or

(b) under subsection 31.1(3) of the Act.

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6. The Copper-in-Concentrate Exemption Order , Newfoundland and Labrador Regulation 10/09, is repealed.

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