

Ministerial Regulation No. 42, B.E. 2522 (1979)

Issued in Accordance with the Minerals Act, B.E. 2510

Translation

By virtue of Section 17 and Section 76 paragraph two of the Minerals Act, B.E. 2510, as amended by the Minerals Act (No. 3), B.E. 2522, the Minister of Industry has issued the Ministerial Regulation as follows:

Sublease of Mining

1. The holder of a Prathanabat or a Provisional Prathanabat who desires to sublease a mining operation to another person must submit the application, using the printed form provided by the Department of Primary Industries and Mines, to the concerned Local Mineral Industry Official. The applicant shall provide at least the specified mining sub-lessee, time duration for the sublease, and the given area to be subleased for mining in the application form.
2. The application in article 1 above shall be submitted within the valid date of a Prathanabat or a Provisional Prathanabat.
3. The Minister, or the person entrusted by the Minister, is authorized to issue the Mining Sublease License to the person whom the holder of a Prathanabat or Provisional Prathanabat has specified in the application form as mentioned in article 1.

Cancellation of the Sublease of Mining Operations

4. The sub-lessor, and/or the sub-lessee, who wishes to terminate the mining sublease during the valid date of the Mining Sublease License shall submit the petition, using the printed form provided by the Department of Primary Industries and Mines, to the concerned Local Mineral Industry Official.
5. Upon submitting the application for cancellation of the sublease of mining operation, if the applicant has not yet discharged any debts obligated under the Minerals Act, the concerned Local Mineral Industry Official shall inform the applicant to pay all remaining debts, and then process the application to the Minister or the person entrusted by the Minister to consider the cancellation.
6. In case that either the sub-lessor or the sub-lessee has petitioned to cancel the mining sublease, the Mineral Industry Official shall inform the matter to the other party in writing in order to obtain the written consent or objection within 30 days from the date of notification.

After the receiver of the above notification gives the consent, the Local Mineral Industry Official shall further process the application according to article 5.

If the receiver of the notification gives neither the consent nor the objection within the time duration specified in the first paragraph, the concerned Local Mineral Industry Official shall further process the application according to article 5.

If the receiver of the notification gives an objection to the cancellation of the mining sublease, the concerned Local Mineral Industry Official shall inform the other party to file a lawsuit within sixty days from the date of notification. If the lawsuit is filed, the plaintiff shall send without any delay a copy of the complaint to the concerned Local Mineral Industry Official. If no lawsuit is filed within the specified time, it shall be deemed that the applicant does not wish to continue with the cancellation of the sublease.

In case a lawsuit is filed within the specified time in paragraph 4, the application for cancellation of the sublease will be under suspension until the case is finalized.

Then, after the final decision is reached, the applicant must notify the Local Mineral Industry Official to continue with the process of the cancellation.

7. The cancellation of a sublease of mining operation is issued by the Minister or the person entrusted by the Minister.

Given on the 8th day of October B.E. 2522

Signed by Prasit Narongdech

Minister of Industry

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