

GUYANA

No. 1 of 1984.

REGULATIONS

Made Under

THE MINING ACT

(Cap. 65:01)

IN EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTION 79 OF THE MINING ACT, I HEREBY MAKE THE FOLLOWING REGULATIONS:—

1. These Regulations, which amend the Mining Regulations\*, may be cited as the Mining (Amendment) Regulations 1984.

Citation.

2. Regulation 2 of the Principal Regulations is hereby amended by the insertion of the following definition in the proper alphabetical order —

Amendment of regulation 2 of the Principal Regulations

“specified machinery” means any machinery, equipment or plant specified by the Minister by order under section 57B of the Act;’.

3. Regulation 3(2) of the Principal Regulations is hereby amended by the substitution in paragraph (d) for the word “twenty-one” of the word “eighteen”.

Amendment of regulation 3 of the Principal Regulations.

4. The Principal Regulations are hereby amended by the insertion immediately after regulation 100 of the following regulation as regulation 100A —

Amendment of the Principal Regulations.

100A. Where any person reasonably suspected of any contravention of the Act or any regulation made thereunder desires to express his willingness that such contravention be dealt with under section 82A of the Act, he shall do so in Form 10A as set out in the First Schedule.”

\*Prescribed form for the purposes of section 82A of the Mining Act. Form 10A

\*Cap. 65:01 Subsidiary Legislation.

Amendment  
of the  
Principal  
Regulations.

5. The Principal Regulations are hereby amended by the insertion immediately after regulation 206 of the following Part as Part XXIA —

**“PART XXIA**

**REGISTRATION OF DREDGE AND SPECIFIED MACHINERY**

Registration  
of dredge  
and specified  
machinery

206A. (1) Every person who owns a dredge or specified machinery shall register the dredge or specified machinery with the Commissioner.

Form 19

Second  
Schedule.

(2) Application for registration of a dredge or specified machinery shall be made by the owner in Form 19 in the First Schedule which shall be duly completed by the applicant and shall be accompanied by the fee specified in the Second Schedule.

Second  
Schedule

Form 20.

(3) The Commissioner or mines officer to whom application is made shall, upon being satisfied that the provisions of this Part have been complied with, thereupon enter the particulars of the dredge or specified machinery in the register and shall, on payment of the fee specified in the Second Schedule, give to the owner of the dredge or specified machinery a certified copy of that entry in Form 20 in the First Schedule and such certificate of registration shall be regarded as *prima facie* evidence that the dredge or specified machinery to which it refers has been registered.

Second  
Schedule

(4) The Commissioner or mines officer shall supply to any person applying therefor and on payment of the fee specified in the Second Schedule a copy of any entry in the register relating to any dredge or specified machinery where the applicant shows that he has reasonable cause for requiring such a copy.

(5) The onus of proving that a dredge or specified machinery has been registered shall rest upon the owner of the dredge or specified machinery.

(6) No person shall be registered as the owner of a dredge or specified machinery unless he is of or above the age of eighteen years.

Register.

206B. (1) The Commissioner shall cause to be kept in each mining district a register of dredges and specified machinery.

(2) Every mines officer shall forward to the Commissioner a copy of every entry made in the register kept by him in a mining district.

**Exemption.** 206C. The following dredges or specified machinery shall be exempt from the need for registration —

- (a) new dredges or new specified machinery in the stock of a dealer in dredges or specified machinery;
- (b) any dredge or specified machinery the property of or used by the Commission; and
- (c) such other dredges or specified machinery as the Minister may direct in writing.

**Amendment of entries in register.** 206D. (1) The owner of a dredge or specified machinery shall, within seven days thereof, notify the Commissioner or mines officer of all circumstances or events which affect the accuracy of the entries in the register and shall at the same time forward his certificate of registration for amendment.

(2) The Commissioner or mines officer may at any time call upon the owner of a dredge or specified machinery to furnish all information for the verification of the entries in the register relating to such dredge or specified machinery.

**Transfer of registration.** 206E. (1) On the change of possession of a dredge or specified machinery otherwise than by death —

- (a) the dredge or specified machinery shall not be used for more than seven days after such change of possession unless the new owner is registered as the owner thereof;
- (b) the registered owner and the new owner shall within seven days after such change of possession, make application in writing to the Commissioner or mines officer giving the name and address of the new owner and the date of change of possession and such application shall be accompanied by the certificate of registration and the fee specified in the Second Schedule :

**Second Schedule.**

Provided that where either party fails or is unwilling to make application in the manner prescribed in the preceding provisions of this paragraph the other party may do so and such application shall be deemed to be the application of both parties; and

- (c) the Commissioner or mines officer shall thereupon enter in the register and on the certificate of registration the name and address of the new owner and the date on which the entry is made and from such date the new owner shall for the purposes of these regulations be deemed to be the registered owner of the dredge or specified machinery.

(2)(i) On the death of the registered owner of a dredge or specified machinery the person in whose custody the dredge or specified machinery shall lawfully come shall within one month of its coming into his custody give notice of the fact to the Commissioner or mines officer, who shall give such instructions in writing as he may think fit as to the use of the dredge or specified machinery pending the registration of the new owner.

(ii) Any person to whom permission to use the dredge or specified machinery pending such registration is given shall for the purposes of these regulations be deemed to be the registered owner of the dredge or specified machinery during the period for which such permission is given.

(iii) On the registration of the new owner the Commissioner or mines officer shall, on payment of the fee specified (for the transfer of a certificate of registration) in the Second Schedule, amend the certificate of registration in the manner prescribed in paragraph (c) of the preceding sub-paragraph.

Second  
Schedule.

(3) In lieu of amending any certificate of registration as provided in this regulation the Commissioner or mines officer may, on payment of the fee specified (for every copy of a certificate of registration) in the Second Schedule, issue a new certificate of registration.

Second  
Schedule.

**Cancellation of registration** 206F. (1) The registration of a dredge or specified machinery shall remain valid so long as it is kept for use, and shall only be cancelled by the Commissioner if the Commissioner is satisfied that such dredge or specified machinery has been destroyed or rendered permanently unserviceable or has been removed from the mining districts and is no longer engaged in mining or has been permanently removed from Guyana :

Provided that where the application for cancellation of registration is not made by the owner the registration of a dredge or specified machinery shall not be cancelled until the owner of the dredge or specified machinery has had an opportunity of being heard, either personally or by counsel, and showing cause against the cancellation before the Commissioner.

(2) The owner of any dredge or specified machinery which has been destroyed or rendered permanently unserviceable or has been removed from the mining districts and is no longer engaged in mining or has been permanently removed from Guyana shall notify the Commissioner or mines officer in writing of the fact within twelve days of the happening of the event.

(3) No person shall remove any dredge or specified machinery from Guyana without the prior permission of the Commissioner and such permission may be subject to such conditions as the Commissioner thinks fit.

(4) Any person who desires to move any dredge or specified machinery from one claim to another shall notify the Commissioner before doing so.

**Identification Mark.** 206G. (1) The Commissioner or mines officer shall, upon registration, assign to a dredge or specified machinery a distinctive identification mark consisting of a number and a letter.

C 51 " (2) Where any specified machinery is assigned a distinctive identification mark under the Motor Vehicles and Road Traffic Act, the Commissioner or mines officer shall, upon registration, assign that identification mark to the specified machinery.

(3) The Commissioner or mines officer may at any time give notice in writing to the registered

owner of a dredge or specified machinery directing him within a time limited in the notice to produce his certificate of registration in order that another identification mark may be assigned to the dredge or specified machinery.

Failing to register

206H. (1) Any person who takes into or keeps or being the owner permits any other person to take into or keep, in a mining district or claim, any dredge or specified machinery which is not registered under this Part shall be guilty of a breach of the provisions of this Part.

(2) Any dredge or specified machinery which is not registered under this Part and is taken into or kept in a mining district or claim shall be forfeited as provided in sections 57A to 57M (inclusive) of the Act.

Failing to fix identification mark.

206I. Any person who operates a dredge or specified machinery the identification mark of which is not fixed thereon as prescribed or being so fixed is in any way obscured or not easily distinguishable shall be guilty of a breach of the provisions of this Part:

Provided that on a prosecution for having a mark obscured or not easily distinguishable proof that all reasonably practicable steps have been taken to prevent the mark being obscured or not easily distinguishable shall be a good defence.

#### LICENCES OF DREDGES

Annual licence.

206J. (1) The owner of a dredge registered under this Part shall take out an annual licence in respect of each calendar year.

Second Schedule.

(2) The fee for the licence shall be as specified in the Second Schedule.

(3) Every licence shall expire on 31st December of each year.

(4) Licence fees shall be due on the 1st January in every year except in respect of a dredge being licensed for the first time, when the fees therefor shall be due at the time of the first registration of such dredge.

<p>Application for licence. Form 21</p>	<p>206K. (1) Application for the issue of a licence for a dredge shall be made to the Commissioner in Form 21 in the First Schedule and shall be accompanied by the certificate of registration.</p> <p>(2) The Commissioner may refuse to issue a licence to any applicant who fails to comply with the provisions of the preceding paragraph.</p> <p>(3) The licence for a dredge shall be in Form 22 in the First Schedule.</p>
<p>Transfer of licence on change of ownership.</p>	<p>206L. (1) On the change of possession of a dredge the current licence in respect of such dredge may be delivered to the new owner and such delivery shall, subject to regulation 206E, operate as a transfer of the said licence.</p> <p>(2) Where on a change of possession as aforesaid the current licence is not transferred the new owner shall, if he intends to use the dredge, obtain a licence for the purpose.</p>
<p>Cancellation of licence for dredge.</p>	<p>206M. The Commissioner may cancel a licence for a dredge issued under this Part on breach of any provisions of this Part, but no licence shall be cancelled until the holder of the licence has had an opportunity of being heard, either in person or by counsel, and of showing cause against the cancellation before the Commissioner.</p>
<p>Unlicensed dredge.</p>	<p>206N. Any person who takes into or keeps or being the owner permits any other person to take into or keep a dredge, in respect of which a licence is not in force, in a mining district or in any claim shall be liable on summary conviction to a fine of twenty-five thousand dollars in addition to the forfeiture of the dredge, by means of or in respect of which the breach is committed, as provided in sections 57A to 57N (inclusive) of the Act.</p>
<p>Exemption from licence.</p>	<p>206O. Regulations 206J to 206M shall not apply to a dredge which is exempt from registration under regulation 206C.</p>
<p>Penalty</p>	<p>206P. Any person who contravenes any of the provisions of this Part shall, except where a penalty is expressly provided for by these regulations, be liable on summary conviction to a fine of ten thousand dollars."</p>

Amendment of the Principal Regulations. 6. The Principal Regulations are hereby amended in Part XXIII as follows —

- (a) By the insertion in the heading “Disposal of Forfeited Gold, Valuable Minerals or Precious Stones” after the words “Precious Stones” of the words “or Aircraft, Ship, Carriage, Animal, Thing, Dredge or Specified Machinery”; and
- (b) by the insertion after regulation 213, of the following regulation as regulation 213A —

“Sale of forfeited aircraft etc.

213A. Where any aircraft, ship, carriage; animal; thing, dredge or specified machinery is forfeited, the same shall be sold by the Commissioner, and the proceeds applied as directed by section 85 of the Act.”.

Amendment of First Schedule to Principal Regulations. 7. The First Schedule to the Principal Regulations is hereby amended as follows —

- (a) by the substitution in FORM 8 for the words “\$50” of the words “\$100”;
- (b) by the insertion after FORM 10 of the following Form as Form 10A —

“reg. 100A

FORM 10A

FORM 10A: Original

Duplicate

Triplicate

Printed serial number

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Mining Offences compounded under section 82A of the Mining Act.

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- A. 1. Name of accused.
  - 2. Address.
  - 3. Details of alleged offence.
  - 4. Witnesses.
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B. Instructions of Minister

The accused may be offered the chance of settling this case under the provisions of section 82A of the Mining Act by the payment of \$..... in substitution for any legal proceedings.

Signature of Minister.

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C. I agree to settle this case by payment of the above sum in substitution for any legal proceedings. I do this voluntarily having been informed that I am not obliged to do so.

Signature of accused.

Date:

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D. The accused is not willing to pay the above sum.

or

Received the sum of \$..... under General Receipt No.....dated.....

Signature of Minister

Date:

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Note:—

- (a) The triplicate copy of this form shall remain in the book at the office of issue.
- (b) Where the accused refused to accept compounding, the original and duplicate of this form shall be completed, returned to the office of issue and attached to the triplicate copy.
- (c) Where the accused accepts compounding the original and duplicate shall be completed. The original shall be attach-

ed to the duplicate of the General Receipt. The duplicate shall be returned to the office of issue and attached to the triplicate copy.”; and

(c) by the insertion after FORM 18 of the following FORMS —

“reg. 206A FORM 19

**APPLICATION FOR REGISTRATION**

GUYANA

The Mining Regulations

To the Commissioner of Geological Surveys and Mines (or the mines officer No. District). I (or we) (insert the name or names of the owner or owners of dredge or specified machinery).

residing at..... hereby make application for registration

for\*.....

Dated this day of 19

(Signed).....

Owner

\*Insert whether dredge or type of specified machinery.

reg. 206A FORM 20

**CERTIFICATE OF REGISTRATION FOR DREDGE OR SPECIFIED MACHINERY**

GUYANA

The Mining Regulations

This is to certify that.....of which a description is given below has this day been registered.

Dated this day of 19.....

Signed.....  
Commissioner or Mines Officer

Description

(insert particulars of dredge or specified machinery)

Name of Owner.....

Address of Owner.....

Date of entry in register.....

First Change of Ownership.....

Name of Owner.....

Address of Owner.....

Date of entry in register.....

Second Change of Ownership.....

Name of Owner.....

Address of Owner.....

Date of entry in register.....

reg. 206K

FORM 21

APPLICATION FOR LICENCE FOR DREDGE

GUYANA

The Mining Regulations

To the Commissioner of Geological Surveys and Mines  
I (or we) (Insert the name or names of the owner or  
owners of dredge)

residing at.....  
hereby make application for licence for a dredge.

Dated this            day of            19.....

(Signed).....  
Owner

reg. 206K

FORM 22

**DREDGE LICENCE**

**LICENCE FOR DREDGE**

EXPIRING.....

TYPE.....

MAKE.....

REG. NO.....

LICENCE NO.....

Date Stamp and initials of issuing officer.”.

Amendment  
of Second  
Schedule  
of the  
Principal  
Regulations.

8. The Second Schedule to the Principal Regulations is hereby amended as follows —

- (a) by the deletion in the TABLE OF FEES of the words “For a river location licence for each financial year or part thereof

50 00”

and

- (b) by the addition in the TABLE OF FEES

immediately after the words. “For filing a notice of location and application for a river location licence 10.00”

of the following words “For a river location licence for each financial year or part thereof ... .. 100.00

For filing application for a certificate of registration for dredge or specified machinery 10.00

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For each certificate of registration for a back-hoe	50.00
For each certificate of registration for a boiler ...	30.00
For each certificate of registration for a bulldozer	40.00
For each certificate of registration for a crane ...	40.00
For each certificate of registration for a drag-line	50.00
For each certificate of registration for a dredge ...	100.00
For each certificate of registration for a drill	30.00
For each certificate of registration for a dump truck ...	50.00
For each certificate of registration for a fork-lift	10.00
For each certificate of registration for a front-end loader ... ..	50.00
For each certificate of registration for a grader	40.00
For each certificate of registration for a hoist	10.00
For each certificate of registration for a locomotive	50.00
For each certificate of registration for a mobile compressor	10.00
For each certificate of registration for a Processing-equipment Plant ... ..	50.00
For each certificate of registration for a scraper	50.00

For every copy of a certificate of registration for a dredge	20.00
For every copy of a certificate of registration for any specified machinery	10.00
For a transfer of a certificate of registration for a dredge ... ..	20.00
For a transfer of a certificate of registration for any specified machinery ...	10.00
For a licence for a dredge with a suction intake —	
(a) not exceeding four inches in diameter ...	1,000.00
(b) exceeding four inches in diameter and not exceeding six inches in diameter	2,000.00
(c) exceeding six inches in diameter	3,000.00

Made this 10th day of January, 1984.

*H. Rashid,*  
Minister of Energy and Mines.