

THE OFFICIAL GAZETTE 12TH FEBRUARY, 1994 LEGAL SUPPLEMENT - B

GUYANA

No. 2 of 1994

REGULATIONS
Made Under
THE MINING ACT
(No. 20 of 1989)

IN EXERCISE OF THE POWERS
CONFERRED UPON ME BY
SECTIONS 67 AND 136 OF
THE MINING ACT, I HEREBY MAKE
THE FOLLOWING REGULATIONS:

*Citation and
Duration*

1. These Regulations may be cited as the Mining (Special Mining Permit) Regulations, 1994, and shall come into effect on the 3rd day of February, 1994, and shall cease to have effect as of the 3rd day of May, 1994, (inclusive).

Interpretation

2. In these Regulations:-

(i) "Allotment" shall mean areas allocated for mining operations in the area described in the First Schedule; and

(ii) "Block" shall mean, when used with reference to areas described in Part I of the Second Schedule, an area of 3,000 feet with 100 feet from the low water mark on each bank of the river; and when used with reference to areas as described in Part II of the Second Schedule an area of 3,000 feet with 300 feet from the low water mark on each bank of the river.

Application

3. These Regulations shall apply only for the purposes of and in relation to location of claims; and applications and grants of prospecting and mining licences; prospecting permits and mining permits and claim licences over the State Mining Reserves and the Aremu and Puruni Rivers Closed Areas; and to the extent only as set out in these Regulations.

State Mining Reserves

4. To any extent provided for in these Regulations the State Mining Reserves as described in Part I of the Second Schedule shall be divided into Blocks.

There shall be deemed to be two (2) categories of prospecting permittees and licensees with respect to areas in the First Schedule as follows:

(i) Persons who have agreements with the Commission permitting them to carry on operations in the Allotments as described in the First Schedule; and

(ii) Any holder of a prospecting permit (small scale).

Other than Puruni

(1) (a) Persons within category (i) above shall have the exclusive right to locate their respective Allotments within seven (7) days (and no longer) of the commencement of these Regulations. After the expiry of seven (7) days as aforesaid any person within category (ii) above may locate over any Allotment not located.

3

(b) Any person within category (ii) may from the commencement of these Regulations locate over any area in the First Schedule except the Allotments.

Puruni River

(2) There shall be deemed to be three (3) categories of prospecting licencees and permittees with respect to areas in Part I of the Second Schedule as follows:

(i) Persons who have agreement(s) with the Commission and who have paid tribute of no less than one hundred thousand dollars (\$100,000.00) during the period January 1st to December 31st, 1993, (inclusive); and

(ii) Registered dredge owners who are not qualified under Section 57 of the Mining Act, 1989, and who were licensed for the year 1993, or are licensed for the year 1994.

(iii) Any holder of a prospecting permit (small scale).

4

(a) Persons within category (i) above shall on the 3rd day of February, 1994, be allocated one (1) Block each of their choice. Should any of these persons be unable (for any reason whatsoever) to make a choice the Committee appointed under these Regulations shall allocate one (1) Block to each of those persons.

(b) Except for Blocks allocated to persons in category (i), persons within category (ii) above shall on the 3rd day of February, 1994, be each allocated one (1) Block of their choice. Should any of these persons be unable (for any reason whatsoever) to make a choice the Committee as aforesaid shall allocate one (1) Block to each of those persons.

In the event that there are less Blocks available than the amount of registered dredge owners, allocation shall be on the basis of a lottery conducted by the Committee.

5

(c) Should any Blocks remain after allocation to persons in categories (i) and (ii) above and should those remaining Blocks be in excess of the number of holders of prospecting permit (small scale) present at the Venue for allocation, those holders shall each be allocated one (1) Block of their choice.

In the event of there being at the Venue more holders of prospecting permit (small scale) than remaining Blocks, allocation shall be on the basis of a lottery conducted by the Committee.

(d) Allocations to persons within category (i) shall be made before allocations to persons in category (ii).

All allocations shall be made at the time and place ("the Venue") notified to the general public in the newspaper and electronic media.

6

(3) In the event more than one person in any category should choose the same Block so that there is a competition for the said Block(s), the competitors shall attempt to settle such competition at the Venue. Should settlement not be reached between or among such competitors a lottery shall be conducted by the Committee to determine the successful competitor for that particular Block(s).

Closed Areas

5. Only applications for large and medium scale mining operations will be accepted and processed.

(1) Where there is more than one application made with respect to the same area(s), a determination of the successful applicant with respect to such area(s) shall be made on the basis of a consideration of inter alia the following matters in relation to such applicants to the extent that the same may be applicable viz:

- Evidence of expenditure.
- Programme proposed.
- Mining history of applicant.
- Financial capability.
- Technical capability.

Procedure 6. Fair and transparent procedures shall be used for the purposes of any determination or decision under these Regulations.

Committee 7. The Minister shall appoint a committee (not exceeding six (6) persons) with powers to decide any matter arising out of or in connection with these Regulations.

PROVIDED THAT no person who is a member of the Guyana Gold and Diamond Miners Association (or who is qualified to be such a member) shall qualify for appointment as a member of such committee.

Subject to Regulation 6 hereof such Committee may decide its own procedures.

Qualifications and Modifications etc. 8. The provisions of Parts III (Chapter 1 and 2) and IV of the Act shall apply with such modifications, exceptions and qualifications etc. as may be required to give effect to these Regulations and any licence or permit granted over the State Mining Reserves and the Aremu and Puruni Rivers Closed Area shall be deemed to be Special Mining Permits and for so long only as these Regulations continue to have effect (and no longer) such permits and licences shall for all legal intents and purposes be dealt with and known as Special Mining Permits.

Saving

9. Notwithstanding that these Regulations would have ceased to have effect as of the 3rd day of May, 1994, matters arising under and by virtue of these Regulations and which are still pending on that date shall not be affected by such cessation but shall be concluded or completed as the case may be.

Regulations in addition to and to prevail

10. These Regulations are in addition to regulations in force on the 3rd day of February, 1994, to the extent that those regulations are applicable for the purposes of these Regulations.

Rentals payable in respect of Special Mining Permits shall be those in force at the commencement of these Regulations.

Conversion to Claims

11. Conversion of Blocks to Claims by location shall be made on or before the expiry of fourteen (14) days after the commencement of these Regulations (and not after). Blocks not converted by location to Claims within the time provided in this Regulation shall immediately upon the expiry of such time be open to location by any holder of a prospecting permit (small scale).

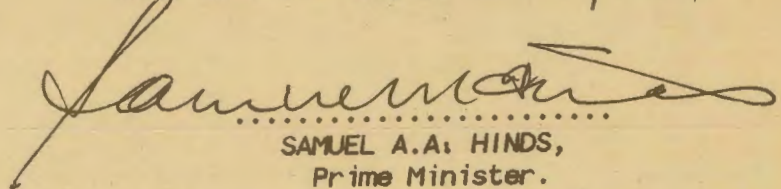
9

Reversion and
limitations

12. Immediately upon the cessation of these Regulations the permits and licences deemed for the purposes of these Regulations to be Special Mining Permits shall cease to have effect as Special Mining Permits, and thereupon shall be dealt with accordingly; as prospecting or mining permits or claim licences.

PROVIDED THAT such prospecting or mining permits or claim licences shall not be held to be unlawful or null and void because of any inconsistency between such permits and licences and regulations for the time being in force.

Made this 2nd day of February, 1994.



SAMUEL A.A. HINDS,
Prime Minister.
(Minister Responsible for
Mines & Minerals)