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Act No. 61 of 2000 - An Act to Regulate Mining

Parliament of the Republic of Trinidad and Tobago

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**Fifth Session Fifth Parliament Republic of Trinidad
and Tobago**



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 61 of 2000

[L.S.]

AN ACT to regulate mining and to provide for matters
connected therewith or incidental thereto.

[Assented to 2nd November, 2000]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:

1. This Act may be cited as the Minerals Act, 2000. Short title

Commencement **2.** This Act shall come into operation on such day as is fixed by the President by Proclamation.

PART I

PRELIMINARY

Interpretation **3.** In this Act, unless the context otherwise requires—

“bond” means a Rehabilitation or Performance Bond;

“deposit” means a natural concentration of minerals;

“Director” means the Director of Minerals appointed under section 9(1);

“environment” means all land, areas beneath the land surface, atmosphere, climate, surface water, ground water, sea, marine and coastal areas, seabed, wetlands and natural resources within the jurisdiction of Trinidad and Tobago;

“environmentally sensitive area” means an area designated as an environmentally sensitive area under section 41 of the Environmental Management Act;

“hydrocarbon” means a naturally occurring organic chemical compound of hydrogen and carbon called petroleum;

“licence” means a licence issued under this Act;

“marine area” has the same meaning as defined in the Marine Areas (Preservation and Enhancement) Act;

“mine” includes any place, excavation or working in, on which operations connected with mining is carried on, together with all buildings, premises, erections and appliances belonging or appertaining thereto, above or below the ground, for the

Act No. 3 of 2000

Chap. 37:08

purpose of winning, treating or preparing minerals, obtaining or extracting any mineral or metal by any mode or method;

“mineral” means a naturally occurring substance that can be mined, whether in solid, liquid or gaseous form, in or below the surface of the soil; any ores containing such minerals and any product of such minerals derived by processing and includes peat and salt, but does not include hydrocarbons and water;

“mining” means excavating or quarrying in, on or, below the surface for the purpose of winning or obtaining minerals and includes any operations directly or indirectly necessary for or incidental to mining operations;

“mining zone” means any area designated as such by the Minister under section 8(1) (f);

“Minister” means the Minister to whom the responsibility for mines is assigned;

“occupant” means a legitimate occupant;

“pit-run” means all unprocessed mineral;

“pollution” has the same meaning as defined in the Environmental Management Act;

“private mining rights” means rights to mine that are not public mining rights;

“process” means crush, screen, wash, beneficiate, concentrate or otherwise treat minerals in a preliminary manner by a physical, chemical or other process, but does not include smelting and refining;

“public mining rights” means rights to mine in State Lands;

“regulations” means regulations made under this Act;

“rehabilitation” means to restore to previous condition or to improve on previous condition;

“seabed” means the ocean floor;

“sea sand” means sand on the seabed, shoreline or foreshore;

“stone” means limestone, igneous rock, procellanite, argillite, sand, quartzite, shale and sandstone.

Act not to affect
hydrocarbon
Chap. 62:01

4. This Act shall not apply to any hydrocarbons or petroleum to which the Petroleum Act applies.

Public and private
mining rights

5. (1) Public mining rights are hereby vested in the State and are exercisable by the President.

(2) Private mining rights are exercisable by the owner thereof, subject to this Act or any Regulations or Rules and Orders made under this Act or the regulations as relate thereto.

Categories of
minerals

6. (1) For the purpose of proper implementation, minerals that come under the purview of this Act shall be broadly categorised as Common Minerals and Special Minerals.

(2) Stone, clay, sea sand, gravel, tar sands, asphalt, and raw materials generally used for construction, basic manufacturing and industrial purposes and such other minerals that may be specified by Regulations shall form Common Minerals; and metallic ores, gemstones and other precious and semi-precious stones and such other minerals that may be specified by Regulations shall form Special Minerals.

PART II

ADMINISTRATION

Minister to be
responsible for
administration of the
Act

7. (1) Subject to this Act, the Minister shall be responsible for the general administration of this Act.

(2) The Minister may, in relation to any particular matter or class of matters, by writing, delegate to the Director, any other public officer, agency of the Government or the Tobago House of Assembly, any of his powers and functions under this Act.

8. (1) The Minister shall be responsible for—

General
responsibilities
of the Minister

- (a) the formulation of policy with respect to the exploration for, mining, processing and import and export of minerals, and matters incidental thereto;
- (b) granting, renewing, revoking or suspending licences for mining, processing, import and export of minerals and other mining related activities;
- (c) approving mineral reserve blocks or mining zones for the conduct of processing operations thereon and for any mining related activities;
- (d) determining exploration, mining and processing procedures and operational guidelines in relation to minerals;
- (e) determining and collecting fees, rents, royalties, and other payments to be charged under the Act and Regulations;
- (f) declaring as a specified area, any area in which mining zones are to be established;
- (g) establishing mining blocks within any specified area; and
- (h) such other things as may be required under the Act.

(2) No licence shall be granted for mining of State Lands without the written consent of the Commissioner of State Lands.

Director of
Minerals

9. (1) Subject to section 7, the Director of Minerals, appointed by the relevant Service Commission, shall be responsible for the implementation of the Act.

(2) The Director may, with the approval of the Minister, delegate his functions and duties to such other officers of the Division as he may deem fit.

Duties of
the Director

10. It shall be the duty of the Director to—

- (a) promote and facilitate the effective and efficient management and the development of mineral resources in general and the State mineral resources in particular;
- (b) conduct geological and geophysical surveys with a view to locating deposits of mineral resources;
- (c) evaluate, collect, compile, analyse and publish data pertaining to the quality and quantity of mineral resources of Trinidad and Tobago with a view to determining their economic potential and use;
- (d) prepare reports, maps and other records, provide data and maintain registers in respect of licences and provide data to the public, subject to any confidentiality;
- (e) advise licensees on proper and safe mining methods;
- (f) advise the operators of mines, in consultation with relevant Ministries, on methods of rehabilitation of lands;
- (g) enforce rehabilitation of State lands affected by mining in consultation with relevant Ministries;
- (h) submit proposals to the Committee for the establishment of mineral reserve blocks or mining zones for the proper regulation of mining activities on State and private lands

in consultation with Town and Country Planning Department; and

- (i) inform the Commissioner of State Lands, every six months during the duration of a licence, of the amount of royalties due on any particular licence for mining on State Lands.

11. Subject to sections 7 and 8, the Director shall Powers of the Director have the power to—

- (a) oversee exploration, mining, processing and other operations authorised by a licence issued under the Act;
- (b) enforce regulations and monitor operations of mining, processing and other mining related activities under the Act, to ensure compliance with the licence and the provision of the Act and Regulations;
- (c) regulate the importation, storage, use and disposal of explosives for use in geological and geophysical surveys in consultation with the Ministry of National Security;
- (d) conduct annual audits on licensee firms and individuals for the purpose of verifying royalties and other payments and collecting production data;
- (e) regulate the winning, transportation, processing storage and disposal of minerals;
- (f) enter into and inspect with the consent of the owner any land, mine or other premises in respect of which a licence has been issued under this Act and carry out such investigations and surveys thereon as may be necessary to ascertain whether the terms and conditions of such licence or any provision of the Act or any Regulation are being complied with;

- (g) abate or remove, as the Director may deem appropriate, at the expense of the licensee where applicable as the Director may deem necessary, any condition resulting from the non compliance by a licensee of any term or condition of his licence or the provisions of the Act or Regulations;
- (h) examine and take copies of any relevant books, records and other documents which are required to be maintained by a licensee under any regulations made under the Act;
- (i) to terminate illegal mining and illegal mining related activities on both State and private lands; and
- (j) do such other things that may be required or necessary to give effect to the Act and the Regulations.

PART III

LICENCES

Prohibition of
mining without
licence

12. (1) Subject to this Act, no person shall explore for, mine, process or import or export minerals except under the authority of a licence issued under this Act.

(2) Except where the Minister may in special circumstances permit, no licence shall be granted to any person to operate a mine or to mine within a specified area unless such mine or mining is located within a mining zone.

Restrictions
on issue of
licence

13. No licence to explore for, mine, process, import or export any mineral shall be issued to—

- (a) a person under the age of eighteen years;
- (b) a person who is declared a bankrupt;

- (c) any person who does not possess the financial capacity and technical qualifications necessary, in the opinion of the Director, to conduct the activities in respect of which the licence has been applied for;
- (d) any person who has failed to pay the prescribed fee for the issue of the licence;
- (e) any person who has failed to pay royalties due to the State; or
- (f) a non-national of Trinidad and Tobago or a company, firm or partnership where the shareholding by a national is less than fifty per cent.

14. (1) No licence shall be issued to any person to explore for, mine or process any minerals upon—

Restriction on
powers
to issue
licence

- (a) any burial ground or cemetery without the approval of the Minister to whom the responsibility for Local Government is assigned;
- (b) any land within such distance of a highway, road, rail track, aerodrome, power line or other public work, building or utility as may be prescribed, without the approval of the relevant Minister assigned for the relevant subject;
- (c) any land situated within such distance of a river, lake, stream, reservoir or bund, as may be prescribed, without the approval of the Minister to whom responsibility for land is assigned;
- (d) any national park, protected area or environmentally sensitive area, wildlife sanctuary or forest reserve, without the approval of the relevant Minister assigned for the relevant subject;

- (e) the foreshore, seabed or marine area without the approval of the Minister to whom the responsibility for land is assigned;
- (f) any land vested in the Defence Forces, without the approval of the Minister to whom the responsibility for National Security is assigned;
- (g) land vested in any Municipal Corporation, without the approval of the Minister to whom the responsibility for Local Government is assigned; and
- (h) any archeological sites, geological type sections and survey monuments or any area close to them which would cause destruction by any activity.

(2) In addition to the conditions that may be prescribed under the Act, the Minister referred to in subsection (1), may, in granting a licence, lay down such further conditions as may be determined by such Minister and such conditions shall be specified in the licence.

Minerals
Advisory
Committee

15. (1) There is hereby established a committee called the Minerals Advisory Committee, hereinafter called the "Committee", for the purpose of advising the Minister on all matters relating to the exploration of, mining, processing, import or export of minerals and matters related thereto.

(2) The Committee shall consist of—

- (a) the Permanent Secretary of the Ministry responsible for mines;
- (b) the Director of Minerals;
- (c) the Commissioner of State Lands;
- (d) the Chief Technical Officer of the Ministry of Works and Transport;

- (e) a representative of the Town and Country Planning Department;
- (f) the Director of Forestry;
- (g) a representative of the Water and Sewerage Authority;
- (h) a representative of the Environmental Management Authority;
- (i) a legal officer of the Ministry responsible for mines;
- (j) a representative of the Factories Inspectorate;
- (k) a technical officer representing the Tobago House of Assembly;
- (l) a representative of the Ministry of Finance; and
- (m) a representative of the Ministry of Health.

(3) The Permanent Secretary of the Ministry responsible for mines shall be the Chairman and the Director of Minerals shall be the Deputy Chairman of the Committee.

16. The duties of the Committee shall be to—

Duties of the
Committee

- (a) advise the Minister on matters of general policy with respect to exploration of, mining, processing, import and export of minerals and other minerals related matters;
- (b) receive and consider applications for licences and to make recommendations thereof to the Minister;
- (c) advise the Minister on the establishment of mining zones and the establishment of mining blocks therein;
- (d) advise the Minister on the quantum of bonds;

- (e) advise the Minister on matters of the environment as they relate to mines;
- (f) review the provisions of the Act and the Regulations from time to time and make recommendations to the Minister as may be considered necessary; and
- (g) advise the Minister on all such matters that may be referred to it.

Mining on
State land

17. (1) No licence shall be granted under this Act in respect of State land, except upon a competitive bidding process open to the public prescribed by Regulations and in consultation with the Minister to whom responsibility for land is assigned.

(2) Notwithstanding subsection (1), the Minister may, acting on the advice of the Committee, in the national interest and with the approval of the Cabinet, grant licences for mining and processing outside of the public competitive bidding process.

(3) The advice of the Committee given under subsection (2) shall be in writing and a report of the licences granted in the national interest shall be laid in Parliament on a quarterly basis.

Application
for licence

18. (1) Subject to section 17, every application for a licence under this Act for the exploration of, mining, processing, importing or exporting of minerals shall be made to the Committee in such form and shall contain such particulars as may be prescribed, and shall be accompanied by such prescribed fee.

(2) In the case of an application of the mining of private lands where the applicant is not the owner of the land to which the application relates, the applicant shall, along with the application, submit sufficient proof to the satisfaction of the Committee that the owner has consented to the use of the land for the purpose to which the application relates.

19. (1) On receipt of an application for the ^{Issue of licence} exploration, mining, processing, import or export of minerals, the Committee shall make a recommendation to the Minister on the issue of licence, and the Minister may either grant or refuse the licence.

(2) Where the application for a licence is for the exploration or mining of minerals the Minister may subject to subsection (2) grant or refuse the licence only with the approval of the Cabinet.

20. (1) The Minister shall upon the advice of the ^{Refusal to issue a licence} Committee refuse to issue a licence to explore for, mine or process, import or export minerals where, such operations would be against the interest of the public, taking into account but not limited to the following:

- (a) the preservation of the character of the environment including the flora and fauna;
- (b) the availability of natural environment for the enjoyment of the public;
- (c) the need, if any, for restricting excessively large total mineral output in the locality or in the country;
- (d) the traffic density on roads in the area where the mining or processing takes place;
- (e) any possible effect on the water table or surface drainage pattern;
- (f) the nature and location of other land uses that could be affected by the operations being applied for;
- (g) in the case of exploration, mining and processing applications, the character, location and size of nearby communities;
- (h) danger of pollution to the neighbourhood;
- (i) the availability of minerals locally; and

(j) any other factors which in the opinion of the Minister would be against the public interest and contrary to the National Environmental Policy.

(2) Where the Minister refuses to issue a licence he shall give the applicant the reasons for the refusal in writing.

Form of
Licence

21. (1) Subject to this Act, every licence issued under this Act shall—

- (a) be in such form and be subject to such terms and conditions as may be prescribed;
- (b) specify the limits of the area in respect of which the licensee is authorised to explore for or mine, process, import or export minerals; and
- (c) not be transferred or assigned without the written approval of the Minister.

(2) A licence issued under this section shall, unless it is revoked earlier, be valid for such period as shall be specified in the Regulations.

(3) Every licence issued under this section shall be published in the *Gazette* and in a daily newspaper.

Conditions
of licence

22. Every licence issued under this Act shall, include the following conditions:

- (a) the exploration, mining, processing, and import or export of minerals authorised by the licence shall not be conducted in a fraudulent, reckless, grossly negligent or willfully improper manner;
- (b) the licensee shall notify the Director, of the discovery of the minerals in the exercise of his rights under the licence;

- (c) the licensee shall comply with all written laws relating to the protection of the environment, health, safety standards and the protection of natural resources;
- (d) the licensee on completion of the exploration or mining shall rehabilitate the land to which such licence relate and to every adjacent land that may be affected by the mining to such condition as may be specified;
- (e) the licensee shall not suspend, curtail or cease the activities authorised by the licence for a period exceeding three months per calendar year except with the prior permission of the Director obtained not less than one month prior to such suspension, curtailment or cessation;
- (f) the licensee shall comply with this Act and the Regulations and all other written laws of Trinidad and Tobago ;
- (g) the licensee shall pay to the Permanent Secretary of the Ministry of Energy and Energy Industries the fees, royalties, rents, and any other payments he is required to pay in respect of such licence;
- (h) the licensee shall maintain such books, records and other documents and materials as are required by the Director, to be maintained by him and shall enter the required particulars therein;
- (i) the licensee shall afford the Director or his authorised representative access to any premises in which any activity authorised by the licence is carried on and to make available to such officer, all books, records

and other documents and materials maintained as required by section 11 (*h*) by the licensee;

(*j*) the licensee shall submit to the Director such reports and give such notices as he is required to give or submit under the Act or the Regulations; and

(*k*) the licensee shall deposit with the Director the required bonds.

Surrender
of licence

23. The licensee may, with the consent of the Minister, surrender the licence at any time subject to the payment of all outstanding royalties and other dues in respect of the licence.

Renewal of
licence

24. (1) A licence issued under this Act may be renewed after the expiration of the period specified in the licence on application made to the Minister not less than thirty days before the expiry of the licence.

(2) The Minister may, on the recommendation of the Committee or on his own motion either renew the licence or refuse the application for renewal.

(3) Where the Minister refuses an application for a renewal of a licence he shall inform the applicant of the reasons for refusal in writing.

Rehabilitation
Bond

25. (1) Every person to whom the Minister has decided to issue a licence shall, before the issue of the licence, deposit with the Director a bond in the form of a Rehabilitation Bond in such amount and form and subject to such conditions as may be prescribed for the proper rehabilitation of the land for which the licence is to be issued.

(2) The amount of the bond referred to in subsection (1) shall be determined having regard to the potential environmental impact that is likely to be caused by the mining operation for which the licence is issued.

(3) Where such rehabilitation as aforesaid is not carried out in accordance with the requirements of this Act, or of the regulations or of the terms and conditions of the licence, the Minister may—

(a) forfeit the bond deposited under subsection (1); and

(b) authorise any person to enter upon the premises on which a mine is situated and perform such work as is necessary for the rehabilitation; and the cost thereof shall be recovered as a debt due by the licensee to the State, so, however, that such costs shall, in the first instance, be paid out of the monies forfeited and the balance (if any) refunded in accordance with the regulations.

(4) Where the licensee fails to deposit the bond as required under subsection (1), the Minister shall refuse to issue the licence.

26. (1) Every person to whom the Minister has decided to issue a licence shall, before the issue of such licence, deposit with the Director a bond in the form of a Performance Bond which shall be held as security, for the non-payment of royalties and other dues arising out of any breach of the terms and conditions of the licence, the Act or the Regulations, in such amount and form as may be prescribed.

(2) Where the licensee commits any breach of the terms and conditions mentioned in subsection (1), the Minister may forfeit the bond deposited under subsection (1) and costs and damages arising out of the breach shall be recovered as a debt due to the State.

Revocation
of licence

27. (1) The Minister may, in writing, suspend or revoke a licence issued under the Act if he is satisfied that the licensee has—

- (a) obtained such licence by making misleading, false or fraudulent representations or providing incorrect information;
- (b) contravened the provisions of the Act or the Regulations;
- (c) contravened any of the terms, conditions or restrictions, stipulated in such licence;
- (d) discovered within, or in close proximity to the mine any mineral not authorised by the licence; or
- (e) been convicted of an offence under this Act or the Regulations.

(2) The Minister shall, prior to the suspension or revocation of the licence, give notice in writing to the licensee of the proposed suspension or revocation specifying the reasons thereof, and shall afford an opportunity to the licensee, within a specified time, to show cause as to why the licence should not be suspended or revoked.

Termination
of licence

28. (1) Where the holder of a licence dies or becomes bankrupt, the licence shall be deemed to be terminated with effect from the date on which the licensee dies or becomes bankrupt, and where the licensee dies the licence may be transferred to the heirs, successors or assigns of the deceased with the written consent of the Minister.

Act No. 35 of 1995

(2) Where the holder of the licence being a company registered under the Companies Act becomes bankrupt, the licence shall be deemed to be terminated from the date on which the company becomes bankrupt.

(3) Where the holder of a licence being a firm or partnership is dissolved, the licence shall be deemed to be terminated with effect from the date of dissolution of the firm or partnership.

PART IV

ENFORCEMENT

29. The Director or his representative may, at all reasonable times and with the permission of the owner, enter upon any land whether or not a licence has been issued under the Act in respect of such land and take samples or specimens of soil, rock, minerals or tailings found on such land, for the purpose of examination and assay.

30. (1) The Director or his authorised representative may, at all reasonable times, for the purpose of carrying out geological and mineral investigations—

- (a) enter upon and occupy any State Land with such persons, machinery, equipment and materials as are necessary for such purpose;
- (b) break up the surface of any part of such land and take samples or specimens of soil, rock or minerals in, on or under such land;
- (c) excavate, bore or drill such land and fix any post or other object thereon; and
- (d) enter upon and pass through any land, with the consent of the owner or occupier of such land, which it may be necessary for the purpose of carrying out such investigation.

(2) The Director or his authorised representative may at all reasonable times and for the purposes related to the enforcement of the Act and the Regulations—

- (a) inspect and examine, any premises where mining, or processing operations are

conducted or where minerals are stored or where books, records and other documents pursuant to the requirements of the Act are kept;

(b) examine and inquire into the conditions of any mine and all matters relating to the safety, welfare and health of the persons employed therein;

(c) inspect and examine the conditions of any machines or other equipment used in such mine; and

(d) inspect the storage of explosives on any mine and give directions where necessary for proper storage.

(3) The powers conferred on the Director under subsection (2) shall not be exercised unless—

(a) in the case of State Lands notice in writing of the intention to do so is given to the Commissioner of State Lands and to the occupant thereof not less than fourteen days prior to the exercise of such power; or

(b) in the case of private land notice in writing of the intention to do so is given to the owner or occupier of such land not less than fourteen days prior to the exercise of that power; and

(c) the owner or occupier of such land consents in writing to the exercise of such power.

(4) In the exercise of his powers under subsections (1) and (2), the Director or his representative shall ensure that—

(a) as little damage and inconvenience as possible shall be caused in the exercise of such power and the owner or occupier is

assured of compensation for any damage sustained by him in consequence of the exercise of those powers; and

(b) before abandoning such land, all persons, machinery, equipment and materials used thereon shall be removed and all excavations and bore or drill holes made thereon shall be filled.

PART V

RIGHTS AND DUTIES OF LICENSEE

31. (1) A licence to explore for minerals shall grant the licensee the exclusive right to explore for minerals specified in the licence within the area specified in the licence. Rights of the licensee

(2) A licence to mine for any mineral shall entitle the licensee to the exclusive right to mine for minerals specified in the licence within the area specified in such licence.

(3) A licence to process any minerals shall entitle the licensee to the exclusive right to process the minerals specified in the licence within the area specified in the licence.

(4) A licence to import or export any mineral shall entitle the licensee to the right to import or export the mineral specified in the licence within the period of time specified in such licence.

32. The holder of a licence shall maintain in a safe place such books, records and other documents in relation to the activities authorised by the licence as may be required by the Director and shall submit to the Licensee to maintain books

Director such returns and information relating to such activities as the Director may from time to time require.

Right to enter

33. The holder of a licence shall have the right to enter and conduct operations in any area of land specified in such licence.

Licensee to notify Director

34. Where the licensee discovers during the course of the mining operations any minerals not authorised by the licence, he shall forthwith bring it to the notice and surrender the same to the Director.

Licensee not to damage other property

35. (1) The holder of a licence shall—

- (a) in furtherance of mining operations avoid damage to any adjoining or third party property;
- (b) have the boundaries to his property properly demarcated at all times, and shall maintain a buffer zone of ten feet from the boundaries of the said property on all sides; and
- (c) on completion of the operations authorised by the licence or on the date of expiration of his licence, whichever occurs earlier, rehabilitate and restore the land to the satisfaction of the Director.

(2) Where damage is caused to the adjacent land and the Director determines that the land has not been rehabilitated or restored to a satisfactory condition, the licensee shall be liable to pay compensation to the owner of the adjacent land in such amount as may be determined by the Director in the prescribed manner.

Licensee may erect temporary buildings

36. Subject to the provisions of any other law and to such conditions as may be prescribed, the licensee may

erect or install plant, machinery and equipment and construct temporary buildings in the area specified in the licence.

PART VI

HEALTH, SAFETY AND WELFARE OF WORKERS

37. (1) No person shall work or be engaged or permitted to work in a mine except as hereinafter provided. Restriction on employment of persons

(2) No person who has not completed the age of sixteen years shall work or be engaged or permitted to work in a mine at any time.

(3) On the application of any person who has completed the age of sixteen years and under the age of eighteen years and who wishes to work in a mine, or of a parent or guardian of such person or of the manager of the mine in which such person wishes to work, a medical practitioner nominated by the Director shall examine such person, and if satisfied that such person has completed sixteen years of age and under the age of eighteen years and is fit for a full day's work in a mine shall issue a certificate of fitness accordingly.

(4) No person over the age of sixteen years and under eighteen years of age shall work or be engaged or permitted to work in a mine unless a certificate of fitness issued in respect of such person is first deposited with the manager of the mine.

(5) At the time of engagement of a person over the age of sixteen years and under eighteen years of age as a worker, the manager of the mine shall issue to the person an identification badge bearing reference to the certificate of fitness deposited under subsection (4).

(6) No person over the age of sixteen years and under eighteen years of age shall work or be permitted

to work in a mine unless he carries on his person while he is at work the identification badge issued to him under subsection (5).

(7) Any person working in a mine may, at the instance of the Director, be examined at any time by the medical practitioner, and if upon such examination he is found to be no longer fit to work in the mine, his certificate of fitness shall be revoked by the medical practitioner.

(8) Any person whose certificate of fitness is revoked under subsection (7), shall forthwith be discharged from employment by the manager of the mine.

Hours of work for
persons over sixteen
and under eighteen

38. (1) No person over the age of sixteen years and under eighteen years of age shall work or be permitted to work during the night in any mine.

(2) No person over the age of sixteen years and under eighteen years of age shall be ordered or compelled to work in a mine for more than eight consecutive hours on any one day, inclusive of one hour for meals and rest, or for more than forty hours during any five consecutive days.

(3) No person over the age of sixteen years and under eighteen years of age shall work or be permitted to work in any mine on any day on which he has already worked in any other mine for the maximum number of hours prescribed by subsection (2) for any one day.

Hours of
work for
adults

39. (1) No adult worker shall be ordered or compelled to work in a mine for more than eight consecutive hours on any one day inclusive of one hour for meals and rest, or for more than forty hours during any five consecutive days.

(2) No adult worker shall work or be permitted to work in any mine on any day on which he has already worked in any other mine for the maximum number of hours prescribed by subsection (1) for any one day.

40. Where the licence is for mining or processing the licensee shall provide those employees who work in, on or near the mine or processing plant with such clothing or protective gear as may be prescribed.

41. (1) There shall be provided for the use of the workers in each mine, in such manner and according to such standards and specifications as may be prescribed—

- (a) a supply of water suitable for drinking and water for washing;
- (b) latrine accommodation; and
- (c) a supply of splints, bandages and other medical and first-aid equipment.

(2) On the premises of every mine in which workers are ordinarily employed there shall be provided and maintained, for the purposes of first-aid treatment in the event of an accident, a special room conforming to such standards and fitted with such equipment of stretchers, accessories and drugs as may be prescribed.

(3) A member of the permanent staff, trained in first-aid or paramedical treatment up to such standards as may be prescribed, shall be on duty at all times on the premises of every mine when any work is carried on below ground in the mine.

42. In this Part—

Interpretation

“adult” means a person who has completed eighteen years of age;

“day” means a period of twenty-four hours beginning at midnight;

“night” means the period between seven in the evening and six in the morning.

PART VII

PROTECTION OF ENVIRONMENT

Environment
Impact
Assessment
and Clearance

43. (1) Every application for a licence under this Act shall be accompanied with an Environment Impact Assessment and a Certificate of Environmental Clearance issued by the Environmental Management Authority established under the Environmental Management Act.

(2) The Committee may request additional site specific and process information as it may require in determining an application for a licence.

(3) In the conduct of an Assessment under subsection (1), due consideration shall be given to, in addition to the conditions laid down by the Environmental Protection Authority:

- (a) the preservation of the character of the environment including the fauna and flora;
- (b) any possible effect on the water table or surface drainage pattern;
- (c) danger of pollution in the neighbourhood;
- (d) the nature and location of other land uses that could be affected by the operation;
- (e) the control of dust and debris on roads and in the vicinity;
- (f) the availability of natural environment for the enjoyment of the public;
- (g) the traffic density on the roads in the area where the mine is to be operated; and

(h) any other factor which the Committee may stipulate.

(4) A licensee who by virtue of his actions, either advertently or inadvertently, causes damage to public or private property shall be liable to restore or rehabilitate the said property to its former state.

44. The holder of a licence issued under this Act shall, in addition to the conditions set out under this Act, carry out the operations authorised by such licence in compliance with such standards and procedures as are prescribed for the carrying out of such operations by the Environmental Management Act.

PART VIII

MISCELLANEOUS

45. (1) A person who—

Offences

(a) explores for, or mines, processes, imports or exports, any mineral without a licence issued under this Act; or

(b) mines in an area that is not a mining zone,

commits an offence and shall, on summary conviction, be liable to a fine of two hundred thousand dollars and imprisonment for a term of two years, and in the case of a subsequent conviction for such offence, shall be liable to a fine of three hundred thousand dollars and imprisonment for a term of three years.

(2) Any minerals extracted in the commission of an offence under subsection (1) may, in the discretion of the Court, be forfeited to the State.

(3) A person who—

(a) knowingly purchase any mineral from a person who is not the holder of a licence under this Act or trade in such mineral; or

- (b) knowingly makes a false statement or fraudulent representation in or in connection with an application of a licence under this Act,

commits an offence and shall, on summary conviction, be liable to a fine of one hundred thousand dollars and imprisonment for a term of one year.

(4) A person who being the holder of a licence issued under this Act—

- (a) fails to notify the Director of the discovery of any minerals not authorised by the licence discovered by him in carrying out the operations authorised by the licence;
- (b) fails to maintain any book, record or other document that he is required to maintain by or under this Act;
- (c) obstructs or interferes with the Director or a person authorised by the Director, in the exercise by such person of any power conferred on such person by or under this Act;
- (d) pollutes any watercourse in the exercise of his mining operations,

commits an offence and shall on summary conviction be liable to a fine of one hundred thousand dollars and imprisonment for a term of one year.

(5) A person who contravenes this Act or the Regulations, commits an offence and where no punishment is specified shall on summary conviction be liable to a fine of fifty thousand dollars and imprisonment for a term of six months.

46. No suit or prosecution shall lie against the State, Minister, a member of the Committee, the Director or

any officer for any thing done or omitted to be done in good faith in the performance of their duties under the Act.

47. (1) The issue of a licence under this Act shall not in any way dispense with the necessity to obtain planning permission where such permission is required under the Town and Country Planning Act.

Obligations
under other
laws

Chap. 35:01

(2) Where the approval of any other entity is required under any other written law with respect to the proposed operation, the issue of a licence under this Act, shall not affect in any way the requirement to obtain such other approval before the proposed operation commences.

48. (1) The Minister may make regulations subject to negative resolution of Parliament in respect of matters that are required by this Act to be prescribed or in respect of which regulations are required or authorised to be made under this Act.

Regulations

(2) Notwithstanding the generality of the provisions of subsection (1), the Minister may, subject to subsection (3), make regulations—

- (a) prescribing anything required or permitted by this Act to be prescribed;
- (b) determining mining procedures and issue operational guidelines;
- (c) determining the types and duration of licences and the procedure for issuing those licences;
- (d) for the health and safety of mine workers;
- (e) for the management of the mines and the appointment of quarry managers;
- (f) the keeping of books, records and other like matters of procedure;

Chap. 16:02
Ch. 30. No. 2

- (g) prescribing the fees and royalties chargeable and the bonds payable in respect of licences;
 - (h) subject to the Explosives Act and the Factories Ordinance, for the storing of explosives, fuse or detonators and procedure for blasting;
 - (i) for laying down the terms and conditions to be observed by the licensees;
 - (j) for the prevention of pollution of land, water or air and for compensation therefor;
 - (k) for the rehabilitation and/or restoration of mines;
 - (l) for the general regulation and safe working of mines;
 - (m) for the transportation of minerals;
 - (n) guidelines and operational procedures for the exploration, import and export of minerals; and
 - (o) for giving effect to and carrying out the objects, purposes and provisions of the Act.
- (3) In making the regulations—
- (a) under subsections (2)(d), (2)(h) and (2)(l), the Minister shall consult the Minister with responsibility for labour; and
 - (b) under subsection (2)(j), the Minister shall consult the Minister with responsibility for environment.

Repeal and
Savings
Chap. 61:01

49. (1) The Mines, Borings and Quarries Act is repealed.

(2) Notwithstanding the repeal under subsection (1), the regulations made under the Mines, Borings and Quarries Act shall *mutatis mutandis* remain valid as if made under this Act until such time regulations are made under this Act.

51. (1) Any approval or licence granted to mine or to ^{Transitional} operate a quarry or to conduct quarry operations and in force immediately before the commencement of this Act shall continue to be in force until such approval or licence expires or until a licence is granted under this Act or until the expiration of six months from the commencement of this Act whichever occurs earlier.

(2) A person who holds an approval or a licence referred to in subsection (1), may within six months from the commencement of this Act, apply for a licence in accordance with the requirements of this Act.

Passed in the Senate this 15th day of August, 2000.

N. COX
Clerk of the Senate

Passed in the House of Representatives this 22nd day of September, 2000.

D. DOLLY
Acting Clerk of the House