

GUYANA

No. 1 of 2024

REGULATIONS

MADE UNDER

THE MINING ACT

(No. 20 of 1989)

IN EXERCISE OF THE POWERS CONFERRED UPON

THE MINISTER BY SECTIONS 67 AND 135 OF THE MINING ACT 1989, I HEREBY

MAKE THE FOLLOWING REGULATIONS:

Citation and Commencement.

1. These Regulations may be cited as the Mining (Special Mining Permit) Regulations 2024 and shall be deemed to come into effect on the 1st day of March 2024.

Application

2. (1) These Regulations shall apply only for the purposes of and related to applications received for the grant of special mining permits over the tracts of State lands (relinquished mining licence areas) set out in Schedule 1 of these Regulations.
(2) The applicant for a special mining permit referred to in regulation 2 (1) herein shall not be required to be the holder of a prospecting permit.
(3) Every permit granted by the Commission to applicants over the tracts of State lands set out in Schedule 1 shall be a special mining permit governed by these Regulations.

Size of special mining permits.

3. Every special mining permit granted under these Regulations shall be for an area of not less than 150 acres no more than

1200 acres.

4. All fees payable for the application, grant and renewal of mining permits under the principal regulations under the Mining Act 1989 shall apply to the application, grant and renewal of special mining permits under these Regulations. Rental shall be paid for the first year at the rate for a Mining Licence under the principal regulations under the Mining Act 1989, thereafter, rental shall be paid at a rate of US\$1 per acre.
5. Royalty shall be made payable at the rate stipulated within the special mining permit on a prescribed sliding scale, at 5% being the rate for Gold under the principal regulations under the Mining Act 1989.
6. The Commission shall not grant a special mining permit:
 - (a) if it has reasonable grounds to believe that the applicant does not intend to carry on, in good faith, within the limits of his competence and resources, mining operations in the proposed special mining permit;
 - (b) if the applicant is in default and the Commission is not satisfied that there are sufficient grounds to waive the default; or
 - (c) if the area in respect of which the special mining permit is sought is in excess of the area prescribed in these Regulations.

Payment of fees

Royalty

Restrictions on the grant of special mining permits under these Regulations

Period of validity and renewal of special mining permits granted under these Regulation

7. (1) A special mining permit granted under these Regulations-

- (a) shall be valid for a period of five years from the date of the grant of the permit; and
- (b) may, on application made to the Commission, be renewed for further periods, not exceeding five years on each occasion or for the life of the deposit of the mineral in respect of which it is granted, whichever is shorter.

(2) A special mining permit granted under these Regulations shall not be renewed-

- (a) unless the Commission is satisfied that the applicant for the renewal has carried on, in good faith, within the limits of his competence and resources, mining operations in the special mining permit area and intends to continue doing so; or
- (b) if the applicant for the renewal is in default and the Commission is not satisfied that there are sufficient grounds to waive the default.

8. (1) Subject to the Act, the holder of a special mining permit has the right to enter the area covered by the special mining permit and has the exclusive right, while the special mining permit is in force, to mine therein, and subject to and in accordance with the Guyana Gold Board Act in the case of gold, to remove therefrom and dispose of, the minerals in respect of which the special mining permit is granted.

(2) The holder of a special mining permit shall-

- (a) submit a reclamation plan prior to the commencement of mining operations;
- (b) submit a mine plan and timetable for commencement and conduct of mining operations (including areas designated for

Rights and obligations of the holder of a special mining permit.

mineral processing, waste stockpiles and tailings) prior to the commencement of mining operations;

(c) submit proposals to benefit the local community within the proximity or contiguous to areas covered by the special mining permit such as provision of playgrounds, potable water-wells, recreation centres, material assistance to local schools and similar community assistance;

(d) carry on mining operations, in good faith, in the area covered by the special mining permit, within the limits of his competence and resources;

(e) carry out mining operations without the use of mercury provided that appropriate alternative extractive technology or technique is available;

(f) furnish the Commission with such information relating to his prospecting or mining operations carried on in the area referred to in paragraph (a) as the Commission may reasonably require;

(g) carry out promptly any direction relating to mining or prospecting operations which may be given to him by the Commission pursuant to the Act for the purpose of ensuring safety or good mining practice or such other purpose as may be prescribed;

(h) employ no less than 50% of mining personnel engaged in mining operations from surrounding communities; and

(3) Section 27 of the Act, shall *mutatis mutandis* apply in relation to the holder of a special mining permit as it applies in relation to a licence referred to in that section.

Lodgment of the environmental bond.

9. At such time as the Commissioner may determine prior to the grant of a special mining permit, the applicant shall lodge with the Commission an environmental bond in sum of six million dollars. The bond shall be released upon restoration of the environment which was occupied or affected by the operations of the special mining permit to the satisfaction of the Commissioner.

Notice of Intention to Grant not to be published in Gazette.

10. Prior to the grant of each special mining permit under these Regulations, the Commission shall not publish a Notice of Intention to Grant in the Gazette.

Cancellation of a special mining permit.

11. (1) Where the holder of a special mining permit is in default, the Commission may, with the approval of the Minister, by notice in writing served on the holder by registered post, cancel the special mining permit, as the case may be.

- (2) The Commission shall not, under sub-regulation (1), cancel a special mining permit on the ground of default unless-

- (a) the Commission has, by notice in writing served on the holder thereof-

- (i) given not less than thirty days' notice of the Commission's intention to cancel the special mining permit on the ground of default; and

- (ii) specified a date on which the holder may in writing, or in person, or by counsel submit to the Commission any matter which he wishes the Commission to consider; and

(b) the Commission has taken into account-

(i) any action taken by the holder to remove the default or to prevent the recurrence of such default; and

(ii) any matters submitted to the Commission by or on behalf of the holder of the special mining permit pursuant to paragraph (a) (ii):

Provided that nothing in this sub-regulation shall apply in the case of a default comprising non-payment of any rent due or the special mining permit, as the case may be.

(3) The Commission shall not, under sub-regulation (1) cancel a special mining permit on the ground that the holder thereof has failed to pay any amount, other than rent, payable by him under the Act in respect of the special mining permit, if, before the date specified in the notice referred to in sub-regulation (2) (a), such holder pays the amount of money concerned together with any penalty which may be payable pursuant to section 72 of the Act.

(4) The Commission may, with the approval of the Minister, by notice in writing served on the holder of a special mining permit-

(a) if the holder thereof, being an individual is-

(i) adjudged bankrupt; or

(ii) enters into any agreement or scheme of composition with his creditors or takes advantage of any law for the benefit of debtors; or

(b) if, in the case of a holder, being a company or a corporation, an order is made or a resolution is passed winding up the affairs of the company or corporation, unless-

(i) the winding up is for the purpose of amalgamation or reconstruction;

(ii) the Commission has been given written notice thereof; and

(iii) the Commission has consented to the amalgamation or reconstruction.

12. (1) On the cancellation of a special mining permit, the rights of the holder of the special mining permit shall cease, but the cancellation shall not affect any liability incurred by him before the cancellation, and any legal proceedings, that might have been commenced or continued against the former holder of the special mining permit, may be so commenced or continued against him notwithstanding the cancellation of the special mining permit as if the special mining permit had not been cancelled.

(2) The Mining Regulations in all other respects shall apply to special mining permits granted under these Regulations.


Vickram Bharrat MP
Minister of Natural Resources
(Minister responsible for Mines and Minerals)

