

NIGERIAN MINERALS AND MINING REGULATIONS, 2011



ARRANGEMENT OF REGULATIONS

Regulations :

PART I—PRELIMINARY AND GENERAL PROVISIONS

1. Citation and Commencement
2. Interpretation
3. General Provisions
4. Areas in Respect of Which Mineral Titles May Be Granted By Competitive Bidding
5. Operational Guidelines
6. Inspection of Mining Operations
7. Internal Reporting Obligations
8. Minister's Notice to Delegate Authority
9. Notices and Reports of Meetings
10. Disposal of Tailings
11. Compensation and Social Obligations
12. Assessment of Compensation
13. Social Obligations
14. Panel of Inquiry to Investigate Accident
15. Dispute Resolution
16. Procedures for Dispute Resolution
17. Aggrieved Party May Appeal
18. Information and Reports
19. Establishment of the Solid Minerals Development Fund
20. Sanctions for Breach of the Act and these Regulations

PART II—MINERALS TITLE ADMINISTRATION (MINING CADASTRE OFFICE)

21. Applications
22. General Obligations of Mineral Title Holders
23. Restrictions on Grant of Mineral Titles
24. Grant of Exploration Licence and Mining Lease by Competitive Bidding
25. Applications by Holders of Mineral Titles
26. Technical Competence for Mineral Title
27. Financial Capability
28. Survey Plan
29. Loss of Instrument or Certificate of Title
30. Grant of Mineral Titles and Authorizations
31. Publication of Mineral Title Grants and Access to Title Land
32. Reconnaissance Permit Application
33. Form, Duration, Renewal and Area of Reconnaissance Permit

34. Reconnaissance Permit Reporting Requirement
35. Exploration Licence Application
36. Form of Exploration Licence
37. Duration of Exploration Licence
38. Application for Renewal of Exploration Licence
39. Term of Validity of an Exploration Licence
40. Exploration Licence Area
41. Voluntary Area Relinquishment
42. Obligations of an Exploration Licence Titleholder
43. Minimum Working Obligations
44. Exploration Licence Reports
45. Small-Scale Mining Lease Applicant Status
46. Small-Scale Mining Lease Application
47. Restrictions on the Grant of a Small-Scale Mining Lease
48. Limits on Mining Authorized By a Small-Scale Mining Lease
49. Form of Small-Scale Mining Lease
50. Duration of Small-Scale Mining Lease
51. Application for Renewal of Small-Scale Mining Lease
52. Term of Validity of a Small-Scale Mining Lease
53. Relinquishment of Small-Scale Mining Lease Area
54. Enlargement of Small-Scale Mining Lease Area 2
55. Small-Scale Mining Lease Reporting
56. Mining Lease Applicant Status
57. Mining Lease Application
58. Restrictions on the Grant of a Mining Lease
59. Form of Mining Lease
60. Duration of Mining Lease
61. Application for Renewal of Mining Lease
62. Term of Validity of Mining Lease
63. Relinquishment of Mining Lease Area
64. Enlargement of Mining Lease Area
65. Requirement to Maintain Mining Operation
66. Mining Lease Reports
67. Quarry Lease Applicant Status
68. Quarry Lease Application
69. Restrictions on the Grant of a Quarry Lease
70. Form of Quarry Lease
71. Duration of Quarry Lease
72. Application for Renewal of Quarry Lease
73. Term of Validity of Quarry Lease
74. Relinquishment of Quarry Lease Area
75. Enlargement of Quarry Lease Area
76. Quarry Lease Reports
77. Water Use Permit Applicant Status
78. Water Use Permit Application
79. Restrictions on the Grant of Water Use Permit

80. Form of Water Use Permit
81. Duration of Water Use Permit
82. Application for Modification of Water Use Permit
83. Term of Validity of a Water Use Permit
84. Relinquishment of Water Use Permit Area
85. Enlargement of Water Use Permit Area
86. Water Use Permit Reports
87. Effect of Mineral Title Grant on Other Mineral Titles And Authorizations
88. Discovery and Authorization to Mine Additional Minerals
89. Consolidation of Mineral Titles
90. Conversion of One Lease Type to Another
91. Transfer and Assignment
92. Transfer In The Event Of Death or Mental Incapacity
93. Encumbrance or Lien
94. Suspension of Mineral Title
95. Intent to Abandon or Permanently Cease Mineral Production
96. Surrender of Mineral Title
97. Revocation of Mineral Title
98. Annual Service Fee
99. Royalty
100. Annual Surface Rent
101. Submission of Information
102. Confidentiality
103. Prohibition on Abuse of Information Obtained In Official Capacity
104. Notice of Local Residence
105. Records and Registers
106. Constitution of Cadastral Unit
107. Cadastral Maps
108. Demarcation of Small-Scale Lease Area, Mining Lease Area, Quarry Lease Area or Water Use Permit Area
109. Boundary Disputes

PART III—MINES OPERATIONS (MINES INSPECTORATE DEPARTMENT)

110. Obligations of Reconnaissance Permit Holder
111. Obligations of an Exploration Licence Holder
112. Minimum Work Obligations of Exploration Licence Holder
113. Obligations of Small Scale Mining Lease Holder
114. Obligations of Mining Lease and Quarry Lease Holder
115. Plan of Mining Operations
116. Minimum work Obligations
117. Plan of Water use Permit
118. Pre-Conditions for Commencement of Mining Operations
119. Notice of Commencement of Mining Operation
120. Powers of Director of Mines Inspectorate to Issue Certain Orders
121. Inspectors of Mines and Inspection of Mining Operations by Inspectors of Mines

- 122. Routine Inspection
- 123. Mineral Production Return and Royalty Payment
- 124. Deposit of Tailings
- 125. Deposit of Tailing and Dumps
- 126. Procedure of Dumping
- 127. Drainage of Dumps
- 128. Intention to Abandon or Cease Production
- 129. Discovery of Radioactive Minerals
- 130. Inquiry into Accidents
- 131. Permit to Export Minerals for Commercial Purposes
- 132. Permit to Export Mineral Sample for Analysis
- 133. Possession and Purchase of Minerals
- 134. Registration of Agents for Movement of Minerals
- 135. Mineral Processors
- 136. Obligation of Mineral Processors
- 137. Disposal of Minerals Won Under an Exploration Licence
- 138. Report
- 139. Appointment of Mine Managers

PART IV—MINE HEALTH AND SAFETY (MINES INSPECTORATE DEPARTMENT)

- 140. Records of Accidents, Dangerous Occurrences and Diseases
- 141. Occupational Health Services
- 142. Surface Mine Workings
- 143. Underground Mine Workings
- 144. Ventilation
- 145. Use of Lifting Machines or Lifting Tackle
- 146. Winding Engines and Installations
- 147. Haulage and Transport
- 148. Scheme for Examining and Maintaining Haulage Systems
- 149. Machinery, Design, Use, Operation, Supervision and Control
- 150. Electricity, Selection and Installation of Electrical Apparatus
- 151. Protective Equipment, Clothing and Devices
- 152. Mine Fires
- 153. First Aid

PART V—MINES ENVIRONMENTAL MANAGEMENT
(MINES ENVIRONMENTAL COMPLIANCE DEPARTMENT)

- 154. Obligations of Mineral Title Holders
- 155. Compliance to Obligations on Mining Environment
- 156. Inspection of Mining Environment
- 157. Environmental Impact Assessment
- 158. Environmental Impact Assessment Studies
- 159. Environmental Impact Assessment Statement
- 160. Submission of Environmental Impact Assessment Statement
- 161. Audit of Environmental Impact of Mining Operations
- 162. Payment of Compensation

163. State Mineral Resources and Environmental Management Committee (Miremco)
164. Reclamation and Restoration of Mines Land
165. Vegetation and Landscape Protection
166. Soil Protection
167. Biodiversity Conservation: National Parks, Cultural Heritage and Sanctuaries
168. Protection of Flora and Fauna
169. Protection of Endangered Species
170. Prevention of Pollution of Environment
171. Mines Land Reclamation Standards
172. Reclamation of Acid Mine Drainage Prone Area
173. Heap Leach Operations
174. Reclamation of Material Sites
175. Extraction of Materials from River Beds (Gravel Bailing Operations)
176. Peat and Topsoil Mines
177. Materials used for other Mines
178. Exempt Excavations
179. Stockpiles
180. Environmental Protection and Rehabilitation Program
181. Rehabilitation and Resettlement Packages
182. Social Concerns in Mining Communities
183. Approval of Environmental Protection and Rehabilitation Program
184. Establishment of the Environmental Protection and Rehabilitation Fund
185. Amount to Be Contributed
186. Term ; Conditional Approval; Renewal of the Fund
187. Successor in Interest
188. Amendment of Reclamation Plan
189. Determination of Violation on Reclamation
190. Annual Reclamation Statement
191. Failure to File Reclamation Statement
192. Violation of Reclamation Plan
193. Community Development Agreement
194. Storage, Handling, Processing and Transport of Hazardous Vessel for Storing, Conveying or Transporting Liquid
195. Storage of Any Hazardous Liquid in Storage Room
196. Storage of Hazardous Liquid in Open Area
197. Storage of Hazardous Liquid in Vessel
198. Spillage of Fuel-Oil
199. Mine Waste Management
200. Procedure to be followed before Dumping
201. Rules for Dumping Operations
202. Procedure for Dumping on Decommissioned Dump
203. Prohibition of Dumping Over Mine
204. Drainage of Dump
205. Supervision of Drainage System by Competent Person

- 206. Reports on Active Classified Dumps
- 207. Reporting an Unusual or Abnormal Matter
- 208. Liquid Waste Dumps
- 209. Air and Water Quality Monitoring
- 210. Water for Dust Suppression
- 211. Removal of Toxic Substance
- 212. Effluent Water Discharges
- 213. Closure of Dumping Site
- 214. Inspection of Decommissioned Classified Dump
- 215. Report on Decommissioned Classified Dump
- 216. Submission of Reports for Closed Dump
- 217. Danger from Spontaneous Combustion
- 218. Environmental Requirements for the Mining of Radioactive Minerals
- 219. Staffing and Environment of Radioactive Minerals
- 220. Control of Water and Tailings Disposal
- 221. Atmospheric Pollution Control
- 222. Sulphur Stockpiles
- 223. Transportation of Radioactive Materials
- 224. Protection from Radiation
- 225. Mine Closure and Abandonment
- 226. Records of Closing Down Mine
- 227. Public Access to Information
- 228. Emergency Preparedness
- 229. Disposal of Buildings, Structures, and Debris on Land

PART VI—ARTISANAL AND SMALL SCALE MINING OPERATION
(ARTISANAL AND SMALL SCALE MINING DEPARTMENT)

- 230. Formalization of Artisanal Miners
- 231. Provision of Extension Services to Artisanal and Small Scale Miners
- 232. Requirement for Registration as a Minerals Buying Centre

LIST OF SCHEDULES

- 1. FEES
- 2. DESIGNATION OF MINERAL TITLE AREA
- 3. FORMS
- 4. MINERALS ROYALTY RATE
- 5. MINES INSPECTORATE TEMPLATES
- 6. MINES ENVIRONMENTAL COMPLIANCE TEMPLATES

NIGERIAN MINERALS AND MINING ACT
No. 20 of 2007

MINERALS AND MINING REGULATIONS, 2011

[13th Day of May 2011]

Commence-
ment.

In exercise of the powers conferred upon me by virtue of section 21 of the Nigerian Minerals and Mining Act, No. 20 of 2007 and all other powers enabling me in that behalf, I, MUSA MOHAMMED SADA, Minister of Mines and Steel Development hereby make the following Regulations—

PART I—PRELIMINARY AND GENERAL PROVISIONS

1. These Regulations may be cited as the Nigerian Minerals and Mining Regulations, 2011.

Citation.

2. In these Regulations—

(1) Unless the context indicates otherwise any word to which a meaning has been assigned in the Nigerian Minerals and Mining Act, 2007 (hereinafter in these Regulations referred to as “the Act”) shall have that meaning.

Interpreta-
tion.

(2) In these Regulations unless otherwise stated—

“Act” means the Nigerian Minerals and Mining Act, 2007 ;

“active dump” means any dump where dumping operations are carried out and which has not been closed ;

“Adit” means a nearly horizontal access into underground workings from a side of a hill or surface ;

“Agency” means an agency or parastatal of the Ministry ;

“Application” means an application in respect of a mineral title or licence or permit made in accordance with the Act or these Regulations ;

“banksman” means a competent person duly authorized to supervise the lowering and raising of persons, materials or rocks ;

(3) In a conveyance at the bank and to give the necessary signals ;

“classified dump” means a dump consisting of material deposited and accumulated :

(a) wholly or mainly in solid form where :

(i) the area covered is more than ten thousand square metres and the height is more than two metres ;

(ii) the height of the dump is more than fifteen metres ; or

(iii) the average gradient of the land covered by the material is more than one in twelve ;

(b) mainly in solution or suspension where :

(i) any point is more than four metres above the level of any part of the adjacent land and is less than fifty metres from the perimeter of the dump ; or

(ii) the volume is more than ten thousand cubic metres ;

"Companies and Allied Matters Act" means the Companies and Allied Matters Act C20 Laws of the Federation of Nigeria, 2004 ;

"competent person" means a person who is :

(a) qualified by virtue of his or her knowledge, and training, skills and experience in any matter in respect of which he or she is required to be a competent person ; or

(b) familiar with the provisions of the Act and these Regulations or any other law which apply to the work to be performed ; or

(c) trained to recognize any potential or actual danger to health and safety in performance of the work covered by this Regulation ;

"conductor" means a material with the ability to carry or conduct electrical energy ;

"contaminant" means a substance or physical agent or a combination of substances and physical agents which may contribute to, or create pollution ;

"Constitution" means the Constitution of the Federal Republic of Nigeria 1999 ;

"conveyance" in relation to a shaft, means any cage, skip, kibble, bucket, stage, or any other receptacle or structure attached to or suspended from a winding rope and operated by a winder and intended to serve as means of raising or lowering persons, materials or rocks ;

"Date of Application" means the date on which an application is lodged at the Federal Ministry responsible for Mining with the prescribed fee ;

"decommissioned dump" means a dump where dumping operations have ceased but the dump has not been closed ;

"Department" means a department of the Federal Ministry responsible for mining ;

"Director-General" means the Director-General responsible for Mining appointed under the Act ;

"earthed" means connected to the general mass of the earth in such manner as will ensure at all times an immediate discharge of electrical energy without danger ;

"electrical apparatus" includes electric cables and any part of any machine, apparatus or appliance being a part designed for the generation, conversion, storage, transmission, distribution or utilization of electricity ;

"environmental impact statement" means a statement on the impact of mining operation on the environment approved by the Federal Ministry in charge of Environment ;

"excavation" means any trench, pit, quarry, shaft or other open or underground working made in the course of mining operations or prospecting

activities, as the case may be, excluding any superficial excavations made for purposes of geochemical soil and rock sampling ;

"Exploration Licence" means Exploration Licence granted under the Act ;

"Exploration Licence Register" means the register, record or book created under the Act or these Regulations for recording information concerning Exploration Licences ;

"factor of safety" in relation to any rope or part of machinery, means the ratio of the breaking force or strength of that rope or part of machinery to the maximum total static force on it including the component of its own weight ;

"flammable" means any substance which is capable of being easily set alight ;

"hazardous waste" means waste, including objects, articles or substances, which are poisonous, corrosive, irritant, explosive, inflammable, toxic or harmful to man, animal, plants or the environment ;

"hazardous waste disposal site" means the land on which hazardous waste disposal facilities are physically located ;

"ladderway" means any place where permanent ladders are installed for the use of persons ascending or descending on it ;

"live" means electrically energized ;

"material" means anything, except person, or rock conveyed or to be conveyed by means of a conveyance in or out of a mine ;

"Mine" has the meaning assigned to it in the Act ;

"mineral processor" means a person or mining cooperative or company engaged in dressing, milling, treatment, or processing of minerals for commercial purpose ;

"mines manager" means a competent person appointed in terms of Regulation 122(a) and includes the owner of a mine who himself or acts as mine manager ;

"Mining" includes quarrying operations ;

"Mining Office" means the Mining Office responsible for the granting of mineral titles ;

"Mining Office Registers" means the registers, created for each of the following types of mineral titles :

- Reconnaissance Permit
- Exploration Licence
- Mining Lease
- Small Scale Mining Lease
- Water Use Permit
- Quarry Lease ;

"mining environment" means any environment affected by mining operations ;

"Mining Lease" means a Mining Lease granted under the Act ;

"Mining lease register" means the register, record or book created under the Act or these Regulations for recording information concerning mining leases ;

"mining operation" has the meaning assigned to it in the Act ;

"Ministry" means the Ministry responsible for regulating matters relating to the exploration, development and exploitation of mineral resources ;

"onsetter" means a competent person duly authorized to be in charge of a shaft conveyance in which persons, material or rock are lowered or raised from any station below the bank and to give the necessary signals ;

"opencast workings" means workings below the surface of the ground, excluding underground workings and any trench, pit or other such excavation ;

"operator" means a mineral titleholder who owns and engages in mining operation ;

"Priority Register" means the register, record or book created under and as defined under the Act ;

"project brief" means a report made by a mineral titleholder including preliminary predictions of possible impacts of a proposed exploration, prospecting, quarrying or mining operation on the environment and constituting the first stage in the environmental impact assessment process ;

"Qualified Applicant" means a person who is qualified to apply for a mineral title or licence or permit under the Act or these Regulations ;

"Quarry Lease" means Quarry Lease granted under the Act ;

"Quarry Lease Register" means the register, record or book created under the Act or these Regulations for recording information concerning quarry leases ;

"raise" means any tunnel in a mine having an inclination of more than 10 degrees above the horizontal and which is not included under the definition of 'ramp' or 'shaft' ;

"ramp" means any roadway inclined above or below the horizontal especially designed for the movement of trackless vehicles ;

"reclamation plan" means a plan submitted by an operator under these Regulations for the reclamation of a mining operation ;

"rock" means any portion of the earth's crust whether consolidated or not ;

"Reconnaissance Permit" means Reconnaissance Permit granted under the Act ;

"Reconnaissance Permit register" means the register, record or book created under the Act or these Regulations for recording information concerning Reconnaissance Permit ;

Reference to the masculine gender includes reference to the feminine gender ;

"Regulations" means a Regulations of these Regulations ;

"Schedule" means a schedule in these Regulations ;

"shaft" means a vertical or inclined excavation of limited area compared with its depth, leading from the surface to underground workings or from one part of an underground workings to another made for :

- (a) mining minerals ;
- (b) raising and lowering persons, material or rock ; or
- (c) ventilating underground workings ;

"Small Scale Mining Lease" means Small Scale Mining Lease granted under the Act ;

"Small Scale Mining Lease register" means the register, record or book created under the Act or these Regulations for recording information concerning Small Scale Mining Leases ;

"stable condition" means the rehabilitation, where feasible, of the physical environment of a mining site to a condition that allows for the re-establishment of renewable resources on the site within a reasonable period of time by natural processes ;

"stope" means an underground excavation made by the removal of any mineral, but does not apply to excavations made for engine rooms and pump chambers or for development purposes such as shafts, drives, winzes and raises ;

"tailings" means any waste rock, slimes or residue derived from any mining operation or processing of any mineral ;

"toxic substance" means a poisonous gas, vapour, fume, dust or other substance in such concentration as is capable of causing injury, or adverse pathological changes, in any part of person or animal by absorption or inhalation or cause adverse physiological changes to the environment ;

"trackless vehicle" means any vehicle having wheels, or skids, self-propelled or otherwise, which does not run on rails ;

"Transfer of Mineral Title" includes assignment, mortgage, pledge, sublease, charge or hypothecation ;

"underground" means any place in a mine under the natural surface access to which is gained through a shaft or an adit ;

"transportation of hazardous waste" means the movement of hazardous waste from the place at which it is generated until it arrives at the storage or the site of disposal, and of the earth which is solely connected to the surface by means of an adit, ramp or shaft, including such adit, ramp or shaft ;

"underground workings" means any working below the natural surface of the earth, access to which is by means of an adit, ramp or shaft, but excludes opencast workings ;

"ventilating district" in relation to a mine in which underground workings are being carried on, means :

(a) in the case of a mine other than a mine which is ventilated by natural means, such part of such mine as has an independent intake commencing from a main intake airway and an independent return terminating at a main return airway; and

(b) in the case of a mine which is ventilated by natural means, the whole of such mine or such part of it as is so ventilated ;

"Waste" means garbage, refuse, sludges and other discarded substances resulting from industrial and commercial operations and from domestic and community activities, intended to be disposed of; or are disposed of; or are required to be disposed of ;

"water course" has the meaning assigned to it in the Act ;

"Water Use Permit" means Water Use Permit granted under the Act ;

"Water Use Permit register" means the register, record or book created under and as defined by the Act or these Regulations ;

"winder" means the machinery used to raise or lower by means of a rope or ropes any conveyance in a shaft for the conveyance of persons, material or rock, but excluding any lifting machine, endless rope haulage or scraper winch installation ;

"winze" means any tunnel in a mine having an inclination of more than 10 degrees below the horizontal and which is not included under the definition of 'ramp' or 'shaft' ;

"workings" means any part of a mine, whether on surface or underground, which has been excavated or is in the process of being excavated ;

"work injury" means any injury suffered by a person which arises out of and in the course of his or her employment; the work injury shall be construed to include also occupational disease and work related disability ; and

"workplace" means any place at a mine to which access has been authorized.

General
Provisions.

3. These Regulations are made in other to define the rules and processes in respect of matters provided under the Act and generally to give full effect to the implementation of the provisions of the Act.

These Regulations shall:

(a) define the procedures and processes for the regulation of exploration and mining operations generally, including acquisition of the titles to engage in such operations ;

(b) prescribe measures that will protect and ensure the safety of workers engaged in mining operations, the general public and mining environment ;

(c) prescribe forms to be used for the purpose of applying the Regulations to any matter covered by it ;

(d) regulate the processes and procedures for enforcement and compliance with the provisions of the Act.

4.—(1) The Minister shall in the exercise of his power under Section 9 of the Act create a committee to advise him, on the determination of areas in respect of which mineral titles may be granted by competitive bidding.

Areas in
Respect of
which
Mineral
Titles may
be granted
by
Competitive
Bidding.

(2) Notwithstanding the provisions of subsection (1) of this section, the areas in respect of which mineral titles may be granted by competitive bidding shall include:

- (a) areas free of any valid existing mineral titles ;
- (b) areas in which minerals classified by the Act as "security" minerals have been found and those areas the Minister may declare as security minerals from time to time ;
- (c) areas which the committee for any other reason deems fit to so recommend to the Minister.

5.—(1) Consistent with the powers conferred upon the Minister under section 4 of the Act, he shall supervise and regulate mining operations and enforce compliance with the provisions of the Act and these Regulations.

Operational
Guidelines.

(2) The Minister, for the purpose of carrying out the provisions of the Act and these Regulations may :

- (a) amend existing regulations ;
- (b) make additional regulations to deal with any matter not covered by these Regulations ;
- (c) prescribe forms to be used for the purpose of these Regulations ;
- (d) from time to time establish operational guidelines and standards for the proper and effective implementation of the provisions of the Act and these Regulations ;
- (e) establish procedures for monitoring compliance with community development agreements by mineral title holders and operators ;
- (f) prescribe guidelines and procedures for the assessment of compensation and rents payable to landowners and or occupiers ;
- (g) prescribe the procedures, processes and conditions for the grant of incentives to investors in the mining industry as provided under the Act ;
- (h) prescribe guidelines and standards for the operations of the Mines Inspectorate Department, Mines Environmental Compliance Department and other Departments, Agencies and Units of the Ministry to ensure the proper discharge of their functions, particularly, the monitoring of mining environment and operations and safety of miners ;
- (i) create new departments pursuant to section 16 of the Act subject, to the procedure laid down in relevant government guidelines, provided that notice of the creation of the department shall be published in the gazette ;
- (j) establish such committees as he may consider necessary to advise him :
 - (i) on such matters pertaining to his functions or connected with the administration of the Act and these Regulations ;

Inspection of
Mining
Operations.

- (ii) on any appeal made to him in respect of any mineral title ; and
- (iii) mineral titles granted by competitive bidding.

6.—(1) The Ministry shall :

- (a) through its departments, units and agencies perform the functions stipulated in the Act and facilitate the implementation of its provisions;
- (b) authorize or carry out inspection over mining operations in the manner provided under these Regulations ;
- (c) enforce compliance with the provisions of the Act and these Regulations and shall have powers to :
 - (i) arrest without warrant any person found committing or reasonably suspected to have committed an offence under the Act or these Regulations ;
 - (ii) seize any tool, implement, equipment or vehicle used in committing the offence ;
 - (iii) summon and issue written directive(s) to and impose restrictions on the holder or the agent or operator of the mine ; and
 - (iv) by order in writing, direct that exploration or mining operation be suspended where any machine, equipment, situation or practice at the mine is considered to be dangerous or defective.

Internal
Reporting
Obligations.

7.—(1) Every department or agency created under the Act shall submit a report of its activities to the Minister on a quarterly basis or as may be otherwise directed by him.

(2) The report, depending on the department or agency concerned shall include, where applicable :

- (a) the activities of the department, agency or unit during the period covered by the report ;
- (b) summary of all applications received and processed, the findings in respect from it and the final recommendations ;
- (c) details of all mines inspections carried out during the period, the findings and results of such inspections and the level of compliance by holders and operators with the Act and these Regulations ;
- (d) all reports, records and returns stipulated in section 43 of the Act which shall include explanatory reports, work programme reports, mine designs and returns on production ;
- (e) the report of any inquiry or accident investigation carried out during the period ;
- (f) report of any dispute resolution ; and
- (g) report of any discovery in relation to mining operation.

(3) If a department or an officer in the Ministry in the course of duty obtains any information or discovers any fact concerning exploration or mining operations,

a report shall be made within a reasonable time. What amounts to a reasonable time is a question fact as determined in each particular circumstance to the Minister in writing giving him such information or fact.

(4) Every department or agency created under the Act or these Regulations shall serve on all other departments a quarterly report of its activities.

8.—(1) If the Minister, pursuant to section 20 of the Act intends to delegate a particular authority to any competent department or officer in the Ministry or any of its agencies he shall cause to be published in the Gazette, a notice stating :

Minister's
Notice to
Delegate
Authority.

(a) his desire to delegate that particular authority to such department or officer ;

(b) the name of the department or the designation of the officer ;

(c) the matters in respect of which the department or officer is authorized to act for the Minister ; and

(d) the duration of that authority.

(2) The notice to delegate authority shall be in Form 1 in Schedule 3 and must be signed by the Minister.

(3) No department or officer shall incur any liability for anything done or purported to be done in exercise of that authority conferred on him by the Minister under the Act and these Regulations.

(4) This Regulation shall not be construed as excluding any requirement or procedure which may be prescribed in the Civil Service Rules or any other regulations relating to the exercise of such power by the Minister.

9.—(1) Before any meeting of any Committee or Board created under the Act or these Regulations is held, the Secretary shall cause a notice of the meeting to be served on all members or persons who are entitled to attend at least seven days before the meeting.

Notices and
Reports of
Meetings.

(2) In case of an emergency meeting, the Secretary shall ensure that all members or persons entitled to attend are notified either orally or in writing or through e-mail at least twenty-four hours to the meeting.

(3) The notice shall clearly specify the place, date, time and agenda of the meeting.

(4) The Chairman or Secretary of any Committee or Board shall :

(a) cause minutes of all proceedings of its meetings to be entered in books kept for that purpose ; and

(b) submit a report of activities to the Minister accompanied by relevant documents showing any progress made during the period covered by the report.

10.—(1) The Ministry shall from time to time in writing and by notice published in any widely read national newspaper prescribe the manner in which tailings shall be managed by mining lease, small-scale mining lease and quarry lease holders under the Act and these Regulations.

Disposal of
Tailings.

(2) No mineral title holder shall, without the permission of the Ministry deposit tailings in any natural watercourse.

Compensation
and Social
Obligations.

11.—(1) In compliance with the relevant provisions of the Constitution and the Act, all holders of mineral titles, shall fulfill all obligations concerning payment of compensation to owners and occupiers of land acquired or used for mining operations.

(2) A Mining Lease holder shall—

(a) honour all compensation obligations as provided under the Act and these Regulations ; and

(b) give, if demanded by the Minister, security or lieu of it a bank guarantee for the payment of compensation due to land owners and occupiers.

(3) The holder of any mineral title other than a Reconnaissance Permit shall—

(a) pay to the owner and occupier of a land subject to a state lease or right of occupancy, reasonable compensation for—

(i) surface rent of the owner or for any damage done to the surface of the land ; and

(ii) damage to economic crops, trees, buildings or works ; and

(b) pay to the owner and occupier of land within the area of any lease or license compensation for removal or destruction of crops, economic trees, buildings or works ;

(c) provided that the owner shall be compensated on the basis on his ownership of the land and any development he made on it while the occupier shall be compensated on the basic of his development (if any) on the land and his use of the land.

(4) Any person who suffers any damage, loss or disturbance of his right by reason of any mining operations shall be entitled to be paid adequate compensation. What is adequate compensation shall be a question fact determined from the particular circumstances in question.

Assessment
of
Compensa-
tion.

12.—(1) In order to arrive at a just and proper assessment of the compensation payable to owners and or occupiers of land covered by a mineral title, in line with section 108 of the Act, Mining Cadastre Office after consultation with the State Mineral Resources and Environmental Management Committee shall determine the assessment and payment of compensation and—

(a) may constitute a special committee to advise it on all matters relating to the assessment and payment of compensation ;

(b) give such directives as to the taking of inventory of all trees, economic crops, buildings and other things on the land ; and

(c) may engage the services of government licensed or private surveyors or valuers to carry out a valuation of the land and things on it.

(2) In assessing damages payable to land owners and or occupiers, account shall be taken of the following factors—

(a) The owners and occupiers of the land should be involved in the assessment or computation of the compensation to be paid ;

(b) In compliance with constitutional provisions the compensation awarded should be adequate ;

(c) Account shall be taken of any improvement by the holder of the mineral title which has or will accrue to the owner or occupier of the land ;

(d) The basis upon which compensation shall be payable for damage to the surface of any land shall be the extent to which the market value of the land upon which the damage occurred has been reduced by reason of the damage.

13. The holder of a mineral title shall—

Social
Obligations.

(1) As a precondition for proper interaction with the host community, comply with all compensation obligations to all persons entitled in the community as stipulated under the Act and these Regulations.

(2) Identify the leaders of the Community who must be persons who are known, recognized by their people and who can exercise a reasonable degree of control over them.

(3) Before commencement of operation, meet and discuss with the Community and their leaders to sensitize them about the project and the likely benefits to the community as well as the measures to be taken to prevent the hazards and risks associated with mining operations, particularly pollution and environmental degradation.

(4) Emphasize the benefits in terms of job creation, education and skill acquisition for the youths.

(5) Participate as much as is realizable in the social-cultural activities of the community as a means of fostering cordial relationship with the people.

(6) Do any other thing which may promote a peaceful and harmonious relationship with the community.

14.—(1) When an accident of a type referred to in Regulation 130 occurs, the Minister shall set up a panel of inquiry of not less than four members to investigate the accident.

Panel of
Inquiry to
Investigate
Accident.

(2) The panel shall determine the cause of the accident and submit a report to the Minister which shall contain its findings and recommendations.

(3) The investigation shall include an inquiry as to—

(a) whether there was any negligence on the part of the holder, his agent(s) or the victim ;

(b) cause of death or serious injury ; and

(c) measures to prevent a re-occurrence or future accidents.

(4) A Panel of Inquiry investigating an accident may—

(a) summon witnesses, examine such witnesses on oath and order the production of any books, records and materials by witnesses ;

(b) sit in the public, but may take evidence in camera if doing so in public will be injurious or adverse to the interest of the nation ;

(c) take written submissions from witnesses ;

(d) visit the scene of the accident to verify claims or evidence given by witnesses in their oral or written submissions ;

(e) make any order for the preservation of the site of the accident or anything contained on or around the site ;

(f) on its own volition invite an expert in the relevant field to testify on any matter of technical nature which may arise in the course of investigation ; and

(g) take other steps that will assist in the investigation.

(5) A witness summons for the purposes of the inquiry into an accident shall be in Form 2 in schedule 3, giving enough time and indicating exact time of appearance of the witness.

Dispute
Resolution.

15.—(1) The Minister may, as and when necessary establish a committee to enquire into and resolve any dispute between holders of mineral titles either amongst themselves or between them and mineral title applicants or third parties.

(2) The dispute referred to in subsection (1) of this Regulation may relate to—

(a) disputed boundaries ;

(b) assessment and payment of compensation ;

(c) environmental or social obligations ;

(d) any act or omission connected with mining operation ;

(e) any dispute arising from the processing or refusal of application for mineral titles ; and

(f) any dispute between applicants for and holders of mineral titles.

(3) The Minister may approve and make any order which may be necessary for the purpose of giving effect to the decisions of the Committee.

Procedures
for Dispute
Resolution.

16.—(1) (a) The party who is aggrieved shall submit a memorandum stating briefly the subject matter of complaint, the facts relied upon and the relief or prayer sought.

(b) The complaint shall be served on the party against whom it is filed, who shall be given the opportunity to file a reply or memorandum within seven days.

(c) A date and time will be fixed for the parties to dialogue and to present their witness (if any) and any additional documents or materials they intend to rely upon.

(d) The Committee and parties may visit any site or carry out physical inspection of any material or objects and may make necessary directives to preserve or protect the subject matter of the dispute.

(2) This regulation shall not be construed as preventing the Minister from directing the settlement of a dispute in any other manner.

17.—(1) Any person aggrieved by any decision of the Ministry or any of its agencies on any application or matter under these Regulations, may within seven days after being notified of the decision, appeal to the Minister for a review.

Aggrieved
Party may
Appeal.

(2) The appeal shall state—

- (a) the particulars of the holder or applicant ;
- (b) the particulars of the title in respect of which the appeal is made ;
- (c) the subject matter of the appeal ;
- (d) the grounds of the appeal ; and
- (e) the prayer or relief sought.

(3) The Minister may set up a committee to consider the appeal and forward to him a report which shall include its findings and recommendations.

(4) On receiving the report, the Minister may uphold, set aside or vary the decision complained of.

(5) A notice of the Minister's decision on the appeal may be sent to the parties within seven days of the receipt however, any delay to issue the notice will not nullify the decision of the Minister.

(6) The mineral title holder if not satisfied with the outcome of the appeal to the Minister, may seek redress from the Federal High Court.

18.—(1) So long as a mineral title subsists, the holder shall—

Information
and Reports.

(a) prepare and submit to the Mines Inspectorate Department detailed half yearly report of all exploration and or mining operations as the case may be, in the mineral title area as set out in schedule 5 ;

(b) where the holder intends to export samples of any mineral for processing or analysis, it shall notify the Minister in writing and shall give a description of the mineral sought to be exported, the quantity, port of exists, destination, present the sample for inspection, and give the reason for the exportation ;

(c) on a half yearly basis, the holder shall give a progress report on the Community Development Agreement with the host community which shall include a fair and honest assessment of the projects pursued in the Community, the achievements recorded and the constraints ;

(d) report promptly the discovery of any mineral not included in the title certificate ;

(e) on a half yearly basis, the holder shall submit expenditure reports on mining operations to the Mines Inspectorate Department ;

(f) before the commencement of mining operations, the holder of a Small Scale Mining Lease, Mining Lease and Quarry Lease shall submit to the Ministry the following ; and

(i) All Environmental Impact Assessment studies and mitigation plans required under the Act, these Regulations and applicable environmental laws ;

(ii) Details of the work which the holder is prepared to undertake for carrying out any minimum work obligations imposed by the Ministry.

(2) Every holder of a mineral title involved in mineral exploration and exploitation, shall in addition to all other reporting obligations stipulated in the Act and these Regulations—

(a) keep correct plans of exploration or mining operations ;

(b) supply to the Ministry, copies of such plans and records as at when demanded ; and

(c) provide to the Nigerian Geological Survey Agency for storage and archiving, a complete set of all geoscientific data acquired in the course of such activity inclusive of geological, structural and mineral maps, coring and samples in line with the Act.

Establishment
of The Solid
Minerals
Development
Fund
Constitution
of the Board.

19.—(1) The Minister shall—

(a) Constitute the board of the Solid Minerals Development fund in accordance with section 34 (2) (a-e) of the Act.

(b) Appoint an Executive Secretary for the day today administration of the fund under the direction of the Board.

(2) The Board shall be managed and operated as specified by section 35 of the Act.

(3) The secretariat of the Board shall be located in Abuja.

(4) The Board shall operate as provided in section 36(a)-(h) of the Act while the Federal Government shall provide fund for the day to day running of its activities.

(5) The Ministry shall be responsible for the preparation of the Annual Budget of the Fund.

(6) The Annual Report to be submitted to the Minister by the Board shall include—

(a) audited account of the Fund ;

(b) auditor's report on the accounts ;

(c) how the fund was utilized during the year under review ;

(d) constraints or challenges ; and

(e) recommendations.

SANCTIONS

20.—(1) If a breach of the provisions of the Act and these Regulations does not constitute a criminal offence, an inspector of mines, whilst taking into account the circumstances of the infringement, shall impose the following penalty on the guilty person—

Sanctions for
Breach of
the Act and
these
Regulations.

(i) If any person has conducted exploration or mining activities or sold minerals without holding a mineral title or licence issued under the Act or these Regulations, all income or products derived from such activities shall be confiscated by the State and, a fine in an amount equal to the double of the value of the minerals in question shall be imposed on such person. In such case, the amount of the penalty shall not exceed the maximum penalty provided under the Act and these Regulations.

(ii) A penalty in a sum ranging between One Hundred Thousand Naira to Five Hundred Thousand Naira shall be imposed in the case of failure by a mineral title holder to submit to Mines Inspectorate Department a minimum work programme before commencement of operation in the title area as prescribed by Regulation under these Regulations.

(2) A mineral title holder who fails to comply with—

(i) obligations with respect to the conduct of activities under the mineral title held by him as prescribed by relevant Regulations shall be fined in a sum ranging between Fifty Thousand Naira to One Hundred Thousand Naira ;

(ii) any legitimate requirements imposed by an inspector of mines with respect to the elimination of deficiencies discovered in the course of exploration or mining operations shall be fined in a sum ranging between Fifteen Thousand Naira to Fifty Thousand Naira.

(3) Where a mineral title holder continues to violate provisions of the Act and these Regulations with respect to environmental protection, mine operations, safety regulations, or the provisions of its environmental protection plan, the exploration and mining activities of such a holder shall be suspended for up to sixty days, and if such deficiencies are not eliminated within this period, the exploration activities of the mineral title holder shall be terminated or, in the case of an operating mine, the mine shall be closed.

(4) A mineral title holder who intentionally falsely or fraudulently, or attempted to, reduce the revenue due to Government shall pay a fine in a sum of between One Hundred Thousand to Two Hundred and Fifty Thousand Naira (₦250,000.00) and in addition be required to pay any unpaid royalties due to Government with respect to the shortfall and, a penalty equal in amount to such unpaid royalties.

(5) Where a mineral title holder has intentionally reduced the volume or amount of minerals extracted, or has intentionally understated the sales revenue by fraudulently reducing the sales price by entering into a fictitious contract or selling the product at an unfair price or any other means, such mineral title holder

shall pay a fine in a sum ranging between One Hundred Thousand Naira to Two Hundred and Fifty Thousand Naira and the amount by which the revenue has been understated shall be paid by such title holder to the Federal treasury.

(6) A Federal High court may impose a fine of up to a sum ranging between One Hundred Thousand Naira to Two Hundred and Fifty Thousand Naira on any person or group of persons who intentionally prevent or obstruct an authorized inspector of mines or official(s) of the Ministry from performing their duties in the course of an inspection of an exploration or mining operation.

(7)—(1) Any mineral title holder or person who contravenes any provisions under environmental compliance part of these Regulations shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding twenty million Naira or to imprisonment for a term not exceeding five years or to both fine and imprisonment.

(2) If the offence referred to in subsection (1) of this section is committed by a company with the knowledge of the directors or persons in-charge of that mine, each person who is a director or is a person in-charge of that mine shall be guilty of that offence.

PART II—MINERALS TITLE ADMINISTRATION (MINING CADASTRE OFFICE)

PROCEDURE FOR APPLICATIONS FOR MINERAL TITLES

Applications. **21.—**(1) Applications may be made under these Regulations for the grant of the following mineral titles—

- (a) Reconnaissance Permit ;
- (b) Exploration Licence ;
- (c) Small Scale Mining Lease ;
- (d) Mining Lease ;
- (e) Quarry Lease ; and
- (f) Water Use Permit.

(2) An application for a mineral title shall be made by a qualified applicant under the Act in accordance with the Regulations set out in this part and upon filing and submission of an Irrevocable Consent Form by land owner(s)/ occupier(s).

Obligations
of Mineral
Title
Holders.

22. The holder of a mineral title granted under this part shall—

- (i) pay the rents due under the permit, licence or lease at the prescribed time and in the prescribed manner ;
- (ii) use the land in respect of which the permit, licence or lease is granted solely for exploration and mining purposes only ;
- (iii) not transfer the permit, licence or lease granted without the prior written consent of the Minister ;

(iv) not assign, underlet or part with the possession of such land or any part thereof without the prior written consent of the Minister and shall register any partnership and third party Agreement with the Mining Cadastre Office ;

(v) lodge with the Mines Inspectorate Department such reports and information as prescribed under the Act and these Regulations ;

(vi) promptly report in writing to the Minister details of all minerals discovered ;

(vii) duly observe and comply with all provisions, conditions and obligations contained in the Act and these Regulations and in any other Act for the time being in force applicable to the permit, licence or lease or the land ;

(viii) perform and comply with any further conditions, terms or stipulations in any Community Development Agreement to which the holder is a party and submit a copy to the Mining Cadastre Office ;

(ix) comply with all environmental, health and safety provisions contained in the Act and these Regulations ;

(x) comply with all reasonable directives and instructions which may be issued from time to time by the Ministry or any of its agencies or authorized officers ; and

(xi) allow any public officer duly authorized by the Ministry or any of its agencies at any time with or without notice to enter upon the land or mining area for inspection purposes.

23.—(i) An application for a mineral title may be refused where in the case of an individual, he is under the age of 18 years or is an undischarged bankrupt or otherwise declared bankrupt under any written law or has been convicted of a criminal offence or committed an offence under the Act or these Regulations ;

Restrictions
on Grant of
Mineral
Title.

(ii) in the case of a company, if it is shown that any of its directors, or shareholders holding controlling shares have been convicted of a criminal offence or committed an offence under the Act or these Regulations ;

(iii) the application is not properly made ;

* (iv) the applicant is the holder of another mineral title and is in respect of that other mineral title in default ;

(v) the area of land for which the application is made is subject to another mineral title ;

(vi) there is a pending application by another qualified applicant for the area of land for which the application has been made ;

(vii) the area of land for which the application is made is designated by the Minister as an area reserved for exploration and mining operations by competitive bidding ;

(viii) the area applied for is closed to mining operations or excluded from mineral exploration and exploitation under the Act and these Regulations ;

Grant of
Exploration
Licence and
Mining
Lease by
Competitive
Bidding.

(ix) the applicant has failed to provide proof of sufficient working capital for the exploration or mining operations and of technical competence to carry on the proposed exploration or mining operation ;

(x) the area applied for exceeds what is allowed under the Act; and these Regulations ; and

(xi) it is not in the public or national interest to grant the application.

24.—(1) (a) Pursuant to the power conferred under section 9 of the Act, the Minister may, by notice in the Gazette and in any widely read national newspaper designate any vacant area as an area in respect of which Exploration Licence and a Mining Lease shall be granted based on competitive bidding.

(b) The procedure and guidelines for the grant of a licence or lease in areas so designated shall be determined by the Minister and be advertised when invitations are made for bidding.

(2) (a) After the advertisement as provided in sub-regulation (2)(b) of this Regulation, interested applicants (who must be limited liability companies) shall obtain a bid application form at a fee to be determined by the Minister.

(b) The bidding application shall be in Form 3 in schedule 3 to these regulation in the format prescribed in.

(3) Applicants will be pre-qualified in accordance with the guidelines to be prescribed by the Minister.

(4) An applicant shall pay a bid processing fee to be determined by the Minister at the time the bidding is advertised.

(5) The bid application form shall be submitted to the Ministry or at such other places which the Minister may stipulate and the applicant shall provide such number of copies as may be required.

(6) The Minister may set up a bid Committee to conduct the bidding and the Committee when constituted, shall be guided by the provisions of the PPA adopt and apply the guidelines and criteria stipulated by the Minister which shall be made known to participating companies and must be such that can reasonably guarantee the transparency and integrity of the process.

(7) The bid Committee shall comprise experts from the Ministry, or such of its agencies and such other persons outside the Ministry with qualification and experience in the relevant fields.

(8) The final analysis and evaluation of the bids shall be done by the bid Committee which shall recommend to the Minister the bids which are most likely to promote the expeditious and profitable development of the mineral resources of the area having regard to—

(a) the programme of exploration operations which the applicant proposes to carry out and the commitments as regards the expenditure which the applicant is prepared to make ;

- (b) the financial and technical resources of the applicant ;
- (c) the previous experience of the applicant in mining operations ; and
- (d) other factors which the committee may consider.

(9) The Committee shall determine the modalities for the announcement of the bid results.

25. Every application for the renewal, enlargement, relinquishment, addition of minerals, transfer or assignment, abandonment or surrender consolidation, conversion and every other application by the holder of a mineral title under this part shall—

Applications
by Holders
of Mineral
Titles.

- (a) be in Form 4 in schedule 3 and be made to the Mining Cadastre Office ;
- (b) every such application shall be dealt with and processed in the manner set out in these Regulations with such modifications as may be necessary ;
- (c) the applicant shall in respect of all applications referred to in this Regulation pay at the time the application is lodged an application fee as prescribed in schedule 1 to these Regulations ; and
- (d) Where any application in this Regulation is granted, any instrument, certificate or notice issued pursuant thereto shall be signed by the Director General, Mining Cadastre Office or an officer authorized by him.

26.—(1) An applicant for—

Technical
Competence
for Mineral
Title.

(i) Exploration Licence and Reconnaissance Permit shall have in its employment person(s) who possess adequate qualification and experience in exploration and registered with the Council for Mining Engineers and Geoscientists and any other relevant professional body ;

(ii) Mining Lease and Water use Permit shall have in its employment person who possess adequate qualification and experience in mining and registered with the Council for Mining Engineers and Geoscientists and any other relevant professional body ; and

(iii) Quarry Lease or Small Scale Mining Lease shall have in its employment person who possess a minimum qualification of a certificate in Mining or Quarrying related fields.

27. The Mining Cadastre Office shall require an applicant for minerals title in line with section 54 of the Act to provide evidence of sufficient working capital by way of Bank Statement and Reference Letter.

Financial
Capability.

28. In line with section 79 of the Act the Mining Cadastre Office shall require an applicant for a lease to submit a survey plan.

Survey Plan.

29.—(1) If the instrument or certificate of title in respect of any mineral title is destroyed, lost or stolen, the holder may, apply to the Cadastre Office for another instrument or certificate upon payment of the prescribed fee in schedule 1.

Loss of
Instrument
or Certificate
of Title.

(2) The application for another instrument or certificate shall be made not later than seven days of the destruction, loss or theft, and shall contain—

- (a) the full particulars of the holder ;
- (b) the date, time and place of destruction, loss or theft ;
- (c) how the destruction, loss or theft occurred ;
- (d) the efforts made to retrieve the document in the event of loss ;
- (e) a sworn affidavit before any attesting to the facts and circumstances relating to the destruction or loss of the instruments ;
- (f) a Police report ; and
- (g) Publication in a national newspaper.

(3) Upon compliance with sub-regulation (2) of this Regulation, another instrument or certificate shall be issued to the title holder.

(4) It is an offence to provide any false information or make any false statement concerning the destruction, loss or theft of an instrument or certificate of title.

Grant of
Mineral
Titles and
Authorizations.

30.—(1) A reconnaissance permit, small-scale mining lease, quarry lease, or water use permit may be granted in response to an individual request.

(2) An exploration licence or mining lease may be granted to a qualified applicant under section 48 and 50 of the Act.

(3) Any area included in a mineral title that was closed to mining operations under any existing law then in force at the time the title was granted shall be automatically deemed not to be included as part of the mineral title area.

Publication
of Mineral
Title Grants
and Access
to Title
Land.

31.—(1) When a mineral title is issued or revoked, the Mining Cadastre Office shall, within 30 days from the date of the title's issuance or revocation, inform the title holder of the title issuance or revocation and give public notice of the mineral title issued or revoked, including the name of the titleholder and a description of the mineral title area, in the Gazette, and by notice posted in the Mining Cadastre Office and in a national newspaper.

(2) The provisions of sub-regulation (1) of this Regulation also apply when a mineral title is amended to enlarge or reduce the mineral title area.

(3) A mineral titleholder shall where there is land subject to another land title within the mineral title holder's permit, licence, or lease area, have the right, subject to the Act and these Regulations to enter upon such titled land to conduct the activities authorized by his permit, licence, or lease.

Reconnaissance Permit
Application.

32.—(1) An applicant for a reconnaissance permit shall pay the nonrefundable Reconnaissance Permit Application Processing Fee specified in schedule 1.

(2) A reconnaissance permit application, in Form 5 in schedule 3 shall be submitted, in triplicate, by an applicant to the Mining Cadastre Office.

(3) A reconnaissance permit application shall—

(a) specify the complete identification and contact information of the applicant (if the applicant is a corporation, the address of its headquarters, the identity and address of any legal representative, and the identity and address of its commercial representative in Nigeria, if any) ;

(b) be completed and signed by the applicant or an authorized representative of the applicant ;

(c) the following documents shall be annexed to the application—

(i) where the applicant is an individual, Form 6A in schedule 3, attesting that the applicant is legally capable and has not been convicted of a criminal offence ;

(ii) where the applicant is a body corporate, a certified copy of the Certificate of incorporation or other constitutive document provided under the Companies and Allied Matters Act and any amendments thereto ;

(iii) where the applicant is a body corporate or mining cooperative, Form 6B in schedule 3, attesting that the applicant, including all members or directors of the applicant or any shareholder holding controlling share of the applicant has not been convicted of a felony or an offence under the Act ;

(iv) Receipt for Payment of Reconnaissance Permit Application Processing Fee ; and

(v) such other information as may be required from time to time.

(4) On receipt of the application the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall immediately verify whether the application is complete.

(5) An application found to be incomplete under sub-regulation 5 of this Regulation shall be rejected and not registered.

(6) When an application is verified to be complete under sub-regulation 5 of this Regulation—

(a) the Mining Cadastre officer making such verification shall assign an identity code to the application and shall register its date, and time of submission in the General Register ;

(b) the General Register shall be signed by both the officer verifying the application and the applicant or the applicant's authorized representative ;

(c) the identity code, date, and time of application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre Officer, and one copy of the application shall be given to the applicant.

(7) In the review of a reconnaissance permit application, the Mining Cadastre Office may, within seven calendar days from the application registration date—

(a) request the applicant to correct any defects or omissions ;

(b) confirm the information provided in the application ;

(c) consult with other specialists as necessary ;

(d) consult other relevant government entities as necessary ; and

(e) propose alterations in the application.

(8) The failure of an applicant to provide any of the information requested pursuant to sub-paragraph 8(a) of this Regulation within seven calendar days, or the lack of clarity in the provision of such information, shall render the application and the Mining Cadastre Office shall in such a case—

(a) in writing, notify the applicant that the application ; and

(b) record the date of such notification in the General Register.

(9) The Mining Cadastre Office shall deny approval to an applicant if it is shown that any of the members or directors of the applicant or a shareholder holding a controlling share of the applicant has been convicted of a felony or an offence under the Act or these Regulations.

(10) The Mining Cadastre Office shall deny approval to an applicant who has in the last ninety calendar days preceding the application registration date had a prior reconnaissance permit application which lapsed under sub-paragraph 16 of this Regulation.

(11) The Mining Cadastre Office shall, within 30 days of the registration of the reconnaissance permit application notify, an applicant whose application is denied and the date that such notice of denial was sent shall be recorded in the General Register.

(12) Subject to paragraphs 10 and 11 of this Regulation, where the applicant for a reconnaissance permit is a qualified person, the Director General shall approve the application within 30 days of the registration of the application.

(13) The Mining Cadastre Office shall, within 30 days of the registration of an application notify an applicant whose application is approved—

(a) that the application is granted approval,

(b) the Mining Cadastre Office at which the permit can be issued,

(c) that the permit shall be collected by the applicant, or its representative, within 14 days from the date of notification, and shall have the date that the notice was sent recorded in the General Register.

(14) Where the application is approved, the Mining Cadastre Office shall issue to the applicant a reconnaissance permit, and the date of issuance shall be recorded in the Reconnaissance Permit Register.

(15) When an applicant fails to appear and collect a reconnaissance permit within 14 days from the date of being notified under paragraph 14 of this Regulation, the approval shall be and the date of the withdrawal shall be recorded in the General Register.

(16) When it becomes known to the Mining Cadastre Office that a false attestation was made in Form 6A or 6B in schedule 3 any resultant reconnaissance permit shall be.

33.—(1) A reconnaissance permit shall be in Form 7 in schedule 3.

(2) A reconnaissance permit shall be issued initially for a term of 1 year, and

(3) May be renewed on application from year to year.

(4) The Director General shall grant approval to an application for the renewal of a reconnaissance permit if—

(a) the application is received at least 1 month before the expiry of the original term of the licence,

(b) the holder of the permit has complied with the conditions of the Act and these Regulations,

(5) There is no maximum limit on the number of times a reconnaissance permit can be renewed.

(6) A reconnaissance permit unless terminated earlier by revocation, shall remain valid during the initial period fixed in the permit measured from the date on which the permit is issued by the Mining Cadastre Office, and any renewal period granted in conformity with these Regulations.

(7) Unless terminated earlier by revocation, a reconnaissance permit shall terminate upon expiration of the term provided therein.

(8) The area of land in respect of which a reconnaissance permit is to be granted shall include all land within the territory of Nigeria available for mining operations.

(9) Notwithstanding sub-regulation 7 of this Regulation, no area which is the subject of an exploration licence, small-scale mining lease, mining lease, quarry lease, or water use permit, or any area closed to mining operations shall be part of the reconnaissance area.

34.—(1) A reconnaissance permit holder shall meet the prescribed reporting requirements in line with template 1 in schedule 5.

Reconnaissance Permit
Reporting
Requirement.

(2) Upon receipt of a notice from the Mines Inspectorate Department that a reconnaissance permit holder has failed to meet the prescribed reporting requirement, the Mining Cadastre Office shall proceed to revoke the permit.

35.—(1) An applicant for an exploration licence shall pay the nonrefundable Exploration Licence Application Processing Fee specified in Schedule 1.

Exploration
Licence
Exploration
Licence
Application.

(2) An exploration licence application, in Form 8 in schedule 3 shall be submitted, in triplicate, by the applicant to the Mining Cadastre Office, for registration and processing.

(3) An exploration licence application shall—

(a) specify the complete identification and contact information of the applicant (if the applicant is a corporation, the address of its headquarters, the

identity and address of any legal representative, and the identity and address of its commercial representative in Nigeria, if any) ;

(b) identify, in accordance with the method specified in Schedule 2, the contiguous area applied for, but not exceeding 200 square kilometres ;

(c) be completed and signed by the applicant or an authorized representative of the applicant; and shall have annexed the following—

(i) where the applicant is a body corporate, a certified copy of the certificate of incorporation or other constitutive document provided under the Companies and Allied Matters Act and any amendments thereof ;

(ii) where the applicant is a body corporate or mining cooperative, Form 6B in Schedule 3 attesting that the applicant, including all members or directors of the applicant or any shareholder holding a controlling share of the applicant has not been convicted of a felony or an offence under the Act and or these Regulations ;

(iii) Receipt for Payment of Exploration Licence Application Processing Fee, and ;

(iv) such other information as may be required from time to time.

(4) On receipt of the application the Mining Cadastre officer receiving the application shall confirm that the application is complete.

(5) An application that is found to be incomplete under sub-regulation 5 of this Regulation shall be rejected and not registered.

(6) When an application is confirmed to be complete under sub-regulation 5 of this Regulation—

(a) the Mining Cadastre officer making such confirmation shall assign an identifying code to the application and shall register its date, hour and minute of submission in the Priority Register ;

(b) the Priority Register shall be signed by both the officer confirming the application and the applicant or the applicant's authorized representative ;

(c) the identifying code, date, hour and minute of application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre Officer ; and

(d) one copy of the application shall be given to the applicant.

(7) When an exploration licence application is registered, the area applied for shall be recorded in the Cadastral Maps.

(8) A registered exploration licence application shall be officially accepted for consideration of approval unless the area applied for is fully within an area—

(a) currently under an exploration licence, mining lease, small-scale mining lease, quarry lease, or water use permit held by another licence or lease titleholder, or

(b) closed to mining operations by the Act, these Regulations or any other law in which case the application shall be the Mining Cadastre Office shall, in writing, notify the applicant that the application is within 7 calendar days of the application registration date, and the date of such notification shall be recorded in the General Register.

(10) Where an area applied for in an application falls under sub-regulation 9 (a) and (b) of the Regulation.

(11) Where there is any partial overlap between the area applied for in an exploration licence application and any area which—

(a) is subject to a current exploration licence, small scale mining lease, mining lease, quarry lease, or water use permit ; or

(b) is closed to mining operations ; or

(c) has been applied for by any applicant for any mineral title, other than a reconnaissance permit, and such application is not decided and was registered earlier in time than the exploration licence application; the area of such overlap shall be excluded from the exploration licence application, and the Mining Cadastre Office shall, in writing, notify the current applicant, within 7 days of the application registration date, requesting that the applicant amend the area applied for in the application.

(12) Upon receipt of a notice under sub-regulation 11 of this Regulation, the exploration licence applicant shall modify the application to redefine the area applied for in such a way as to avoid the overlap, and failure by the applicant to appear at the Mining Cadastre Office and modify the application within 7 days of receiving such notification shall result in the application becoming.

(13) When an exploration licence application becomes or the application area is amended, in accordance with sub-regulation 12 of this Regulation, the Priority Register and Cadastral Maps shall be updated accordingly.

(14) When there is an overlap between the area applied for in an exploration licence application and any area applied for in another exploration licence, small-scale mining lease, mining lease, quarry lease, or water use permit application, the first registered application shall be given exclusive priority.

(15) In the review of an exploration licence application, the Mining Cadastre Office may

(a) request the applicant to correct any defects or omissions ;

(b) confirm the information provided in the application ;

(c) consult with other specialists as necessary ;

(d) consult other relevant government entities ; and

(e) propose alterations in the application.

(16) The failure of an applicant to provide any of the information requested pursuant to sub-regulation 14(a) of this Regulation within 7 days, or the lack of

clarity in the provision of such information, shall render the application null and void, and the Mining Cadastre Office shall in such a case—

- (a) in writing, notify the applicant that the application is and ;
- (b) record the date of such notification in the General Register.

(17) A person shall be ineligible to apply for an exploration licence if—

(a) the applicant is a former exploration licence titleholder whose licence has been revoked for the same exploration area, or any part therein applied for, if such application is made within 2 years from the date of such revocation ; or

(b) it is shown that any of the members or directors of the applicant or a shareholder holding a controlling share of the applicant has been convicted of a felony or an offence under the Act, or these Regulations ; or

(c) the applicant, in the 90 days preceding the application registration date, had a prior exploration licence application that applied for part or all of the area currently being applied for, which was deemed under sub-regulation (24) of this Regulation.

(18) The Mining Cadastre Office shall, within 30 days of the registration of an application notify, an applicant whose application is denied approval, and the date that such notice of denial was sent shall be recorded in the General Register.

(19) When an exploration licence application is denied, the Cadastral Maps shall be updated to remove the application area record.

(20) Subject to sub-regulations 14 and 17 of this Regulation, the Director General shall approve the licence within 30 days from the application registration date.

(21) The Mining Cadastre Office shall, notify an applicant whose application is successful—

- (a) that the application is granted approval ;
- (b) the Mining Cadastre Office at which the licence can be issued ;
- (c) that the licence shall be collected by the applicant, or its representative, within 14 days from the date of notification, and shall have the date that the notice was sent recorded in the General Register.

(22) The Mining Cadastre Office shall issue to an exploration licence applicant whose application is granted approval by the Director General an exploration licence, upon payment by the applicant of the non-refundable Annual Service Fee specified in Schedule 1.

(23) When an exploration licence is issued, the licence area shall be recorded in the Cadastral Maps, and the date of issuance shall be recorded in the Exploration Licence Register.

(24) When an applicant fails to appear and pay the nonrefundable Annual Service Fee within 14 days from the date of being notified under sub-regulation (21)

of this Regulation, the approval shall be withdrawn and the date of the withdrawal shall be recorded in the Priority Register.

(25) When it becomes known to the Mining Cadastre Office that a false attestation was made in 6B, of Schedule 3 any resultant exploration licence application shall be withdrawn.

36.—(1) An exploration licence shall be as prescribed in Form 9 in schedule 3 to these Regulations.

Form of
Exploration
Licence.

(2) An exploration licence shall have annexed to it, by the Mining Cadastre Office, a map with the position of the granted exploration area marked upon it, and any directly adjacent mineral titles, with the exception of reconnaissance permits, shall also be identified clearly on the map.

37.—(1) An exploration licence shall be issued initially for a term of 3 years.

Duration of
Exploration
Licence.

(2) An exploration licence may be renewed for two further periods of 2 years each.

(3) Subject to sub-regulation (1) of Regulation 37, the term of an exploration licence including all renewals shall not exceed 7 years.

38.—(1) Title holder may submit an application in Form 4 in schedule 3 to renew the licence 3 months before the licence expires.

Application
for Renewal
of
Exploration
Licence.

(2) The Director General shall grant approval to an exploration licence renewal application if—

(a) subject to sub-regulation (4) of this Regulation, the application is received at least 3 months prior to the expiry of the original term of the licence ;

(b) the holder of the licence has complied with the conditions of the Act, these Regulations, and mineral agreement, if any ; and

(c) the total duration of the licence including any renewal periods does not exceed 7 years.

(3) The Director General shall not deny an exploration licence renewal application without first having given the applicant prior notice of the intention to deny the renewal including the reasons therefore and inviting the applicant, within a specified time period, to take the appropriate remedial measures or to present a documented statement in defense of the default.

(4) When an application for exploration licence renewal is received less than 3 months prior to the expiry of the original term of the exploration licence, the Director General may deny or consider the application but shall impose on the holder of the licence, upon licence renewal, the non-refundable Late Filing Fee specified in schedule 1.

(5) When the Director General denies approval to an exploration licence renewal application, he shall, by a written notice, inform the applicant of such denial stating the reasons therefore.

(6) An exploration licence titleholder denied a renewal by the Director General under this Regulation may, within 30 days of being notified of such denial, appeal in writing to the Minister; and if not satisfied with the outcome of the appeal to the Minister, may approach the Federal High Court.

(7) In any case appealed under this Regulation to the Federal High Court where the Federal High Court has determined that an exploration licence renewal is to be granted, the Director General shall grant the renewal within 7 days.

(8) When an application for an exploration licence renewal is granted approval, such grant shall have effect upon payment of the licence renewal fee specified in Schedule 1 and any Late Filing Fee payable under sub-regulation (4) of this Regulation, and the date the licence was renewed and period of renewal shall be recorded in the licence and in the Exploration Licence Register.

(9) Where the applicant fails to pay the fee required in sub-regulation (8) of this Regulation within 30 days after being notified of the grant, such renewal shall be withdrawn.

Term of
Validity of
an
Exploration
Licence.

39.—(1) Subject to sub-regulation (3) of this Regulation, an exploration licence shall remain valid during—

(a) the initial period fixed in the licence measured from the date on which the licence is issued by the Mining Cadastre Office, plus any suspension period granted under sub-regulation (3)(b) of Regulation 41 ; and

(b) any renewal period granted in conformity with Regulation 37, plus any suspension period granted under subsection 3(b) of Regulation (41).

(2) When the term of an exploration licence expires while an application for the renewal of the licence or for the grant of a small-scale mining lease, mining lease, quarry lease, or water use permit covering all or part of the exclusive prospecting area is still pending, the exploration licence will remain valid until—

(a) there is a decision on the exploration licence renewal application, or on the small-scale mining lease, mining lease, quarry lease, or water use permit application ; or

(b) the exploration licence renewal application or small-scale mining lease, mining lease, quarry lease or water use permit application is withdrawn.

(3) Subject to sub-regulation (2) of this Regulation, unless terminated earlier by revocation, an exploration licence shall terminate upon expiration of the term provided therein.

Exploration
Licence
Area.

40.—(1) Subject to sub-regulation (2) and (3) of this Regulation, the area of land in respect of which an exploration licence may be granted shall not be more than 200 square kilometers consisting of one contiguous polygonal area, comprising—

(a) one Cadastral Unit ; or

(b) more than one Cadastral Unit, each of which shall share a common side

with at least one other Cadastral Unit, having a grouped geometric form as regular as possible.

(2) Subject to sub-regulation 3 of this Regulation and in accordance with Schedule 2 the exploration licence area shall be set forth in the licence.

(3) Any area closed to mining operations, and any area the subject of a small-scale mining lease, mining lease, quarry lease, or water use permit or that is under application for such lease or permit on the day the exploration licence is issued, which is within the boundaries of the exploration licence area, shall be deemed not part of the exploration licence area.

(4) After an exploration licence is issued, the licence area cannot be enlarged.

41.—(1) An exploration licence titleholder wishing to voluntarily relinquish the whole or any part of an exploration licence area may, at any time during the term of the licence, apply to the Director General in Form 4 in schedule 3.

Voluntary
Area
Relinquish-
ment.

(2) The area relinquished shall consist of one contiguous area comprising—

(a) one Cadastral Unit ; or

(b) more than one Cadastral Unit, each of which shall share a common side with at least one other Cadastral Unit, having a grouped geometric form as regular as possible, and shall be identified in accordance with the method specified in Schedule 3.

(3) The exploration licence area remaining after any area relinquishment is effected in accordance with sub-regulation (1) of this Regulation shall be a single contiguous area.

(4) Any exploration licence area relinquished in accordance with this Regulation shall be recorded in the exploration licence, in the Exploration Licence Register, and in the Cadastral Maps.

(5) The area relinquished pursuant to sub-regulation (1) of this Regulation shall cease to constitute part of the exploration licence area upon the date the area relinquishment is recorded in the exploration licence register, without affecting however the holder's liability to fulfill any obligation which accrued prior to such area relinquishment.

(6) Where the entire exploration licence area is relinquished, the exploration licence shall be liable to revocation.

42.—(1) Subject to sub-regulation (2) of this Regulation, an exploration licence titleholder shall satisfy all obligations imposed or arising out of or under the Act or these Regulations.

Obligations
of an
Exploration
Licence
Titleholder.

(2) An exploration licence titleholder may apply once annually, to the Mining Cadastre Office, to suspend the obligation to work in respect of the licence.

(3) The Mining Cadastre Office shall consider an application submitted under subsection (2) of this Regulation and may, upon good cause—

(a) suspend the licence for a period of one year ;

(b) direct that any or part of the period of suspension shall not be reckoned in the currency of the licence if during that time no work is done by the licence holder on the lands included in the area covered by the licence, and such period shall be noted in the licence and in the Exploration Licence Register.

(4) A suspension granted under sub-regulation (3) of this Regulation shall have no impact on the exploration licence holder's obligation to pay the fees specified in Regulations 97 and 99.

(5) Where an exploration licence titleholder has failed to meet an obligation—

(a) imposed by the Act and or these Regulations ; or

(b) arising from a provision in a mineral agreement coming into force pursuant to the Act, and these Regulations which states that failure to meet the obligation shall result in the revocation of the licence, the Mining Cadastre Office shall proceed to revoke the licence.

Minimum
Working
Obligations.

43.—(1) An exploration licence titleholder shall meet the minimum annual work obligations as may be established under the Act and these Regulations from time to time.

(2) Upon receipt of a notice from the Mines Inspectorate Department that an exploration licence titleholder has failed to meet the prescribed minimum annual work obligation, the Mining Cadastre Office shall proceed to revoke the licence in line with Regulation 96.

Exploration
Licence
Reports.

44.—(1) An exploration licence titleholder shall meet the prescribed reporting requirements in line with schedule 5 of these Regulations.

(2) Upon receipt of a notice from the Mines Inspectorate Department that an exploration licence titleholder has failed to meet the prescribed reporting requirement, the Mining Cadastre Office shall proceed to revoke the licence in line with Regulation 96.

Small-Scale
Mining
Lease Small-
Scale
Mining
Lease
Applicant
Status.

45.—(1) A small-scale mining lease application may be submitted, in conformity with the provisions of the following Regulations, by any qualified person, whether or not the application proceeds from an exploration licence.

(2) A small-scale mining lease application proceeds from an exploration licence if—

(a) made by an exploration licence titleholder during the term of the exploration licence ; and

(b) the entire area requested for inclusion in the small scale mining lease area is a contiguous area from within the exploration licence area.

(3) A small-scale mining lease application that does not meet the requirements of sub-regulation (2) of this Regulation does not proceed from an exploration licence.

46.—(1) An applicant for a small-scale mining lease shall pay the non-refundable Small-Scale Processing Fee specified in Schedule 1.

(2) A small-scale mining lease application, in Form 10 in schedule 3, shall be submitted, in triplicate, by the applicant to the Mining Cadastre Office, for registration and processing.

(3) A small-scale mining lease application shall—

(a) specify the complete identification and contact information of the applicant (if the applicant is a corporation, the address of its headquarters, the identity and address of any legal representative, and the identity and address of its commercial representative in Nigeria, if any) ;

(b) provide the identifying code of the applicant's exploration licence, if any ;

(c) describe the desired small-scale mining lease area, its size and configuration, outlined on a topographical map of the area (the overall area shall not exceed the area reasonably necessary to carry out the mining operations and shall not exceed 3 square kilometers) ;

(d) identify, in accordance with the method specified in Schedule 2, the contiguous area applied for ;

(e) identify the mineral resources located in the area being applied for ;

(f) list the mineral type to be mined, but not mineral water or radioactive minerals ;

(g) specify the period of small-scale mining lease duration sought if less than the maximum time allowed ;

(h) be completed and signed by the applicant or an authorized representative of the applicant ; and shall have annexed the following—

(i) where the applicant is an individual, Form 6A in schedule 3 attesting that the applicant is legally capable and has not been convicted of a criminal offence or an offence under the Act and these Regulations ;

(ii) where the applicant is a body corporate, a certified copy of the certificate of incorporation or other constitutive documents provided under the Companies and Allied Matters Act and any amendments thereto ;

(iii) where the applicant is a body corporate or mining cooperative, Form 6B in schedule 3 attesting that the applicant, including all members or directors of the applicant or any shareholder holding a controlling share of the applicant has not been convicted of a felony or an offence under the Act and or these Regulations;

(iv) a prefeasibility study which shall include—

- a general description of the proposed mining scheme, including sufficient detail to indicate the scale of operation, and the possible location of all major mining operation facilities, pits, shafts, dumps and dams ;

- the planned commencement date of mine development ;

- the planned commencement date of commercial mineral resources production ;
- the planned production profile and capacity ;
- the characteristics and nature of the final products ;

(v) receipt for Payment of Small-Scale Mining Lease Application Processing Fee, and

(vi) such other information as may be required from time to time.

(4) At the time that a small-scale mining lease application is received by the Mining Cadastre Office, the Mining Cadastre Officer receiving the application shall immediately verify whether the application is complete.

(5) An application that is found to be incomplete under sub-regulation (5) of this Regulation shall be rejected and not registered.

(6) When an application is verified to be complete under sub-regulation (5) of this Regulation—

(a) the Mining Cadastre Officer making such verification shall assign an identifying code to the application and shall register its date, hour and minute of submission in the Priority Register ;

(b) the Priority Register shall be signed by both the officer verifying the application and the applicant or the applicant's authorized representative ;

(c) the identifying code, date, hour and minute of application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre Officer, and

(d) one copy of the application shall be given to the applicant.

(7) When a small-scale mining lease application is registered, the area applied for shall be recorded in the Cadastral Maps.

(8) A registered small-scale mining lease application shall be accepted for consideration and approval unless the mining area applied for is fully within an area—

(a) currently under an exploration licence, mining lease, small-scale mining lease, quarry lease, or water use permit held by another licence, lease or permit titleholder ; or

(b) closed to mining operations by the Act, these Regulations or any other law in which case the application shall be the Mining Cadastre Office, in writing, shall notify the applicant that the application is within 7 days of the application registration date, and the date of such notification shall be recorded in the General Register.

(9) Where there is any partial overlap between the area applied for in a small-scale mining lease application and any area which—

(a) is subject to a current exploration licence, small scale mining lease, mining lease, quarry lease, or water use permit ;

(b) is closed to mining operations ; and

(c) has been applied for by any applicant for any mineral title, other than a reconnaissance permit, and such application is not yet decided and was registered earlier in time than the application for the small-scale mining lease; the area of such overlap shall be excluded from the small-scale mining lease application, and the Mining Cadastre Office shall, in writing, notify the applicant, within 7 days from the application registration date, requesting that the applicant amend the area applied for in the application.

(10) Upon receipt of a notice under sub-regulation (10) of this Regulation, an applicant shall modify the application to redefine the small-scale mining lease area applied for in such a way as to avoid the overlap.

(11) In the review of a small-scale mining lease application, the Mining Cadastre Office may—

- (a) request the applicant to correct any defects or omissions ;
- (b) confirm the information provided in the application ;
- (c) consult with other specialists as necessary ;
- (d) consult other relevant government entities ; and
- (e) propose alterations in the application.

(12) The failure of an applicant to provide any of the information requested pursuant to sub-regulations (11) or (12)(a) of this Regulation within seven (7) calendar days, or the lack of clarity in the provision of such information, shall render the application incomplete and the Mining Cadastre Office shall in such a case—

- (a) in writing, notify the applicant that the application is rejected ; and
- (b) record the date of such notification in the Priority Register.

(13) Any person who otherwise qualifies to apply for a small-scale mining lease area shall be ineligible to apply for a small-scale mining lease if—

(a) it is shown that any of the members or directors of the applicant or a shareholder holding a controlling share of the applicant has been convicted of a felony or an offence under the Act, and these Regulations ;

(b) the applicant, in the 90 days preceding the application registration date, had a prior small-scale mining lease application that applied for part or all of the area currently being applied for, which was deemed under sub-regulation (23) of this Regulation ; or

(c) in the case of a small-scale mining lease application not proceeding from an exploration licence, the applicant is a former mining lease or small-scale mining lease titleholder whose lease has been revoked for the same mining area or any part therein applied for when such application is made within 12 months from the date of such revocation.

(14) The Director General shall deny approval to a small-scale mining lease applicant if that applicant is ineligible, under sub-regulation (14) of this Regulation, to apply for a small-scale mining lease.

(15) Subject to sub-regulation (15) of this Regulation, the Director General, in accordance with the provisions of the Act and these Regulations, shall—

(a) for a small-scale mining lease application proceeding from an exploration licence, grant the application approval ;

(b) for a small-scale mining lease application not proceeding from an exploration licence, grant the application approval unless there is a partial overlap with any area for which another exploration licence, small-scale mining lease, mining lease, quarry lease, or water use permit application is currently pending, in which case, the first registered application shall be given priority for the area of overlap.

(16) The Mining Cadastre Office shall, in writing, notify, within 45 days of the application registration date, a small-scale mining lease applicant whose application is denied approval, and the date that such notice of denial was sent shall be recorded in the General and Priority Registers.

(17) The Mining Cadastre Office shall, in writing, notify an applicant whose small-scale mining lease application is granted approval, within 45 days of the application registration date—

(a) that the application is granted approval ;

(b) the Mining Cadastre Office at which the lease can be issued ; and

(c) that the lease shall be collected by the applicant, or its representative, within 14 days from the date of notification, and shall have the date that the notice was sent recorded in the General Register.

(18) The Mining Cadastre Office shall issue to the applicant a small-scale mining upon payment by the applicant of the non refundable Annual Service Fee specified in Schedule 1.

(19) When a small-scale mining lease is issued, the lease area shall be recorded in the Cadastral Maps, and the date of issuance shall be recorded in the Small-Scale Mining Lease Register.

(20) (a) When a small-scale mining lease application is denied approval by the Director General, or is not acted on by the Director General within the 45 days application processing period, the small-scale mining lease applicant may appeal to the Minister.

(b) Any such appeal to the Minister shall be lodged within 30 days of receipt of notification under sub-regulation (17) of this Regulation, or when the Director General has failed to act, after the 45 days processing period has ended but before 60 days from the application registration date.

(c) If the outcome of the appeal to the Minister is not satisfactory, the aggrieved party may approach the Federal High Court.

(21) In any case before the Federal High Court under sub-regulation (21) of this Regulation, where the Federal High Court has determined that a small-scale mining lease is to be granted, the Director General shall within 7 days of such determination issue a small scale Mining Lease to the applicant.

(22) When an applicant fails to appear and pay the non refundable annual service fee within 14 days from the date of being notified under subregulation (18) of this Regulation, the application shall be withdrawn and the date upon which the application was withdrawn shall be recorded in the Priority Register.

(23) When it becomes known to the Mining Cadastre Office that a false attestation was made in Form 6A or 6B in schedule 3, any resultant small-scale mining lease shall be withdrawn.

47.—(1) A small-scale mining lease may only be granted in available areas.

(2) For the purposes of sub-regulation (1) of this Regulation, all areas within the land borders, territorial waters, the continental shelf and in the exclusive economic zone of Nigeria are available areas except areas that are—

(a) subject to any of the following mineral titles held by a party other than the applicant for the small-scale mining lease :

- (i) small-scale mining lease ;
- (ii) mining lease ;
- (iii) quarry lease ;
- (iv) water use permit ; or
- (v) exploration licence.

(b) closed to mining operations by the Act, these Regulations or any other law.

48.—(1) The holder of a small-scale mining lease has the right to conduct an artisanal or small-scale mining operation, which does not use any of the following mining practices—

- (a) extensive and continued use of explosives ;
- (b) extensive and continued use of toxic chemicals or agents ; or
- (c) which does not employ or use more than 50 workers in a typical work day ;
- (d) which does not have underground workings more than 7 meters below the surface of the ground or galleries extending more than 10 meters from a shaft.

49.—(1) A small-scale mining lease authorizing Alluvial and Artisanal or other forms of small-scale mining shall be in Form 11 in schedule 3.

(2) A small-scale mining lease shall have appended to it, by the Mining Cadastre Office, a map with the position of the granted small-scale mining lease area marked upon it, and any directly adjacent mineral titles, with the exception of reconnaissance permits, shall also be identified clearly on the map.

Restrictions
on the Grant
of a Small-
Scale
Mining
Lease.

Limits on
Mining
Authorized
by a Small-
Scale
Mining
Lease.

Form of
Small-Scale
Mining
Lease.

B 1604

Duration of
Small-Scale
Mining
Lease.

50.—(1) A small-scale mining lease shall be issued for a period of 5 years.

(2) A small-scale mining lease may be renewed for further periods where each period does not exceed five (5) years.

(3) There is no maximum limit on the number of times a small scale mining lease may be renewed.

Application
for Renewal
of Small-
Scale Mining
Lease

51.—(1) A title holder of Small Scale Mining of the lease may submit an application in *Form 4 in schedule 3* to the Mining Cadastre Office to renew the lease 3 months before the expression of the Lease.

(2) A small-scale mining lease renewal application shall include or be accompanied by the following data and information :

(a) length of the renewal period required, but not exceeding 5 years ;

(b) proposed program of mining operations to be carried out during the renewal period ;

(c) detailed reports of, :

(i) current proven and estimated mineral reserves ;

(ii) the estimated economic life of the mine ;

(iii) other materials as may be required from time to time ;

(d) an updated environmental impact assessment statement approved by the Federal Ministry of the Environment in respect of Mining Operations to be conducted within the mineral title area ; and

(e) an updated Environmental Protection and Rehabilitation Program approved by Mines Environmental Compliance Department in respect of mining operations to be conducted within the mineral title area.

(3) The Director General shall grant approval to a small-scale mining lease renewal application within 45 days from the registration of the application if :

(a) the conditions of the lease have been met ;

(b) the titleholder of the lease is not in default under the Act; and these Regulations.

(c) the titleholder of the lease can demonstrate either mineral reserves justifying a renewal or the need to maintain the property for use as an integral part of mining operations on other small scale mining lease or mining lease lands.

(4) Where a small-scale mining lease renewal application is received less than 3 months prior to the expiry of the original term of the lease, the title holder of the lease shall pay, in addition to the fee imposed in sub-regulation (9) of this Regulation, upon renewal of the lease, and the nonrefundable Late Filing Fee specified in Schedule 1.

(5) The Director General shall not deny approval to a small-scale mining lease renewal application without first having given the applicant prior notice of the intention to do so including the reasons therefore and inviting the applicant,

within 14 days to take the appropriate remedial measure or to present a documented statement in defence of the default.

(6) When the Director-General denies approval to a small-scale mining lease renewal application, he shall, by a written notice, inform the applicant of such denial stating the reasons therefore.

(7) A small-scale mining lease titleholder denied approval for a renewal by the Director-General under this Regulation may, within 60 days of being notified of such denial, appeal in writing to the Minister; and if not satisfied with the outcome of the appeal to the Minister, may approach the Federal High Court.

(8) Where the Federal High Court determines that a small-scale mining lease renewal is to be granted, the Director-General shall grant the renewal within 7 days of service of the judgment.

(9) When an application for a small-scale mining lease renewal is granted approval, such renewal granted shall take effect upon payment of any fee imposed under sub-regulation (4) of this Regulation and the non-refundable Small-Scale Mining Lease Renewal Fee specified in Schedule 1.

(10) Where the applicant for a small-scale mining lease renewal fails to pay the fee required in sub-regulation (9) of this Regulation within 30 days after being notified of the Director-General's grant, such renewal shall be withdrawn.

52.—(1) Subject to sub-regulations (2) and (3) of this Regulation, a small-scale mining lease shall remain valid during—

(a) the initial period fixed in the lease measured from the date on which the lease is issued by the Mining Cadastre Office ; and

(b) any renewal period granted in conformity with Regulation 50.

(2) When the term of a small-scale mining lease expires while an application for the renewal of the lease is pending, the lease shall remain in force in accordance with the provisions of this Regulation until—

(a) there is a decision on the renewal application ; or

(b) the renewal application is withdrawn.

(3) Subject to sub-regulation (2) of this Regulation, unless terminated earlier by revocation, a small-scale mining lease shall terminate upon expiration of the term provided therein.

53.—(1) A small-scale mining lease titleholder may, at any time during the term of the lease, apply to the Director-General, in Form 4 in schedule 3 to relinquish part or all of the lease area.

(2) There shall be no relinquishment under this Regulation of any small-scale mining lease area attached by the Court so long as such attachment remains in force.

(3) There shall be no relinquishment under this Regulation of any small-scale mining lease area unless the written consent of all persons having interests

Term of
Validity of a
Small-Scale
Mining
Lease.

Relinquish-
ment of
Small-Scale
Mining
Lease Area.

registered against the small scale mining lease shall have been delivered to the Mining Cadastre Office.

(4) Where the entire small-scale mining lease area is to be relinquished, upon the Director-General approval the Mining Cadastre Office shall—

- (a) revoke the lease ;
- (b) in writing, notify the title holder of the date on which the lease was revoked ;
- (c) record the revocation date in the Small-Scale Mining Lease Register ;
- (d) update the Cadastral Maps.

(5) Where only part of the small-scale mining lease area is to be relinquished, on the approval of the Director General the Mining Cadastre Office shall—

- (a) in writing, notify the titleholder of the area approved for relinquishment and on what date the area was relinquished ;
- (b) record the area relinquished in the lease ;
- (c) record the area relinquishment in the Small-Scale Mining Lease Register and Cadastral Maps.

(6) A titleholder receiving a notice under sub-regulation (5) of this Regulation shall within 14 days of receiving such notice adjust the small-scale mining lease boundary demarcation markers, in compliance with the provisions of Regulation 107, to mark the new boundaries of the lease area.

(7) When a small-scale mining lease titleholder relinquishes any area pursuant to this Regulation, the liability of the holder—

- (a) to pay any tax, fee, rental, royalty, penalty or other compensation that is payable before the date of relinquishment ;
- (b) to fulfill all requirements for environmental obligations ;
- (c) to perform any other obligation required by law to be performed on or before that date ;
- (d) for any act done or default made on or before that date; that is payable under, in respect of, or arises out of or in relation to such lease under the Act, these Regulations or any other law then in force shall not be affected.

Enlargement
of Small-
Scale
Mining
Lease Area.

54.—(1) A small-scale mining lease titleholder may apply to enlarge the small-scale mining lease area.

(2) An application for small-scale mining lease area enlargement, in Form 4 in Schedule 3 shall be submitted, in triplicate, by the applicant to the Mining Cadastre Office for registration and processing.

(3) An application for small-scale mining lease area enlargement shall specify—

- (a) the complete identification and contact information of the applicant ;
(if a corporation, the address of its headquarters; the identity, nationality and

address of any legal representative and the identity and address of its commercial representative in Nigeria), if any ;

(b) the identifying code of the lease for which the area enlargement is sought ;

(c) the reasons for the area enlargement ;

(d) in accordance with the method specified in Schedule 2, the identity of the contiguous area for enlargement ; and

(e) such other information as may be required from time to time.

(4) At the time that a small-scale mining lease area enlargement application is received by the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall immediately verify whether the application is complete.

(5) An application that is found to be incomplete under sub-regulation (4) of this Regulation shall be rejected.

(6) When an application is verified to be complete under sub-regulation (4) of this Regulation—

(a) the Mining Cadastre officer making such verification shall assign an identifying code to the application and shall register its date, hour and minute of submission in the Priority Register ;

(b) the Priority Register shall be signed by both the officer verifying the application and the applicant or the applicant's authorised representative ;

(c) the identifying code, date, hour and minute of application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre Officer ; and

(d) one copy of the application shall be given to the applicant.

(7) When a small-scale mining lease area enlargement application is registered, the area applied for shall be recorded in the Cadastral Maps.

(8) Where there is any partial overlap between the area applied for in a small-scale mining lease area enlargement application and any area which—

(a) is subject to a current exploration licence, small-scale mining lease, mining lease, quarry lease, or water use permit, unless the applicant for the mining lease area enlargement is also the titleholder of such licence, lease or permit ;

(b) is closed to mining operations ;

(c) has been applied for by any applicant for any mineral title, other than a reconnaissance permit, and such application is not yet decided and was registered earlier in time than the small-scale mining lease area enlargement application; the area of such overlap shall be excluded from the current applicant's application, and the Mining Cadastre Office shall, in writing, notify the current applicant, within 7 days from the application registration date, requesting that the applicant amend the area applied for in the application.

(9) In the review of an application for small-scale mining lease area enlargement, the Mining Cadastre Office may—

- (a) request the applicant to correct any defects or omissions, or to furnish additional information ;
- (b) confirm the information provided in the application ;
- (c) consult with other specialists as necessary ;
- (d) consult other relevant government entities ; and
- (e) propose alterations in the application.

(10) The failure of an applicant to provide any of the information requested pursuant to sub-regulation (8) or (9)(a) of this Regulation within 7 days, or the lack of clarity in the provision of such information, shall render the application incomplete and the Mining Cadastre Office shall in such a case—

- (a) in writing, notify the applicant that the application is rejected ; and
- (b) record the date of such notification in the Priority Register.

(11) The Director General shall deny approval to a small-scale mining lease area enlargement application if the small-scale mining lease titleholder is in default of any obligation imposed by the Act and these Regulations arising from—

- (a) the small-scale mining lease for which an enlarged area is sought ;
- (b) any other small-scale mining lease, mining lease or quarry lease held by the titleholder.

(12) Subject to sub-regulation (11) of this Regulation, the Director-General shall grant an application for a small-scale mining lease area enlargement.

(13) The Mining Cadastre Office shall within 60 days from the small-scale mining lease area enlargement application date, in writing, notify an applicant whose application is denied approval, and the date that such notice of denial was sent shall be recorded in the General Register.

(14) The Mining Cadastre Office shall, in writing, notify an applicant whose small-scale mining lease area enlargement application is granted approval, within 60 days of the application registration date—

- (a) that the application is approved ;
- (b) the Mining Cadastre Office at which the Small-Scale Mining Lease may be brought to have the area enlargement endorsed on the lease; and
- (c) that the lease shall be brought to the Mining Cadastre Office by the applicant, or its representative, for endorsement within 30 days from the date of notification and shall have the date that the notice was sent recorded in the General Register.

(15) The Area approved under this Regulation to be added to a small-scale mining lease shall become part of the lease area at the time the small-scale mining lease title holder pays the non-refundable Annual Service Fee specified in Schedule 1 for the added area, and the Mining Cadastre Office shall upon such Payment—

(a) endorse upon the lease the area enlargement granted approval by the Director General, and

(b) record the date of such endorsement in the Small-Scale Mining Lease Register.

(16) When a small-scale mining lease is endorsed to include an enlarged lease area, the enlarged lease area shall be recorded on the Cadastral Maps pursuant to Regulation 107.

(17) (a) When a small-scale mining lease area enlargement application is denied by the Director General, or is not acted on by the Director General within the 60 days application processing period, an appeal may be taken to the Minister in line with the Act.

(b) Any such appeal shall be lodged within 30 days of receipt of notification under sub-regulation (13) of this Regulation or when the Director General has failed to act, after the 60 days processing period has ended but before 90 days from the application registration date.

(c) If the small-scale mining lease title holder is not satisfied with the outcome of the appeal to the Minister, the Federal High Court may be approached.

(18) Where the Federal High Court has determined that a small-scale mining lease area enlargement is to be granted, the Director-General shall grant the application approval within 7 days of such determination.

(19) When an applicant fails to appear and pay the non refundable Annual Service Fee within 30 days from the date of being notified under sub-regulation (14) of this Regulation, the application shall be withdrawn and the date upon which the application was withdrawn shall be recorded in the Priority Register.

55.—(1) A small-scale mining lease titleholder shall meet the prescribed reporting requirements in line with Schedule 5 to these Regulations.

Small-Scale
Mining
Lease
Reporting.

(2) Upon receipt of a notice from the Mines Inspectorate Department that a small-scale mining lease title holder has failed to meet the prescribed reporting requirement the Mining Cadastre Office shall proceed to revoke the lease.

56.—(1) A mining lease application may be submitted, in conformity with the provisions of the Act and these Regulations by any qualified person, if the application proceeds from an exploration licence.

Mining
Lease
Applicant
Status.

(2) A mining lease application shall be made by an exploration licence title holder during the currency of the exploration licence.

57.—(1) An applicant for a mining lease shall pay the non-refundable Mining Lease Application Processing Fee specified in Schedule 1 of these Regulations.

Mining
Lease
Application.

(2) A mining lease application, in Form 10 in schedule 3, shall be submitted, in triplicate, by the applicant to the Mining Cadastre Office, for registration and processing.

(3) A mining lease application shall—

- (a) specify the complete identification and contact information of the applicant, the address of its headquarters, the identity and address of any legal representative, and the identity and address of its commercial representative in Nigeria, if any ;
- (b) provide the identifying code of the applicant's exploration licence ;
- (c) describe the desired mining lease area, its size and configuration, outlined on a topographical map of the area ;
- (d) identify, in accordance with the method specified in Schedule 2, the contiguous area applied for ;
- (e) identify the mineral resources located in the area being applied for ;
- (f) list the mineral type to be mined (if for Mineral Water, no additional minerals shall be listed) ;
- (g) specify the period of mining lease duration sought if less than 25 years ;
- (h) be completed and signed by the applicant or an authorized representative of the applicant; and shall have annexed the following—
 - (i) A certified copy of the certificate of incorporation or other constitutive documents provided under the Companies and Allied Matters Act and any amendments thereto ;
 - (ii) Form 6B in schedule 3 attesting that the applicant, including all members or directors of the applicant or any shareholder holding a controlling share of the applicant has not been convicted of a felony or an offence under the Act ;
 - (iii) a prefeasibility study which shall include :
 - a general description of the proposed mining scheme, including sufficient detail to indicate the scale of operation, and the possible location of all major mining operation facilities, pits, shafts, dumps and dams; - the planned commencement date of mine development ;
 - the planned commencement date of commercial mineral resources production ;
 - the planned production profile and capacity ;
 - the characteristics and nature of the final products ;
 - (iv) Receipt for Payment of Mining Lease Application Processing Fee ; and
 - (v) such other information as may be required from time to time.

(4) At the time that a mining lease application is received by the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall immediately verify whether the application is complete.

(5) An application that is found to be incomplete under sub-regulation (4) of this Regulation shall be rejected and not registered.

(6) When an application is verified to be complete under sub-regulation (4) of this Regulation—

(a) the Mining Cadastre officer making such verification shall assign an identifying code to the application and shall register its date, hour and minute of submission in the mining lease Register ;

(b) the mining lease Register shall be signed by both the officer verifying the application and the applicant or the applicant's authorized representative ;

(c) the identifying code, date, hour and minute of application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre Officer ; and

(d) one copy of the application shall be given to the applicant.

(7) When a mining lease application is registered, the area applied for shall be recorded in the Cadastral Maps.

(8) Where there is any partial overlap between the area applied for in a mining lease application and any area which—

(a) is subject to a current exploration licence, small scale mining lease, mining lease, quarry lease, or water use permit ;

(b) is closed to mining operations ;

(c) has been applied for by any applicant for any mineral title, other than a reconnaissance permit, and such application is not yet decided and was registered earlier in time than the mining lease application; the area of such overlap shall be excluded from the mining lease application, and the Mining Cadastre Office shall, in writing, notify the current applicant, within 7 days from the application registration date, requesting that the applicant amend the area applied for in the application.

(9) Upon receipt of a notice under sub-regulation (9) of this Regulation, an applicant shall modify the application to redefine the mining lease area applied for in such a way as to avoid the overlap.

(10) In the review of a mining lease application, the Minister may—

(a) request the applicant to correct any defects or omissions ;

(b) confirm the information provided in the application ;

(c) consult with other specialists as necessary ;

(d) consult other relevant government entities ;

(e) propose alterations in the application.

(11) The failure of an applicant to provide any of the information requested pursuant to sub-regulations (9) or (10) (a) of this Regulation within 7 days, or the lack of clarity in the provision of such information, shall render the application and the Mining Cadastre Office shall in such a case—

(a) in writing, notify the applicant that the application is null and void, and

(b) record the date of such notification in the mining lease Register.

(12) A person shall be ineligible to apply for a mining lease if—

(a) it is shown that any of the members or directors of the applicant or a shareholder holding a controlling share of the applicant has been convicted of a felony or an offence under the Act, or these Regulations ; or

(b) the applicant, in the 90 days preceding the application registration date, had a prior mining lease application that applied for part or all of the area currently being applied for, which was deemed under sub-regulation (22) of this Regulation.

(13) The Minister shall deny approval to a mining lease applicant if that applicant is ineligible, under sub-regulation (12) of this Regulation, to apply for a mining lease.

(14) The Minister shall deny approval to a mining lease applicant who has not employed a person who possesses adequate professional qualification and experience in mining and the Minister is not satisfied that the company shall, during the currency of the lease, have such qualified person in its employment.

(15) Subject to sub-regulation (12) and (13) of this Regulation, the Minister, in accordance with the provisions of the Act and this Regulation, shall grant the applicant approval for a mining lease.

(16) The Mining Cadastre Office shall, in writing, notify, within 45 days of the application registration date, a mining lease applicant whose application is denied approval, and the date that such notice of denial was sent shall be recorded in the Mining Lease Register.

(17) The Mining Cadastre Office shall, in writing, notify an applicant whose mining lease application is granted approval, within 45 days of the application registration date that—

(a) the application is granted approval ;

(b) the Mining Cadastre Office at which the lease can be issued ;

(c) that the lease shall be collected by the applicant, or its representative, within 14 days from the date of notification, and shall have the date that the notice was sent recorded in the General Register.

(18) The Mining Cadastre Office shall issue to the applicant of a mining lease application granted approval by the Minister, upon payment by the applicant of the non-refundable Annual Service Fee specified in Schedule 1, a mining lease.

(19) When a mining lease is issued, the lease area shall be recorded in the Cadastral Maps, and the date of issuance shall be recorded in the Mining Lease Register.

(20) When a mining lease application is denied by the Minister, or is not acted on by the Minister within the 45 days application processing period, the applicant may approach the Federal High Court.

(21) Where the Federal High Court has determined that a mining lease is to be granted, the Minister shall grant the lease within 7 days of such determination.

(22) When an applicant fails to pay the non-refundable Annual Service Fee within 14 days from the date of being notified under sub-regulation (17) of this Regulation, the application shall be withdrawn and the date upon which the application was withdrawn shall be recorded in the Mining Lease Register.

(23) When it becomes known to the Mining Cadastre Office that a false attestation was made in Form 6B any resultant mining lease shall be withdrawn.

58.—(1) A mining lease may only be granted in available areas.

Restrictions
on the Grant
of a Mining
Lease.

(2) For the purposes sub-regulation (1) of this Regulation, all areas within the land borders, territorial waters, the continental shelf and in the exclusive economic zone of Nigeria are available areas except areas that are—

(a) subject to any of the following mineral titles held by a party other than the applicant for the mining lease—

(i) small-scale mining lease,

(ii) mining lease,

(iii) quarry lease,

(iv) water use permit, or

(v) exploration licence,

(b) closed to mining operations by the Act, these Regulations or any other law.

59.—(1) A mining lease shall be in Form 12 in schedule 3.

Form of
Mining
Lease.

(2) A mining lease shall have appended to it, by the Mining Cadastre Office, a map with the position of the granted mining lease area marked upon it, and any directly adjacent mineral titles, with the exception of reconnaissance permits, shall also be identified clearly on the map.

60.—(1) A mining lease shall be issued for the term applied for but not exceeding 25 years.

Duration of
Mining
Lease.

(2) A mining lease may be renewed for further periods not exceeding 25 years.

(3) There is no maximum limit on the number of times a mining lease can be renewed.

61.—(1) A title holder of the lease may submit an application in Form 4 in Schedule 3 to renew the lease 12 months before the expiration of the Lease.

Application
for Renewal
of Mining
Lease.

(2) An application to renew a mining lease shall include or be accompanied by the following data and information—

(a) the proposed program of mining operations to be carried out during the renewal period ;

(b) detailed reports of—

(i) current proven and estimated mineral reserves ;

(ii) the estimated economic life of the mine ;

(iii) other materials which may be considered relevant from time to time ;

(c) an updated environmental impact assessment statement approved by the Federal Ministry of Environment in respect of Mining Operations to be conducted within the Mineral Title Area ;

(d) an updated Environmental Protection and Rehabilitation Program in respect of Mining Operations to be conducted in the mineral title area ; and

(e) An updated Community Development Agreement.

(3) The Minister shall grant approval to a mining lease renewal application within 60 days from the registration of the application if—

(a) the conditions of the lease have been met ;

(b) the titleholder of the lease is not in default under the Act ; and

(c) the titleholder of the lease can demonstrate either mineral reserves justifying a renewal or the need to maintain the property for use as an integral part of mining operations on other small scale mining lease or mining lease lands.

(4) When an application for mining lease renewal is received less than 12 months prior to the expiry of the original term of the lease, the titleholder of the lease shall pay, in addition to the fee imposed in sub-regulation (9) of this Regulation, upon renewal of the lease, the non-refundable Late Filing Fee specified in Schedule 1.

(5) The Minister shall not deny an application for a mining lease renewal without first having given the applicant prior notice of the intention to deny the renewal including the reasons therefore and inviting the applicant, within 14 days to take the appropriate remedial measures or to present a documented statement in defense of the default.

(6) Where the Minister denies approval to a mining lease renewal application, he shall, by a written notice, inform the titleholder of the lease of such denial stating the reasons therefore.

(7) A mining lease title holder denied a renewal by the Minister under this Regulation may appeal to the Federal High Court.

(8) Where the Federal High Court has determined that a mining lease renewal is to be granted, the Minister shall grant the renewal within 7 days.

(9) Where an application for a mining lease renewal is granted approval, such grant shall take effect upon payment of any fee prescribed under sub-regulation (4) of this Regulation and the non-refundable Mining Lease Renewal Fee specified in Schedule 1.

(10) Where the applicant for a mining lease renewal fails to pay the fees required in sub-regulation (9) of this Regulation within 30 days after being notified of the Minister's grant of approval, such renewal shall be deemed.

62.—(1) Subject to sub-regulations (2) and (3) of this Regulation, a mining lease will remain valid during :

Term of
Validity of
Mining
Lease.

(a) the initial period fixed in the lease measured from the date on which the lease is issued by the Mining Cadastre Office ; and

(b) any renewal granted in conformity with Regulation.

(2) When the term of a mining lease expires while an application for the renewal of the lease is pending, the lease shall remain in force until in accordance with provisions of these Regulations :

(a) there is a decision on the renewal application ; or

(b) the renewal application is rendered withdrawn.

(3) Subject to sub-regulation (2) of these Regulations, unless terminated earlier by revocation, a mining lease shall terminate upon expiration of the term provided therein.

63.—(1) Without prejudice to the provisions set forth in the Act and these Regulations, a mining lease title holder may, at any time during the term of the mining lease, apply to the Minister, in *Form 4 in schedule 3* to relinquish part or all of the lease area.

Relinquishment
of Mining
Lease Area.

(2) There shall be no relinquishment under this Regulation of any mining lease area attached by the Court so long as such attachment remains in force.

(3) There shall be no relinquishment under this Regulation of any mining lease area unless the written consent of all persons having interests registered against the mining lease shall have been delivered to the Mining Cadastre Office.

(4) Where the entire mining lease area is to be relinquished, the Mining Cadastre Office shall on the approval of the application by the Minister :

(a) revoke the lease ;

(b) in writing, notify the title holder of the date on which the lease was revoked ;

(c) record the revocation date in the Mining Lease Register ;

(d) update the Cadastral Maps.

(5) Where only part of the mining lease area is to be relinquished, upon the Minister granting the application for area of relinquishment, the Mining Cadastre Office shall :

(a) in writing, notify the title holder of the area approved for relinquishment and on what date the area was relinquished ;

(b) record the area relinquished in the mining lease ;

(c) record the area relinquished in the Mining Lease Register and Cadastral Maps.

(6) A title holder receiving a notice under sub-regulation (5) of this Regulation shall within 14 days of receiving such notice adjust the mining lease boundary demarcation markers, in line with the provisions of Regulation 108 to mark the new boundaries of the lease area.

(7) When a mining lease titleholder relinquishes an area pursuant to this Regulation, the liability of the holder :

(a) to pay any tax, fee, rental, royalty, penalty or other compensation that is payable before the date of relinquishment ;

(b) to fulfill all requirements for environmental matters ;

(c) to perform any obligation required by law to be performed on or before that date ;

(d) for any act done or default made on or before that date ; that is payable under, in respect of, or arises out of or in relation to such lease under this or any other law then in force, shall subsist and is not affected by such relinquishment.

Enlargement
of Mining
Lease Area.

64.—(1) A mining lease titleholder may apply to enlarge the mining lease area provided it is within the applicant's exploration licence area.

(2) An application for mining lease area enlargement, in *Form 4, in schedule 3* shall be submitted, in triplicate, by the applicant to the Mining Cadastre Office for registration and processing.

(3) An application for mining lease area enlargement shall specify :

(a) the complete identification and contact information of the applicant ; if a corporation, the address of its headquarters, the identity and address of any legal representative and the identity and address of its commercial representative in Nigeria, if any ;

(b) the identifying code of the lease for which the area enlargement is sought ;

(c) the reasons for the area enlargement ;

(d) identify, in accordance with the method specified in Schedule 2, the contiguous for area enlargement ;

(e) such other information as may be required from time to time.

(4) An application containing all information required under sub-regulation (3) of this Regulation is complete.

(5) At the time that a mining lease area enlargement application is received by the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall immediately verify whether the application is complete.

(6) An application that is found to be incomplete under sub-regulation (5) of this Regulation shall be rejected and not registered.

(7) When an application is verified to be complete under sub-regulation (5) of this Regulation :

(a) the Mining Cadastre officer making such verification shall assign an identifying code to the application and shall register its date, hour and minute of submission in the Priority Register ;

(b) the Priority Register shall be signed by both the officer verifying the application and the applicant or the applicant's authorised representative ;

(c) the identifying code, date, hour and minute of application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre Officer ; and

(d) one copy of the application shall be given to the applicant.

(8) When a mining lease area enlargement application is registered, the area applied for shall be recorded in the Cadastral Maps.

(9) In the review of an application for mining lease area enlargement, the Minister may :

(a) request the applicant to correct any defects or omissions, or to furnish additional information ;

(b) confirm the information provided in the application ;

(c) consult with other specialists as necessary ;

(d) consult other relevant government entities ;

(e) propose alterations in the application.

(10) The failure of an applicant to provide any information requested pursuant to sub-regulation (9)(a) of this Regulation within 7 days, or the lack of clarity in the provision of such information, shall render the application incomplete and the Mining Cadastre Office shall in such a case :

(a) in writing, notify the applicant that the application is rejected ; and

(b) record the date of such notification in the Priority Register.

(11) The Minister shall deny approval to a mining lease area enlargement application if the mining lease title holder is in default of any obligation imposed by the Act or these Regulations arising from :

(a) the mining lease for which an enlarged area is sought ; and

(b) any other small-scale mining lease, mining lease or quarry lease held by the title holder.

(12) Subject to sub-regulation (9) and (10) of this Regulation, the Minister shall grant an application for a mining lease area enlargement.

(13) The Mining Cadastre Office shall within 60 days from the mining lease area enlargement application date, in writing, notify an applicant whose

application is denied approval, and the date that such notice of denial was sent shall be recorded in the Priority Register.

(14) The Mining Cadastre Office shall, in writing, notify an applicant whose mining lease area enlargement application is granted approval, within 14 days of the application registration date :

(a) that the application is approved ;

(b) of the Mining Cadastre Office at which the mining lease may be brought to have the area enlargement endorsed on the lease ;

(d) that the applicant, or its representative, shall present the lease for endorsement within 7 days from the date of notification, and shall have the date that the notice was sent recorded in the General Register.

(15) The Area approved under this Regulation to be added to a mining lease shall become part of the lease area at the time the mining lease title holder pays the non- refundable Annual Service Fee specified in Schedule 1 for the added area, and the Mining Cadastre Office shall upon such payment :

(a) endorse upon the lease the area enlargement granted approval by the Minister ; and

(b) record the date of such endorsement in the Mining Lease Register.

(16) When a mining lease is endorsed to include an enlarged mining lease area, the enlarged mining lease area shall be recorded on the Cadastral Maps pursuant to Regulation 106.

(17) When a mining lease area enlargement application is denied by the Minister or is not acted on by the Minister within the 60 days application processing period, an appeal may be to the Federal High Court.

(18) Where the Federal High Court determines that a mining lease area enlargement is to be granted, the Minister shall grant the application within 7 days of such determination.

(19) When an applicant fails to appear and pay the non refundable Annual Service Fee within 14 days from the date of being notified under sub-regulation (14) of this Regulation, the application shall be withdrawn and the date upon which the application was withdrawn shall be recorded in the Priority Register.

(20) A titleholder granted a mining lease area enlargement under this Regulation shall not commence any development work or mining operations on the land in respect of which the enlargement was granted until the title holder has complied with the provisions of the Act, and these Regulations.

Requirement
to Maintain
Mining
Operation.

65.—(1) When there is stoppage of mining operation for 6 consecutive months, the holder of a Mining lease shall inform Mines Inspectorate Department of the reasons for the stoppage and the Mines Inspectorate Department shall give technical advice where necessary.

(2) If the stoppage continued for 36 months, the Mines Inspectorate Department shall investigate and make appropriate recommendation to the Mining Cadastre Office.

66.—(1) A mining lease title holder shall meet the prescribed reporting requirements in line with schedule 5.

Mining Lease
Reports.

(2) Upon receipt of a notice from the Mines Inspectorate Department that a mining lease titleholder has failed to meet the prescribed reporting requirement, the Mining Cadastre Office shall proceed to revoke the lease.

67.—(1) A quarry lease application may be submitted, in conformity with the provisions of the following Regulations, by any qualified person.

Quarry
Lease
Lease
Applicant
Status.

(2) A quarry lease application may proceed from an exploration licence if :

(a) made by an exploration licence title holder during the term of the exploration licence ; and

(b) the entire area requested for inclusion in the quarry lease area is a contiguous area from within the exploration licence area.

(3) A quarry lease application that does not meet the requirements of sub-regulation (2) of this Regulation does not proceed from an exploration licence.

68.—(1) An applicant for a quarry lease shall pay the non-refundable Quarry Lease Application Processing Fee specified in Schedule 1.

Quarry Lease
Application.

(2) A quarry lease application, in *Form 10 in schedule 3* shall be submitted, in triplicate, by the applicant to the Mining Cadastre Office, for registration and processing.

(3) A quarry lease application shall :

(a) specify the complete identification and contact information of the applicant (if the applicant is a corporation, the address of its headquarters, the identity and address of any legal representative and the identity and address of its commercial representative in Nigeria, if any) ;

(b) provide the identifying code of the applicant's exploration licence, if any ;

(c) describe the desired quarry lease area, its size and configuration, outlined on a topographical map of the area (the overall area shall not exceed the area reasonably necessary to carry out the quarry operations and shall not exceed 5 square kilometers) ;

(d) identify, in accordance with the method specified in Schedule 2 the contiguous area applied for ;

(e) identify the mineral resources located in the area being applied for ;

(f) list the construction mineral types to be quarried ;

(g) specify the period of quarry lease duration sought, if less than five 5 years ;

(h) be completed and signed by the applicant or an authorized representative of the applicant; and shall have annexed the following :

(i) where the applicant is an individual, *Form 6A*, in schedule 3 attesting that the applicant is legally capable and has not been convicted of a criminal offence or an offence under the Act or these Regulations ;

(ii) where the applicant is a body corporate, a certified copy of the certificate of incorporation or other constitutive documents provided under the Companies and Allied Matters Act and any amendments thereto ;

(iii) when the applicant is a body corporate or mining cooperative, *Form 6B* in schedule 3 attesting that the applicant, including all members or directors of the applicant or any shareholder holding a controlling share of the applicant has not been convicted of a felony or an offence under the Act or these Regulations ;

(iv) a prefeasibility study which shall include :

- a general description of the proposed quarry operations scheme, including sufficient detail to indicate the scale of operation, and the possible location of all major quarrying facilities, pits, shafts, dumps and dams ;
- the planned commencement date of quarry development ;
- the planned commencement date of commercial mineral production ;
- the planned production profile and capacity ;
- the characteristics and nature of the final products ;

(v) Receipt for Payment of Quarry Lease Application Processing Fee ; and

(vi) such other information as may be required from time to time.

(4) At the time that a quarry lease application is received by the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall immediately verify whether the application is complete.

(5) An application that is found to be incomplete under sub-regulation (4) of this Regulation shall be rejected.

(6) When an application is verified to be complete under sub-regulation (4) of this Regulation :

(a) the Mining Cadastre officer making such verification shall assign an identifying code to the application and shall register its date, hour and minute of submission in the Priority Register ;

(b) the Priority Register shall be signed by both the officer verifying the application and the applicant or the applicant's authorised representative ;

(c) the identifying code, date, hour and minute of application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre Officer ; and

(d) one copy of the application shall be given to the applicant.

(7) When a quarry lease application is registered, the area applied for shall be recorded in the Cadastral Maps.

(8) A registered quarry lease application shall be accepted for consideration for approval unless the quarry area applied for is fully within an area :

(a) currently under an exploration licence, mining lease, small-scale mining lease, quarry lease, or water use permit held by another licence, lease or permit titleholder ; or

(b) closed to mining operations by the Act, these Regulations or any other law ; In such a case, the Mining Cadastre Office shall, in writing, notify the applicant that the application is null and void within 7 days of the application registration date, and the date of such notification shall be recorded in the General Register.

(9) Where there is any overlap between the area applied for in a quarry lease application and any area which :

(a) is subject to a current exploration licence, small scale mining lease, mining lease, quarry lease, or water use permit ;

(b) is closed to mining operations ;

(c) has been applied for by any applicant for any mineral title, other than a reconnaissance permit, and such application is not yet decided and was registered earlier in time than the quarry lease application ; the area of such overlap shall be excluded from the quarry lease application and the Mining Cadastre Office shall, in writing, notify the current applicant, within 7 days from the application registration date, requesting that the applicant amend the area applied for in the application.

(10) Upon receipt of a notice under sub-regulation (10) of this Regulation, an applicant shall modify the application to redefine the quarry application area in such a way as to avoid the overlap.

(11) When a quarry lease application is modified to redefine the application area, the redefined application area shall be recorded in the Cadastral Maps.

(12) In the review of an application, the Director General may :

(a) request the applicant to correct any defects or omissions ;

(b) confirm the information provided in the application ;

(c) consult with other specialists as necessary ;

(d) consult other relevant government entities ;

(e) propose alterations in the application.

(13) The failure of an applicant to provide any of the information requested pursuant to sub-regulations (10) or (12)(a) of this Regulation within 7 days, or the lack of clarity in the provision of such information, shall render the application incomplete and the Mining Cadastre Office shall in such a case :

- (a) in writing, notify the applicant that the application is rejected ; and
- (b) record the date of such notification in the Priority Register.

(14) A person shall be ineligible to apply for a quarry lease if :

(a) it is shown that any of the members or directors of the applicant or a shareholder holding a controlling share of the applicant has been convicted of a felony or an offence under the Act or these Regulations ; or

(b) the applicant, in the 90 days preceding the application registration date, had a prior quarry lease application that applied for part or all of the area currently being applied for, which was deemed under sub-regulation (23) of this Regulation ; or

(c) in the case of a quarry lease application not proceeding from an exploration licence, the applicant is a former quarry lease title holder whose lease has been revoked for the same quarry area or any part therein applied for when such application is made within 12 months from the date of such revocation.

(15) The Director General shall deny approval to a quarry lease applicant if that applicant is ineligible, under sub-regulation (14) of this Regulation, to apply for a quarry lease.

(16) Subject to sub-regulation (15) of this, Regulation the Director General, in accordance with the provisions of the Act and these Regulations, shall :

(a) for a quarry lease application proceeding from an exploration licence, grant the application approval.

(b) for a quarry lease application not emergent from an exploration licence, grant the application approval unless there is a partial overlap with any area for which another exploration licence, small-scale mining lease, mining lease, quarry lease, or water use permit application is currently pending, in which case, the first registered application shall be given priority for the area of overlap.

(17) The Mining Cadastre Office shall, in writing, notify, within 45 days of the application registration date, a quarry lease applicant whose application is denied approval, and the date that such notice of denial was sent shall be recorded in the Priority Register.

(18) The Mining Cadastre Office shall, in writing, notify a quarry lease applicant whose application is granted approval, within 45 days of the application registration date :

(a) that the application is granted approval ;

(b) the Mining Cadastre Office at which the lease can be issued ;

(c) that the lease shall be collected by the applicant, or its representative, within 14 days from the date of notification, and shall have the date that the notice was sent recorded in the General Register.

(19) The Mining Cadastre Office shall issue to the applicant of a quarry lease granted approval by the Director General, upon payment by the applicant of the nonrefundable Annual Service Fee specified in Schedule 1, a quarry lease.

(20) When a quarry lease is issued, the lease area shall be recorded in the Cadastral Maps, and the date of issuance shall be recorded in the Quarry Lease Register.

(21)(a) When a quarry lease application is denied approval or is not acted on by the Director General within the 45 days application processing period, an appeal may be taken to the Minister ; any such appeal shall be lodged within 30 days of receipt of notification under sub-regulation (17) of this Regulation , or when the Director-General has failed to act, after the 45 days processing period has ended but before 60 days from the application registration date.

(b) The applicant for a quarry lease if not satisfied with the outcome of the appeal to the Minister, may approach the Federal High Court.

(22) Where the Federal High Court determines that a quarry lease is to be granted, the Director General shall grant the lease within 7 days of such determination.

(23) When an applicant fails to appear and pay the non refundable Annual Service Fee within 14 days from the date of being notified under sub-regulation (18) of this Regulation, the application shall be withdrawn and the date upon which the application was withdrawn shall be recorded in the Priority Register.

(24) When it becomes known to the Mining Cadastre Office that a false attestation was made in *Form 6A or 6B in schedule 3*, any resultant quarry lease shall be withdrawn.

69.—(1) A quarry lease may only be granted in available areas.

Restrictions
on the Grant
of a Quarry
Lease.

(2) For the purposes of sub-regulation (1) of this Regulation, all areas within the land borders, territorial waters, the continental shelf and in the exclusive economic zone of Nigeria are available areas except areas that are :

(a) subject to any of the following mineral titles held by a party other than the applicant for the quarry lease :

- (i) small-scale mining lease ;
- (ii) mining lease ;
- (iii) quarry lease ;
- (iv) water use permit ; or
- (v) exploration licence.

(b) closed to mining operations under the Act, these Regulations or any other law.

70.—(1) A quarry lease shall be in *Form 13 in schedule 3*.

Form of
Quarry
Lease.

(2) A quarry lease shall have appended to it, by the Mining Cadastre Office, a map with the position of the granted quarry lease area marked upon it, and any

directly adjacent mineral titles, with the exception of reconnaissance permits, shall also be identified clearly on the map.

Duration of
Quarry
Lease.

71.—(1) A quarry lease shall be issued initially for the term applied for, or 5 years, whichever period is shorter.

(2) A quarry lease may be renewed for further terms each one not exceeding the first term granted.

(3) There is no maximum limit on the number of times a quarry lease can be renewed.

Application
for Renewal
of Quarry
Lease.

72.—(1) Not later than 3 months before the expiration of a quarry lease, the title holder of the lease may submit an application to renew the lease.

(2) An application to renew a quarry lease shall include or be accompanied by the following data and information :

(a) length of the renewal period required, but not exceeding the first term granted ;

(b) proposed program of quarry operations to be carried out during the renewal period ;

(c) detailed reports of, :

(i) current proven and estimated mineral reserves ;

(ii) the estimated economic life of the quarry ;

(iii) other material which may be considered relevant from time to time ;

(d) an updated environmental impact assessment statement approved by the Federal Ministry of Environment in respect of quarrying operations to be conducted within the Mineral Title Area ; and

(e) an updated Environmental Protection and Rehabilitation Program in respect of quarrying operations to be conducted within the mineral title area.

(3) The Director General shall grant approval to a quarry lease renewal application within 60 days from the registration of the application if :

(a) the application is received at least 3 months prior to the expiry of the original term of the lease ;

(b) the conditions of the lease have been met ;

(c) the title holder of the lease is not in default under the Act and or these Regulations ; and

(d) the title holder of the lease can demonstrate either mineral reserves justifying a renewal or the need to maintain the property for use as an integral part of quarry operations on other quarry lease lands.

(4) When a quarry lease renewal application is received less than 3 months prior to the expiry of the original term of the lease, the title holder of the lease shall pay, in addition to the fee imposed in sub-regulation (9) of this Regulation, upon renewal of the lease, the non-refundable Late Filing Fee specified in Schedule 1.

(5) The Director General shall not deny approval to a quarry lease renewal application without first having given the applicant prior notice of the intention to deny the renewal including the reasons therefore and inviting the applicant, within a specified time period, to take the appropriate remedial measures or to present a documented statement in defence of the default.

(6) Where the Director General denies approval to a quarry lease renewal application, he shall, by a written notice, inform the title holder of the lease of such denial stating the reasons therefore.

(7) (a) A quarry lease title holder denied a renewal by the Director General under this Regulation may within 60 days of being notified of such denial, appeal in writing to the Minister.

(b) The applicant for the renewal of a quarry lease if not satisfied with the outcome of the appeal to the Minister, may approach the Federal High Court.

(8) Where the Federal High Court determines that a quarry lease renewal is to be granted, the Director General shall grant the renewal within 7 calendar days.

(9) When a quarry lease renewal application is approved, such approval shall take effect upon payment of any fee imposed under sub-regulation (4) of this Regulation and the non refundable Quarry Lease Renewal Fee specified in Schedule 1.

(10) Where the applicant for a quarry lease renewal fails to pay the fees required in sub-regulation (9) of this Regulation within 30 days after being notified of the Director General's approval, such renewal shall be withdrawn.

73.—(1) Subject to sub-regulations (2) and (3) of this Regulation, a quarry lease shall remain valid during :

Term of
Validity of
Quarry
Lease.

(a) the initial period fixed in the lease measured from the date on which the lease is issued by the Mining Cadastre Office, and ;

(b) any renewal period granted in conformity with Regulation 71 of these Regulations.

(2) When the term of a quarry lease expires while an application for renewal of the lease is pending, the lease will remain in force until in accordance with provisions of this Regulation :

(a) there is a decision on the renewal application ; or

(b) the renewal application is withdrawn.

(3) Subject to sub-regulation (2) of this Regulation, unless terminated earlier by revocation, a quarry lease shall terminate upon expiration of the term provided therein.

74.—(1) A quarry lease title holder may, at any time during the term of the lease, apply to the Director General, in *Form 4 in schedule 3*, to relinquish part or all of the lease area.

Relinquishment
of Quarry
Lease Area.

(2) There shall be no relinquishment under this Regulation, of any quarry lease area attached by the Court so long as such attachment remains in force.

(3) There shall be no relinquishment under this Regulation of any quarry lease area unless the written consent of all persons having interests registered against the quarry lease shall have been delivered to the Mining Cadastre Office.

(4) When the entire quarry area under a quarry lease is to be relinquished, upon the Director General granting the application approval, the Mining Cadastre Office shall :

(a) revoke the lease ;

(b) in writing, notify the title holder of the date on which the lease was revoked ;

(c) record the revocation in the Quarry Lease Register ;

(d) update the Cadastral Maps.

(5) When only part of a quarry lease area is to be relinquished, upon the Director General granting the application approval, the Mining Cadastre Office shall :

(a) in writing, notify the quarry lease titleholder of the area approved for relinquishment and on what date the area was relinquished ;

(b) record the area relinquished in the quarry lease ;

(c) record the area relinquished in the Quarry Lease Register and Cadastral Maps.

(6) A title holder receiving a notice under sub-regulation (5) of this Regulation shall within 14 days of receiving such notice adjust the quarry lease boundary demarcation markers, in compliance with Regulation 108 of these Regulations, to mark the new boundaries of the lease area.

(7) When a quarry lease title holder relinquishes an area pursuant to this Regulation, the liability of the holder :

(a) to pay any tax, fee, royalty, penalty or other compensation that is payable before the date of relinquishment ;

(b) to fulfill all requirements for environmental matters ;

(c) to perform any obligation required by law to be performed on or before that date ;

(d) for any act done or default made on or before that date, that is payable under, in respect of, or arises out of or in relation to such lease under this or any other law then in force shall not be affected.

75.—(1) A quarry lease title holder may apply to enlarge the quarry lease area.

(2) An application for quarry lease area enlargement, in *Form 4 in Schedule 3* shall be submitted in triplicate, by the applicant to the Mining Cadastre Office for registration and processing.

(3) An application for quarry lease area enlargement shall specify the :

(a) complete identification and contact information of the applicant; (if a corporation, the address of its headquarters, the identity and address of any legal representative and the identity and address of its commercial representative in Nigeria, if any) ;

(b) identifying code of the lease for which the enlargement is sought ;

(c) reasons for the area enlargement ;

(d) the contingency area for enlargement in accordance with the method specified in Schedule 2 and may be required from time to time.

(4) At the time that a quarry lease area enlargement application is received by the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall immediately verify whether the application is complete.

(5) An application that is found to be incomplete under sub-regulation (4) of this Regulation, shall be rejected.

(6) When an application is verified to be complete under sub-regulation (4) of this Regulation :

(a) the Mining Cadastre officer making such verification shall assign an identifying code to the application and shall register its date, hour and minute of submission in the Priority Register ;

(b) the Priority Register shall be signed by both the officer verifying the application and the applicant or the applicant's authorised representative ;

(c) the identifying code, date, hour and minute of application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre Officer ; and

(d) one copy of the application shall be given to the applicant.

(7) When a quarry lease area enlargement application is registered, the area applied for shall be recorded in the Cadastral Maps.

(8) Where there is any partial overlap between the area applied for in a quarry lease area enlargement application and any area which :

(a) is subject to a current exploration licence, small-scale mining lease, mining lease, quarry lease, or water use permit, unless the applicant for the quarry lease area enlargement is also the titleholder of such licence, lease or permit ;

(b) is closed to mining operations ;

(c) has been applied for by any applicant for any mineral title, other than a reconnaissance permit, and such application is not yet decided and was registered earlier in time than the quarry lease area enlargement application ; the area of such overlap shall be excluded from the current applicant's application and the Mining Cadastre Office shall, in writing, notify the quarry lease area enlargement applicant, within 7 days from the application registration date, requesting that the applicant amend the area applied for in the application.

(9) In the review of a quarry lease area enlargement application, the Director General may :

(a) request the applicant to correct any defects, omissions or to furnish additional information ;

(b) confirm the information provided in the application ;

(c) consult with other specialists as necessary ;

(d) consult other relevant government entities ;

(e) propose alterations in the application.

(10) The failure of an applicant to provide any of the information requested pursuant to sub-regulations (8) or (9)(a) of this Regulation, within 7 days, or the lack of clarity in the provision of such information, shall render the application incomplete and the Mining Cadastre Office shall in such a case :

(a) in writing, notify the applicant that the application is rejected ; and

(b) record the date of such notification in the Priority Register.

(11) Where the area requested in a quarry lease area enlargement application is in excess of the area reasonably needed for mining operations, the Director General shall deny approval to the application or reduce the area requested to a reasonable area.

(12) The Director General shall deny approval to a quarry lease area enlargement application if the quarry lease title holder is in default of any obligation imposed by the Act arising from :

(a) the quarry lease for which an enlarged area is sought ;

(b) any other small-scale mining lease, mining lease or quarry lease held by the title holder.

(13) Subject to sub-regulations (11) and (12) of this Regulation, the Director General shall grant an application for a quarry lease area enlargement.

(14) The Mining Cadastre Office shall within 60 days from the quarry lease area enlargement application date in writing, notify an applicant whose application is denied approval and the date that such notice of denial was sent shall be recorded in the Priority Register.

(15) The Mining Cadastre Office shall, in writing, notify an applicant whose quarry lease area enlargement application is granted approval, within 60 days of the application registration date :

(a) that the application is approved ;

(b) the Mining Cadastre Office at which the quarry lease may be brought to have the area enlargement endorsed on the lease ;

(c) that the applicant, or its representative shall appear and present the lease for endorsement within 7 days from the date of notification and shall have the date that the notice was sent recorded in the General Register.

(16) The Area approved under this Regulation to be added to a quarry lease shall become part of the lease area at the time the quarry lease title holder pays the non-refundable Annual Service Fee specified in Schedule 1, for the added area, and the Mining Cadastre Office shall upon such payment :

(a) endorse upon the lease the area enlargement granted approval by the Director General ; and

(b) record the date of such endorsement in the Quarry Lease Register.

(17) When a quarry lease is endorsed to include an enlarged quarry lease area, the enlarged quarry lease area shall be recorded on the Cadastral Maps pursuant to Regulation 107.

(18) (a) When a quarry lease area enlargement application is denied or not acted on by the Director General within the 60 days application processing period, an appeal may be made to the Minister ; and such appeal shall be lodged within 30 days of receipt of notification under sub-regulation (15) of this Regulation, or when the Director General has failed to act, after the 60 days processing period has ended but before 90 days from the application registration date.

(b) The applicant for the quarry lease area enlargement may approach the Federal High Court, if not satisfied with the outcome of the appeal to the Minister.

(19) Where the Federal High Court has determined that a quarry lease area enlargement is to be granted, the Director General shall grant the application within 14 days of such determination.

(21) When an applicant fails to appear and pay the non refundable Annual Service Fee within 14 days from the date of being notified under sub-regulation (16) of this Regulation, the application shall be withdrawn and the date upon which the application was withdrawn shall be recorded in the Priority Register.

76.—(1) A quarry lease title holder shall submit and meet the prescribed reporting requirements in line with schedule 5.

Quarry Lease
Reports.

(2) Upon receipt of a notice from the Mines Inspectorate Department that a quarry lease titleholder has failed to meet the prescribed reporting requirement, the Mining Cadastre Office shall proceed to revoke the lease.

77.—(1) A water use permit application may be submitted in conformity with the provisions of the following Regulations, by any qualified person who is :

(a) the title holder of a small-scale mining lease, mining lease, quarry lease or exploration licence ; or

(b) an applicant for a small-scale mining lease, mining lease or quarry lease, for which the water use right will be required to be used.

Water Use
Permit
Water Use
Permit
Applicant
Status.

(2) All applications for a water use permit that do not meet the requirements of sub-regulation (1) of this Regulation shall be rejected.

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Water use
Permit
Application.

78.—(1) An applicant for a water use permit shall pay the non refundable Water Use Permit Application Processing Fee specified in Schedule 1.

(2) A water use permit application in *Form 14 in schedule 3* of these Regulations shall be submitted, in triplicate, by the applicant to the Mining Cadastre Office, for registration and processing.

(3) A water use permit application shall :

(a) specify the complete identification and contact information of the applicant (if the applicant is a corporation, the address of its headquarters, the identity and address of any legal representative and the identity and address of its commercial representative in Nigeria, if any) ;

(b) provide the identifying code of the applicant's small-scale mining lease, mining lease, quarry lease or exploration licence, if such lease or licence is already granted, or the identifying code of the application for such lease ;

(c) describe the desired water use permit area, its size and configuration, outlined on a topographical map of the area (the overall area shall not exceed the area reasonably necessary to carry out the Water Use Operations) ;

(d) identify, in accordance with the method specified in Schedule 2, the contiguous area applied for ;

(e) identify the water resources located in the area being applied for ;

(f) describe the Water Use Operations and quantities of water to be used ;

(g) specify the period of the water use permit sought, if different from that in the related mineral title ; and

(h) be completed and signed by the applicant or an authorized representative of the applicant.

(4) The application shall have the following documents attached to it :

(a) a preliminary water use plan which shall include.

(i) a general description of the proposed Water Use Operations, the scheme to achieve those operations, including sufficient detail to indicate the scale of operation, and the possible location of all water use facilities, wells, springs, water storage facilities, dams, pipelines, ducts, flumes, furrows, pumping facilities and water quality facilities ;

(ii) description of the infrastructures necessary for water usage, and the planned commencement date of construction of the water use infrastructure ;

(iii) the planned commencement date of water usage ;

(iv) the amount of water to be used, when and how ;

(v) proposals for anti-pollution measures, protection of the environment and restoration and rehabilitation (as the case may be) of the terrain including the vegetation ;

(vi) identification of any safety and health risks for the personnel involved in the Water Use Operations and the general public, and proposals for the control and elimination of any such risks ;

(b) a list of the names of all persons and parties likely to be affected by the grant of the water use permit, their contact information, and a description explaining how they may potentially be affected ;

(c) subject to sub-regulation (3)(1) of this Regulation, the written consent of all persons likely to be adversely affected by the grant of a water use permit ;

(d) where the written consent of any persons likely to be adversely affected by the grant of a water use permit is not obtained, a written statement by the applicant providing the following information ; the name of the potentially affected party, and the efforts by the applicant to obtain that party's written consent, and why such effort was not successful ;

(e) Receipt for Payment of Water Use Permit Application Processing Fee ; and

(f) such other information as may be required from time to time.

(5) At the time that a water use permit application is received by the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall immediately verify whether the application is complete.

(6) An application that is found to be incomplete under sub-regulation (5) of this Regulation shall be rejected and not registered.

(7) When an application is verified to be complete under sub-regulation (5) of this Regulation :

(a) the Mining Cadastre officer making such verification shall assign an identifying code to the application and shall register its date, hour and minute of submission in the General Register ;

(b) the General Register shall be signed by both the officer verifying the application and the applicant or the applicant's authorised representative ;

(c) the identifying code, date, hour and minute of application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre Officer ; and

(d) one copy of the application shall be given to the applicant.

(8) When a water use permit application is registered, the area applied for shall be recorded in the Cadastral Maps.

(9) A registered water use permit application shall be officially accepted for consideration and approval unless the water use permit area applied for is fully within an area :

(a) currently held under an exploration licence, mining lease, small-scale mining lease, quarry lease, or water use permit held by someone other than the applicant ; or

(b) closed to mining operations under the Act, these Regulations or any other law in which case Mining Cadastre Office shall, in writing, notify the applicant within 7 days of the application registration date, and the date of such notification shall be recorded in the General Register.

(10) Where there is any overlap between the area applied for in a water use permit application and any area which :

(a) is subject to a current exploration licence, small-scale mining lease, mining lease, quarry lease, or water use permit not held by the applicant ;

(b) is closed to mining operations ;

(c) has been applied for by any applicant for any mineral title, other than a reconnaissance permit, and such application is not yet decided and was registered earlier in time than the water use permit application; the area of such overlap shall be excluded from the water use permit application, and the Mining Cadastre Office shall, in writing, notify the water use permit applicant, within 7 days from the application registration date, requesting that the water use permit applicant amend the area applied for in the application.

(11) Upon receipt of a notice under sub-regulation (10) of this Regulation, an applicant shall modify the application to redefine the water use permit application area in such a way as to avoid the overlap.

(12) When a water use permit application is modified to redefine the application area, the redefined application area shall be recorded in the Cadastral Maps.

(13) In the review of a water use permit application, the Director General may :

(a) request the applicant to correct any defects or omissions ;

(b) confirm the information provided in the application ;

(c) consult with other specialists as necessary ;

(d) consult other relevant government entities ;

(e) propose a smaller permit area applied for where such area exceeds the area reasonably required for the purposes of the Permit ; or

(f) propose alterations in the application.

(14) The failure of an applicant to provide any of the information requested pursuant to sub-regulations (11) or (13)(a) of this Regulation, within 7 days, or the lack of clarity in the provision of such information, shall render the application incomplete and the Mining Cadastre Office shall in such a case :

(a) in writing, notify the applicant that the application is rejected ; and

(b) record the date of such notification in the General Register.

(15) Upon receipt of a water use permit application, the Mining Cadastre Office shall publish notice of the application in the Gazette and post the application,

in a conspicuous place, at the Central and respective Zonal Mining Cadastre Offices, and the notice shall:

(a) announce the submission of the application giving the details of the proposed water use area ; and

(b) advise that any party who might be prejudiced by the grant of the application may register any protest at the Central or Zonal Mining Cadastre Office within a period of 30 days from the date of the notice.

(16) The Director General shall not approve a water use permit application until after the expiration of one month from the date the notice required under sub-regulation (15) of this Regulation was published.

(17) Where the written consent required under of this Regulation is unreasonably withheld, the Mining Cadastre Office shall enter into consultation with all persons withholding consent and likely to be affected by approval of the Water Use Permit Application and shall reach such necessary agreement with such persons as may be just and proper ; the Director General shall not issue a water use permit until all such written consents have been obtained.

(18) A person shall be ineligible to apply for a water use permit if :

(a) it is shown that any of the members or directors of the applicant or a shareholder holding a controlling share of the applicant has been convicted of a felony or an offence under the Act or these Regulations ; or

(b) the applicant, in the 90 days preceding the application registration date, had a prior water use permit application that applied for part or all of the area currently being applied for, which was deemed under sub-regulation (26) of this Regulation ; or

(c) the applicant is a former water use permit title holder whose water use permit has been revoked for the same water use permit area or any part therein applied for if such application is made within 12 months from the date of such revocation.

(19) The Director General shall deny approval to a water use permit applicant if :

(a) that applicant is ineligible, under sub-regulation (18) of this Regulation, to apply for a water use permit ; or

(b) it is shown to the satisfaction of the Director General that the exercise of the right under the water use permit shall prejudicially affect any existing right in or over the water supply to which it relates ; or

(c) the area applied for exceeds the area reasonably required for the purposes of the permit.

(20) The Mining Cadastre Office shall, in writing, notify a water use permit applicant whose application is denied approval, and shall have the date that the notice was sent recorded in the General Register.

(21) Subject to sub-regulations (16), (17) and (19) of this Regulation, the Director General Shall :

(a) for a water use permit application for use of water for a mining operation on a small-scale mining lease, mining lease, quarry lease or exploration licence already issued to the applicant, grant the application approval.

(b) for a water use permit application for use of water for a mining operation on a small-scale mining lease, mining lease, quarry lease or exploration licence not yet issued, but which has been applied for by the water use permit applicant, grant the water use permit within 7 days from the grant of the respective lease.

(22) The Mining Cadastre Office shall, in writing, notify an applicant whose water use permit application is granted approval that :

(a) the application is granted approval ;

(b) the Mining Cadastre Office at which the permit can be issued, and shall have the date that the notice was sent recorded in the General Register.

(23) The Mining Cadastre Office shall issue to the applicant of a water use permit application granted approval by the Director General, upon payment by the applicant of the non refundable Annual Service Fee specified in Schedule 1.

(24) At the time of issue, the Director General may attach conditions to the permit including the maximum volume of water that may be used, the dates and times when it may be used, and all other matters as the Director General deems necessary.

(25) When a water use permit is issued, the permit area shall be recorded in the Cadastral Maps, and the date of issuance shall be recorded in the Water Use Permit Register.

(26) When an applicant fails to appear and pay the non refundable Annual Service Fee within 30 days from the date of being notified under sub-regulation (22) of this Regulation, the application shall be withdrawn and the date upon which the application was withdrawn shall be recorded in the General Register.

(27) (a) When a water use permit application is denied by the Director General an appeal may be taken to the Minister by the applicant and such appeal shall be lodged within 30 days of receipt of notification under sub-regulation (20) of this Regulation.

(b) the applicant for the water use permit if not satisfied with the outcome of the appeal to the Minister, may approach the Federal High Court.

(28) In any case before the Federal High Court under sub-regulation (27) of this Regulation, where the Federal High Court has determined that a water use permit is to be granted, the Director General shall grant the permit within 7 days.

(29) When it becomes known to the Mining Cadastre Office that a false attestation was made in *Form 6A or 6B in schedule 3*, any resultant water use permit shall be withdrawn.

79.—(1) A water use permit may only be granted in available areas.

Restrictions
on the Grant
of Water use
Permit.

(2) For the purposes of the sub-regulation (1) of this Regulation, all areas within the land borders, territorial waters, the continental shelf and in the exclusive economic zone of Nigeria are available areas except areas that are :

(a) subject to any of the following mineral titles held by a party other than the water use permit applicant :

(i) small-scale mining lease ;

(ii) mining lease ;

(iii) quarry lease ;

(iv) water use permit ; or

(v) exploration licence.

(b) closed to mining operations under the Act, these Regulations or any other law.

80.—(1) A water use permit shall be in *Form 15 in schedule 3*.

Form of
Water use
Permit.

(2) A water use permit licence shall have appended to it, by the Mining Cadastre Office, a map with the position of the granted water use permit area marked upon it, and any directly adjacent mineral titles, with the exception of reconnaissance permits, shall also be identified clearly on the map.

81.—(1) A water use permit shall remain in force as long as the small-scale mining lease, mining lease, quarry lease or exploration licence for which use it was granted remains valid.

Duration of
Water use
Permit.

(2) The permit shall expire subject to Regulation 83, upon the revocation, or expiry of the small-scale mining lease, mining lease, quarry lease or exploration licence for which use it was granted.

82.—(1) Subject to sub-regulation (2) of this Regulation, a water use permit title holder may submit an application, in triplicate, in *Form 4 in schedule 3*, to modify the water usage allowed under the permit.

Application
for
Modification
of Water use
Permit.

(2) When a change in the use of water granted by a water use permit is of a substantial nature that will have a negative impact on the environment or where persons are likely to be adversely affected by the modified water usage, the holder of the water use permit shall apply for a new water use permit pursuant to Regulation 77 of these Regulations, otherwise the permit holder may apply under this Regulation for a modification to the water usage granted under the holder's permit.

(3) An applicant for a water use permit usage modification shall pay the non-refundable Water Use Permit Usage Modification Application Processing Fee specified in Schedule 1, and upon such payment, the Mining Cadastre Office shall issue to the applicant a Receipt for Payment of Water Use Permit Usage Modification Application Processing Fee.

(4) A water use permit usage modification application shall include the following information :

(a) the complete identification and contact information of the applicant (if the applicant is a corporation, the address of its headquarters, the identity and address of any legal representative and the identity and address of its commercial representative in Nigeria, if any) ;

(b) the identifying code of the applicant's water use permit ;

(c) the identifying code of the applicant's small-scale mining lease, mining lease, quarry lease or exploration licence where the water use permit is used ;

(d) a general description of the proposed modified water use operations, the scheme to achieve those operations, including sufficient detail to indicate the scale of operation, and the possible location of all water use facilities, wells, springs, water storage facilities, dams, pipelines, ducts, flumes, furrows, pumping facilities and water quality facilities ;

(e) description of the infrastructure necessary for the modified water usage, and the planned commencement date of construction of any new water use infrastructure ;

(f) the planned commencement date of modified water usage ;

(g) the modified amount of water to be used, when and how ;

(h) identification of any new pollution sources, environmental impacts, and restoration and rehabilitation needs that may result because of the modified usage ;

(i) identification of any new safety and health risks for the personnel involved in the Water Use Operations and the general public, and proposals for the control and elimination of any such risks ;

(j) a list of the names of all persons and parties likely to be affected by the modified water usage, and

(k) Water Use Permit Usage Modification Application Processing Fee Receipt.

(5) At the time that a water use permit usage modification application is received by the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall immediately verify whether the application is complete.

(6) An application that is found to be incomplete under sub-regulation (5) of this Regulation shall be rejected and not registered.

(7) When an application is verified to be complete under sub-regulation (5) of this Regulation :

(a) the Mining Cadastre officer making such verification shall assign an identifying code to the application and shall register its date of submission in the General Register ;

(b) the General Register shall be signed by both the officer verifying the application and the applicant or the applicant's authorised representative ;

(c) the identifying code and date of application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre Officer ; and

(d) one copy of the application shall be given to the applicant. ✓

(8) The Director General shall deny approval to a water use permit usage modification application when he is of the opinion that the usage modification is of a substantial nature that will have a changed and negative impact on the environment or that persons are likely to be adversely affected by the modified purpose.

(9) When a water use permit usage modification application is denied approval under sub-regulation (8) of this Regulation, the applicant may apply for a new water use permit pursuant to Regulation 77 of these Regulations.

(10) Subject to sub-regulation (8) of this Regulation, the Director General shall grant approval to a water use permit usage modification application within 60 days from the registration date of the application if :

(a) the conditions of the permit have been met ;

(b) the permit title holder is not in default under the Act, and these Regulations ; and

(c) the permit title holder can demonstrate the need for the modification applied for in the application.

(11) The Mining Cadastre Office shall, in writing, notify an applicant whose water use permit usage modification is granted approval that :

(a) the application is granted approval ;

(b) the Mining Cadastre Office at which the permit can be endorsed with the modification and shall have the date that the notice was sent recorded in the General Register.

(12) The Director General shall not deny approval to a water use permit usage modification application without first having given the applicant prior notice of the intention to deny the modification including the reasons for denial and inviting the applicant, within a specified time period, to present a documented statement describing why the usage modification :

(a) is needed ;

(b) is not of a substantial nature that will have a changed and negative impact on the environment ; and

(c) that persons are not likely to be adversely affected by the modified usage.

(13) Where the Director General denies approval to a water use permit usage modification application, he shall, by a written notice, inform the permit title holder of such denial stating the reasons for denial therein.

(14) (a) A water use permit titleholder denied a usage modification by the Director General under this Regulation, may within 30 days of being notified of such denial, appeal in writing to the Minister.

(b) The applicant for the water use permit modification if not satisfied with the outcome of the appeal to the Minister, may approach the Federal High Court.

(15) When the Federal High Court determines that a water use permit usage modification is to be granted, the Director General shall grant the modification within 7 days.

(16) When a water use permit usage modification application is approved, such approval shall take effect upon the endorsement of the water use permit with the approved modification and payment of the non-refundable Water Use Permit Modification Endorsement Fee specified in Schedule 1.

(17) When the applicant for a water use permit usage modification fails to pay the fee required for that purpose under this Regulation within 30 days after being notified of the Director General's approval, such modification shall be withdrawn.

Term of
Validity of a
Water use
Permit.

83.—(1) Subject to sub-regulation (2) of this Regulation, a water use permit will remain valid during :

(a) the initial period fixed in the permit measured from the date on which the permit is issued by the Mining Cadastre Office ; and

(b) any renewal period granted in conformity with the renewal period of the small-scale mining lease, mining lease or quarry lease to which the water use applies.

(2) Unless terminated earlier by revocation, a water use permit shall terminate upon expiration of the term provided therein or upon the expiry or revocation of the small-scale mining lease, mining lease, or quarry lease to which the water use applies, whichever shall occur first in time.

Relinquishment
of Water use
Permit Area.

84.—(1) A water use permit title holder may, at any time during the term of the water use permit, apply, in *Form 4 in schedule 3*, to the Mining Cadastre Office to relinquish part or all of the water use permit area.

(2) There shall be no area relinquishment under this Regulation of any water use permit area attached by the Court so long as such attachment remains in force.

(3) There shall be no area relinquishment under this Regulation unless the written consent to the same of all persons having interests registered against the water use permit shall have been delivered to the Mining Cadastre Office.

(4) When the entire water use permit area is to be relinquished, upon the Director General granting the application approval, the Mining Cadastre Office shall :

- (a) revoke the permit ;
- (b) in writing, notify the water use title holder of the date on which the permit was revoked ;
- (c) record the revocation in the Water Use Permit Register ;
- (d) update the Cadastral Maps.

(5) When only part of the water use permit area is to be relinquished, upon the Director General granting the application approval, the Mining Cadastre office Shall :

- (a) in writing, notify the title holder of the area approved for relinquishment and on what day the area was relinquished ;
- (b) record the area relinquished in the water use permit ;
- (c) record the area relinquished in the Water Use Permit Register and Cadastral Maps.

(6) A title holder receiving a notice under sub-regulation (5) of this Regulation shall within 14 days of receiving such notice adjust the water use permit boundary demarcation markers, in compliance with Regulation 108 of these Regulations, to mark the new boundaries of the permit area.

(7) When a water use permit titleholder relinquishes an area pursuant to this Regulation the liability of the holder :

- (a) to pay any tax, fee, rental, penalty or other compensation that is payable before the date of relinquishment ;
- (b) to fulfill all requirements for environmental matters ;
- (c) to perform any obligation required by law to be performed on or before that date ;
- (d) for any act done or default made on or before that date, that is payable under, in respect of, or arises out of or in relation to such permit under this or any other law then in force shall not be affected.

85.—(1) A water use permit title holder may apply to enlarge the permit area.

Enlargement
of Water use
Permit Area.

(2) An application for water use permit area enlargement, in *Form 4 in schedule 3* of these Regulations shall be submitted, in triplicate, by the applicant to the Mining Cadastre Office for registration and processing.

(3) An application to enlarge the area under a water use permit shall :

- (a) specify the complete identification and contact information of the applicant (if the applicant is a corporation, the address of its headquarters, the identity and address of any legal representative and the identity and address of its commercial representative in Nigeria, if any) ;
- (b) provide the identifying code of the applicant's water use permit ;

- (c) provide the identifying code of the applicant's small-scale mining lease, mining lease, quarry lease or exploration licence, if such lease is already granted, or the identifying code of the application for such lease or licence ;
- (d) describe the desired water use permit enlargement area, its size and configuration, outlined on a topographical map of the area (the overall area shall not exceed the area reasonably necessary to carry out the Water Use Operations) ;
- (e) identify, in accordance with the method specified in Schedule 2, the contiguous enlargement area required ;
- (f) identify the water resources located in the area being applied for ;
- (g) describe the water use operations, and quantities of water to be used on the water use permit area including the enlargement area ;
- (h) be completed and signed by the applicant or an authorized representative of the applicant ;
- (i) a water use plan which shall include—
 - a general description of the proposed water use operations on the water use permit area and the enlargement area, the scheme to achieve those operations, including sufficient detail to indicate the scale of operation, and the possible location of all water use facilities, wells, springs, water storage facilities, dams, pipelines, ducts, flumes, furrows, pumping facilities and water quality facilities ;
 - description of the infrastructures necessary for water usage and the planned commencement date of construction of the water use infrastructure ;
 - the amount of water to be used, when and how ;
 - proposals for anti-pollution measures, protection of the environment and restoration and rehabilitation (as the case may be) of the terrain including the vegetation ;
 - identification of any safety and health risks for the personnel involved in the water use operations and the general public and proposals for the control and elimination of any such risks ;
 - a list of the names of all persons and parties likely to be affected by the grant of the water use permit enlargement, their contact information, and a description explaining how they may potentially be affected ;
 - subject to sub-regulation (3) (j) of this Regulation, the written consent of all persons likely to be adversely affected by the grant of a water use permit enlargement area ;
- (j) where the written consent of any persons likely to be adversely affected by the grant of a water use permit enlargement area is not obtained, a written statement by the applicant providing the following information: the name of the potentially affected party, and the efforts by the applicant to obtain that party's written consent, and why such effort was not successful ; and
- (k) such other information as may be required from time to time.

(4) At the time that a water use permit area enlargement application is received by the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall immediately verify whether the application is complete.

(5) An application that is found to be incomplete under sub-regulation (4) of this Regulation shall be rejected.

(6) When an application is verified to be complete under sub-regulation (4) of this Regulation—

(a) the Mining Cadastre Officer making such verification shall assign an identifying code to the application and shall register its date, hour and minute of submission in the General Register ;

(b) the General Register shall be signed by both the officer verifying the application and the applicant or the applicant's authorized representative ;

(c) the identifying code, date, hour and minute of application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre Officer ; and

(d) one copy of the application shall be given to the applicant.

(7) When a water use permit enlargement area application is registered, the area applied for shall be recorded in the Cadastral Maps.

(8) A registered water use permit enlargement area application shall be officially accepted for consideration of approval unless the water use permit area applied for is fully within an area—

(a) currently held under an exploration licence, mining lease, small-scale mining lease, quarry lease, or water use permit held by someone other than the applicant ; or

(b) closed to mining operations under the Act, these Regulations or any other law in which case the application shall be null and void; the Mining Cadastre Office shall, in writing, notify the applicant that the application is incomplete within 7 days of the application registration date, and the date of such notification shall be recorded in the General Register.

(9) Where there is any overlap between the area applied for in a water use permit enlargement area application and any area which—

(a) is subject to a current exploration licence, small-scale mining lease, mining lease, quarry lease, or water use permit not held by the applicant ;

(b) is closed to mining operations ;

(c) has been applied for by any applicant for any mineral title, other than a reconnaissance permit, and such application is not yet decided and was registered earlier in time than the water use permit application; the area of such overlap shall be excluded from the water use permit enlargement area application, and the Mining Cadastre Office shall, in writing, notify the water use permit enlargement area applicant, within 7 days from the application

registration date, requesting that the water use permit enlargement area applicant to amend the area applied for in the application.

(10) Upon receipt of a notice under sub-regulation (10) of this Regulation, an applicant shall modify the application to redefine the water use permit enlargement area application in such a way as to avoid the overlap.

(11) When a water use permit enlargement area application is modified to redefine the application area, the redefined application area shall be recorded in the Cadastral Maps.

(12) In the review of water use permits enlargement area application, the Director General may—

- (a) request the applicant to correct any defects or omissions ;
- (b) confirm the information provided in the application ;
- (c) consult with other specialists as necessary ;
- (d) consult other relevant government entities ;
- (e) propose a smaller permit area than applied for where such area exceeds the area reasonably required for the purposes of the Permit ; and
- (f) propose alterations in the application.

(13) The failure of an applicant to provide any of the information requested pursuant to sub-regulation (13) (a) of this Regulation within 7 days, or the lack of clarity in the provision of such information, shall render the application incomplete, and the Mining Cadastre Office shall in such a case—

- (a) in writing, notify the applicant that the application is rejected ; and
- (b) record the date of such notification in the General Register.

(14) Upon receipt of a water use permit enlargement area application, the Mining Cadastre Office shall publish notice of the application in the Gazette and post the application, in a conspicuous place, at the Central and respective Zonal Mining Cadastre Offices, and the notice shall—

- (a) announce the submission of the application giving the details of the proposed water use area ; and
- (b) advise that any party who might be prejudiced by the grant of the application may register any protest at the Central or Zonal Mining Cadastre Office within a period of 30 days from the date of the notice.

(15) The Director General shall not approve a water use permit enlargement area application until after the expiration of one month from the date the notice required under sub-regulation (15) of this Regulation appeared in the Gazette or Newspaper and by notice posted in the Central Mining Cadastre Office and the respective Zonal Mining Cadastre Offices.

(16) Where the written consent required under this Regulation is unreasonably withheld, the Mining Cadastre Office shall enter into consultation

with all persons withholding consent and likely to be affected by approval of the water use permit enlargement area application and shall reach such necessary agreement with such persons as may be just and proper; the Director General shall not issue a water use permit until all such written consents have been obtained.

(17) Any person who otherwise qualifies to apply for a water use permit enlargement area shall be ineligible to apply for a water use permit if—

(a) it is shown that any of the members or directors of the applicant or a shareholder holding a controlling share of the applicant has been convicted of a felony or an offence under the Act and or these Regulations ; or

(b) the applicant, in the 90 days preceding the application registration date, had a prior water use permit enlargement area application that applied for part or all of the area currently being applied for ;

(c) the applicant is a former water use permit titleholder whose water use permit has been revoked for the same water use permit enlargement area or any part therein applied for if such application is made within 12 from the date of such revocation.

(18) The Director General shall deny approval to a water use permit enlargement area applicant if—

(a) that applicant is ineligible, under sub-regulation (18) of this Regulation, to apply for a water use permit enlargement area application.

(b) it is shown to the satisfaction of the Director General that the exercise of the right under the water use permit enlargement area shall prejudicially affect any existing right in or over the water supply to which it relates.

(c) the area applied for exceeds the area reasonably required for the purposes of the permit.

(19) The Mining Cadastre Office shall, in writing, notify a water use permit enlargement area applicant whose application is denied approval, and shall have the date that the notice was sent recorded in the General Register.

(20) Subject to sub-regulations (16), (18) and (19) of this Regulation, the Director General shall grant approval to a water use permit enlargement area application.

(21) The Mining Cadastre Office shall, in writing, notify an applicant whose water use permit enlargement area application is granted approval, within 60 days of the application registration date—

(a) that the application is approved ;

(b) the Mining Cadastre Office at which the water use permit may be brought to have the area enlargement endorsed on the permit ;

(c) that the applicant, or its representative, shall appear and present the permit for endorsement within 7 days from the date of notification, and shall have the date that the notice was sent recorded in the General Register.

(22) The Area approved under this Regulation to be added to a water use permit shall become part of the permit area at the time the water use permit title holder pays the non refundable Annual Service Fee specified in Schedule 1 for the added area, and the Mining Cadastre Office shall upon such payment—

(a) endorse upon the water use permit the area enlargement granted approval by the Director General ; and

(b) record the date of such endorsement in the Water Use Permit Register.

(23) At the time of endorsement, the Mining Cadastre Office shall attach to a water use permit conditions to the permit including the maximum volume of water that may be used, the dates and times when it may be used, and all other matters as the Director General deems necessary.

(24) When a water use permit is endorsed to include an enlarged water use permit area, the enlarged water use permit area shall be recorded on the Cadastral Maps.

(25) (a) When a water use permit area enlargement application is denied by the Director General, or is not acted on by the Director General within the 60 days application processing period, an appeal may be taken to the Minister; any such appeal shall be lodged within 30 days of receipt of notification under sub-regulation (20) of this Regulation, or when the Director General has failed to act, after the 60 days processing period has ended but before 90 days from the application registration date.

(b) The applicant for the water use permit area enlargement, if not satisfied with the outcome of the appeal to the Minister, may approach the Federal High Court.

(26) In any case before the Federal High Court under sub-regulation (26)(b) of this Regulation, where the Federal High Court has determined that a water use permit area enlargement is to be granted, the Director General shall grant the application within 7 days of such determination.

(27) When an applicant fails to appear and pay the non refundable Annual Service Fee within 14 days from the date of being notified under sub-regulation (22) of this Regulation, the application shall be deemed to incomplete, and the date upon which the application became incomplete shall be recorded in the General Register.

86.—(1) A water use permit title holder shall meet the prescribed reporting requirements in line with schedule 5.

(2) Upon receipt of a notice from the Mines Inspectorate Department that a water use permit title holder has failed to meet the prescribed reporting requirement, the Mining Cadastre Office shall proceed to revoke the permit.

87.—(1) When an exploration licence, mining lease, small-scale mining lease, quarry lease, or water use permit is granted, the area under such licence, lease, or permit shall be deemed excluded from all reconnaissance permits.

(2) When a mining lease, small-scale mining lease, quarry lease, or water use permit is granted for an area subject to an exploration licence held by the

Water use
Permit
Reports.

Effect of
Mineral Title
Grant on
other
Mineral
Titles and
Authorizations.

mining lease, small-scale mining lease, quarry lease, or water use permit applicant, that portion of the Exploration licence that overlaps the mining lease, small-scale mining lease, quarry lease, or water use permit area, as the case may be, shall be deemed automatically relinquished from the exploration licence.

(3) When a mining lease, quarry lease, or water use permit is granted for an area subject to a small-scale mining lease held by the mining lease, quarry lease, or water use permit applicant, that portion of the small-scale mining lease area that overlaps the mining lease, quarrying lease licence area or water use permit area, as the case may be, shall be deemed automatically relinquished from the small-scale mining lease area, and where the mining lease area, quarry lease area, or water use permit area includes the entirety of the small-scale mining lease area, the small-scale mining lease shall be deemed automatically revoked.

88.—(1) When the title holder of a Small-Scale Mining Lease, Mining Lease, or Quarry Lease discovers any mineral not specified in his lease, other than Mineral Water, he shall, within 30 days of the discovery notify the Mining Cadastre Office, in writing, about the discovery.

Discovery
and
Authorization
to Mine
Additional
Minerals.

(2) The holder of a small-scale mining lease or mining lease who has filed a notice as per sub-regulation (1) of this Regulation may apply to have the lease amended to include any non security mineral, except Mineral Water, by submitting an application to the Mining Cadastre Office for registration and processing.

(3) The holder of a quarry lease who has filed a notice as per sub-regulation (1) of this Regulation may apply to have the lease amended to include any mineral for construction not containing a 0.05% uranium or thorium or combination of both by weight (security minerals) by submitting an application to the Mining Cadastre Office.

(4) An application for authorization to mine new minerals shall be registered in the General Register on the day in which the applicant submits the application and pays the non refundable Application to Mine Newly Discovered Mineral Processing Fee amount specified in Schedule 1.

(5) Where the Director General is satisfied with the applicant's proposed program for the orderly and timely exploitation of the newly discovered minerals for which mining authorization is sought, he shall grant the application approval within 30 days of the application registration date.

(6) The Mining Cadastre Office shall, in writing, notify an applicant whose application is denied approval within 30 days of the date on which the application was registered, and such notification shall include the specific reasons for denial.

(7) (a) When an application to mine newly discovered minerals is denied by the Director-General, or not acted on by the Director-General within the time period prescribed in sub-regulation (6) of this Regulation, the applicant may appeal to the Minister.

(b) The applicant to mine newly discovered minerals, if not satisfied with the outcome of the appeal to the Minister, may approach the Federal High Court.

(8) Where the Federal High Court determines that the application is to be approved, the Director General shall grant the application within 7 days.

(9) The Mining Cadastre Office shall, in writing, notify an applicant whose application to mine newly discovered minerals is approved within 14 days from the date of approval :

(a) that the application is approved ;

(b) the Mining Cadastre Office at which the lease can be endorsed with the right of the holder to mine the new mineral, and shall record the date that the notice was sent in the General Register.

(10) The Mining Cadastre Office shall record any approval made under sub-regulation (5) of this Regulation to mine a new mineral in the respective mineral title register.

Consolidation
of Mineral
Titles.

89.—(1) A titleholder of exploration licences, small-scale mining leases, mining leases, quarry leases, or water use permits whose mineral title areas are contiguous may apply to consolidate such separate mineral titles of a like kind into a single mineral title.

(2) A titleholder of exploration licences, small-scale mining leases, mining leases, quarry leases, or water use permits, before submitting an application to consolidate similar types of mineral titles, shall submit to the Mines Environmental Compliance Department :

(a) an environmental impact assessment statement approved by the Federal Ministry of Environment in respect of mining operations to be conducted within the consolidated mineral title area ; and

(b) an updated Environmental Protection and Rehabilitation Program.

(3) An application to consolidate similar types of mineral titles shall be submitted, in Form 4 in Schedule 3 in triplicate, to the Mining Cadastre Office and such application shall be registered in the General Register at such time as the non refundable Application to Consolidate Mineral Titles Processing Fee specified in Schedule (1) of these Regulations is paid.

(4) The Director General shall not consolidate two or more mineral titles if—

(a) the resultant area of the consolidated mineral title would exceed the maximum area allowable for that type of mineral title ;

(b) the applicant has failed to comply with sub-regulation (2) of this Regulation.

(5) The Director General shall, in writing, notify an applicant within 30 days from the registration date whether the application to consolidate mineral titles is approved or denied.

(6) When the Director General approves a mineral title consolidation application, he shall record the consolidation in the appropriate mineral title register and in the Cadastral Maps and the resulting mineral title shall be deemed to have

been issued, for the purposes of determining the consolidated mineral title's term and all time related obligations under the consolidated mineral title, on the issue date of the oldest mineral title subject to the consolidation.

90.—(1) A title holder of a small-scale mining lease or quarry lease may apply to the Mining Cadastre Office to convert the holder's lease to a mining lease.

Conversion
of One
Lease Type
to Another.

(2) A title holder of a small-scale mining lease or quarry lease applying to convert the holder's lease to a mining lease shall meet the qualification requirements of the Act and these Regulations for such lease type and follow the procedures to apply for such lease type as defined in these Regulations.

(3) The term of a mining lease emergent from a small-scale mining lease or quarry lease, shall be the term requested or the maximum period allowed for a mining lease, whichever is shorter, as measured from the date that the mining lease was issued by the Mining Cadastre Office.

91.—(1) The procedure for transfer of a mineral title in the event of the death or mental incapacity of an individual mineral title holder is regulated under Regulation 92 while all other mineral title transfers are regulated by this Regulation.

Transfer and
Assignment.

(2) A titleholder of an exploration licence, mining lease, quarry lease, small-scale mining lease, or a water use permit may apply to transfer or assign the ownership of that mineral title.

(3) A reconnaissance permit titleholder may not transfer or assign such permit to any party.

(4) An application in Form 4 in Schedule 3 to transfer or assign a mineral title other than a reconnaissance permit shall be submitted in triplicate by the applicant to the Mining Cadastre Office, for registration and processing; and such application shall have appended to it the terms and conditions of the assignment or transfer and include an copy of the proposed instrument of assignment or transfer.

(5) An applicant for a mineral title transfer shall pay the respective non-refundable Mineral Title Transfer/Assignment Application Processing Fee specified in Schedule 1 of these Regulations and upon such payment, the Mining Cadastre Office shall—

(a) issue to the applicant a receipt ; and

(b) record the application registration in the respective mineral title register.

(6) Pursuant to the provisions of the Act and Subject to this Regulation, the Minister shall approve an application to transfer or assign a mineral title if the transferee or assignee, within 15 days of the application registration date, satisfies the following requirements—

(a) is a qualified person to hold that type of mineral title ;

(b) submits an acceptance of transfer or assignment attestation to the Minister and completes all information required in such form ; and

(c) pays the Mineral Title Transfer Fee specified in Schedule 1 of these Regulations.

(7) When an application to transfer a mineral title request is denied by the Minister, the Mining Cadastre Office shall within 15 days of his decision, but in no case more than 30 days from the mineral title transfer application registration date, notify the transfer applicant in writing of such denial.

(8) Any person aggrieved by the decision of the Minister may, within 60 days of such notification of denial, appeal to the Federal High Court.

(9) Where the Federal High Court has determined that a mineral title transfer is to be granted, the Minister shall grant the transfer within 14 days of after the service of the Court Judgment on the Ministry.

(10) Upon the approval of a mineral title transfer or assignment, the transfer or assignment, including the date on which such transfer or assignment was made, shall be recorded in the mineral title Register and in the respective register.

(11) Any act or transaction in respect of mineral title transfer and assignment which violates the provisions of this Regulation shall be rejected.

92.—(1) In the event of the death or mental incapacity of an individual mineral titleholder, the holder's—

(a) exploration licence, mining lease, small-scale mining lease, quarry lease, or water use permit may be transferred or assigned by the Minister subject to this Regulation.

(b) reconnaissance permit shall be revoked.

(2) An application to assign or otherwise transfer a mineral title shall be submitted, in triplicate, to the Mining Cadastre Office and shall specify the terms and conditions of the assignment or transfer and shall be accompanied by a copy of the proposed instrument of assignment or transfer.

(3) The Minister shall transfer a mineral title when the heir or assignee, as established through the laws of succession satisfies the following requirements—

(a) is a qualified person to hold that type of mineral title ;

(b) submits an application to the Mining Cadastre Office ;

(c) submits an acceptance of transfer or assignment to the Minister ;

(d) provides, in the case of death, a copy of the death certificate and testamentary instrument or other documents verifying the rights of succession, or in the case of mental incapacity, a copy of the official document confirming mental incapacity ; and

(e) pays the Mineral Title Transfer Fee specified in Schedule 1 of these Regulations.

(4) Where there is more than one heir or assignee and the licence, lease or permit area, as the case may be, is not divisible, the heirs shall establish a

Transfer in
the Event of
Death or
Mental
Incapacity.

corporation or other form of association and shall, within 90 days of the date of the devise, submit an application to the Mining Cadastre Office for the transfer of the mineral title to the said corporation or association.

(5) Where a transfer of mineral title is denied by the Minister, the Mining Cadastre Office shall, within 30 days of the transfer application being made, notify the transfer applicant in writing of such denial.

(6) Any person aggrieved by a decision of the Minister under this Regulation may, within 60 days of such notification, appeal to the Federal High Court.

(7) Where the provisions of sub-regulation (3) of this Regulation, and, if applicable, sub-regulation (4) of this Regulation, are not complied with within 6 months from the date of death or date that the titleholder was found to be legally incompetent, due to mental incapacity the Mining Cadastre Office shall proceed to revoke the mineral title.

(8) Upon acceptance by the applicant of the terms and conditions of the approval of a mineral title transfer, the transfer shall be recorded in the respective mineral title and in the register.

(9) A mineral title transfer under this Regulation shall not be effective until the non-refundable Mineral Title Transfer Fee specified in Schedule 1 of these Regulations is paid.

(10) Any act or transaction in respect of transfer of a mineral title in the event of death or mental incapacity which violates the provisions of this Regulation shall be rejected.

93.—(1) No encumbrance or lien may be placed upon an exploration licence, mining lease, small-scale mining lease, quarry lease, or water use permit or upon the facilities, installations and other fixtures which are part of the mining operations unless it is to secure financing for said activities and the status of the mineral title have been confirmed by Mining Cadastre Office.

Encumbrance
or Lien.

(2) Where any rights arising from a mineral title or permit that are transferable under the Act are wholly or partially assigned, subleased, pledged, mortgaged, charged, hypothecated or subject to any security interest, the holder of the title shall notify the Mining Cadastre Office within 30 days of the Notice of Encumbrance.

(3) The Mining Cadastre Office shall record any notification received under sub-regulation (2) of this Regulation in the respective mineral title register.

(4) Any act or transaction which violates the provisions of subsection (1) of this Regulation shall be rejected.

94.—(1) The Mining Cadastre Office may suspend a mineral title for any reason under the Act that requires or allows mineral title suspension.

Suspension
of Mineral
Title.

(2) When the Mining Cadastre Office intends to suspend any mineral title, it shall give notice to the mineral title holder of such intention and such notice shall contain, in details, the grounds for suspension.

(3) When a mineral titleholder fails within the time period specified in the Act, or 30 days if no time period is specified, of receiving a notice under sub-regulation (2) of this Regulation, to remedy the breach or remove the grounds for suspension, the Mining Cadastre Office shall send to the Minister, a request for permission to suspend the mineral title.

(4) Upon receipt of the Minister's written permission or instructions to suspend a mineral title, the Mining Cadastre Office shall suspend the title within 7 days, and record such suspension in the appropriate mineral title register.

(5) Notwithstanding the suspension of a mineral title in accordance with the Act, the mineral title or permit holder shall remain liable during the period of suspension for the performance of any obligations arising out of the mineral title, including safety, environmental, social, fee and reporting obligations, except any obligation to explore or produce mineral resources, as well as for any claims for damages or injuries by bona fide third parties.

Intent to
Abandon or
Permanently
Cease
Mineral
Production.

95.—(1) A title holder of a small-scale mining lease, mining lease, and quarry lease intending to abandon or permanently cease production from the lease area shall provide a written notice 3 months before such intended abandonment or cessation of production, to the—

- (a) Mining Cadastre Office ;
- (b) Mines Inspectorate Department ; and
- (c) Environmental Compliance Department.

(2) The Mining Cadastre Office shall record any notification to abandon or permanently cease production received under sub-regulation (1) of this Regulation in the respective mineral title register.

Surrender of
Mineral
Title.

96.—(1) A holder of a mineral title may apply to the Mining Cadastre Office to surrender the title.

(2) The Mining Cadastre Office shall approve an application made under sub-regulation (1) of this Regulation, when satisfied that—

- (a) the application for surrender is complete ;
- (b) the surrender shall not affect any liability incurred by the mineral title holder before the surrender of the mineral title, including environmental obligations ;
- (c) all rents due and fees prescribed, if any, have been paid by the holder of the mineral title and shall, in writing, notify an applicant whether the application is granted approval or denied.

(3) An applicant shall within 30 days of receiving a notice under sub-regulation (3) of this Regulation surrender the original title document to the Mining Cadastre Office; failure to submit the document within the 30 day period. The Mining Cadastre Office shall record the approval and the area deemed free.

(4) The Mining Cadastre Office shall proceed to revoke a mineral title when an application for surrender of that title is approved and the original title document has been surrendered.

97.—(1) The Minister may revoke a mineral title for any reason under the Act that requires revocation.

Revocation
of Mineral
Title.

(2) When the Mining Cadastre Office intends to revoke any mineral title, except when revocation results from surrender of the title pursuant to Regulation 96, the Mining Cadastre Office shall give notice to the mineral title holder of such intent and such notice shall contain, in detail, the grounds for revocation.

(3) The Mining Cadastre office shall send to the Minister, a request for permission to revoke a mineral title—

(a) when a mineral titleholder fails within 30 days of receiving a notice under sub-regulation (2) of this Regulation to remedy the breach or remove the grounds for revocation ; or

(b) when an application for surrender of the title is approved pursuant to Regulation 96.

(4) Upon receipt of the Minister's written permission to revoke a mineral title, the Mining Cadastre Office shall revoke the title within 7 days, and record such revocation in the appropriate mineral title register and Cadastral Maps.

(5) The Mining Cadastre Office shall, within 7 days from the date of revocation of a mineral title, in writing, notify the holder of the mineral title that the title has been revoked.

(6) Any person aggrieved by the decision of the Minister to revoke a mineral title may, within 30 days of such notification, appeal to the Federal High Court.

(7) Upon revocation of a mineral title, the Mining Cadastre Office shall send to the mineral title holder a notice requesting the delivery of—

(a) all records which the holder is obliged to submit under the provisions of the Act and these Regulations ;

(b) all plans or maps of the area covered by the mineral title prepared by the holder or at his instructions ; and

(c) such other documents relating to the mineral title as may be requested in the notice.

(8) Upon receipt of a notice under sub-regulation (7) of this Regulation, the notice recipient shall provide all information requested in the notice to the Mining Cadastre Office within 30 days.

FISCAL

98.—(1) The holder of a mineral title, other than the holder of a reconnaissance permit, shall pay an annual service fee to the Mining Cadastre Office equal to the number of Cadastral Units that comprise the title area multiplied

Annual
Service Fee.

by the fee per Cadastral Unit for that type of title as set out in Schedule 1 of these Regulations.

(2) The number of Cadastral Units to be used for the purposes of the annual service fee calculation under sub-regulation (1) of this Regulation shall be—

(i) in the year that the mineral title is issued, the number of Cadastral Units that comprise the title area on the date the title is issued ;

(ii) in all other years, the number of Cadastral Units that comprise the title area on anniversary day of the year for which the annual service fee payment is being made.

(3) Annual service fee shall become due for payment every 12 months from the date of grant of the mineral title.

(4) Upon receipt of a payment by a mineral title holder of the annual service fee, the Mining Cadastre Office shall immediately issue a receipt to the payer and record the payment in the respective mineral title register.

(5) In case of default of payment of the annual service fee due to the Mining Cadastre Office, the Mining Cadastre Office shall give a 30 day written default notice to the defaulting party and when payment is not effected during that period, the Mining Cadastre Office shall record the default in the respective mineral title register and proceed to revoke the mineral title.

(6) Any amount of annual service fee payable pursuant to this Regulation and unpaid may be recovered by the Mining Cadastre Office on behalf of the Federal Government of Nigeria by an action as a debt due to the Federal Government of Nigeria in the Federal High Court.

(7) All annual service fees and any other fee paid to the Mining Cadastre Office under these Regulations shall accrue to a specially designated Fee Receipts Account to be maintained by the Mining Cadastre Office.

Royalty.

99.—(1) A mineral titleholder, other than the holder of a reconnaissance permit or water use permit, shall pay royalty as prescribed in the appropriate schedule to these Regulations.

(2) Upon receipt of a notice from the Mines Inspectorate Department that a mineral titleholder has failed to meet prescribed royalty reporting and payment requirements, the Mining Cadastre Office shall proceed to revoke such title.

Annual
Surface
Rent.

100.—(1) A holder of a small-scale mining lease, mining lease, quarry lease or water use permit shall annually pay surface rent to the owner or occupier of the land the subject of the lease in such amount, at such place, in such form and at such time as shall be determined by the Minister in line with the provisions of the Act.

Information,
Records and
Boundaries
Submission
of
Information.

101.—(1) Any person having obligation under the Act or these Regulations to submit a report, data or other information, shall submit such report, data or information to the Mining Cadastre office unless another place or person is specified in the provision giving rise to the obligation.

(2) Any report, data or other information submitted pursuant to the Act or these Regulations shall become State property upon the date of submission of such report, data or other information.

102.—(1) Subject to sub-regulation 3 of this Regulation, no information in reports submitted by a mineral title holder to meet requirements as may be specified in the Act or these Regulations and other Guidelines and rules made pursuant thereto shall be disclosed for a period of 6 months from the expiry or revocation of the mineral title, except with the prior written consent of the mineral title holder.

Confidentiality.

(2) Subject to this Regulation, all information submitted in support of an application for a mining lease, small-scale mining lease, quarry lease, water use permit, or a renewal thereof shall be kept confidential.

(3) Nothing in sub-regulations (1) or (2) of this Regulation shall operate to prevent the disclosure of information where the disclosure is made—

(a) as strictly necessary in connection with the execution of the provisions of the Act and these Regulations ;

(b) to the Minister or other governmental entity in the exercise of their governmental duties or in order to comply with an obligation imposed by law ;

(c) in connection with any judicial or arbitration proceeding ;

(d) for the purpose of any investigation or inquiry conducted under the Act or these Regulations ;

(e) to any consultant to the Government, or to any officer, who is approved in writing by the Minister as a proper person to receive the information ;

(f) in connection with the preparation by the Government of statistical data relating to mining activities ;

(g) in connection with the determination of the obligations and liability of a titleholder in respect of payments due the Government ; and

(h) in connection with any subject or for any purpose defined by contract.

(4) It shall not be considered disclosure of confidential information whenever it can be proven that the information disclosed or divulged was already in the public domain prior to the disclosure being made.

103. Any officer responsible for the administration of these Regulations who has any confidential information which if generally known might reasonably be expected to affect materially an exploration, mining or quarrying operation which—

Prohibition on Abuse of Information obtained in Official Capacity.

(a) such officer acquired by virtue of his official capacity or former official capacity ; and

(b) it would be reasonable to expect a person in his official capacity or former official capacity not to disclose except for the proper performance of the functions attached to that official capacity, shall not make improper use of such information to gain, directly or indirectly, an advantage for himself or for any other person.

B 1654

Notice of
Local
Residence.

104.—(1) On or before the issuance of a mineral title, the applicant for the mineral title shall have informed the Mining Cadastre Office of its representative's postal address in Nigeria, and notice shall be immediately given by an applicant for or the titleholder of a mineral title of any change in the postal address, email address or identity of its representative.

(2) Any notice which is required to be given to a mineral titleholder shall be effective when made or given at the address provided pursuant to sub-regulation (1) of this Regulation.

Records and
Registers.

105.—(1) All mineral titles issued under the Act and these Regulations shall be prepared in duplicate, one copy being issued to the mineral titleholder and the other retained by the Mining Cadastre Office to be included in the appropriate register and serially numbered therein.

(2) The Mining Cadastre Office shall—

(a) keep a complete, up-to-date Priority Register of applications for exploration licences, small-scale mining leases, mining lease and quarry leases ; the register shall include the following information—

- (i) the licence or lease application ;
- (ii) the date and time the application registration receipt was issued ;
- (iii) the date on which the Director General notified the applicant that the application was granted or denied ;
- (iv) the date on which the licence or lease was issued or the application denied or found ;
- (v) any other information required by these Regulation to be made part of the Priority Registers ;

(b) keep a complete, up-to-date General Register of applications for reconnaissance permits and water use permits; which shall include the following information—

- (i) the permit application ;
 - (ii) the date the application registration receipt was issued ;
 - (iii) the date on which the Director General notified the applicant that the application was granted or denied ;
 - (iv) the date on which the permit was issued, or the application denied or found ;
 - (v) any other information required by these Regulations to be made part of the General Register ;
- (c) keep separate, complete and up-to-date mineral title registers for each of the following types of mineral titles—

- (i) reconnaissance permits ;
- (ii) exploration licences ;
- (iii) mining leases ;
- (iv) small-scale mining leases ;
- (v) quarry leases ;
- (vi) water use permits ;

(d) enter a record for each licence, lease or permit issued in the respective mineral title register, and such record shall include—

- (i) the duplicate licence, lease, or permit ;
- (ii) the licence, lease, or permit number ;
- (iii) the date of issuance ;
- (iv) the term and expiry date of the licence, or permit ;
- (v) name and address of the licence, lease or permit titleholder ;
- (vi) a description of the licence, lease, or permit area ;
- (vii) for any mineral title, the date on which the mineral title was found to be ;
- (viii) for a small-scale mining lease, mining lease, quarry lease or water use permit, the Cadastral Unit(s) in which the licence, lease or permit area lies and for an exploration licence, the area description, in accordance with the methods specified in Schedule 2 of these Regulations ;
- (ix) for a small-scale mining lease, mining lease, or quarry lease the minerals which are authorized for mining in the lease ;
- (x) for a small-scale mining lease, mining lease, or quarry lease, the newly discovered minerals which are authorized for mining in the lease ;
- (xi) for a small-scale mining lease, mining lease, or quarry lease, the date on which an Community Development Agreements, the subject of the lease, became effective ;
- (xii) for a small-scale mining lease, mining lease, or quarry lease the date any notification to abandon or permanently cease production was received by the Mining Cadastre Office ;
- (xiii) for a small-scale mining lease, mining lease, or quarry lease, the date on which it verified that work on the lease had been abandoned or had permanently ceased production ;

notification of
mineral title
abandonment

not received

Cadastral
Map

Cadastral Map

(xiv) for a mining lease, any notice served by the Mines Environmental Compliance Department pursuant to the Act ;

(xv) dates on which annual service fee was paid ;

(xvi) date of revocation or other form of termination ;

(xvii) any consolidation of like types of mineral title ;

(xviii) any assignments or transfers including legal succession ;

(xix) any other modification including renewal, area relinquishment, area enlargement and any charge or encumbrance in respect thereof ;

(e) keep a complete and up-to-date confidential file of all confidential reports submitted by mineral titleholders ; and

(f) keep a complete and up-to-date open file of all reports submitted by mineral titleholders that are not confidential.

(3) On payment of the fee set out in Schedule 1 of these Regulations, an applicant for a reconnaissance permit, exploration licence, mining lease, small-scale mining lease, quarry lease, or water use permit may obtain a certified copy of the records kept under sub-regulations 2(a) or 2(b) of this Regulation pertaining to his application.

(4) On payment of the fee set out in Schedule 1 of these Regulations, a mineral titleholder may obtain a certified copy of his licence, lease or permit and any report submitted by the titleholder to fulfil the obligations of the licence, lease, or permit.

(5) The registers listed in sub-regulation 2(c) of this Regulation and the open file reports described in sub-regulation 2(f) of this Regulation shall be readily and freely accessible to the Public during normal office hours at the Mining Cadastre Office.

(6) On payment of the fee set out in Schedule 1 of these Regulations, a member of the Public may obtain a certified copy of any document or record contained in the registers listed in sub-regulation 2(c) of this Regulation or any open file report described in sub-regulation 2(f) of this Regulation

Constitution
of Cadastral
Unit.

106.—(1) For the purposes of the operations of the mining cadastre, the surface area of Nigeria is divided into Cadastral Units in pseudo-squares of 15" x 15", in conformity with the grid defined by the geographic sexagismal co-ordinates in degrees, minutes and seconds represented at the edge of the Cadastral Maps.

(2) The system for identifying Cadastral Units is defined in Schedule 2.

Cadastral
Maps.

107.—(1) The Mining Cadastre Office shall organize and maintain current Cadastral Maps.

(2) Cadastral Maps are to be based on the official topographic map of the Federal Republic of Nigeria at 1 : 50,000 scale based on the ellipsoid of Clarke (1880) referred to as the Minna Datum.

(3) The Mining Cadastre Office shall have marked on the Cadastral Maps—

(a) all lands where mineral title applications are pending, except for reconnaissance permit application lands ;

(b) all lands where mineral titles, except for reconnaissance permits, are currently in force ;

(c) all lands closed to mining operations under the Minerals and Mining Act, if known ;

(d) all areas closed to mining operations declared under any law other than the Act and these Regulations, if known ;

(e) all lands requiring special approvals, terms and conditions to be met prior to approval being given to conduct mining activity, if known.

(4) The Cadastral Maps shall be readily and freely accessible by the Public during normal office hours at the Mining Cadastre Office.

108.—(1) The boundaries of a mining lease area small-scale mining lease area, quarry lease area, or water use permit area shall consist of vertical planes extending downwards from straight lines connecting surface demarcation points.

Demarcation
of Small-
Scale Lease
Area,
Mining
Lease
Area, Quarry
Lease Area
or Water use
Permit Area.

(2) The horizontal surface demarcation points of a mining lease area small-scale mining lease area, quarry lease area, or water use permit area shall be identified by markers set in or on the ground, which shall be positioned using the cadastral coordinates which define the inflection points of the polygon consisting of the Cadastral Units that comprise the lease or permit area.

(3) Unless a survey is requested by the Director General, surface demarcation points may be established using global positioning system (GPS) coordinates based on the transformation of cadastral coordinates and GPS coordinates and the Mining Cadastre Office shall provide for free, the parameters for the transformation between cadastral unit coordinates and GPS coordinates.

(4) The titleholder of a small-scale mining lease, mining lease, quarry lease or water use permit, or some person authorized on his behalf, shall—

(a) at every demarcation point described in sub-regulation (2) of this Regulation—

(i) where physically possible, insert a round post which shall not be less than 10 centimeters in diameter or a square post each side of which shall not be less than 10 centimeters in width, standing at least one meter above the surface and sunk not less than 50 centimeters in the ground. That part of the post above the surface shall be painted white. Where posts are of timber construction they shall be barked and dried of sap before use. There shall be engraved, or in some way durably marked, on each post the holder's name and lease or permit number ;

(ii) where it is not possible to insert a post as per sub-regulation (4)(a)(i), there shall be erected a cairn of stones or a concrete cone, at least 50 centimeters high in the place where the post should have been inserted. Stones, comprising the cairn or the cone shall be painted white. There shall be engraved or in some way durably marked on a stone or on the cone, the holders name and lease or permit number ;

(b) maintain all demarcation point markers during the term of the lease, or permit ;

(c) remove all demarcation point markers upon revocation or expiry of the Lease or permit.

(5) The field demarcation carried out under sub-regulation (4) of this Regulation shall be done at the expense of the mineral titleholder.

(6) A small-scale mining lease, mining lease, quarry lease or water use permit titleholder shall—

(a) complete the placement of all demarcation point markers in accordance with sub-regulation (4) of this Regulation within 30 days from the date of issue of the lease or permit, and

(b) submit an attestation to the Mining Cadastre Office, of the Boundary Marker Placement Attestation signed by the mineral titleholder (or his duly authorized representative).

(7) A small-scale mining lease, mining lease, quarry lease or water use permit titleholder shall not undertake any mining operations or water use in the lease or permit area until the requirements of sub-regulations (4) and (6) of this Regulation have been satisfied.

(8) If there is a contradiction between a field demarcation point established under sub-regulation (2) of this Regulation and cadastral coordinates defining that point, in relation to the cadastral unit comprising a part, or all, of the lease or permit area, the cadastral coordinates shall take priority.

(9) Any person may challenge the validity of the location of any demarcation marker by, in writing, requesting the Director General to order a survey of that marker's location.

(10) Upon the request of the Director General given at any time, the applicant for or the holder of a small-scale mining lease, mining lease, quarry lease or water use permit shall—

(a) have the land the subject thereof, or any part thereof specified by the Director General, surveyed or further surveyed to establish the positioning of demarcation points and boundaries ; and

(b) shall cause to be removed any miss-located demarcation point markers ; and

(c) shall place demarcation point markers at such locations as are determined by such survey.

(11) For the purposes of sub-regulation (10) of this Regulation, demarcation point marker locations shall be surveyed by a licensed surveyor within the meaning of the Surveyors Registration Council of Nigeria Act No. 44 of 1989.

(12) Liability at law shall not attach to the Ministry of Mines and Steel Development, the Mining Cadastre Office, Director General or any officer of the department for time being administering the Act or these Regulations for any error or inaccuracy in a survey carried out by a licensed surveyor for the purpose of this Regulation or for anything done or omitted to be done on the assumption that the survey was accurate.

(13) The applicant or holder to whom a request is made under sub-regulation (10) of this Regulation shall incur and be liable to pay all costs associated with the work carried out by a licensed surveyor under this Regulation.

(14) A licensed surveyor who holds or is entitled (directly or indirectly) to the benefits of any share or interest in a small-scale mining lease, mining lease, quarry lease, or water use permit or in an application for the grant of any of them, shall not carry out a survey of the land the subject thereof for the purposes of these Regulations.

109.—(1) The Mining Cadastre Office shall resolve any disputes resulting from the definition and demarcation of markers and boundary lines of areas subject to mineral titles and, in writing, notify the mineral titleholders of its resolution.

Boundary
Disputes.

(2) Any interested party may appeal against a resolution made by the Director General under sub-regulation (1) of this Regulation to the Minister within a period of 30 days from the date of the receipt of the notice of the resolution.

B 1660

(3) Mining Operations and Water use Operations shall not commence in any land that is subject to an unresolved boundary dispute.

PART III—MINES OPERATIONS
(MINES INSPECTORATE DEPARTMENT)

- 110.**—(1) A reconnaissance permit holder shall comply with all conditions and perform all obligations contained in the Act and these Regulations. Obligations of Reconnaissance Permit Holder.
- 111.**—An exploration licence holder shall comply with all conditions and perform all obligations contained in the Act and these Regulations. Obligations of an Exploration Licence Holder.
- 112.**—(1) The Mines Inspectorate Department shall from time to time prescribe the minimum annual working obligations of Exploration Licence holders. Minimum Work Obligations of Exploration Licence Holder.
- (2) Every exploration licence holder shall before commencement of work submit for the approval of the Mines Inspectorate Department the details of the work to be undertaken or a programme for carrying out any minimum work obligations imposed by the Ministry.
- (3) The holder shall expend on exploration in the licence area an amount which shall not be less than such amount to be determined by the Minister.
- (4) All works are to be done under the supervision of qualified and experienced professional registered with the Council of Mining Engineers and Geoscientist.
- (5) The content of the work programme shall include :
- (a) research and analysis ;
 - (b) boundary and control surveys and topographical mapping ;
 - (c) geological, geophysical and geochemical surveys ;
 - (d) general prospecting ;
 - (e) prefeasibility and feasibility studies ;
 - (f) preparation of reports in compliance with the Act and these regulations ;
 - (g) such other works as the Minister may prescribe.
- 113.** A Small Scale Mining Lease holder shall comply with all conditions and perform all obligations contained in the Act and these Regulations. Obligations of Small Scale Mining Lease Holder.
- 114.** Every holder of a mining lease or quarry lease shall :
- (a) comply with all conditions and provisions of the Act and these Regulations ;
 - (b) perform all obligations imposed on holders under the Act and these Regulations ; and
- Obligations of Mining Lease and Quarry Lease Holder.

(c) comply with all environmental and payment obligations and such other obligations which may be contained in any Community Development Agreement signed by the holder.

Plan of
Mining
Operations.

115.—(1) A mining lease, quarry lease or small-scale mining lease title holder shall before commencement of Mining Operations, prepare a plan of mining operations and thereafter :

(a) amend the plan of mining operations to reflect current operations and shall inform the Mines Inspectorate Department within 30 calendar days ; and

(b) keep record of every mineral found and ore reserve calculated on the area of the holder's lease.

(2) A mining lease, quarry lease or small-scale mining lease title holder shall submit a plan of mining operations to the Mining Cadastre Office, Mines Inspectorate Department, and Environmental Compliance Department :

(a) before commencement of Mining Operations ;

(b) When the mining operation is amended.

(3) A plan of mining operations shall be in line with *template D in schedule 5*.

Minimum
Work
Obligations.

116.—(1) The Mines Inspectorate Department shall from time to time prescribe the minimum annual work obligations for mining lease, small scale mining lease, and quarry lease holders.

(2) Every mining lease, small scale mining lease and quarry lease holder shall before commencement of work submit for the approval of the Mines Inspectorate Department the details of the work to be undertaken or a programme for carrying out any minimum work obligations.

(3) The holder shall expend on mining in the lease area an amount which shall not be less than such amount to be determined by the Minister.

(4) The content of the work programme referred to in sub-regulation (2) of this Regulation shall include where applicable or necessary :

(a) research and analysis ;

(b) boundary and control surveys and topographical mapping ;

(c) Geological, geophysical and geochemical surveys ;

(d) general prospecting ;

(e) prefeasibility and feasibility studies ;

(f) environmental impact assessment studies ;

(g) preparation of reports in compliance with the Act and these regulations ;
and

(h) such other works as the Ministry may approve.

(5) All works are to be done under the supervision of qualified and experienced

professional registered with the Council of Mining Engineers and Geoscientist.

(6) The holder shall submit reports and obtain approval when necessary on the quantity and means of production.

117.—A Water Use Permit title holder shall submit a plan of Water Use Operations to Mining Cadastre Office, Mines Inspectorate Department, and Environmental Compliance Department :

Plan of
Water Use
Permit.

(a) before commencement of water use operations ; and

(b) When the plan of water use operation is amended.

118.—(1) The holder of an exploration licence, mining lease, quarry lease, small-scale mining lease or water use permit shall commence mining or water use operations in the mineral title area only upon :

Pre-
Conditions
for
Commence-
ment of
Mining
Operations.

(a) the submission of :

(i) a copy of an approved Environmental Impact Assessment studies and mitigation plans to Mines Environmental Compliance Department.

(ii) a detailed work programme to be undertaken in the mineral title area to Mines Inspectorate Department for approval.

(iii) a copy of Community Development Agreement approved by Mines Environmental Compliance Department other than for an exploration licence ;

(iv) documentary evidence that mineral title holder has notified, compensated or offered compensation to the land owners and or occupiers ; and

(v) a plan of mining operations prepared in accordance with the provision of regulation 115.

(b) Completion of placement of all demarcation point markers defining the boundary of the mineral title area in accordance with the provision of regulation 108.

(c) Pursuant to sub-regulation (3) of regulation 109, that the mineral title area is free of any unresolved boundary dispute.

(2) Upon fulfillment of the conditions set out in sub-regulation (1) of this regulation, a mineral title holder shall commence mining operations in the mineral title area in the case of :

(a) Mining lease within 36 calendar months ;

(b) Exploration licence within 12 calendar months ;

(c) Quarry lease within 6 calendar months ; and

(d) Small-scale Mining lease within 3 calendar months of issuance of the mineral title.

119.—A mineral title holder shall subject to sub-regulations (1) and (2) of regulation 118 provide the Mines Inspectorate Department with a written notice :

Notice of
Commence-
ment of
Mining
Operation.

Powers of
Director of
Mines
Inspectorate
to Issue
Certain
Orders.

(a) Upon commencement of mine development work on the mineral title area ;

(b) Within 30 days from the start of mineral production ; and

(c) Within 30 days each time there is a significant change in capacity, stating the design capacity of the mine, or where the mining area is used solely for mineral processing the design capacity of the processing plant.

120.—The Director of Mines Inspectorate may, if he or she has reason to believe that any owner of a mine or the manager of such mine :

(a) has contravened or is contravening any provision of the Act, these Regulations or any guideline issued there under or has failed to comply with any such provisions ;

(b) has contravened any such provision in circumstances where it is likely that such contravention will be continued or repeated; Shall by notice in writing to the owner of the mine or the mine manager—

(i) stating the provision which is in his or her belief has been contravened; and

(ii) setting out the facts and grounds on which such belief is based ; and

(iii) requiring such owner or mine manager to remedy within such period as may be specified in such notice any matter so specified which has arisen in consequence of such contravention or to comply with any such provision within such period and such conditions, if any, as may be specified in such notice ; or

(iv) ordering such owner or mine manager to refrain from carrying out or to carry out, any actions specified in such notice.

Inspection of
Mining
Operations
by
Inspectors of
Mines.

121.—An inspector of mines or authorized officer may, at all times and upon production of an identity card with or without any notice enter upon any land, exploration or mining area or mine, or any factory or premises where minerals are kept or processed whether it is a subject of a mineral title or not for the purpose of :

(a) generally inspecting any such land or area, premises, workings or factory and examining, exploration or mining operations or the treatment of minerals being performed or carried on there ;

(b) taking soil samples or specimen of rocks, ore concentrates, tailings or minerals situated upon such land or area, premises, workings or factory for the purpose of examination ;

(c) breaking up the surface of any such land to ascertain the rocks or minerals within or under the land ;

(d) digging up any land and fixing any post, stone, mark or object to be used in the survey of such land ;

(e) examining books of accounts, vouchers, documents or records of any kind required to be kept under the Act and these Regulations, or the terms and conditions of any mineral title, and taking copies of such books of account, vouchers, documents or records ; or

(f) obtaining such other information or doing any other thing as he or she may deem necessary.

122.—(1) In discharging its supervisory functions, the Mines Inspectorate Department shall on routine basis inspect mining operations and exploration activities the subject of a mineral title for the purpose of :

Routine
Inspection.

(a) ensuring that mines operations or exploration activities are conducted in a safe and efficient manner ;

(b) enforcing the provisions of the Act and these Regulations to ensure that mineral title holders comply with the provisions ;

(c) ensuring that mineral title holders comply with minimum work obligations that may be imposed on them by the Ministry from time to time to be administered by the Mines Inspectorate Department ; and

(d) monitoring and evaluating mineral production to determine mineral royalty payable to the Government.

(2) In carrying out the routine inspection, the inspector of mines or any other officer empowered to do so may at any time with or without any prior notice and upon production of an identity card :

(a) enter, inspect and examine any land and site which is the subject of any mineral title ;

(b) enter any area, structure, vehicle, or building that, in his or her opinion, has been or is to be used for or in connection with exploration, mining or mineral processing operations ;

(c) examine and inquire into the condition and ventilation of any mine or any building used in or connected with exploration, mining or mineral processing operations and all matters relating to safety, welfare and health of persons employed in any such mine or building ;

(d) inspect and test any machinery, plant or equipment that, in his or her opinion, has been, is being or is to be used in connection with exploration, mining or mineral processing operations ;

(e) inspect the storage of explosives and any explosives that, in his or her opinion, have been, are being or are to be used in connection with exploration or mining operations ;

(f) inspect what arrangements have been made to protect the host community and the public against the hazards associated with mining operations and storage of tailings ;

(g) examine the arrangements for treatment of mine waste before it is finally disposed of, to minimize air and water pollution ;

(h) examine the plans for dumping operation and the safety precautions to be taken to avoid pollution of the environment or to minimize it ;

(i) request the assistance of the Nigerian Police Force, or any other persons, to provide him or her with necessary security and protection or otherwise needed for the lawful discharge of his or powers, duties or functions under the Act or these regulations ; and

(j) to do any other thing which will give effect to the provisions of the Act and these regulations.

(3) The notice of inspection shall be as in *Form 16 in schedule 3 to these Regulations*.

Mineral
Production
Return and
Royalty
Payment.

123.—The holder of a Mining lease, Quarrying lease, Small scale mining lease shall :

(a) render monthly mineral production returns to the Mines Inspectorate Department in accordance with *Form 17 in Schedule 3 to these Regulations* .

(b) declare the true and correct quantity of mineral won, sold or used, left on hand, amount of royalty payable, labour used and such other information required in the form ;

(c) pay the correct royalty due to The Government on the minerals sold or used at the prescribed rate in schedule 4 ; and

(d) ensure the submission of mineral return and payment of royalty on mineral won or sold before the 20th day of the succeeding month for which the return is made.

Deposit of
Tailings.

124.—(1) An application to deposit tailings shall be in *Form 18 in schedule 3*.

(2) A permit to deposit tailings shall be in *Form 19 in schedule 3* and shall specify the maximum amount of tailing which may be deposited in a natural watercourse by the holder of the permit.

Disposal of
Tailings and
Dumps.

125.—(1) Every title holder or mine operator shall :

(a) provide an effective management system for his tailings throughout the period of operation ;

(b) make adequate arrangements to protect the general public, particularly the host community from the risks associated with tailings storage ;

(c) ensure that tailings are properly treated before they are discharged into the watercourse ;

(d) ensure proper treatment of mine waste before final disposal to prevent air and water pollution and contamination ;

(e) provide adequate measures to minimize the effect of air pollution.

Procedure
Before
Dumping.

126.—(1) A title holder or mine operator shall at least 30 days before commencement of any dumping operations notify and obtain the approval of the Ministry through Mines Inspectorate Department in writing.

(2) The notice referred to in sub-regulation (1) of this Regulation shall :

(a) specify the material to be dumped ;

(b) give a description of the site ;

(c) state whether the dump shall be a classified dump or not ;

(d) state the manner in which the dumping operations are to be carried out ;
and

(e) explain the safety precautions to be taken to avoid polluting the environment and how the pollution to the environment shall be monitored and minimized.

(3) It is prohibited for a mine operator to dump any material which is wholly or partly in solution or suspension, or any solid material which may turn into a solution or suspension, over an area vertically above any mine workings, whether abandoned or not, or is within a horizontal distance of 100 meters from the line of break from which the mine workings intersects the surface.

127.—A title holder or mine operator shall :

(a) ensure that a dump is properly drained ;

(b) avoid carrying out any dumping operations that may cause accumulation of water in, under or near a dump, making the dump insecure or dangerous;

(c) ensure that the drainage from any dumping operation shall not enter any mine opening or subsiding ground over any mine workings, whether abandoned or not.

Drainage of
Dumps.

128.—(1) The holder of a Mining Lease, Small Scale Mining Lease and Quarry Lease intending to abandon or permanently cease production shall serve on the Mines Inspectorate Department, Mining Cadastre Office and Mines Environmental Compliance Department, a notice in *Form 20 in schedule 3*, 3 months before the intended abandonment.

Intention to
Abandon or
Cease
Production.

(2) The notice shall be accompanied by a report stating the details and reason or reasons for the abandonment.

(3) Upon receipt of the notice, Mines Inspectorate Department, shall make appropriate recommendation to the Minister with regard to the abandonment plan, and who on receiving the notice promptly order an investigation into the matter.

(4) Upon the receipt of the recommendation, the Minister shall within 10 days cause the matter to be investigated to determine the circumstance leading to the plan for the cessation or abandonment of production to advise the mineral title holder appropriately.

129.—(1) A holder of mineral title or mine operator who discovers a radioactive mineral or any material suspected to have radioactive elements shall within 24 hours, report the discovery to the :

Discovery of
Radioactive
Minerals.

- (a) Minister ;
- (b) the Mines Officer and the Ministry in charge of Science in the State where the suspected radioactive mineral is discovered ;
- (c) the State Mineral Resources and Environmental Management Committee.

(2) The Minister shall give necessary directives in relation to the said mineral and shall notify other relevant Ministries.

Inquiry into
Accidents.

130.—(1) If an accident occurs in any mine or in connection with mining operations resulting in death or serious injury to any person, the holder of the mineral title or his agent shall :

- (a) take such steps as may be necessary to ensure that the place where the accident occurred is not disturbed or in any way tampered with ;
- (b) take photographic or video recording of the scene of the accident ;
- (c) if necessary, order stoppage of work or operations ;
- (d) report the accident to the police immediately.

(2) Within 24 hours of the occurrence of the accident, a report shall be made to the following persons or bodies :

- (a) the Minister ;
- (b) the Mines Inspectorate Department in the State ;
- (c) the nearest Police Station.

(3) A report of an accident shall state :

- (a) the description of the mining area or site of the accident ;
- (b) the time and nature of the accident and how it happened ;
- (c) the nature or type of injury ;
- (d) the Police Station where the accident was reported ;
- (e) where death is recorded, the names of any deceased persons.

(4) The report of accident shall be in *Form 21 in schedule 3*.

Permit to
Export
Minerals for
Commercial
Purposes.

131.—(1) A person qualified for the issuance of permit to export minerals for commercial purpose shall be a person who holds a mineral title (other than a reconnaissance permit and exploration licence) or licence to possess and purchase minerals.

(2) An application for the issuance of permit to export minerals for commercial purpose shall be made to the Mines Inspectorate Department in the prescribed *Form 22 in Schedule 3*.

(3) The Director of Mines Inspectorate shall issue permit to export minerals for commercial Purpose in *Form 23 in Schedule 3* to a qualified applicant who has provided the following documents :

- (i) Certificate of Incorporation ;
- (ii) Three (3) years Tax Clearance Certificate of the company ;
- (iii) Evidence of registration with Nigerian Export Promotion Council ;
- (iv) Evidence of source of supply ;
- (v) Evidence of the payment of royalties on the minerals to be exported ;
- and
- (vi) Reason for exportation or contractual agreement with a foreign buyer.

132.—(1) An application for the issuance of a permit to export minerals solely for the purpose of analysis or experiment or as a scientific specimen shall be made in form 24 in *Schedule 3* to the Mines Inspectorate Department.

Permit to
Export
Mineral
Samples for
Analysis.

(2) The Director of Mines Inspectorate shall grant a permit to export minerals for analysis in Form 25 in *schedule 3* to the applicant who has provided the following documents :

- (a) Certificate of Incorporation if a body corporate or letter of introduction if a student or a Government Agency ;
- (b) Evidence of correspondence with the foreign laboratory where the analysis is to be carried out ;
- (c) Evidence of the payment of prescribed fee ; and
- (d) Evidence of source of supply.

(3) The Custom Officer in-charge of a Port (sea, air or land) shall seize any Mineral Commodity for export at the Port if the owner fails to present to the Custom Officer an export permit for sale or permit to export minerals for analysis issued under the Act and these Regulations.

(4) The Minerals so seized by the Custom Officer in charge of a Port shall be conveyed to the Mines Inspectorate Department within 72 hours of the seizure.

133.—(1) An application for the issuance of a Licence to purchase and possess minerals shall be in *Form 26 in Schedule 3* and shall be accompanied with the following documents :

Possession
and Purchase
of Minerals.

- (a) Certificate of Incorporation ;
- (b) 3 years Tax Clearance Certificate ;
- (c) An attestation of non-conviction for a criminal offence ;
- (d) Banker's Guarantee ;
- (e) Source of supply ;
- (f) Evidence of a technically competent person ; and
- (g) Payment of prescribed fee.

(2) In pursuance of Section 94 of the Act, the Director of Mines Inspectorate shall issue to a qualified applicant a licence to purchase and possess minerals in *Form 27 in Schedule 3*.

(3) The qualified applicant for the issuance of a licence to purchase and possess minerals shall be a body corporate duly incorporated under the Companies and Allied Matters Act.

(4) Obligations of holders of Licence to purchase and possess minerals shall include :

(a) maintenance of registers and books of accounts of minerals purchased and sale transactions books which shall be made available for inspection on demand ;

(b) rendering of monthly returns in *Form 17 in schedule 3* to the Mines Inspectorate Department ; and

(c) Payment of prescribed monthly royalty on mineral sold or used.

(5) The Licence to purchase and possess minerals shall be for a period of 12 months and shall be subject to yearly renewal upon payment of prescribed fee and fulfillment of obligations set out in sub-regulation 4 of this regulation.

(6) The Director of Mines Inspectorate shall suspend or revoke any licence to purchase minerals at any time if it is discovered that the holder has contravened any of the provisions of the Act or these Regulations or the conditions upon which the Licence is issued.

Registration
of Agents for
Movement
of Minerals.

134.—(1) The application for registration as an accredited agent shall be in *Form 28 in Schedule 3* and shall be made by the holder of a mineral title or licence to purchase and possess minerals on behalf of the Agent to the Mines Inspectorate Department.

(2) The Mines Inspectorate Department shall register a qualified person as an accredited agent of a company and issue such person with a letter of identity as accredited agent in *Form 29 in Schedule 3* to possess minerals on behalf of a lessee or Licence or holder of a licence to purchase and possess mineral.

(3) The requirements for registration as an accredited agent shall include the following :

(a) Letter of appointment and authorization issued to the person by the lease or licence holder ;

(b) The person's letter of acceptance of the offer ;

(c) 2 recent passport photographs of the person ;

(d) Copy of the mineral title or licence to possess and purchase mineral ;

(e) An attestation of non-conviction of the person for a criminal offence ;

(f) payment of the prescribed fee.

(4) The registration of an accredited agent and the identity letter issued to him shall remain in force except when :

(a) notice is received by Mines Inspectorate Department that the accredited agent has resigned his appointment or the holder of the mineral title or licence has disengaged the accredited agent from its service.

(b) The accredited agent or the mineral title or licence holder or both have contravened any provisions of the Act or these Regulations or convicted of a criminal offence by a court of law or the licence has been revoked, surrendered, cancelled or has expired.

135.—(1) A mineral processor shall before commencement of operation in any area which is not the subject of a mineral title held by the mineral processor obtain permit from the Mines Inspectorate Department subject to the following conditions :

Mineral
Processors.

(a) submission of an approved Environmental Impact Assessment to the Mines Environmental Compliance Department ; and

(b) submission of processing plant design to the Mines Inspectorate Department.

136. A mineral processor shall :

Obligation of
Mineral
Processors.

(i) render monthly returns in the prescribed *Form 17 in schedule 3*;

(ii) ensure that toxic materials are stored in safe and secure manner ;

(iii) ensure proper monitoring and disposal of wastes.

137.—(1) Application to retain or dispose of any minerals obtained in the course of an exploration shall be made in writing by the Licence holder to the Director of Mines Inspectorate, and the applicant shall :

Disposal of
Minerals
won under
an
Exploration
Licence.

(a) State the type and quantity of minerals in respect of which the application is made ; and

(b) Pay corresponding royalty.

(2) The Mines Inspectorate Department's consent to retain or dispose mineral shall be subject to confirmation by site inspection that the minerals were obtained in the course of exploration.

138.—(1) A mineral title holder shall render half yearly report in line with *schedule 5*.

Report.

(2) The report shall be accompanied by such plans or graphics as may be necessary.

139.—A mineral title holder shall :

Appointment
of Mine
Managers.

(a) in case of a mining lease, appoint and at all times have an experienced mining engineer who is registered with the Council for Mining Engineers and Geoscientists, as manager.

(b) in case of exploration licence or reconnaissance permit, appoint a prospector or a geologist who is registered with the Council for Mining Engineers and Geoscientists, as manager.

(c) inform the Mines Inspectorate Department in the State where the exploration or mine is located in writing of :

- (i) the opening or re-opening of a mine by virtue of any mineral title ;
- (ii) the appointment of a manager or prospector in terms of paragraphs (a) & (b) of this regulation ;
- (iii) the termination of any appointment referred to in this Regulation ;
- (iv) the change of ownership or name of such mineral title holder, within a period of 30 days or such longer period as the Mining Cadastre Office may allow after such opening, re-opening, appointment, termination or change.

PART IV—MINES HEALTH AND SAFETY

Accidents,
Dangerous
Occurrences
and
Diseases,
Records of
Accidents,
Dangerous
Occurrences
and
Diseases.

140.—(1) The mine manager shall cause :

- (a) a register to be kept and maintained of any accident, dangerous occurrences and diseases.
- (b) incident report to be prepared by the Health, Safety and Environment manager.
- (c) an extract from such register to be submitted to the Mines Inspectorate Department at the end of each quarter.

(2) The mine manager shall notify the Mines Inspectorate Department immediately of the outbreak of any contagious disease in a mine or mine settlement when any person employed in or at the mine contracts or dies of such disease.

(3) Such notification shall contain the particulars of the persons and of the illness so contracted.

Occupational
health
services.

141.—The Minister shall request mining company to submit in its Mine plan, potential cases of health hazards to be encountered in its mining or exploration activities and the proposed mitigation plans.

MINES WORKINGS

Surface Mine
Workings.

142.—(1) In surface mine workings the mine manager shall ensure that :

- (a) the overall pit slope formed by mining operations does not exceed an angle which could cause a failure of the wall or benches by sliding or collapsing ;
- (b) where benching is necessary, the height and width of benches shall be suitable for the type of equipment used ;
- (c) any object on the surface shall be cleared to a distance of at least three meters from the edge of such surface mine workings or such other distance therefore as may be determined by the mines Inspectorate Department and specified generally or in any particular case by notice ;
- (d) the ground conditions of the workings which create a hazard to persons are taken down, trimmed, scaled or supported before other work or travel is permitted in the area in which such hazard is created ;

(e) until loose objects or the hazard referred to in paragraph (c) or (d) is cleared, the areas shall be barricaded and sign posted at appropriate places at or near the place where such debris, loose material, stones or other objects or hazard are being cleared.

(2) No person shall :

(a) without the permission in writing of the *Mines Inspectorate Department* and on such conditions, if any, as may be determined by it, undercut any face so as to create any overhanging ;

(b) work or travel between machinery or equipment and the face where machinery or equipment may hinder escape from falls or slid ground ;

(c) enter or be deployed in the determined hazard zone of any machinery or equipment unless either the machinery or equipment is effectively immobilized or the person is permitted to do so by the operator of the machinery or equipment.

(3) No blasting shall be performed in surface mine workings which have approached within 100 meters, measured in any direction, of any underground workings other than abandoned or discontinued workings without the permission in writing of the Mines Inspectorate Department and subject to such conditions as may be determined.

143.—(1) In underground mine workings, the mine manager shall ensure that :

Underground
Mine
Workings.

(a) the dimensions of pillars created or left in any ore body shall be such as to ensure stability of workings during mining operations ;

(b) the dimensions of headings provide adequate clearance for any equipment used ;

(c) no extraction or reduction of pillars or blocks of minerals shall commence or carried on except with the permission in writing by the Mines Inspectorate Department and subject to such conditions as may be determined ;

(d) adequate steps are taken to isolate, control or remedy any premature or unplanned collapse of workings ;

(e) any workings which are in use shall be kept safe and that no person, except for the purpose of examining, repairing or making safe, travels or works in any part of such workings until it is made safe.

(2) The mine manager shall take necessary measures to ensure that :

(a) Mine roofs, hanging walls, footwalls and sides of road way, travelling ways and work places are adequately supported to guarantee safe operation ;

(b) all excavation and loading operations at mine sites are carried out in safe manner ;

(c) all excavations are stable ;

(d) that fences and gates are provided to secure any excavation or any other place that constitutes a danger so as to prevent any person or livestock from inadvertently entering or falling therein ;

(e) handrails, guards or fences of substantial constitution are provided and maintained in good order and safe condition on any elevation around the sheaves of head frames and platform around vats, bins or similar vessels containing liquids, poisonous or dangerous solutions or any submerged moving machinery.

(f) necessary steps are taken to prevent any person from entering an accumulation of water or mud in the working of a mine unless he or she is secured by a lifeline or wears a life jacket ;

(g) adequate precaution is taken to prevent danger to persons from falling objects ;

(h) no person works or climbs on top of any active surge, stockpile of broken rock, or unconsolidated material to which such rock or material is fed from above and withdrawn from below unless the person is wearing safety apparel and is duly authorized to fix fault in the system ;

(i) only competent person is allowed to perform any action to free a blockage in a chute loading installation or a rock pass in underground workings ;

(j) adequate storm water drains and or embankments are established and maintained in good order on surface for protection against flooding of the mine where persons are employed ;

(k) necessary measures and precautions are taken to prevent an inrush of water or other liquid matter into the working of a mine proposed to be carried out under or in the vicinity of the sea or any lake, river, or other body of water ;

(l) as soon as any seepage of water which is not normal to the mine occurs at any place in any working, such working is stopped immediately and a report made to the Mines Inspectorate Department ;

(m) drains are constructed, positioned and maintained so as to prevent water inadvertently entering a rock pass or forming dangerous accumulation in the working.

(3) The mine manager shall provide sufficient and conveniently located waiting places at the mine for the use of persons employed in or at such mine prior to their entering their workplaces and shall cause such waiting places to be kept in a clean and safe condition.

(4) No workings shall be made within a horizontal distance of 10 meters from the boundary of a mineral title area, except with the permission in writing of the Mines Inspectorate Department.

Ventilation.

144.—(1) The mine manager shall ensure that all accessible parts of the mine are ventilated in a manner adequate to :

(a) clear away smoke, steam and dust ;

(b) dilute gases that are flammable or noxious so as to render them harmless ;

(c) keep such accessible parts in a fit state for persons to work in or pass through.

(2) Any accessible part of a mine shall not be deemed to be adequately ventilated and fit for persons to work in or pass through, if :

(a) the air contains :

- (i) less than 19 per cent by volume of oxygen ;
- (ii) more than 5000 parts per million by volume of carbon dioxide ;
- (iii) more than 100 parts per million by volume of carbon monoxide ;
- (iv) more than 5 parts per million by volume of oxides of nitrogen ;
- (v) more than 20 parts per million by volume of hydrogen sulphide ;
- (vi) more than 2 parts per million by volume of sulphur dioxide ;
- (vii) more than 25 parts per million by volume of ammonia ;
- (viii) more than 5 parts per million by volume of aldehydes (as formaldehyde), or such other percentages or parts as may from time to time be determined by the Mines Inspectorate Department and made known by notice in writing to the mine manager.

(b) the concentration of airborne dust exceeds such standards as may from time to time be determined by the Mines Inspectorate Department and made known by notice in writing to the mine manager.

(3) The mine manager shall cause such steps to be taken as are necessary, in the case of underground workings, to prevent excessive rise of temperature or humidity which may be harmful to the health of persons at work and, in the case of surface workings, to protect such persons from adverse temperature and weather conditions.

(4) In treatment or processing plants, having regard to the operation or process carried on thereat, a reasonable temperature and movement of air shall be maintained and persons at work protected from direct exposure to sources of heat.

(5) The mine manager shall ensure that the ventilating current from a main intake airway shall be suitably split to provide each ventilating district at all times with a quantity of fresh air of not less than two cubic meters per minute per person employed in the ventilating district.

(6) The quantity of air :

(a) supplied at the working face of any development end, raise or winze which is being advanced and at the bottom of any shaft in the course of being sunk shall not be less than 9 cubic meters per minute for each square meter of average cross-sectional area of excavation ;

(b) required to dilute the exhaust gases from diesel engines shall not be less than 3.8 cubic meters per minute per kilowatt engine output based on the maximum rating of the engine.

(7) The velocity of air along the working face of a stop shall on average not be less than 15 meters per minute.

(8) Unless, in all parts of a mine required to be constantly ventilated, there is provided, by natural means, ventilation to the standards required by these regulations, the mine manager shall cause such mine to be provided with one or more main ventilating fans, and shall maintain such fan or fans in good working order.

(9) In a mine where a main mechanical ventilator is installed, the mine manager shall formulate a scheme for the control and operation of such fan.

(10) The mine manager shall, before an auxiliary fan is installed in underground workings, be satisfied that a sufficient quantity of air is reaching the fan to prevent recirculation of air.

(11) No person other than a person duly authorized by the mine manager shall stop, start or otherwise control the operation of auxiliary fans.

(12) The switchgear necessary to operate a fan shall be positioned in fresh air so that the switch can be operated from a position of safety.

(13) Where a place is provided with an auxiliary fan, no person shall remain in that place when the fan is stopped, unless duly authorized by the mine manager to do so.

(14) The mine manager shall cause any part of the workings which is not ventilated up to the standards prescribed in these regulations to be barricaded so as to prevent persons from inadvertently entering such part.

(15) Before any person enters any pit, tank, manhole, vessel, chamber or other place specified by the mine manager to contain or likely to contain any noxious or flammable fumes or gases, an atmosphere deficient in oxygen or radiating excessive heat, such pit, tank, manhole, vessel, chamber or place shall be examined by a competent person duly trained to conduct such an examination, and no person shall enter or remain in any such pit, tank, manhole, vessel, chamber or place, unless it is safe to do so.

(16) The mine manager shall cause any fire or furnace in a room or building to be provided with an efficient flue discharging to the outside atmosphere.

(17) The mine manager shall ensure that no dust, fumes or smoke from any dust or fume extraction system or from any other operation at the mine is discharged into the atmosphere unless adequate provision and suitable air quality monitoring arrangements have been made so as to ensure as far as is practicable that such discharge is harmless to the health of persons.

(18) When the presence of flammable gas is detected in any mine workings or any part of such workings, the mine manager shall immediately :

(a) suspend all work in such workings or part ;

(b) withdraw all persons from the ventilating district in which such gas is detected and erect barricades so as to prevent persons from inadvertently entering such ventilating district ;

(c) notify the Mines Inspectorate and Mines Environmental Compliance Departments of the presence of such gas ; and

(d) take such precautions as the Mines Inspectorate Department or Mines Environmental Compliance Department may determine to deal with the presence of such gas.

(19) The mine manager shall formulate a scheme for the control of airborne dust at the mine and in its vicinity.

(20) The mine manager shall make suitable arrangements so as to control airborne dust at all workplaces, loading and dumping points, transfer points, crushing stations and haulage roadways where hazards to persons may be created as a result of impaired visibility.

(21) The mine manager shall cause at any workings measurements to be made of

(a) the quantity and quality of air circulating in any ventilating district ;

(b) heat and humidity ;

(c) the amount of respirable dust in the air at places fixed in the main airways and at the workplaces.

(22) The measurements referred to in sub-regulation 21 of this regulation shall be made during the main working shift at intervals not exceeding three months or at such shorter periods as may be determined and in writing by the Mines Inspectorate Department a record of the measurements taken and samples analyzed shall be kept and the Mines Inspectorate Department may verify the measurements.

(23) In every mine having underground workings, the mine manager shall cause a plan, and where necessary, sections to be drawn in accordance with such conventions as may be determined by the mines Inspectorate Department which shall be indicated in a legend and to any convenient standard natural scale, showing the system of ventilation in the mine, and in particular :

(a) the direction and distribution of the air currents ;

(b) every location where air measurements are taken ; and

(c) every device for the regulation and distribution of air.

(24) The ventilation plan and sections referred to in sub-regulation (23) of this Regulation shall be maintained up-to-date within three months.

(25) A true copy of any plan or section required to be kept under these regulations shall be deposited at the office of Mines Inspectorate Department

(26) The mine manager shall ensure that at intervals not exceeding 6 months the copies referred to in sub-regulation regulation (25) are updated and redeposited at Mines Inspectorate Department.

Lifting
Machine and
Lifting
Tackle.

145.—(1) No lifting machine or tackle shall be used unless :

(a) it is of good construction, sound material, adequate strength and free from any visible defect ;

(b) it is so used that the safety of persons is not endangered ;

(c) it is provided, where practicable, with a brake or other device which automatically prevent inadvertent downward movement of the load when the raising effort is removed ;

(d) it is provided, where practicable, with a limiting device which will cut off automatically, the power when the load reaches its highest safe working position ; and

(e) the maximum load it is designed to carry is marked conspicuously and clearly on it; when the load varies with the conditions of use such as the varying angle of the jib, a table showing the maximum load for each condition shall be posted up in a conspicuous place easily visible to the operator.

(2) Any rope or chain forming part of a lifting machine shall have a factor of safety of at least 10 for fibre ropes and at least 6 for steel wire ropes and for chains, calculated its static load and when the load is shared equally by two or more ropes or chains the factor of safety may be calculated on the sum of their breaking loads.

(3) A steel wire rope shall not be used on any lifting machine unless the diameter and construction of such rope is suited to the diameter of drum, pulley or sheave on which it is used.

(4) Every windlass, crab, or winch operated by hand shall be fitted with a proper crank-handle for applying power and where persons are being raised or lowered, two such crankhandles shall be provided and at least one person shall manipulate each handle.

(5) Every hook used for lifting of loads shall be designed and proportioned, or shall be provided with a device so that no accidental disconnection of the load can take place.

(6) No person shall attach, cause or permit the attachment of any sling, rope or chain to any load, lifting machine or lifting tackle unless :

(a) it is so attached that no accidental disconnection can take place ; and

(b) the stability of the load and that of the lifting machine during lifting or transportation is ensured and maintained.

(7) No person shall be raised, lowered, transported or supported by means of a lifting machine except with the written permission of the Mines Inspectorate Department and subject to such conditions as may be specified.

146.—(1) Before any winding installation is installed, the mine manager shall submit to Mines Inspectorate Department :

(a) a plan showing the location of the shaft together with the general layout of the proposal ;

(b) details, including the factors of safety, winding machinery and any shaft conveyance ;

(c) particulars of any rope and any attachments to any shaft conveyance with its factors of safety ;

(d) details of the design of the headframe, associated bins and the provision to be made in the headframe to deal with overwinds.(2) The mine manager shall ensure that :

(a) any part of a winding installation, including the headframe, is of sound construction and adequate strength ;

(b) such installation is maintained in safe working order ;

(c) the engine of the winding installation is firmly connected to a rigid foundation and so designed, constructed and maintained that, with the power provided, the raising and lowering of persons, material or rock is carried out easily, regularly and safely.

(3) where the usual means of exit from underground workings is by winding :

(a) the winder is kept ready for use and, except in the case of an automatic winder, a winding engine driver remains in control of such winder while any person is underground ;

(b) the source of power to the engine of such winder is not cut off unless and until it is safe to do so.

(4) any winder is, in addition to any marks on the rope, provided with reliable depth indicators.

(5) (a) any winder is fitted with a speed indicator and a tachograph, and is used and maintained in working order ;

(b) the maximum speed at which the winder shall run safely is fixed, as approved by Mines Inspectorate Department.

(6) any winder is provided with an automatic contrivance so as to prevent over winding and over speeding.

(7) in the shaft headframe or tower a device is provided which shall cut off the power from the winding engine and bring the winding drum or driving sheave to rest by automatic application of the brakes before any shaft conveyance, counterweight or attachments reaches any permanent obstruction to its passage.

(8) each drum of any double drum winder is provided with one or more brakes or, in the case of a single drum winder, the drum of such single drum winder and the driving sheave of any friction winder is provided with two or more brakes.

(9) any winder is provided with a conveniently located emergency stop switch for the purpose of stopping the engine and applying the brakes ;

(10) a shaft conveyance in which persons are travelling shall not be accelerated or decelerated by the winding engine at a rate greater than 1.5 meters per second per second, except in the case of an emergency, when deceleration shall not be more than 5 meters per second per second.

(11) any device provided to permit backing out from an overwound position, responds to manual control only and permits withdrawal from the overwind position.

(12) any winding drum has flanges or horns, and if conical or spiral, such other appliances so as to prevent the rope from slipping off or coiling unevenly.

(13) (a) the diameter of the driving sheave of a friction winder, when measured at the bottom of the rope groove, is not less than :

(i) 100 times the diameter of the winding rope when locked coil ropes are used ;

(ii) 90 times the diameter of the winding rope when flattened strands are used ;

(b) the grooves of a multigrooved sheave are of substantially the same root diameter.

(14) (a) the diameter of any deflecting sheave in a friction winding system is not less than 0.9 times the diameter of the corresponding driving sheave ;

(b) the angle of contact of the rope on a deflecting sheave is of such a nature so as to prevent the rope slipping on the sheave.

(15) any friction winder is provided with :

(a) a device which shall indicate slip of the rope relative to the driving sheave and stop the winder if a predetermined rate of slip is exceeded ; and

(b) a device for indicating in which direction the driving sheave is turning.

(16) any winding drum at the driver's right hand side shall have overlay rope; where only one drum is used, it shall have overlay rope ;

(17) the operating mechanism of a clutch of any winding drum is provided with a locking arrangement.

(18) (a) no rope, bar, link, chain or other connection is used for winding purposes, unless it is of good quality and adequate strength ;

(b) only steel wire rope is used for winding purposes and the gauge of the wires used in the construction of such ropes is suited to the diameter of the sheaves and drums.

(c) no rope which has been joined in any manner is used.

(19) at any shaft which is used for the raising and lowering of persons, a shaft conveyance is provided for the conveyance of persons in a safe manner.

(20) (a) the attachments between any winding rope and the shaft conveyance or counterweight ; any balance rope or tail rope and the shaft conveyance or counterweight; any connecting rope and the shaft conveyance and any other attached shaft conveyance, are of such a nature that no accidental disconnection can take place.

(b) means of securing a winding rope to a shaft conveyance or counterweight shall be of a proven design.

(21) where winding is carried on in a shaft there are fitted above the bank, spring keys or jack catches or some other contrivance to support any shaft conveyance detached from the winding rope as a result of an overwind.

(22) in a winding system in respect of which the winding rope is not fastened to the winding drum :

(a) the headgear is carried sufficiently high to allow a clearance of at least 7.5 meters in which the shaft conveyance can travel above or beyond the highest station for persons ;

(b) the shaft is carried sufficiently deep to allow an overrun space of at least 7.5 meters in which the shaft conveyance can travel below or beyond the lowest station for person ;

(23) (a) no person shall travel in or on a shaft conveyance, unless he or she is duly authorized to do so.

(b) a notice showing the maximum number of persons permitted to travel in a shaft conveyance at any one time to be prominently displayed on the outside of the shaft conveyance, at the bank and at any station from which winding is carried on ;

(c) where the conveyance of persons is not permitted in any shaft, a notice to that effect to be prominently displayed at the bank and at any station from which winding is carried on.

(d) no person shall travel in a shaft conveyance if such conveyance is loaded or partially loaded with rock; used simultaneously for the winding of rock; in or contains timber, pipes, rails, explosives, or any other material or substance likely to endanger the safety of persons ;

(24) proper provision is made at the bank and at any station for persons to embark and disembark from a shaft conveyance safely.

(25) (a) where a winder is provided with two drums no person, except in an emergency, shall be raised or lowered in a shaft conveyance while one of the drums is out of gear and loose on the drum shaft on which it operates.

(b) in the case of a double drum winder with one drum out of gear the mine manager shall ensure that such drum is prevented from revolving whilst out of gear.

(26) the total mass attached to the winding rope when persons or material are conveyed does not exceed 0.9 times the mass attached to the winding rope when rock is conveyed.

(27) a friction winder is not loaded to the extent that will require more than 70 percent of the available friction torque.

(28) a shaft conveyance is not used for the raising or lowering of persons until it has made at least one complete trip up and down the working portion of the shaft following any repairs to the winding installation.

(29) a driver's logbook is kept in the winding engine room in which shall be recorded :

(a) any special instructions involving the safety of persons given to the winding engine driver and the time such instructions were given ;

(b) the contents of the shaft conveyance and the last signals received by the winding engine driver when his or her relief is about to take over, and such report shall be countersigned by the winding engine driver by whom he or she is relieved.

(30) no winding operation is carried on in any shaft or a headgear while persons are engaged in effecting repairs, conducting an examination or doing other work in such shaft or headgear, except when it is considered safe.

(31) any shaft in which winding is carried on other than a shaft in the course of being sunk is provided with an efficient and safe signaling system in respect of each winder.

(32) The mine manager shall cause a rope used on a drum winder to be recapped at intervals not exceeding six months or at such shorter intervals as Mines Inspectorate Department may determine.

(33) (a) Any shaft other than a shaft in the course of being sunk, shall be provided with guides.

(b) A guide rope shall not be used if the breaking force at any point in such ropes is less than 6 times the effective combined weight of the rope and its tensioning weight.

(34) (a) Except in an emergency no person, material or rock shall be lowered by means of the brake alone.

(b) The winding engine driver shall ensure that while persons are embarking or disembarking from a shaft conveyance, the brake is fully applied.

(35) No person shall enter or have access to, continue to travel in, leave, a shaft conveyance, unless and until the appropriate signals have been exchanged.

(36) Where a winder is capable of operation under push button control, the mine manager shall cause a radio communication device to be provided inside any shaft conveyance used for the conveyance of persons for purposes of communication from within the shaft conveyance to surface.

(37) No person shall :

(a) enter or be permitted to enter any winding engine room unless he or she is authorized to do so by the mine manager ;

(b) in any way distract the attention of the person operating a winder while it is in motion.

(38) (a) No unauthorized person shall give any signal other than an accident signal, or shall in any manner whatsoever interfere with the signaling arrangement provided for winding operations.

(b) No person shall be permitted to carry out the duties of a banksman or onsetter unless he or she is trained and is competent to do so.

(c) No person, other than the banksman or onsetter on duty, shall give or shall be caused or permitted to give any signals for the raising or lowering of persons, material and minerals.

(39) (a) Nobody shall drive a winding plant, for which a prescribed permit has been issued unless he or she is a certificated winding engine driver.

(b) No person shall speak to or distract the attention of the person operating a winding-engine while in motion, except a person in authority, and only in cases of emergency.

(c) The driver of a winding engine shall operate the engine in a safe manner :

147.—The mine manager shall :

(1) formulate a scheme to regulate the safe movement of any vehicle in use on any road in or at the mine.

(2) The scheme referred to in subsection (1) shall include provisions regarding the :

(a) maximum speed at which any vehicle may run ;

(b) maximum load to be conveyed by each vehicle ;

(c) operating procedures to be followed;

(d) types and kinds of lights, including headlights, tail lights or clearance lights, with which trackless vehicles shall be equipped ;

(e) special precautions to be taken at specified points on the haulage system ;

(f) conditions under which conveyance of persons may be permitted.

148.—(1) The mines manager shall :

(a) formulate a scheme for the systematic examination and maintenance of vehicles, tracks and all other equipment used in the operation of haulage systems ;

(b) ensure that the results of such examinations and tests are recorded.

Haulage and
Transport.

Scheme for
Examining
and
Maintaining
Haulage
Systems.

LOCOMOTIVES

(2) ensure that any locomotive is equipped with the following devices and systems, namely :

- (a) effective headlights and rear lights ;
- (b) at least two braking systems ;
- (c) an effective audible warning device ;
- (d) a sand box ;
- (e) a speedometer ;
- (f) controls so placed that the driver can simultaneously operate them and see ahead without leaning out of the locomotive ;
- (g) a suitable dead-man control ;
- (h) a fixed seat for the driver.

(3) ensure that a locomotive shall :

- (a) not be used on any track where the gradient exceeds eight per cent ;
- (b) not be left unattended unless brakes of sufficient strength to hold the whole train stationary have been applied ;

(4) ensure that :

- (a) stopblocks, derail devices or other adequate means shall be installed where necessary to protect persons from runaway or moving trains ;
- (b) that rails, joints, switches and other elements of any rail track as well as bridges, culverts and other structures supporting are designed, installed and maintained in a safe manner consistent with the speed and type of haulage.

TRACKLESS VEHICLES

(5) ensure that :

(a) any self-propelled trackless vehicle is equipped with the following devices and systems :

- (i) effective lights, both front and rear ;
- (ii) at least two braking systems ;
- (iii) an effective audible warning device ;
- (iv) a speedometer ;
- (v) a fixed seat for the driver ;
- (b) the braking system is capable of effectively stopping and holding the vehicle stationary when fully loaded, under any condition of operation when driven correctly ;
- (c) the design and layout of the operator's cab is, as far as is practicable, such as to give protection to the driver against environmental hazards including inclement weather, heat, cold, noise and airborne dust ;

(d) the operator's cab of any vehicle used for rock haulage is constructed so as to resist damage by spillage ;

(e) the cab windows consist of safety glass.

(f) a vehicle shall not be left unattended, unless all operating controls are in the neutral position and the brakes are set or other equivalent precautions are taken to guard against rolling.

MINE ROADS

(6) (a) that the gradient and radius of any part of a road on a mine shall be such that vehicles can negotiate the road safely;

(b) where persons are permitted to work or travel on roads used by vehicles and mobile equipment which may endanger the safety of such persons, refuge bays of appropriate dimensions are provided at suitable intervals for them to take shelter ;

(c) any single-lane road is, where appropriate, provided with :

(i) passing places, the whole of which shall be visible from both ends, or

(ii) adequate means of regulating the movement of vehicles.

(d) the safe travelling width of a road in opencast workings between any bench face and edge of that bench is clearly demarcated ;

(e) such signs as may be necessary to control the speed and movement of vehicles making use of the roads are erected at suitable places ;

(f) any road with a planned gradient exceeding five per cent is, where practicable provided with :

(i) emergency escape roads, which shall be spaced throughout the length of such road and will ensure that a runaway vehicle entering an emergency escape road can be safely brought to rest ;

(ii) in the case of a road on the surface or in opencast workings, a shoulder barrier.

DRIVING OR OPERATION OF MINE VEHICLES

(7) (1) No person shall drive or operate any mine vehicle :

(i) on a road in or at a mine, unless he or she has been duly authorized to do so and has received adequate instruction and training for the duties he or she has to perform ;

(ii) in such a manner as to endanger the safety of persons and or private property.

(2) A driver or an operator of a mine vehicle shall :

(a) ensure that the brakes; the warning devices and the lights, when used between the hours of sunset and sunrise on surface or at any other time whenever necessary, and at all times when used in underground workings, are in good working order.

(b) not leave the controls of his or her vehicle unattended while :

- (i) the bucket of the front-end loader, backhoe or other excavating machine ;
- (ii) the blade of a bulldozer ;
- (iii) the platform or forks of a fork lift truck ;
- (iv) the load on a crane or other hoisting machinery, is in a raised position, unless it is safely supported by a suitable prop or props or the area is safely guarded or fenced.

(3) The mine manager shall ensure that :

(a) no ropeway and no vehicle running on rails which uses a ropeway system is used for the purpose of conveying persons to and from their workplaces, unless such system has been specially designed for the conveyance of persons ;

(b) any vehicle running on rails which is used for the conveyance of persons is provided with such safety devices as are necessary to prevent accidents likely to cause bodily injury to persons and that such devices are properly maintained ;

(c) where a track leads up to a shaft, a sufficiently strong stop block or other suitable device is installed on the track to prevent a tub, mine car or locomotive from accidentally entering the shaft.

(d) No person shall ride in or on any vehicle, unless suitable and adequate provision has been made for the purpose.

(e) No person shall board or alight from a moving vehicle.

SCHEME FOR SAFE CONDUCT OF HAULAGE OPERATIONS

(8) Where haulage is effected manually, the mine manager shall formulate a scheme for the safe conduct of the operations.

CONVEYORS

(9) (1) At any mine where a conveyor is used, the mine manager shall formulate a scheme for the installation, operation and maintenance of the conveyor system.

(2) The mine manager shall ensure that :

(a) any conveyor belt which is installed or used in underground workings is, as far as is practicable, of incombustible or fire resistant material ;

(b) any belt conveyor is provided with :

(i) an audible warning device which shall be sounded before starting the belt ;

(ii) effective means within reach of persons to stop the belt from any point along its entire length but which shall not be capable of re-starting the belt ;

(iii) that suitable and adequate means for extinguishing fire are available for immediate use along any belt conveyor.

(c) where two or more conveyors are used in series, sequence interlocking is provided which will automatically—

(i) stop all belts feeding a belt that has stopped;

(ii) prevent a belt from starting until the belt on to which it feeds is moving ;

(d) where practicable, walkways fitted with suitable safety rails are provided at all elevated parts of conveyors for the safe passage of persons engaged in making examinations and repairs ;

(e) moving conveyors are not crossed except at designated places where cross-over or cross-under bridges are to be provided ;

(f) where the inclination of a conveyor is such as to give rise to danger from sliding objects, suitable devices are used to provide adequate protection against such danger.

(10) No person shall :

(a) enter any space underneath a conveyor, unless adequate precautions have been taken to ensure the safety of any person entering such space ;

(b) ride on a conveyor belt unless specifically designed for that purpose ;

(c) carry out any work on any part of a conveyor whilst that conveyor is in motion, unless authorized to do so.

149. The mine manager shall ensure that—

(1) (a) machinery used in connection with the working of a mine is of good design, sound construction, suitable material, adequate strength, free from defects, properly maintained and operated in a safe manner ;

(b) no person uses, operates, supervises or controls any machinery unless he or she has received adequate instruction and training for the duties he or she has to perform and has been duly authorized to do so by the mine manager ;

(c) person, employed in close proximity to moving machinery wears or is permitted to wear protective clothing so as not to endanger himself or herself ;

(d) any reasonable precaution is taken in connection with the use of machinery so as to ensure that the safety of persons employed on or about such machinery is not endangered.

(2) A person authorized to use, operate, supervise or control any machinery shall not absent himself or herself from, or cease to have effective supervision or control of such machinery while it is required to be used, unless relieved by another duly authorized person.

(3) (a) any exposed machinery which, when in motion, may be dangerous to any person is securely fenced off ;

Machinery
Design, Use,
Operation,
Supervision
And Control
Of
Machinery.

(b) efficient guards are provided to such parts of any machinery as may be a source of danger to any person.

(c) no person shall willfully or negligently damage or, without proper authority, remove or render useless any fence, guard, structure or any other safety provision or enter such fenced off area.

(4) compression-ignition diesel and electrically operated engines shall be used in underground workings.

(5) The mine manager shall formulate a scheme for the systematic examination and, where required, maintenance of machinery so as to ensure the safe operation thereof.

(6) (i) No person shall set any machinery in motion unless he or she has taken all reasonable precautions to ensure that no person can be endangered thereby.

(ii) The mine manager shall ensure that any machinery used in the working of the mine is provided with a suitably located starting and stopping appliance.

(7) (a) The mine manager shall take such steps as may be necessary to ensure :

(i) that when any machinery is stopped for repair, maintenance or cleaning purposes the power supply to such machinery is isolated and locked out ;

(ii) that suitable warning signs or notices are posted at the switch and signed by the persons who are undertaking such repairs, maintenance or cleaning ;

(iii) that such locks, signs or notices are removed only by the person who posted such signs or notices.

(b) The mine manager shall ensure that :

(i) automatic devices for lubricating machinery whilst in motion are provided wherever practicable ;

(ii) where it is impracticable to stop any machinery, the repairing, adjusting, testing, examining, cleaning or lubricating of any such machinery in motion is undertaken by a competent person.

(8) Any person authorized to use, operate, supervise or control any machinery shall :

(a) before commencing work ensure that such machinery is in safe working condition ;

(b) should any machinery during use appear in any way to be or to have become dangerous, immediately stop such machinery ;

(c) until such time as the defect has been rectified, not use such machinery.

150.—(1) The mine manager shall take such steps as may be necessary to ensure that any :

(a) electrical apparatus used in connection with the working of a mine is of suitable design, sound construction, suitable material, free from any defects, properly maintained and protected in such a manner that no person can be injured by inadvertent contact with any live portion ;

(b) place where electrical apparatus is installed and which may constitute danger to persons is adequately fenced off or effectively enclosed.

(2) The mine manager shall ensure that :

(a) any electrical installation and power line is provided with adequate protective devices and controlling apparatus which shall, as far as is practicable, automatically isolate the power supply in the event of a fault developing on such installation or power line ;

(b) switchgear is designed that it cannot be closed accidentally by gravity, impact or any other cause and is provided with a cover to prevent accidental contact with live parts ;

(c) any controlling apparatus is marked or labeled prominently so as to identify the system or part of the system or the electrical machinery which it controls.

(d) whenever work is to be carried out on electrical apparatus which has been isolated from all sources of supply and locked out, effective precautions are taken to electrically discharge such apparatus and any other electrical apparatus which may be interlinked by earthing or other means before it is handled to prevent any conductor or apparatus from being made live accidentally or inadvertently while any person is working thereon.

(e) no person interfere with or render ineffective any protective device.

(3) The mine manager schematic diagrams showing the up-to-date position of all permanent high tension electrical equipment are kept.

(4) (a) at places where electrical apparatus is installed which may constitute a danger to persons, notices are prominently displayed :

(i) prohibiting any unauthorized person from entering, handling or interfering with apparatus ;

(ii) containing directions as to the procedure to be followed in case of fire ;

(iii) containing directions on the rescue and first aid treatment of persons suffering from electric shock or burns.

(b) Any person working with electrical equipment shall acquaint himself or herself with the notices posted under subsection (1) and shall act in accordance with the directions therein.

(5) (a) any enclosed premises housing switchgear and transformers are :

(i) of adequate size so as to provide safe working space for operating and maintenance staff ;

(ii) constructed in such a manner that persons cannot reach in and touch bare conductors or exposed live parts of the electrical machinery ;

(iii) sufficiently ventilated to maintain the equipment at a safe working temperature ;

(iv) where necessary, provided with lighting that will enable all equipment, thoroughfares and working areas to be clearly distinguished and all instruments, labels and notices to be easily read ;

(v) provided with unobstructed doors or gates which open outwards ;

(vi) as far as is practicable, constructed so as to be proof against rodents, leakage, seepage and flooding.

(b) no person other than an authorized person enters premises housing switchgear of transformers.

(6) (a) The mine manager shall formulate a scheme with respect to the installation, re-installation and use of electrical apparatus at the mine.

(b) The scheme referred to in subsection (a) shall include provisions concerning the :

(i) examination and testing of all electrical equipment before it is energized after installation or re-installation ;

(ii) systematic examination and testing of all electrical apparatus to ensure proper maintenance thereof ;

(iii) nature of the examination and testing to be carried out ;

(iv) procedure to be followed and precautions to be taken to ensure the safety of persons working on electrical apparatus ; and

(v) identification of installations and the recording of the results of examinations and tests.

(7) (a) any accessible metallic portion of electric plant or apparatus which, though not normally forming part of an electrical circuit, may accidentally become live, is either protected by insulating material or is connected to earth by a conductor of adequate cross-sectional area so as to prevent danger to persons ;

(b) the cross-sectional area of any earthing conductor is calculated to be capable of withstanding the maximum possible earth fault current condition.

(8) (a) a suitable method of earth leakage protection is, as far as is practicable, provided for all alternating current circuits operating above extra low voltage ;

(b) earth leakage protection equipment is provided with means by which tests of its operation may be made ;

(c) earth leakage protection equipment is rated for operation at not more than 300 Mega ampere.

(9) suitable equipment is provided to protect any electrical installation from abnormal voltage due to atmospheric electric discharges and switching surges.

(10) The mine manager shall ensure that :

(a) any cable is properly placed, attached, connected and supported ;

(b) the covering of an electric cable is :

(i) in the form of tape or tube enclosing one or more conductors to provide adequate mechanical protection ;

(ii) continuous throughout ;

(iii) securely attached to the apparatus to which such cable is connected ;

(iv) suitably bonded at junctions.

(11) (a) only a flexible cable or trailing cable shall be used in connection with the operation of :

(i) any self-propelled mobile machine ;

(ii) movable electrical apparatus;

(iii) portable electrical apparatus ;

(b) that any flexible cable or trailing cable is screened, where necessary, and such screens are earthed ;

(c) that, when blasting is to be carried out, cables are suitably protected from damage or be removed from the site prior to blasting ;

(d) that at any point where any flexible cable is joined to a main cable, a switch is provided to cut off the current from the flexible cable.

(12) signal and telephone cables are not allowed to come into electrical contact with each other or with any other electrical conductor.

(13) no person operates any electrical apparatus, unless he or she has been instructed on its use and has been duly authorized to do so.

(14) A person who operates a portable electrical machine shall :

(a) carefully inspect the machine and the flexible cable attached thereto prior to operating the machine ;

(b) on observing any defect shall not start the machine until the defect has been rectified ; and

(c) satisfy himself or herself that the electric current is cut off from the flexible cable and machine before leaving the workplace.

(15) The mine manager shall take such steps as may be necessary to ensure that :

(a) current is switched off from all conductors and apparatus which are not in use ;

(b) no work is undertaken on any live conductor or live part of apparatus provided that where the apparatus must be live for the purpose of examination,

adjustment, testing, repair or other work, such work may only be undertaken by a person duly authorized to do so ;

(c) any insulating material is suitable for the purpose for which it is used ;

(d) provision is made to confine safely any oil or other fluid which may escape from electrical apparatus ;

(e) as far as is practicable, no metal ladder or ladder with metal reinforced tiles may be used for examination, repair or other work necessitating dangerous approach to or work on electrical apparatus.

(f) no object is brought closer to a live power line than the distance specified in the following table.

(i) up to 250 kilovolts 2 meters

(ii) 251 to 400 kilovolts 3 meters

(iii) above 400 kilovolts 4 meters

(16) Any person employed in or at a mine shall immediately report overheating, arcing, electrical shock or damage relating to any electrical installation or apparatus which may come to his or her knowledge.

(17) The mine manager shall, where explosive or flammable atmosphere is encountered, adopt such precautions, apparatus and methods of installation as may be specified by the Mines Inspectorate Department.

Protective
Equipment,
Clothing and
Devices.

151.—(1) The mine manager shall ensure that :

(a) a scheme is formulated for the identification of any harmful physical and chemical agents or other hazards present in the working environment.

(b) any area identified as hazardous is properly sign posted by which means persons employed or otherwise present in or at a mine are warned of the possible hazards.

(2) persons employed or otherwise present in or at a mine are provided with :

(a) suitable protective equipment, clothing and face shields or goggles when engaged in welding or grinding or cutting or working with molten metal or when other hazards exist ;

(b) suitable protective clothing to cover the whole body when handling corrosive or toxic substances or other materials which may cause injury to skin ;

(c) protective gloves when handling materials or performing work which may cause injury to hands ;

(d) safety helmets where falling objects may create a hazard ;

(e) suitable steel toe safety boot for either dry or wet application ;

(f) safety harness and/or belts where there is danger of falling from a height ;

- (g) life jackets or lifelines where there is danger of falling into water ;
- (h) closely fitting clothing when working around moving machinery ;
- (i) waterproof work garments when working under wet conditions ;
- (j) fluorescent strips for safety helmets and highly visible clothing, where necessary ; and
- (k) special protective equipment, clothing or devices when, in the opinion of the mine manager, they require such equipment, clothing or devices.

(3) Any person employed or otherwise present in or at a mine shall not use any protective equipment, clothing or devices other than such equipment, clothing or devices as are approved by the mine anager.

(4)(a) no person employed in or at a mine while at work shall be exposed to a daily noise dose or peak noise level that is in excess of 90 decibels.

(b) Where at any place in a mine it is not practicable to comply with the standards specified under subsection (a), the mine manager shall ensure that persons at such place are provided with hearing protection equipment and such equipment is constantly used.

(5) Where at any place in a mine it is not practicable to comply with the standards specified in these Regulations, the mine manager shall supply to and cause to be constantly used such appliances as will prevent the dust from being breathed by persons.

PROTECTION AGAINST IONIZING RADIATION

(6)(a) The mine manager shall establish a code of practice to ensure that exposures of radiation will not give rise to unacceptable levels of risk and that sources of such exposures are identified, quantified, controlled and minimized.

(b) The code of practice will be based on the recommendations of the International Commission on Radiological Protection (ICRP) and the International Atomic Energy Agency (IAEA).

(7) The mine manager shall, as far as is practicable, take such measures as may be necessary to minimize the adverse effects of vibration on the health of persons employed in or at a mine.

(8) The mine manager shall ensure that :

(a) where molten material is handled care is taken to minimize the possibility of spillage or explosion which could create a hazard to the safety of persons ;

(b) adequate precautions is taken at all ash pits, ash heaps and other places where there are hot or molten material to ensure that no person is endangered by such material ;

(c) notices are posted at conspicuous places warning persons of the danger.

(10) at any place in a mine where poisonous, toxic or hazardous substances are used or produced :

(a) there is kept available for use in a conspicuous place, a sufficient supply of satisfactory antidotes, washes and showers as near such substances as is practicable ;

(b) such antidotes and washes are properly labeled with instructions for their use ;

(c) persons at such places are informed of the possible hazards that may arise there and the precautions to be taken to guard against the same.

(11) access to any poisonous, toxic or hazardous substance be restricted to duly authorized persons employed or otherwise present in or at a mine, and such substances be kept under lock and key.

(12) If in the opinion of the Mines Inspectorate Department any protective equipment, clothing or device provided by the mine manager is insufficient or inadequate, Mines Inspectorate Department shall require that additional or more suitable equipment, clothing or device be provided.

(13) The mine manager shall :

(a) on the surface and in the underground workings of the mine, ensure that sufficient and suitable latrine facilities of a high hygienic standard are provided and maintained for both sexes ;

(b) ensure that such latrines are adequately ventilated, illuminated and disinfected and kept in a clean condition.

(c) ensure that no person pollute the workings with faces or urine.

(14) The mine manager shall ensure that :

(a) suitable places be provided in a dry and well ventilated area which is maintained free from dust, vermin and any hazardous substance where persons employed in or at a mine may eat their meals ;

(b) water for washing be made available within a reasonable distance of such eating places ;

(c) an impervious receptacle with a lid be provided at the eating place and all waste food, paper and other rubbish shall be deposited in that receptacle which shall be emptied and cleaned at regular intervals, and be consistent with the accepted standards of hygiene.

(15)(a) sufficient supplies of safe drinking water must be provided in or at a mine, at points reasonably accessible from workplaces.

(b) all taps or pipes containing water which is not fit for human consumption are clearly marked.

(16) The mine manager shall provide suitably designed change houses commensurate with the number and gender of employees at any mine under his or her supervision and control where underground workings are undertaken and, if considered necessary by the Mines Inspectorate Department, at other workings for persons employed in or at such mine to wash themselves and change their clothes before leaving the mine.

(17)(a) No person shall or be permitted to bring any intoxicating drink or drug onto the mine sites or into the workings of a mine.

(b) No person employed or otherwise present in or at a mine while at work shall consume any intoxicating drink or drug or be in a state of intoxication or drunkenness.

(c) Regular medical examination in consultation with Mines Inspectorate Department shall be conducted to ensure compliance with sub section paragraph (b).

152.—(1)The mine manager shall plan, equip and work the mine so as to minimize the risk of fire and establish an effective organization for the conduct of fire fighting work. Mine Fires.

(2) The mine manager shall ensure that :

(a) any place where any flammable or combustible substance is stored or used is suitably signposted ;

(b) any surface structure and support within a horizontal distance of 15 meters from all entrances to underground workings is, where reasonably practicable, constructed of incombustible material ;

(c) no oil, grease or other flammable substances are stored in a mine except in a closed, leak proof and labeled fireproof receptacle ;

(d) fuel oil and lubricants are conveyed only in suitable leakproof containers ;

(e) fuel storage placed underground is located away from workshops, service stations or other places where persons are engaged in work and is not used for any other purpose ;

(f) greasy and oily waste in underground workings is regularly removed to the surface in suitable containers and disposed of in a safe and environmentally sound manner ;

(g) winding engine rooms, engine rooms, transformer rooms, workshops and any room where flammable substances are stored are constructed in a fireproof manner and are provided, where practicable, with a second outlet ;

(h) any filling station has an impervious floor with arrangements for the collection of spillage oil ;

(i) the refueling of any vehicle is not carried out while the engine is running ;

(j) gas bottles are stored, handled and used in accordance with the instructions issued by the manufacturer or supplier.

(3) No person shall at any mine :

(a) place, throw or leave or cause or permit to be placed, thrown or left any naked light or flame or any burning lighting torch, match, cigarette, tobacco, paper or other burning material on or near any combustible material or flammable substance where it may cause danger of fire or explosion ;

(b) smoke or carry an open light or other burning material in any shaft conveyance or in any battery charging station or filling station ;

(c) light a fire in any underground workings or on surface within a distance of 15 m from any entrance to the underground workings unless he or she has been duly authorized to do so.

(4) The mine manager shall ensure that :

(a) no flammable or combustible substance is stored or kept in the immediate vicinity of a place where any transformer, switchgear or other electrical apparatus or heating appliance is situated ;

(b) stocks of flammable or combustible substances are not kept in the vicinity of any shaft or outlet from underground workings ;

(c) at all places underground where a flammable or combustible substance is kept, the ventilation is arranged such that, in the event of a fire, as far as is practicable, the products of combustion are exhausted directly into the return airway ;

(d) any storage tanks for flammable or combustible liquid are :

(i) designed and constructed so as to be capable of resisting the maximum working pressures and stresses and made of suitable material for any projected contents ;

(ii) maintained in such a manner that leakage is prevented ;

(iii) contained within structures capable of holding 110 per cent of the contents of the tanks ;

(iv) isolated or separated from ignition sources and combustible substances ;

(v) vented or otherwise constructed to prevent development of pressure or vacuum as a result of filling, emptying or atmospheric temperature changes ;

(vi) provided with piping, valves and fittings capable of withstanding working pressures and stresses ;

(vii) provided with suitable earthing devices or arrangements.

(5) The mine manager shall ensure that :

(a) the mine is equipped with a water mains circuit capable of delivering to all workplaces an adequate quantity of water at sufficient flow pressure for the purpose of fire-fighting, unless exempted by the Mines Inspectorate Department on grounds of natural conditions or size ;

(b) where an outside fire-fighting organization is relied upon, uniform fittings or readily available adapters are provided for hydrants ;

(c) special places of risk duly identified by the mine manager are provided with suitable fire extinguishers, sand or incombustible substance.

(d) fire extinguishers are examined and discharged and refilled as often as may be necessary to ensure that they are kept in good working order ;

(e) a record is kept of each examination and refilling referred to in paragraph (d) ;

(f) fire extinguishers containing chemicals which are liable, when operated, to give off poisonous or noxious gases, with the exception of carbon dioxide, are not provided or used in underground workings ;

(g) soda-acid or foam type extinguishers or water are not used for fighting fires caused by an electrical fault, except when the electrical apparatus causing the fault has been switched off or otherwise rendered safe ;

(h) soda-acid type extinguishers or water are not used for fighting oil fires.

(i) Any places referred to in subsection (5)(c) shall include any :

(i) parts of a mine where flammable or combustible substances are stored ;

(ii) driving unit of conveyors ;

(iii) electrical sub-stations and places having electrical switchgear and machinery ;

(iv) vehicles ;

(v) battery charging stations, workshops and filling stations, on surface, at any entrance to underground workings and, in underground workings, at any station.

(6)(a) Any person who notices a fire in or at a mine shall, if possible, extinguish any such fire or otherwise raise an alarm without delay and cause such steps to be taken that the occurrence of the fire is brought to the attention of the mine manager without delay.

(b) Any person, except any person directed by the mine manager to stay for the purpose of dealing with any emergency in consequence of such fire, shall be withdrawn without delay from all places likely to be affected by fire or smoke, and only persons duly authorized thereto by the mine manager shall enter such places.

(c) The mine manager shall ensure that suitable precautions are taken to prevent danger to persons from any noxious or asphyxiating gases or smoke emanating from any fire.

(7) The mine manager shall :

(a) prepare a fire-fighting plan showing all locations at a mine where a fire hazard exists, the nature of the hazard and location and type of fire-fighting equipment provided ;

(b) ensure that adequate refuge chambers are provided which shall be suitably pressurized and equipped with water and first aid supplies ;

(c) have systematic examinations made of the firefighting equipment provided and record the results of such examinations ;

(d) establish a fire alarm system to give prompt and adequate warning to persons who may be endangered by fire ;

(e) provide for a team or teams of trained persons, compatible with the size of the mine and the number of persons employed, to deal with the situation in case of fire.

First Aid.

153.—(1) The mine manager shall ensure that the mine is provided with a first aid center on surface, or access to such facility; which shall be maintained in good order.

(2) The first aid center referred to in subsection (1) shall be :

(a) used only for first aid, medical examinations and ambulance work ;

(b) adequately ventilated, illuminated and kept clean ;

(c) equipped with stretchers, medical and surgical appliances and remedies for treating persons suffering from noxious gases, fumes, burn, shock and other injuries ;

(d) under the control of a qualified nurse or a person who has undergone an approved course of training in first aid and life saving techniques who shall at all times be available thereat and who shall have access to a medical practitioner in cases of emergency.

(3) An ambulance or other suitable vehicle for transportation of injured or ill persons to hospital shall be readily available at the first aid center.

FIRST AID STATIONS

(4) The mine manager shall ensure that first aid stations, in addition to a first aid center on surface, are provided at suitable locations on the surface, where the operations are spread over a large area or are otherwise considered necessary the Mines Inspectorate Department and in underground workings.

(5) A first aid station shall be under the charge of a person qualified in first aid and life saving techniques who shall be readily available during working hours.

(6) A first aid station shall contain at least the following items, namely :

(a) one stretcher with at least two clean blankets ;

(b) one first aid box containing splints and tourniquets, triangular bandages, small, medium and large sterile packed dressings, cotton wool, safety pins, bottle of antiseptic, eye drops and a small pair of scissors ;

(c) where practicable, a telephone so that the mine manager can be informed without delay of an accident which may need the attention of a doctor or nurse.

(7) The mine manager shall ensure that :

(a) a sufficient number of persons employed in exploration activities on surface, in surface mine workings and in underground workings undergo a course of training in first aid and hold first aid certificates issued by a competent authority or possess equivalent qualifications ;

(b) a list of persons qualified in first aid is displayed at the first aid center and first aid stations.

(8)(a) Any person who suffers an injury or has been exposed to smoke, blasting fumes or other noxious gases shall report for examination or treatment at the first aid center before leaving the mine, even if the injury or suspected gassing has been attended to at a first aid station.

(b) The mine manager shall ensure that a record of all injuries reported is maintained at the first aid center.

(9) The mine manager shall, having regard to the operations conducted at the mine, formulate a scheme for obtaining medical and other assistance in the event of an emergency at the mine requiring such assistance.

PART V — MINES ENVIRONMENTAL MANAGEMENT
MINES ENVIRONMENTAL COMPLIANCE DEPARTMENT

154.— Every person holding an exploration licence, mining lease, quarrying lease, or Small Scale Mining Lease shall comply with all conditions and perform all environmental obligations contained in the Act and these Regulations and as may be contained in any Community Development Agreement as long as the lease subsists, which include—

Obligations
of Mineral
Title
Holders.

(a) submission of signed and approved Community Development Agreement before the commencement of operation ;

(b) submission of approved Environmental Impact Assessment ;

(c) submission of approved Environmental Impact Assessment Statement ;

(d) submission of approved environmental Protection and Rehabilitation Program ;

(e) submission of approved Environmental Protection and Rehabilitation Fund Implementation Timetable ; and

(f) submission of an approved mine design to Mines Inspectorate Department with details of environmental concerns.

155.— The Ministry, through the Mines Environmental Compliance Department shall :

Compliance
to
Obligations
on Mining
Environment.

(a) issue such directives and take such steps as may be necessary to enforce compliance with all laws and regulations relating to the protection, reclamation and rehabilitation and social issues of any mining environment ; and

(b) authorize any officer to inspect or supervise any mining operation and to conduct such inquiries to ensure that the provisions of the Act and these Regulations particularly as to the environmental and social obligations of the holder are being complied with.

156.— An authorized mines environmental officer of the Ministry or any other person empowered to do so may, at any time with or without any prior notice and upon production of an identity card shall :

Inspection of
Mining
Environment.

(a) enter, inspect and examine any land and environment which is the subject of any mineral title ;

(b) enter any area, structure, vehicle, or building that, in his or her opinion, has been or is to be used for or in connection with exploration, mining or mineral processing operations ;

(d) inspect what arrangements have been made to protect the host community and the public against the hazards associated with mining operations and storage of tailings ;

(e) examine the arrangements for treatment of mine waste before it is finally disposed off, to minimize land, air and water pollution ;

(f) examine the plans for dumping operation and the safety precautions to be taken to avoid pollution of the environment or to minimize it ;

(g) examine whether all Environmental Impact Assessment and Environmental Rehabilitation Plan Prorammes have been complied with ;

(h) examine and inspect any book, document, file or thing concerning the environmental obligation of the mine operation ; and

(i) to do any other thing which will give effect to the provisions of the Act and these Regulations.

Environmental
Impact
Assessment.

157.—(1) Prior to the commencement of Environmental Impact Assessment, a proponent shall submit a copy of mineral title issued by Mining Cadastral Office to Mines Environmental Compliance Department for documentation and further directives before commencing Environmental Impact Assessment process at the Federal Ministry of Environment.

(2) Environmental Impact Assessment Procedure for the Minerals Sector as contained in the Memorandum of Understanding signed between the Ministry and the Federal Ministry of Environment is as contained in Schedule 6A.

Environmental
Impact
Assessment
Studies.

158.—(1) The holder of a mining lease, quarry lease, small scale mining lease and water use permit shall not commence any development or extraction of mineral resources on the lease area until after :

(a) the submission to the Mines Environmental Compliance Department of Environmental Impact Assessment Studies approved by the Federal Ministry of Environment ; and

(b) complying with all requirements for Environmental Impact Assessment Studies.

(2) Only the stages of exploration involving trenching, pitting and drilling shall be required to submit detailed Environmental Impact Assessment.

(3) Preliminary exploration involving acquiring and interpretation of satellite data, eromagnetic data, airborne radiometric data, aerial photographs, geological mapping, geophysical surveys such as ground magnetic, Induced Polarisation surveys, Electromagnetic surveys, gravity surveys, and geochemical surveys shall not require Environmental Impact Assessment.

(4) Contents of Environmental Impact Assessment Studies for Exploration Licence and for Mining Operation are in *Schedules 6B and 6C* respectively.

159.—Every holder of an exploration license (involving trenching, pitting and drilling), small scale mining lease, mining lease, quarry lease and water use permit shall, before commencement of operations or upon application for an extension of the term or upon an application for the conversion of a mineral title, submit to the Mines Environmental Compliance Department an Environmental Impact Assessment Statement covering the mineral title area, approved by the Federal Ministry of Environment.

Environmental
Impact
Assessment
Statement.

160.—(1) The proponents shall submit two hard copies and one soft copy of the Environmental Impact Assessment approved by the Federal Ministry of Environment to the Mines Environmental Department as required under section 119 of the Act.

Submission
of
Environmental
Impact
Assessment
Statement.

(2) The Environmental Impact Assessment shall be carried out by experienced and qualified multi-disciplinary personnel and must be done in accordance with the provisions of the Environmental Impact Assessment Act and the Environmental Impact Assessment sectoral guidelines for mining of solid minerals.

(3) The Environmental Impact Assessment report shall contain information on the following matters or any other information as may be necessary :

(i) A brief description of the project or the process which should include the following :

- (a) project and development objectives, targets and indicators ;
- (b) exploration and prospecting methods ;
- (c) selection of mine and spoil disposal sites ;
- (d) mine infrastructure ;
- (e) mining operations, viz drilling, blasting, crushing, milling, sorting, loading etc ;
- (f) energy and material balance ;
- (g) water supply needs ;
- (h) transportation ;
- (i) mineral processing techniques ;
- (j) spoil disposal ;
- (k) effluent (air and water) discharge ;
- (l) health, safety and environmental issues ;
- (m) socio-economic concerns ;
- (n) community relations ;
- (o) land reclamation, closure and restoration ; and
- (p) mine closure and de-commissioning.

(ii) Project justification, that is, the project proponent shall briefly state the socio-economic and other benefits of the project.

(iii) Regulatory framework, that is, a review of local and international laws relevant to the environmental status of the project.

(iv) Description of the baseline environmental condition of the project area shall involve field mapping, sampling and laboratory analysis aimed at producing biological and physico-chemical data on the current status of the environment in the project area which shall cover subjects such as :

- (a) climatic conditions ;
- (b) soil studies ;
- (c) hydrology ;
- (d) hydrogeology ;
- (e) soil chemistry ;
- (f) geology/geochemistry ;
- (g) ecology ;
- (h) flora ;
- (i) terrestrial fauna and wildlife ;
- (j) aquatic studies ;
- (k) air quality study ;
- (l) noise ;
- (m) socio-economic, health and cultural aspects ;
- (n) project potential environmental impacts.

(v) Risk Assessment, that is, the project proponent should have the risk associated with the project properly evaluated so that mitigation measures can be suggested in the Environmental Management Plan.

(4) The mineral title-holder shall submit together with the Environmental Impact Assessment, an Environmental Protection and Rehabilitation Plan aimed at achieving sustainable operation and management of the mining project and the report shall include the following :

- (a) an identification of the exploration or mining area concerned, its current uses and productivity prior to exploration or mining operations ;
- (b) mitigation measures to minimize the risks associated with the project ;
- (c) quantity and nature of waste to be generated from any exploration or mining operation and the method of its final disposal ;
- (d) the reinstatement, re-leveling, re-vegetation, reforestation and contouring of the affected land ;
- (e) the filling in, sealing, or fencing off of excavations, shafts and tunnels ;
- (f) the use to which the land is to be put following restoration, including a statement of the utility and capacity of the restored land to support a variety of alternative uses.

161.—(1) An Audit report of the impact on the environment of any exploration, quarrying or mining operation shall be prepared by an independent and accredited consultant, containing information as to whether the environmental impact statement is being implemented and complied with.

(2) Mineral title holders shall employ a qualified environmental officer to carry out monitoring and periodic environmental auditing of their facilities to ensure compliance with the Environmental Management Plan in the Environmental Impact Assessment Statement.

(3) The Mines Environmental Compliance Department shall carry out compliance audit.

(4) Two (soft and hard) copies of the report referred to in sub-regulation (1) of this Regulation shall be submitted to the Mines Environmental Compliance Department for evaluation.

(5) The Mines Environmental Compliance Department shall, within thirty days of receipt of the report referred to in sub-regulation (2) of this Regulation notify the mineral title holder of any modifications the Department may consider necessary.

(6) The first audit on the impact of any exploration, quarrying or mining operation on the environment shall be conducted within fifteen months of commencing such an operation.

(7) Subsequent environmental audit shall be carried out every six months and throughout the lifecycle of the operation.

162.—(1) In line with the provisions of Section 107 of the Act, mineral title holders shall pay compensation :

Payment of
Compensa-
tion.

(a) to the occupier or owner of land for any disturbance or damage of the surface of the land ;

(b) to the owner of any crop, economic tree, building or work damaged, removed or destroyed in the course of mining operation after due valuation by a government approved valuer.

(2) In accordance with section 108 of the Act, the State Minerals and Environmental Management Committee in each state shall in collaboration with the Mining Cadastral Office assess damage to trees, economic crops and buildings, and determine the compensation to be made in respect of the above and submit report to Mines Environmental Compliance for documentation and submission to the Minister.

(3) The mineral title holder shall accordingly pay the compensation to the affected persons referred to in sub-regulation (2) of this regulation.

(4) Failure of the mineral title holder to pay this compensation within six months after commissioning of the project shall lead to the suspension of the mineral title by the Minister.

163.—(1) Composition of the State Mineral Resources Management Committee shall be as prescribed in section 19 of the Act and shall be operational in each State of the Federation and Federal Capital Territory.

(2) Representatives of the Committee from the State Ministries and Agencies shall be senior officers at the Directorate Cadre.


(3) The functions of the Committee shall be as stated in section 19(3), 98(2), 108, 120(2) and 121(1) of the Act.

(4) The Committee shall forward its report to the Minister after each meeting not later than 14 days after such meeting has been held through the Mines Environmental Compliance Department.

(5) The Committee shall forward quarterly reports of its activities to the Minister through the Mines Environmental Compliance Department within the first two weeks of the succeeding quarter.

(6) An approval in respect of issues in the report shall be conveyed to the State Mineral Resources and Environmental Management Committee not later than 30 days from the date of receipt of such programme.

(7)(a) Whenever there are case of dispute over mining operations, mineral titles or any other dispute between a mineral title holders or between a mineral title holders and a community, the affected Mineral Title Holder shall report such matter to the Federal Mines Officer in the State for resolution.

 (b) Any aggrieved party that is not satisfied with the outcome of any dispute resolved by the Federal Mines Officer may appeal to the State Mineral Resources and Environmental Management Committee in that State through its Secretary.

(c) The Secretary of a State Mineral Resources and Environmental Management Committee in that State shall proceed to notify the Chairman of the appeal which shall be deliberated upon in the subsequent meeting(s) of the Committee.

(d) Where such issue requires urgent intervention, an extra ordinary meeting shall be conveyed at the instance of the Chairman to resolve the matter. This provision does not in any way invalidate sub-section 4 of this Regulation.

(e) Any party that is not satisfied with the resolution arrived at in (d) above shall appeal to the Minister.

(d) Any serious issues that cannot be handled at State Mineral Resources and Environmental Management Committee level in each State and the Federal Capital Territory shall be reported to the Minister by its Chairman.

(8) The State Mineral Resources and Environmental Management Committee shall also deliberate on such issues as:

(a) Issues affecting pollution and land degradation ;

(b) Implementation of social and environmental protection including participation in Environmental Impact Assessment draft panel reviews in the state.

(c) Harmonizing the relationship among the stakeholders in the mineral sector especially operators and host communities.

(d) Feed back to the Minister on every situation necessary to facilitate good mining environment.

(9) The State Mineral Resources and Environmental Management Committee shall facilitate issues of collaboration among all tiers of government and other stake holders on mining environment and social concerns in mining.

164.— A mineral title holder shall restore any area in respect of which mining operation has been or is being carried out as provided in Section 115 of the Act and the reclamation plan shall be submitted to Mines Environmental Compliance Department before mining operations commence.

Reclamation
and
Restoration
of Mines
Land.

165.—(1) A mineral title holder shall take all practicable steps to protect from trampling, cutting, unplanned and uncontrolled burning, picking or other disturbance, of all vegetation in the Project Area, disturbance of which is not essential to mining operations.

Vegetation
and
Landscape
Protection.

(2) The mineral title holder shall carry out soil conservation measures within the Project Area as and when specified by the Mines Environmental Compliance Department according to environmental and conservation laws.

(3) Prior to the commencement of works, the mineral title holder shall prepare contour maps in sufficient detail to permit restoration of disturbed areas to their original contours or to such other contours as the Mines Environmental Compliance may approve.

(4) Before mining operations commence, the mineral title holder shall conduct a vegetation survey of the Project Area to the satisfaction of the Mines Environmental Compliance Department.

(5) The sites of mining and ancillary operations, the tailings and water retention system and other areas where the ground has been disturbed shall be rehabilitated and re-vegetated by the mineral title holder in accordance with already submitted plan updated from time to time and as approved by the Mines Environmental Compliance Department.

(6) In re-vegetation, the mineral title holder shall establish appropriate ground cover plants in accordance with the directives of the Mines Environmental Compliance Department and shall fence, protect and, if necessary, renew the establishing vegetation as may be necessary to bring about the rapid restoration of stable vegetation native to the area.

(7) All topsoil from areas that have been disturbed shall be stored in a manner acceptable to the Mines Environmental Compliance Department and used for the purpose of rehabilitation.

(8) The mineral title holders shall establish a nursery, or make other suitable arrangements, for the supply of such plants as may be approved by the Mines Environmental Compliance Department for use in rehabilitation

(9) The obligations of the mineral title holder under sub-regulations (5) and (6) of this regulation shall cease upon the issue of a certificate of re-vegetation by the Mines Environmental Compliance Department.

(10) Except where otherwise authorised by the Mines Environmental Compliance Department, all structures which remain in the Project Area at the end of the mining and ancillary operations shall be disposed of or removed entirely in a manner approved by the Mines Environmental Compliance Department.

(11) Mine access openings including ventilation shafts shall be sealed in an environmentally safe manner approved by Mines Environmental Compliance Department.

(12) Unwanted materials and rubbish including concrete shall be buried, covered with rock and soil materials and the surface re-vegetated in a manner approved by the Mines Environmental Compliance Department.

Soil
Protection.

166.—(1) Land clearing process of initial mining operation shall be conducted in such a manner that will not disturb the top soil and trigger erosion.

(2) Road construction to mining site shall have good erosion control channels.

(3) Mining Camps shall have adequate erosion control drainages to reduce run off.

(4) Open cast mining method shall be designed to take care of problems of erosions

(5) Good land and soil restoration shall be planned before embarking on mining on the site.

(6) The use of vegetation as windbreaks should be encouraged to reduce erosion.

(7) All soils for reclamation and restoration shall be treated if they contain toxic, hazardous or other noxious chemicals or compounds.

(8) Heap tailings containing arsenic or other toxic radioactive chemicals must be detoxified using prescribed international and national standards.

Biodiversity
Conservation
National
Parks,
Cultural
Heritage and
Sanctuaries.

167.—A mineral title holder shall take necessary steps to ensure that :

(a) the initial land clearing operation of mining activity does not affect conserved areas ;

(b) his operations do not encroach or endanger the lives of organisms in any nearby national park or and sanctuary ; and

(c) effluent does not flow into the parks and sanctuaries to endanger the life of animals therein.

168.—Mineral title holders shall ensure :

- (a) that their operations are handled carefully and safely so that wildfires are not ignited which can cause great loss to biodiversity ;
- (b) proper disposal of their wastes to avoid tampering with the ecological integrity of the Ecosystem ;
- (c) that no mining operations are conducted in forest reserved areas and sanctuaries, except with the approval of the Minister in consultation with State Mineral Resources and Environmental Management Committee and other relevant State Agencies ;
- (d) no felling of tress in the course of operation except by approval ; and
- (e) that effluents are not directly discharged into water bodies without proper treatment .

169.—Mineral title holders shall ensure :

- (a) that their operations do not encroach or endanger the lives of organisms that are regarded as endangered species ;
- (b) the protection of such organisms by preventing the dumping of mine wastes near them ; and
- (c) that acid effluent does not flow into parks and sanctuaries.

170.—In line with Section 110 of the Act, a mineral title holder shall take such steps as may be necessary to prevent the pollution of environment in the project area.

171.—(1) A mining operation shall be conducted in a manner that prevents unnecessary and undue degradation of land and water resources, and the site shall be reclaimed as much as possible to leave the site in a stable condition.

(2) A mineral title holder shall reclaim areas disturbed by a mining operation so that any surface that does not have a stream flowing over it is left in a stable condition.

(3) For the purposes of this Regulation, a stable condition that “allows for the re- establishment of renewable resources on the site within a reasonable period of time by natural processes” means a condition that can reasonably be expected to return waterborne soil erosion to pre-mining levels within one year after the reclamation is completed, and that can reasonably be expected to achieve revegetation, where feasible, within five years after the reclamation is completed, without the need for fertilization or reseeding.

(4) If rehabilitation of a mined site to this standard is not feasible because the surface materials on the mined site have low natural fertility or the site lacks a natural seed source, the mineral title holder shall, where necessary, fertilize and reseed or replant the site with native vegetation to protect against soil erosion.

(5) If top soil from an area disturbed by a mining operation is not promptly redistributed to an area being reclaimed, a mineral title holder shall segregate it, protect it from erosion and from contamination by acidic or toxic materials, and preserve it in a condition suitable for later use.

(6) If the natural composition, texture, or porosity of the surface materials is not conducive to natural re-vegetation, a mineral title holder shall take measures to promote natural re-vegetation, including re-distribution of topsoil, where available.

(7) If no topsoil is available, an operator shall apply fines or other suitable growing medium but a mineral title holder may not redistribute topsoil and fines over surfaces likely to be exposed to annual flooding, unless the action is authorized in an approved environmental protection and rehabilitation plan and will not result in an unlawful point-or non-point-source discharge of pollutants.

(8) A mineral title holder shall reclaim an area disturbed by a mining operation so that the surface contours after reclamation is complete are conducive to natural re-vegetation or are consistent with an alternate post-mining land as may be approved by Mines Environmental Department, and measures taken to accomplish this result may include backfilling, contouring, and grading, but operators need not restore the site's approximate original contours.

(9) A mineral title holder shall stabilize the reclaimed site to a condition that will retain sufficient moisture for natural re-vegetation or for an alternate post mining land use as may be approved by Mines Environmental Department.

(10) A pit wall, subsidence feature, or quarry or mine wall is exempt from the requirements of sub-regulations (7) and (8) of this regulation if the steepness of the wall makes them impracticable or impossible to accomplish:

Provided that, a mineral title holder shall leave the wall in a condition such that it will not collapse nor allow loose rock that presents a safety hazard to fall from it.

(11) If a mining operation diverts a stream channel or modifies a flood plain to the extent that the stream channel is no longer stable, a mineral title holder shall re-establish the stream channel in a stable location.

Reclamation
of Acid Mine
Drainage
Prone Area.

172.—A mineral title holder shall reclaim a mined area that has potential to generate acid rock drainage (acid mine drainage) in a manner that prevents the generation of acid rock drainage or prevents the offsite discharge of acid rock drainage.

Heap Leach
Operations.

173.—After neutralization of heaps, pads, ponds, and other such facilities has been approved by Mines Environmental Department, a mineral title holder shall reclaim the site of a heap leach operation to a level not harmful to the environment and living things.

174.—(1) A mineral title holder shall reclaim a material site to a stable condition as much as practicable with the mining.

(2) If site conditions permit, a mineral title holder shall proceed cell by cell so that reclamation may occur immediately after each cell is mined.

(3) “Mining by cell” means dividing the material site into separate units and mining them in an orderly sequence manner so that the top soil removed from a newly opened unit can be placed on a unit already mined.

(4) If site conditions require that the entire material site be mined continuously, with the materials being removed layer-by-layer, an operator shall reclaim the site as soon as the mining is completed.

(5) The Mines Environmental Department may allow the reclamation to be postponed if the Director finds that contemporaneous reclamation is impracticable, because the land owner plans to allow future intermittent mining of the material site by one or more miners over a period of more than one year.

(6) Before the Director allows such a postponement, the mineral title holder or landowner must :

(a) submit the approved reclamation plan for the entire material site, including stockpiles ; and

(b) ensure that final reclamation will occur no later than immediately after the material site is ultimately exhausted or is to be abandoned.

175.—(1) If a mineral title holder extracts materials from the bed of a watercourse, the mineral title holder shall re-establish a stable bed and bank profile as contemporaneously as practicable with the extraction.

Extraction of
materials
from river
beds (gravel
bailing
operations).


(2) “A stable bed and bank profile” is one that will not substantially alter river currents or change erosion and deposition patterns downstream.

176.—A reclamation plan for a mine that produces peat, topsoil, or similar materials must provide that at least two inches of a suitable growing medium will be left or replaced on the mined land.

Peat and
topsoil
mines.

177.—If the primary use of extracted materials is to assist another mining operation regulated under this Regulation (such as gravel to build a road to a mining operation site), the mineral title holder must include the reclamation plan or letter of intent for the material site operation as part of the reclamation plan or letter of intent for the primary mine.

Materials
used for
other mines.

 **178.—**When materials are extracted primarily for a non-mining purpose and not part of a mining operation (such as when preparing a building site or highway cut, dredging a shipping channel, or drilling an access tunnel for a non mining purpose), the requirements of this Regulation shall not apply provided the materials are not sold commercially.

Exempt
excavations.

179.—(1) A mineral title holder needs not reclaim acreage on which materials are stockpiled at an active mine site until the stockpile is used up. However, a mineral title holder must locate the stockpile where it will not erode into a water-body.

(2) A stockpile is a storage pile of materials segregated as a commercial product for sale or distribution elsewhere and does not include non-commercial waste rock, overburden, or tailings.

Environmental
Protection
and
Rehabilitation
Program.

180.—(1) Before a mineral title holder commences a mining operation, the mineral title holder shall submit a proposed environmental protection and rehabilitation program as provided in section 120 of the Act. The programme must be correct and complete, and must be signed and dated by the mineral title holder or its designee.

(2) Environmental Protection and Rehabilitation Programme shall provide :

(a) the name, address, and telephone number of the mineral title holder or other person who shall serve as agent to receive any notice that is required under this Regulation ;

(b) a list of all properties, mining locations, or leases on which the mining operation is to be conducted ;

(c) a map or survey plan showing the general vicinity of the project area and the specific property and properties covered by the project ;

(d) A copy of Minimum Work Programme as approved by Mines Inspectorate Department including the cost estimate for rehabilitation program.

(3) The survey plan of the mining area shall show the location corners or property boundaries and their relationship to the reclamation work, the tailings or spoil disposal areas, and the areas otherwise affected by the operation, the information furnished must be reasonably appropriate to the scale and complexity of the mine to show :

(a) measures for topsoil removal, storage, protection, and replacement ;

(b) measures for reclamation of tailings impoundments, settling ponds, reservoirs, heaps, open pits and cuts, shafts, adits, tunnels, portals, overburden, waste rock storage areas, and all other affected areas ;

(c) measures for stream placement and reclamation at the end of mining ; and

(d) a proposal for reclamation and post-mining conversion of access roads leading to the mining operation, airstrips, and other associated facilities.

(4) The mineral title holder shall provide :

(a) timetable for carrying out the Environmental Protection and Rehabilitation Programme ;

(b) half yearly report on the progress of the Environmental Protection and Rehabilitation Programme.

CONTENTS OF ENVIRONMENTAL PROTECTION AND REHABILITATION PROGRAM

181.—(1)(a) The Head of every displaced house shall be given compensation for the house at the market rate that is equivalent to the house or by compensation laws in Nigeria.

Rehabilita-
tion and
Resettlement
packages.

(b) Project affected people must be rehabilitated and resettled in a planned manner.

(c) In case the same household had an undeveloped land that was also affected by mining activity, compensation shall also be given for the undeveloped land at a rate equivalent to the displaced land in the new location.

(d) For every plot of land affected or encroached in the course of mining, head of each house shall be provided a plot of land at the proposed new location.

(e) In case a displaced person requirement of land is more than what was allocated, additional land may be provided, upon payment of prevailing market rate if land is available.

(f) If this offer is not acceptable, head of each house shall be provided an alternative allocation.

(g) A house owner not opting for a plot shall be offered equivalent cash compensation in lieu of free plot.

(h) Every head of displaced house shall get replacement value for his house and other structures over the homestead land, the value of which shall be estimated on the basis of Federal Government approved rates.

(i) Each new location shall be provided with all basic amenities and infrastructural facilities like primary school, High school, Bank, Post office, community centre, Shopping centre, Hospital, Playground, Children Park, Water supply, Sewage disposal & sanitation, Road, Culverts & Drains, and Power Supply etc.

(j) In case, a family's displacement results in the loss of occupations :

(a) all affected persons in each house shall be assisted financially to pick up a new trade or continue in the old trade ;

(b) where they are all farmers, new land shall be made available for such farmers to continue in the old trade ;

(c) where possible, the displaced shall maintain their old occupation in the old places.

(d) The head of every house shall be paid an amount as shifting allowance from their present living places to the resettlement sites, as may be determined by the State Mineral Resources and Environmental Management Committee and Mining Cadastre Office.

(2)(a) No compensation shall be paid to the house occupier having no homeland (unauthorized). Instead the following benefit shall be provided with constructed house built in resettlement sites with all basic amenities like Primary school, High school, Bank, Post office, Community centre, Shopping centre, Hospital, Play & Children Park, Water Supply, Sewage disposal & sanitation, Road, Culverts & Drains, and Power Supply etc.

~~(2)~~ The head of every household shall be paid an amount as shifting allowance from their present living places to the resettlement sites as may be determined by State Mineral Resources and Environmental Management Committee and Mining Cadastre Office.

Social
Concerns in
Mining
Communities.

182.—(1) A mineral title holder shall identify those groups that may be adversely affected by the mining projects, including groups who may be required to relocate, or groups affected by loss of income, loss of traditional lands and cultural property and possible exposure to health hazards.

(2) A mineral title holder shall determine the possibility of conflict over rights to key resources such as water or such areas regarded as sacred in the surrounding communities.

(3) A mineral title holder shall-

(a) determine and address any significant changes in project affected groups, socio-economic status ;

(b) identify ~~and~~ assess options for avoiding, mitigating, or compensating groups which may be adversely affected ; and

(c) consult with Project affected groups to obtain feedback through such means as community dialogues, public hearings, referendum, formation of multipartite negotiating, or monitoring teams concerning the proposed solution.

Approval of
Environmental
Protection
and
Rehabilitation
Program.

183.—(1) The proposed Environmental Protection and Rehabilitation Program prepared by the mineral title holder shall be submitted to the Mines Environmental Compliance Department for approval;

(2) The Environmental Protection and Rehabilitation Program shall address every item as contained in Section 120 of the Act.

(3) If the Mines Environmental Compliance Department determines that a proposed reclamation plan is complete, the Department shall commence the process of approval which shall take no longer than 30 days.

(4) If the Mines Environmental Compliance Department determines that the plan is incomplete, it shall notify the mineral title holder to supply any additional information required and call for a review of the plan within 30 calendar days from the date of notification and failure to supply the necessary information within 30 days after notification shall constitute withdrawal of the proposed plan.

(5) Mines Environmental Compliance Department shall decide on the Environmental Protection and Rehabilitation Plan within 30 Calendar days and notify the title holders accordingly.

(6) Every mineral title holder with approved Environmental Protection and Rehabilitation plan programme shall commence contribution to the Environmental Protection and Rehabilitation Fund in line with the provisions of the Act.

(7) The plan approved shall not take effect, and mining operation may not begin, until operator satisfies the Environmental Protection and Rehabilitation Fund requirements.

(8) If a mineral title holder objects to the plan as approved, the operator shall give the Director of Mines Environmental Compliance Department written notice of that objection within 30 days and request reconsideration or propose a modification of the plan for the Director to review and If, after that reconsideration or review, the mineral title holder continues to object to the plan as approved, the mineral title holder may appeal to the Minister.

184.—(1) Every holder of a mineral title shall contribute to the Environmental Protection and Rehabilitation Fund created under the Act ;

Establish-
ment of the
Environmental
Protection
and
Rehabilitation
Fund.

(2) Based on the estimate and the work plan in Environmental Protection and Rehabilitation Program in Regulation 172 of these Regulations submitted by the mineral title holder, the Mines Environmental Compliance Department and the mineral titleholder shall determine the appropriate amount to be contributed by a mineral title holder to the fund.

(3) A mineral title holder who is dissatisfied with the assessment of the contribution to be made to the fund may appeal to the Minister for a review.

(4) The minister shall appoint reputable institution as provided for in Section 121(2)&(3) to be in charge of the contribution.

(5) The contributions referred to in sub-regulation (1) of this regulation shall depend on the level of the mining operations that may have an adverse impact on the environment, as may be determined by the Mines Environmental Compliance Department

(6) A mineral title holder referred to in sub-regulation (2), of this regulation shall apply for a refund of his contribution, less the monies owed to Government as provided for under the Act, if a mine site is declared closed.

(7) In line with the provision of Section 121(5)(a) of the Act, the Mines Environmental Compliance Department shall refund 188 such monies in excess of the cost of rehabilitation to the mineral title holder after establishing satisfactory completion of rehabilitation and reclamation program.

185.—(1) The contributions to the Fund shall be calculated depending on the performance of each mineral title holder.

Amount to
be
Contributed.

(2) The Director of Mines Environmental Compliance Department shall inform the mineral title holder of the category in which the exploration, quarrying or mining operation shall fall and the contribution to the fund.

(3) The contribution shall be deposited with the Fund over a period of five years beginning from the year of commencement of mining operations in the case of new operations, or when the operator submits an approved environmental impact statement in the case of existing mines or project briefs for quarrying and exploration projects.

(4) Five percent of the total cost of the project shall be set aside for the fund pursuant regulation 164 of these Regulations.

(5) A mineral title holder who is dissatisfied with any decision made under this regulation may appeal against such decision to the board of trustees in charge of this fund.

(6) Details relating to the fund are contained in *Schedule 6D to these Regulation.*

Term;
Conditional
Approval ;
Renewal of
the Fund.

186.—(1) The Mines Environmental Department shall consider and approve a reclamation plan for any term not exceeding 10 years.

(2) If the plan is for more than one year, The Director of Mines Environmental Compliance Department shall, require the mineral title holder to file an annual report that includes the total coverage and volume of material mined in that year, the total acreage reclaimed in that year, and a statement as to whether the reclamation plan is on schedule.

(3) If the Director of Mines Environmental Compliance Department is not satisfied with the plan, reclamation plan may only be approved after inclusion of reclamation-specific monitoring, reporting, or performance conditions.

Successor in
Interest.

187.—If an interest in a mining operation is transferred from one mineral title holder to another by sale, assignment, lease, or otherwise before completion of reclamation and approval by the Mines Environmental Department, the reclamation plan must be amended to reflect the transfer and the Director of Mines Environmental Compliance Department shall consider and approve the amendment and shall release the predecessor in interest from the reclamation obligations, if:

(a) the operation is in compliance with the reclamation plan ;

(b) the successor assumes full responsibility and liability under the approved reclamation plan ; and

(c) the bonding requirements are met.

Amendment
of
Reclamation
Plan.

188.—A mineral title holder shall ensure that reclamation work complies with an approved reclamation plan and if changes in product prices, economics, financing, unanticipated conditions, or suspension of mining operations necessitates a change in the reclamation plan, the operator shall submit an amended reclamation plan for approval before modifying the approved reclamation work.

189.—If after the Mines Environmental Department issues a written order to a mineral title holder, he fails to correct a violation of this Regulation within the period set by the Mines Environmental Department, the Director of Mines Environmental Compliance Department, shall serve a notice of penalty in accordance with this Regulation and the Act.

Determina-
tion of
Violation on
Reclamation.

190.—(1) The annual reclamation statement shall be filed on a form provided by the Mines Environmental Department and must include photographs or video tapes dated and described as to location, or other information acceptable to the Mines Environmental Department, documenting that the reclamation was completed and the cumulative total of reclaimed acreage.

Annual
Reclamation
Statement.

(2) The annual reclamation statement must be filed or postmarked by December 31st for each calendar year.

(3) A mineral title holder who files a letter of intent must file an annual reclamation statement, even if no mining took place during that year.

191.—(1) A mineral title holder who fails to submit an annual reclamation statement in accordance with this Regulation may not continue or resume that mining operation without an approved reclamation plan and a bond.

Failure to
Submit
Reclamation
Statement.

192.—A mineral title holder who violates or permits a violation of an approved reclamation plan and fails to comply with Mines Environmental Department directive is liable to the State in a civil action for the full amount of reclamation and administrative costs incurred by the Ministry related to the action, and in addition may provoke the revocation of the mineral title.

Violation of
Reclamation
Plan.

193.—(1) Holders of Quarry lease, Mining lease and Small Scale Mining Lease shall before commencement of operation, conclude with the host community an agreement known as Community Development Agreement that will ensure the transfer of social and economic benefits to the community, as contained in Section 116 of the Act.

Community
Development
Agreement.

(2) Holders of Quarry lease, Mining lease and Small Scale Mining Lease shall hold consultations with the host communities in implementing the community development agreements.

(3) The mineral title holder shall submit to the Mines Environmental Compliance Department a community Development Action Plan which shall address :

(a) implementation plan of all the social concerns raised in the Environmental Impact Assessment Study in sub-regulation 6 of this regulation ;

(b) the implementation plan of the contents of the Community Development Agreement in this regulation.

(4) Any dispute or complaint arising from Community Development Agreement implementation shall be referred to the Minister for amicable settlement.

(5) For the purposes of the Community Development Agreement under Section 116 of the Act, "the host community" shall in relation to any mineral title be :

(a) The community where the mineral title area is located or the community closest to it ;

(b) Where the host community is for any reason not easily ascertainable, a report shall be made to the Minister who shall in consultation with the State Government, the State Mineral Resources and Environmental Management Committee and other relevant State or Federal Government Agencies determine which community is the host community;

(c) The Minister may, notwithstanding the provisions of this part determine the host Community in any other manner.

(6) The signatories to the Community Development Agreement shall be persons freely chosen by the generality of the Community to represent them.

(7) The head of the community shall, prior to the signing of the agreement, submit to the Ministry the full names and addresses of the representatives of the Community who shall not be less than 3 or more than 7.

(8) The list shall be verified by the Ministry through any of its relevant agencies or departments and in consultation with the State Mineral Resources and Environment Management Committee and the Chairman of the Local Government.

(9) The Community Development Agreement shall address the following issues :

(a) programmes for the development of the community in the areas specified in Section 116(3) of the Act, based on the needs of the Community ;

(b) the modalities for the monitoring and implementation of the programmes contained in the agreement ;

(c) environmental protection; compensation ;

(d) conflict management or resolution ;

(e) rights of the holder in relation to the mining area ;

(f) any other relevant issues.

(10) Every Community Development Agreement must be duly signed by the holder and the authorized representatives of the Community and approved by the Minister.

(11) If the Community and the holder are unable to agree on any aspect of the Community Development Agreement, the matter shall be referred to the Minister for resolution.

(12) A copy of the Community Development Agreement shall be submitted to the Mines Environmental Department for documentation and for approval before commencement of operation.

(13) Community Development Agreement report shall be submitted to Mines Environmental Compliance Department.

(14) The agreement shall be reviewed by the parties every five years.

194.—(1) Any vessel used for storing, conveying or transporting any hazardous liquid shall ;

(a) be sealed with a positive sealing device and where the vapor of that liquid may generate pressure to a dangerous level that container shall be sealed using a pressure relief valve ;

(b) have a built in relief mechanism ; and

(c) be clearly marked and labeled and, have prominently displayed on it, a label giving an appropriate warning of the dangers of such liquid.

Storage,
Handling,
Processing
and
Transport of
Hazardous
Vessel for
Storing,
Conveying
or
Transporting
Liquid.

195.—(1) Where the quantity of any hazardous liquid stored inside any building exceeds two hundred litres, that liquid shall be stored inside a storage room set aside for that purpose.

(2) The storage room, referred to in sub-regulation (1) of this regulation shall not contain more than two thousand liters of any hazardous liquid.

(3) The storage room referred to in sub-regulation (2) of this regulation shall be located in such a position that fire may not spread quickly and shall have a minimum of two hours resistance;

Storage of
any
Hazardous
Liquid in
Storage
Room.

196.—(1) Where the quantity of any hazardous liquid stored on the surface in any open area exceeds two thousand litres, that open area shall be adequately fenced at a distance of five metres from the surrounding area, away from any cultivation, shrub or grass and other inflammable or combustible materials.

Storage of
Hazardous
Liquid in
Open Area.

197.—(1) Where the quantity of any hazardous liquid stored in any vessel exceeds two thousand litres, a plan of the area where the vessel is to be installed and the specifications of the vessel shall be submitted to the Mines Environmental Compliance Department accompanied by a plan of the site showing how any potential contamination of the soil shall be prevented or controlled.

Storage of
Hazardous
Liquid in
Vessel.

(2) The Mines Environmental Compliance Department shall approve the plan referred to in sub-regulation (1) within sixty days of receipt of such plan.

198.—(1) Where any petrol or fuel-oil is spilled in any place it shall be removed immediately, and if, in the process of removing the petrol or fuel-oil, any material is contaminated, that material shall be placed in a suitable container for subsequent destruction or other safe disposal.

Spillage of
Fuel-Oil.

(2) Where petrol or fuel-oil is spilled or caused to be spilled on an engine or vehicle the mineral title holder shall immediately ensure that the petrol or fuel-oil is removed.

(3) No person shall wash any petrol or fuel-oil into any drainage system or any place where it may cause danger or pollution to the environment.

B 1718

Mine Waste
Management.

199.—(1) Mineral title holders shall :

- (a) prepare their mine waste disposal plan and establish waste water retention and treatment techniques suitable for individual sites ; and
- (b) ensure safe management of contaminated runoff and ground water contamination.

Procedure to
be Followed
Before
Dumping.

200.—(1) A mineral title holder shall apply and give thirty days notice to the Mines Environmental Compliance Department, before commencing any dumping operations and the notice shall-

- (a) specify the material to be dumped ;
- (b) describe the design of the dumps to avoid environmental contamination ;
- (c) give a description of the site ;
- (d) state whether the dump shall be a classified dump or not ; and
- (e) state whether the dump site should be an integral part of the mine design or not.

(2) A mineral title holder shall submit a report containing information set out in *Schedule 6E* to the Mines Environmental Compliance Department stating the safety precautions and the other measures to be taken to protect the environment surrounding the dumping area, before dumping any material on that site.

(3) If the Mines Environmental Compliance Department considers that the report referred to in sub-regulation (1) of this regulation is not complete, it may direct the mineral title holder to conduct any additional survey tests, borehole or ground-water measurements.

(4) If the Mines Environmental Compliance Department does not approve the dumping application, it shall give reasons for such refusal within thirty days of receipt of such application.

(5) A mineral title holder who is dissatisfied with a decision of the Mines Environmental Compliance Department under this Regulation may appeal to the Minister for redress.

Rules for
Dumping
Operations.

201.—(1) A mineral title holder shall make rules relating to any dumping operations carried out on an active classified dump specifying :

- (a) the manner in which the dumping operations are to be carried out ;
- (b) the precautions to be taken to avoid polluting the environment ;
- (c) the safety precautions to be taken relating to the dump ; and
- (d) how pollution to the environment shall be monitored.

(2) A mineral title holder referred to in sub-regulation (1) of this regulation shall appoint a competent person to inspect every classified dump and its surroundings, every week, to ensure that :

(a) the drainage and the ground between the dump and the inter-section of vertical planes drawn from the boundaries of any mine workings is less than five hundred metres from the nearest edge of that dump ;

(b) the dumping rules are being complied with ; and

(c) the measures to control pollution are being complied with.

(3) The competent person referred to in sub-regulation (2) of this regulation shall make a report which shall be open for inspection by an inspector stating :

(a) any defect found in any records kept for that purpose at the mine ;

(b) the progress made in implementing the provisions of the environmental impact assessment ; and

(c) any pollution to the environment not initially detected or predicted.

(4) The competent person referred to in sub-regulation (2), shall bring to the immediate attention of the mineral title holder, any pollution to the environment not initially detected or predicted, to its attention and remedial action.

202.—(1) A mineral title holder shall apply in writing to the Mines Environmental Compliance Department to resume dumping on a decommissioned dump, not less than thirty days before commencing any dumping operation stating :

(a) the description of the site on which the dumping will be made ; and

(b) the material to be dumped.

(2) The Mines Environmental Compliance Department shall :

(a) determine whether the dump shall be a classified dump or not ; or

(b) notify the mineral title holder referred to in sub-regulation (1) of this regulation that the dump shall be a classified dump, if that dump may have an impact on the environment.

(3) Where the Mines Environmental Compliance Department approves the application for dumping on a decommissioned dump, an operator shall follow the procedure referred to in this Regulation and shall, before dumping any material on that decommissioned dump, give thirty days notice to the Mines Environmental Compliance Department.

(4) Where dumping is to be resumed on a previously decommissioned classified dump, new rules shall be made and the provisions of this Regulation shall apply.

(5) A mineral title holder shall make a report to the Mines Environmental Compliance if :

(a) such mineral title holder makes any change or variation to the specifications of the dumping site, which he originally submitted to the Mines Environmental Compliance Department, that may affect the safety of that dumping site ;

Procedure
for Dumping
on De-
commissioned
Dump.

(b) such developer makes any change or variation to the mining operations which may have an adverse impact on the environment ; or

(c) the mining operations advance within a horizontal distance of five hundred metres from the boundary of the dump.

Prohibition
of Dumping
over Mine.

203.—A mineral title holder shall not dump any material which is wholly or partially in solution or suspension or any solid material which may turn into a solution or suspension, over an area vertically above any mine workings, whether abandoned or not, or is within a horizontal distance of one hundred metres from where the line of break from the mine workings intersects the surface.

Drainage of
Dump.

204.—(1) A mineral title holder shall ensure that a dump is properly drained and shall not carry out any dumping operations that may cause accumulation of water in, under or near a dump, making the dump insecure or dangerous.

(2) The drainage from any dumping operation shall not enter any mine opening or subsiding ground over any mine workings, whether abandoned or not.

(3) The mineral title holder referred to in sub-regulation (1) of this regulation shall ensure that :

(a) the drainage system of a dump is maintained and is in proper and safe working condition ;

(b) regular inspections of the dump are made ;

(c) the dump is kept secure and safe ;

(d) measures to control pollution are being effected ; and

(e) the dumping operations are being carried out in accordance with this section.

(4) A mineral title holder shall keep a record of any maintenance or action taken to remedy any defect in the drainage system.

Supervision
of Drainage
System by
Competent
Person.

205.—(1) A mineral title holder shall appoint a competent person to supervise any person charged with dumping any material in a classified dump to ensure that :

(a) the design and the management of the dump ; and

(b) the rehabilitation and decommissioning of every dump is done in accordance with these Regulations.

(2) A competent person appointed under sub-regulation (1) of this regulation shall make a report-

(a) of every defect revealed during any inspection of the dump and any action taken to remedy such defect ;

(b) on the condition of the drainage of the dump ; and

(c) on any pollution to the environment that is revealed during inspection and the action to be taken to control such pollution.

206.—(1) An operator shall, for every active classified dump, keep :

(a) any record relating to such classified dump obtained ;

(b) a record of any written directions given by an inspector ;

(c) accurate plans and sections of all the dumps and the dumping area showing clearly and accurately the state of the dump, fifteen months from the date any dumping commences or after such period as the Mines Environmental Compliance Department may direct in writing ;

(e) any record completed at the end of each month relating to the nature, quantity and location of the material deposited in such classified dump ; and

(f) a copy of the environmental impact statement.

Reports on
Active
Classified
Dumps.

207.—A competent person or a person in charge of a mine shall inform the mineral title holder of any abnormal or unusual matter recorded in any report relating to any dump and the mineral title holder shall in turn inform the Mines Environmental Compliance Department.

Reporting an
Unusual or
Abnormal
Matter.

208.—(1) In this Regulation, Liquid waste shall be “any soluble contaminated substance generated as a result of mining or other related activity that may endanger life” or is toxic to human health such as soil aphids.

Liquid Waste
Dumps.

(2) Mineral title holder shall—

(a) avoid discharging liquid toxic waste onto the land to prevent teaching into ground water ;

(b) direct discharge from industrial waste into the environment and water ways ;

(c) where there is prevalent Mica in the solid and mining operation is likely to pollute the water table, processing should be done from the source before processing ;

(3) Miners of cadmium shall not discharge the waste water into farm land or into the river channels.

209.—A mineral title holder shall comply with the ambient air emission and water quality standards in line with World Health Organisation and National Air and Water quality standards when discharging any toxic substance.

Air and
Water
Quality
Monitoring.

210.—A mineral title holder shall provide adequate supply of water to suppress dust or fumes generated by a mining operation where effective dust or fume extraction facilities are not available.

Water for
Dust
Suppression.

211.—(1) Any toxic substance or harmful dust collected at source shall not be discharged into the atmosphere.

Removal of
Toxic
Substance.

(2) A toxic substance shall not be released from any surface plant or building in which any dust referred to in sub-regulation (1) of this regulation is handled, processed, stored or evolved.

(3) Where the concentration of toxic substances determined under sub-regulation (1), is suspected to be harmful to any person or the environment, a mineral title holder shall ensure that the frequency of determining the air quality is increased and take steps to reduce the toxicity to acceptable levels.

(4) In determining the air quality under sub-regulation (1) of this regulation, the Mines Environmental Compliance Department shall specify :

- (a) the concentration of gases ;
- (b) the dust concentrations ; and
- (c) the concentration of any other toxic substance which is known or suspected to be present.

(5) The Mines Environmental Compliance Department shall keep a record of the results of the air quality determined under sub-regulation (1) of this regulation and a copy given to the Mines Inspectorate Department.

(6) A quarterly report of the results obtained in accordance with sub-regulation (1) of this regulation shall be submitted to the Mines Environmental Compliance Department.

Effluent
Water
Discharges.
Closure of
Dumping
Site.

212.—Water effluents entering a stream in a mining area which is licensed as a discharge site, shall be treated to a permissible level.

213.—(1) Within thirty days of ceasing any dumping operations, and after completing the procedure set out in these Regulations a mineral title holder shall, apply to the Mines Environmental Compliance Department for a classified dump to be closed.

(2) An application referred to in sub-regulation (1) of this regulation shall be accompanied by :

- (a) an audit report on the impact of the dump on the environment prepared by an independent accredited person ;
- (b) a copy of the environment impact statement ;
- (c) a copy of the records of the progress made in implementing the environmental impact statement ; and
- (d) a report on the progress on rehabilitating the dump, indicating the environmental status of the dump and the surrounding areas and the amount of work still outstanding to rehabilitate the dump.

(3) The Mines Environmental Compliance Department shall within four weeks of receiving the application referred to in sub-regulation (1), inform the mineral title holder, in writing, whether he accepts or rejects the application.

(4) Where the Mines Environmental Compliance Department rejects the application, its Director shall inform the mineral title holder in writing, to make any alterations to the Environmental Impact Assessment Statement, as he may think necessary.

(5) The report referred to in paragraph (d) of sub-regulation (2) of this regulation shall be submitted every twelve months throughout the period the dump is being rehabilitated and decommissioned.

(6) The Mines Environmental Compliance Department shall close a dump when all the conditions have been met by the mineral title holder.

214.—(1) A mineral title holder shall appoint a competent environmentalist to inspect :

Inspection of
De-
commissioned
Classified
Dump.

(a) every decommissioned dump and the surrounding land situated one thousand metres from the boundary of the dump ; and

(b) where the environmental impact statement is being complied with.

(2) Where the dump consists of material mainly in solution or suspension form, the inspection shall be at intervals not exceeding six months.

(3) Where the dump consists of material in a solid state, the inspections shall be at intervals not exceeding twelve months.

(4) A competent person referred to in sub-regulation (1) of this regulation shall make and sign a full and accurate report of every defect or pollution to the environment which he discovers.

(5) The report referred to in sub-regulation (4) of this regulation shall be kept at the office of the mine for a period of five years and shall be open for inspection by the public during normal working hours.

215.—(1) A mineral title holder shall submit to the Mines Environmental Compliance Department :

Report on
De-
commissioned
Classified
Dump.

(a) a report prepared by a competent person relating to the environment status of a decommissioned dump not yet closed, at intervals not exceeding :

(i) five years for a dump consisting of material wholly or mainly in solution or suspension form ;

(ii) ten years for a dump of material mainly in a solid state ;

(b) a special supplementary report as soon as is practicable, if any pollution to the environment relating to a decommissioned dump not yet closed occurs ; and

(c) a report within seven days, when the mine workings reach a horizontal distance of five hundred metres from the boundary of a decommissioned classified dump, and the effect of such mine workings on the safety of the dump.

(2) The report referred to in sub-regulation (1) shall contain :

(a) the provisions set out in the *Schedule 6F* ;

(b) information on the safety of the dump ;

(c) details of the progress of any rehabilitation work undertaken in accordance with the approved environmental impact statement ; and

(d) information on the nature and extent of the inspection and pollution or abate nuisance.

Submission
of Reports
for Closed
Dump.

216.—A mineral title holder shall submit to the Mines Environmental Compliance Department :

(a) a report on the progress of rehabilitating the dump and the surrounding area ; and

(b) the final audit on the environment conducted by an accredited person.

Danger from
Spontaneous
Combustion.

217.—A dump which may cause spontaneous combustion shall be situated in such a position that it may not cause fire and shall not pollute the environment.

Environmental
Requirements
for the
Mining of
Radioactive
Minerals.

218.—(1) Definition : 'Best practicable technology', is that technology which produces the minimum environmental pollution and degradation that can reasonably be achieved having regard to :

(a) the level of effluent control achieved, and the extent to which environmental pollution and degradation are prevented, in mining and milling radioactive minerals operations anywhere in the world ;

(b) the total cost of the application or adoption of that technology relative to the environmental protection to be achieved by its application or adoption ;

(c) evidence of detriment, or of lack of detriment, to the environment after the commencement of the Project ;

(d) the physical location of the Project ;

(e) the age of equipment and facilities in use on the project and their relative effectiveness in reducing environmental pollution and degradation ; and

(f) social factors including possible adverse social effects of introducing new technology ;

Staffing and
Environment
of
Radioactive
Minerals.

219.—(1) The mineral title holder shall appoint and provide :

(a) an Environment Protection officer, a Person having appropriate qualifications and experience who shall be responsible to the project management to ensure effective environmental control of the project ;

(b) a Radiation Safety Officer, a person qualified in the principles and practices of radiation protection in the mining and milling of radioactive ores who shall be responsible to the Manager for radiation protection associated with the mine and mill ;

(c) a Ventilation Officer, a person qualified in the principles and practices of ventilation as they apply to the mining and milling of radioactive ores who shall be responsible to the Manager for ventilation in the mine and mill ; and

(d) persons and resources to support the Environment Protection Officer ;

(2) The Environment Protection Officer and his staff shall ensure effective environmental control of the project including :

- (i) protection of biological resources ;
- (ii) protection of persons on or adjacent to the project lease ; and
- (iii) the carrying out of an archaeological survey in each area to be affected by construction work before construction work commences in that area and the recording and protecting of archaeological and sacred sites.

(3) Mineral title holders shall explain the requirements of this regulation, in so far as these requirements relate to any matter affecting the environment in relation to the radioactive mining, to all the officers, servants and employees of the operator and of their contractors and sub-contractors, as soon as possible after their first arrival in the project site.

(4) The mineral title holders shall ensure that all persons on the Project Site observe the provisions of Environmental Requirements, other prescribed regulations and applicable laws.

(5) The mineral title holders shall not introduce or permit or suffer the introduction onto the Project Area of flora or fauna exotic to the area save such flora or fauna as the Mines Environmental Compliance Department shall permit.

(6) The mineral title holders shall promptly take any action specified by the Mines Environmental Compliance Department to remove from the Project Area any exotic flora or fauna which may have been introduced into that Area.

220.—(1) For the purpose of this regulation “mineralised material” means :

Control of
Water and
Tailings
Disposal.

(a) material which contains more than 0.02 per cent of radioactive material dry weight as measured by sampling of the relevant material in a manner approved by the Mines Environmental Compliance Department ;

(b) natural rock containing quantities and concentrations of sulphide mineralisation in excess of quantities and concentrations defined by the Mines Environmental Compliance Department but does not include specimens or samples of types approved by the Mines Environmental Compliance Department.

(2) All areas, whether on the surface of the Project Area or underground which might, in the opinion of the operators or the Mines Environmental Compliance Department, come into contact with mineralized material, or with the products, intermediate products or by-products of the ore treatment plant, or with the liquid effluent from the mine or the ore treatment plant shall be designated Restricted Release Zones.

(3) Restricted Release Zones shall, upon request, be made available by the Mines Environmental Compliance and Mines Inspectorate Departments to members of the public.

(4) The water management system shall be established in a manner allowing no intentional releases to the environment of water from a Restricted Release

Zone, and the operators shall not allow to flow from a Restricted Release Zone liquid water other than the natural sub-surface flow of groundwater, provided that this requirement shall not apply to seepage which cannot be prevented by the use of the best practicable technology and this system shall be maintained unless the Mines Environmental Compliance Department gives approval for the release of water from the Zone.

(5) The mineral title holders shall, to the maximum extent practicable, ensure that a "zero release of contaminants system" is implemented, and that all practicable modifications to the project design which would achieve this objective are introduced.

(6) Where approval is given by the Mines Environmental Compliance Department for water to be released from a Restricted Release Zone, that water shall not be discharged generally but shall be discharged in a manner approved by the Mines Environmental Compliance Department.

(7) The approval of the Mines Environmental Compliance Department shall specify the following :

- (a) the maximum approved rate of discharge ;
- (b) the maximum concentration of contaminants in water to be discharged ;
- (c) the maximum quantity of contaminants to be released in any one discharge and in any one year ;
- (d) the maximum length of the approved period of continuous discharge.

(8) A mineral title holder shall not release water from a Restricted Release Zone until he has carried out to the satisfaction of the Mines Environmental Compliance Department such investigations as he may be required, into the flow, mixing and dispersion characteristics that will exist in the Control system at the time of a proposed release and the operators shall use the information obtained from such investigations to develop release procedures to ensure that standards specified by the Mines Environmental Compliance will be met with due regard to other mining developments within the Control System Area.

(9) The mineral title holders shall keep records of actual discharges made which shall be made available to the Mines Environmental Compliance Department and which shall specify :

- (a) the actual rate of discharge ;
- (b) the period of discharge ;
- (c) the concentration of contaminants in the discharged water ; and
- (d) the total quantity of contaminants released in each discharge and in each year.

(10) Waste rock shall not be deposited outside a Restricted Release Zone without the approval of the Mines Environmental Compliance Department.

(11) Equipment which has been in contact with mineralized material, or with the products, intermediate products or byproducts of the ore treatment plant, or with liquid effluents from the mine or the ore treatment plant, may be removed from within a Restricted Release Zone provided that it has been cleaned to a standard set by the Mines Environmental Compliance Department.

(12) Mineralized material, the products, intermediate products or by-products of the ore treatment plant or liquid effluent from the mine or the ore treatment plant shall not be taken, or allowed to move outside the limits of a Restricted Release Zone without the approval of the Mines Environmental Compliance Department.

(13) No mineralized material shall be mined, drilled or otherwise handled outside the limits of a Restricted Release Zone, except as authorized by the Supervising Authority.

(14) Erosion products resulting from the mining operations in the Project Area shall to the maximum extent practicable be prevented from entering the Control system and the method of so doing shall be the subject of approval by the Mines Environmental Department.

(15) The quality and quantity of runoff water entering the Control system from the Project Area shall be monitored by the lessees to the satisfaction of the Mines Environmental Compliance Department

(16) The tailings and water management systems and structures shall be designed and constructed in accordance with good engineering practice.

(17) The operators shall submit to the Mines Environmental Compliance Department and Mines Inspectorate Department a design study report and management plan for the tailings and water management systems containing detailed plans and specifications for the construction and use of those systems and the management of seepage from them and plans for the decommissioning and rehabilitation of the tailings disposal areas.

(18) No construction of the tailings and water management systems shall commence without the written approval of the Supervising Authority, which may contain conditions relating to the design, construction and use of the tailings and water management systems.

(19) Construction of the tailings and water management systems shall be in accordance with such procedures, including approved Quality Control Programs, as the Supervising Authority may require.

(20) The tailings and water management systems shall not be brought into use except with the written approval of the Supervising Authority.

(21) No tailings shall be discharged from the uranium mill until the structure of the tailings and water management systems, the arrangements for management of seepage from them and any use of tailings material as mine fill or for any other purpose have received the Supervising Authority's written approval.

(22) Seepage to groundwater from the tailings and water management systems shall be controlled by the lessees in accordance with the management plan and such conditions as may be specified by the Supervising Authority.

(23) The operators shall prepare a plan for the treatment, method of transfer, final disposal and rehabilitation of the tailings and the final plan shall be based on information obtained from studies carried out by the lessees on waste rock actual tailings obtained from the mill.

(24) The Mines Environmental Compliance and Mines Inspectorate Departments, in granting approval for the discharge of tailings from the mill shall, subject to any method of tailings disposal which is approved by the Mines Environmental Compliance Department, require the operator to observe the following requirements :

(i) tailings shall to the maximum extent practicable be dealt with by being deposited in or transferred to the mine excavation progressively with mining in a manner approved by the Mines Environmental Compliance Department ; and

(ii) Tailings disposal and rehabilitation shall be completed by the operators within five years after cessation of mining and milling on the Project Area or such other time as the Mines Environmental Compliance Department may require.

(25) In addition to any other fencing required from time to time by the Mines Environmental Compliance or Mines Inspectorate Department, the operator shall erect a fence around the tailings and water retention system and shall take all necessary and practicable action to prevent animals from drinking from sources of water within the Project Area that are, in the opinion of the Ministry contaminated as a result of mining and ore treatment operations in the Project Area.

Atmospheric
Pollution
Control.

221.—(1) For the purpose of this regulation, “installation” means a mine, ore treatment plant, sulphuric acid plant or power generation plant in the Project Area.

(2) Before the operation of an installation commences, the lessees shall develop appropriate air quality models in relation to emissions from the installation, suitable for assisting in making operational decisions relating to the protection of human health, biological resource, etc.

(3) The models shall be approved by the Supervising Authority before being used for the purpose of making operational decisions and may be modified as necessary with the approval of the Mines Environmental Compliance Department in the light of operational experience.

(4) No emissions from an installation shall be released to the atmosphere by the lessees until a discharge authorization based on standards has been obtained and emissions to the atmosphere shall be managed as proposed by the lessees and approved by the Mines Environmental Compliance.

(5) Unless otherwise approved or directed by the Mines Environmental Compliance Department, emissions from an installation shall not exceed the values specified in the National Emission Standards.

(6) The calciner and yellow cake processing plant shall be fitted with emission control equipment which reduces the emission of dust, fumes and total uranium to the environment to as low a level as can be achieved by the use of best practicable technology.

(7) Appropriate dust control measures shall be employed at all times and in all phases of the construction, mining and ore treatment operations to keep dust levels below values specified by the Supervising Authority from time to time.

(8) The lessees shall develop a test procedure for use during the initial start up of the calciner and the start up after any interruption to its operation to ensure that, before ignition, - the system is operating satisfactorily.

222. Sulphur shall be stored in the manner approved by the Mines Environmental Compliance Department and bund walls surrounding the sulphur stockpile are to be constructed in such a way as to contain all molten or burning sulphur and prevent it from spreading from the stockpile in case of fire.

Sulphur
Stockpiles.

223.—Transportation of yellowcake from the ore treatment plant shall be undertaken in a manner approved by the Mines Environmental Compliance Department and according to Nuclear Regulatory Laws and in accordance with national and international Regulations and Standards.

Transporta-
tion of
Radioactive
Minerals.

224.—The mineral title holders shall ensure that exposures to radiation of all persons on or near the Project Area shall be reduced to the lowest practicable level.

Protection
from
Radiation.

225.—(1) A mineral title holder who intends to close or abandon a mineral title area, shall apply in writing not less 3 months before the intended closure or abandonment to the Mines Environmental Compliance Department for a partial or complete closure or abandonment of such area and send copies to Mines Inspectorate and Mining Cadastral Office.

Mine
Closure and
Abandonment.

(2) The application referred to in sub-regulation (1) of this regulation shall include an audit report on the environment surrounding the mine site which shall be prepared by an independent person.

(3) A mineral title holder applying for mine closure shall ensure that all conditions specified in the Environmental Impact Assessment Statement and the Environmental Protection and Rehabilitation Plan of the Act and these regulations are strictly adhered to.

(4) A mineral title holder shall have a clearly defined process for development of a closure plan with provision for review and update.

(5) The plan in sub-regulation (1) of this regulation shall be developed at the feasibility stage and have adequate technical validity and financial resources for

future update and review and it shall contain a defined closure use for the site, without compromising environmental standards and safety.

(6) Mineral title holders shall—

(a) have provisions for addressing the potential social issues and benefits associated with environmental quality and potential future land use alternatives for the site ;

(b) establish risk analysis methods in the closure plan development and to address design criteria for disasters and other emergency situations such as earthquake, flooding, drought ; and

(c) provide a clearly identified sequence and schedule of closure activities.

(7) The Mines Environmental Compliance Department shall issue a closure certificate for any mine closed and the mining right or permit or part thereof shall be cancelled by the Minister.

(8) The Contents Of Decommissioning and Closure Plan is as contained in *Schedule 6F* to these Regulation

Records of
Closing
Down Mine.

226.—(1) The Mines Environmental Compliance Department shall keep a record of an environmental impact statement, map or other document for any mine temporarily or permanently closed or abandoned.

(2) The records referred to in sub-regulation (1) of this regulation shall be open for inspection by the public during normal working hours.

Public
Access to
Information.

227.—Except for any proprietary information, the public shall have access to all approved environmental impact assessment studies, environmental impact statements, contributors to the Environmental Protection and Rehabilitation Fund kept by the Mines Environmental Compliance Department.

Emergency
Preparedness.

228.—(1) Bearing in mind possible hazards to human health and the local and more distant environments resulting from effects on the project of natural disasters, operational emergencies, materials failure and other unscheduled events, including any interruptions to monitoring programs, the operator shall, develop and have approved by the Mines Environmental Compliance Department, contingency plans for minimizing the impact and remedying the damage resulting from such an event.

(2) Such contingency plans referred to in sub-regulation (1) of this regulation shall take into account and be consistent with the applicable law and shall include :

(a) details of the program of action to be carried out in relation to each contingency plan ;

(b) nomination of the mineral title holders' personnel responsible for implementation of the contingency plan ; and

(c) provision for the continuation of monitoring programs during any of the events referred to earlier in this clause.

(3) The mineral title holders shall ensure that all members of their staff are conversant with the provisions and objectives of current contingency plans.

(4) The mineral title holders shall immediately notify the Mines Environmental Compliance Department of the occurrence of any of such events outlined in sub-regulation (1) of this regulation.

(5) Mineral title holders shall ensure adequate response plans so that the affected community understands what it must do in the case of an accident such as spills of tailings or accidents.

229.—A mineral title holder shall remove, dismantle, or otherwise properly dispose of buildings and structures constructed, used, or improved on state land unless the surface owner or manager authorizes that the buildings and structures may stay and a miner shall remove or otherwise properly dispose of all scrap iron, equipment, tools, piping, hardware, chemicals, fuels, waste, and general construction debris on state land.

Disposal of
Buildings,
Structures,
and Debris
on Land.

PART VI—ARTISANAL AND SMALL SCALE MINING OPERATION
ARTISANAL AND SMALL SCALE MINING DEPARTMENT
PROVISION OF EXTENSION SERVICES FOR MINING
COOPERATIVES AND SMALL-SCALE MINERS

230.—(1) A cooperative society wishing to register as Artisanal and Small-Scale Miner shall apply to the Artisanal and Small Scale Mining Department.

Formaliza-
tion of
Artisanal
Miners.

(2) The applicant shall provide the following :

- (a) the name and address of the Cooperative Society ;
- (b) Certified true copy of registration as a cooperative society ;
- (c) the names and addresses of its principal trustees and officers which must not be less than 10 ;
- (d) the particulars of the mineral title held by the cooperative society (where applicable ;
- (e) copy of the bye laws ;
- (f) payment of prescribed registration fees;

(3) The application for registration will be granted if the applicant has fulfilled its obligations under the Act and these Regulations.

231.—(1) The Ministry through the Artisanal and Small Scale Mining Department shall provide extension services for Mining Cooperatives and small-scale miners as provided under section 91 of the act by :

Provision of
Extension
Services to
Artisanal and
Small Scale
Miners.

(a) organizing, Supporting and Assisting Artisanal & Small-Scale Miners on exploration, exploitation, mineral processing, and entrepreneurial training.

(b) In compliance with section 34(2)(d) of the Act, the Artisanal & Small Scale operators to access the Solid Mineral Development Fund or any other fund.

(2) A Mining Cooperative and Small-Scale Miner wishing to participate in the Extension Services shall apply to the Ministry.

(3) The applicant shall provide the following :

(a) A copy of certificate of registration with Artisanal and Small Scale Mining Department.

(b) A copy of license from the Mining Cadastre Office.

Requirements
for
Registration
as a Minerals
Buying
Centre.

232.—The requirements for registration as a Minerals Buying Centre shall include :

(a) A body corporate duly incorporated under the companies and allied Matters Act.

(b) 3 years current Tax Clearance Certificate.

(c) Article & Memorandum of Association

(d) The buying centre shall appoint a manager who shall oversee the centre.

(e) Secured Office with Burglary proof

(f) Strong Room (Bounded Warehouse)

(g) Minerals Testing Equipments

(h) Fire Extinguisher

(i) Registers

(j) Payment of prescribed fees

SCHEDULE 1—FEES

	N	k
1. APPLICATION PROCESSING FEE		
(a) Reconnaissance Permit	10,000:00	
(b) Exploration Licence	20,000:00	
(c) Small Scale Mining Lease	10,000:00	
(d) Mining Lease	50,000:00	
(e) Quarry Lease	20,000:00	
(f) Water Use Permit	10,000:00	
2. ANNUAL SERVICE FEE (PER CADASTRE UNIT)		
(a) Reconnaissance Permit FREE		
(b) Exploration Licence 1st – 3rd year 1,000 each		
4th – 5th year 1,500 each		
6th – 7th year 2,000 each		
(c) Small Scale Mining Lease	10,000:00	
(d) Mining Lease	25,000:00	
(e) Quarry Lease	20,000:00	
(f) Water Use Permit	10,000:00	

3. PROCESSING OF RENEWAL APPLICATION

(a) Reconnaissance Permit	10,000 :00
(b) Exploration Licence	30,000:00
(c) Small Scale Mining Lease	30,000:00
(d) Mining Lease	250,000:00
(e) Quarry Lease	50,000:00
(f) Water Use Permit	20,000:00

4. PENALTY FOR LATE RENEWAL APPLICATION

(a) Reconnaissance Permit	10,000:00
(b) Exploration Licence	100,000:00
(c) Small Scale Mining Lease	100,000:00
(d) Mining Lease	100,000:00
(e) Quarry Lease	100,000:00

5. APPLICATION TO DEPOSIT TAILING

(a) Small Scale Mining Lease	10,000:00
(b) Mining Lease	15,000:00
(c) Quarry Lease	10,000:00

6. APPLICATION TO ABANDON WORK OR CEASE PRODUCTION

(a) Exploration Licence	10,000:00
(a) Small Scale Mining Lease	20,000:00
(b) Mining Lease	10,000:00
(c) Quarry Lease	40,000:00

7. APPLICATION FOR ENLARGEMENT (PROCESSING)

(a) Exploration Licence	40,000:00
(b) Small Scale Mining Lease	15,000:00
(c) Mining Lease	40,000:00
(d) Quarry Lease	40,000:00

8. APPLICATION FOR RELINQUISHMENT

(a) Small Scale Mining Lease	10,000:00
(b) Mining Lease	10,000:00
(c) Quarry Lease	10,000:00

9. APPLICATION FOR TRANSFER

(a) Exploration Licence	100,000:00
(b) Small Scale Mining Lease	50,000:00
(c) Mining Lease	250,000:00
(c) Quarry Lease	100,000:00

10. APPLICATION FOR SURRENDER

(a) Exploration Licence	10,000:00
(b) Small Scale Mining Lease	10,000:00
(c) Mining Lease	10,000:00
(d) Quarry Lease	10,000:00

11. APPLICATION FOR CONSOLIDATION	
(a) Exploration Licence	20,000:00
(b) Small Scale Mining Lease	20,000:00
(c) Mining Lease	20,000:00
(d) Quarry Lease	15,000:00
12. APPLICATION TO ENDORSE ADDITIONAL MINERAL	
(a) Exploration Licence	20,000:00
(a) Small Scale Mining Lease	10,000:00
(b) Mining Lease	50,000:00
(c) Quarry Lease	10,000:00
13. APPLICATION FOR CERTIFIED TRUE COPY OF LOST CERTIFICATE	10,000:00
14. ON APPEAL TO THE MINISTER	2,000:00
15. APPLICATION FOR AMENDMENT OF DOCUMENTS	5,000:00
16. SEARCH FEE/DUE DILIGENCE	50,000:00
17. CADASTRE MAP INFORMATION APPLICATION FOR CERTIFIED TRUE COPY OF OTHER DOCUMENTS OTHER THAN TITLE DOCUMENTS	2,000:00
18. PERMIT TO EXPORT MINERALS	
(a) Permit to Export Minerals for Commercial purpose	10,000:00
(b) Permit to Export Minerals & Samples for Analysis	1,000:00
19. LICENCE TO POSSESS AND PURCHASE MINERALS	
(a) Non-Metallic Minerals	5,000:00 per mineral
(b) Metallic Minerals	10,000:00 per mineral
(c) Gemstones	10,000:00 per mineral
(d) Precious Metals	5,000:00 Lump sum
(e) Registration of accredited Agent for movement of Minerals	10,000:00
(f) Permit for Registration as Mineral Processor	10,000:00
20. ARTISANAL AND SMALL SCALE MINING	
(a) Application for ASM Registration	5,000: 00
(b) Application for registration of mineral buying center	50,000:00
(c) Application for renewal of buying center centre	50,000:00

NB. All Fees and Payments in the Schedule are Non Refundable

SCHEDULE 2

DESIGNATION OF MINERAL TITLE AREA

1. Specifications for identifying a Cadastral Unit (which corner or centre point identifies the cadastral unit). Note this needs to fix the CU in relation to the map.

2. Specifications for identifying an exploration licence area

(a) apex points of a polygon consisting of cadastral units, or a list of cadastral units

(b) No holes in the polygon

(c) All the co-ordinate values shall be exact multiples of 15 seconds and the perimeters not adjusting itself to such exact division of the cadastral grid shall not be accepted.

(d) Any polygon included in the application for a mining right shall be integrated by an exact number of cadastral units which shall be indivisible and contiguous at least by one side.

(e) Two or more isolated polygons, or polygons in contact by only one vertex, cannot be included together in one single mining right.

3. Specifications for identifying a small-scale mining lease, mining lease, quarry lease, water use permit :

(a) Individual cadastral units to be listed (or apex points)

(b) No holes in area

SCHEDULE 3

FORMS

FEDERAL REPUBLIC OF NIGERIA

MINISTRY OF MINES AND STEEL DEVELOPMENT

The Nigerian Minerals and Mining Act 2007

Regulation 8 (2)

Form 1

MINISTER'S NOTICE TO DELEGATE AUTHORITY

NOTICE IS HEREBY GIVEN that pursuant to the power conferred by the Act, the Hon. Minister of Mines and Steel Development has authorized(name of the officer) of the (department) to (description of authority to be exercised) for the period of(Months/Years) commencing from

DATED this day of 20.....

(Signed)

HON. MINISTER

FEDERAL REPUBLIC OF NIGERIA
MINISTRY OF MINES AND STEEL DEVELOPMENT
The Nigerian Minerals and Mining Act 2007
Regulation 14 (5)
Form 2

SUMMONS TO WITNESS

TO : (1)
(2)

You are hereby summoned to appear before the panel of inquiry sitting at
.....
on the day of 20..... and to give
evidence at an inquiry/investigation being held into an accident which occurred
at (place of accident) on the day of
..... 20..... You are required to produce at the hearing the following
documents/records/materials.

- 1.
- 2.

.....
CHAIRMAN

FEDERAL REPUBLIC OF NIGERIA
 MINISTRY OF MINES AND STEEL DEVELOPMENT
 The Nigerian Mineral and Mining Act 2007
 Regulation 24 (2) (b)

FORM 3

BIDDING APPLICATION FORM FOR AN EXPLORATION
 LICENCE OR MINING LEASE

1. Name of Company:.....
2.
Date of Registration *Registration No.*
3. Head Office or Principal Place of Business in Nigeria.....
4. Address for Notices:.....Fax No. E mail:.....
 Telephone No:.....
5. Period for which Lease is required :
6. Area Applied for in Square Metres/Kilometres:.....
7. Minerals applied for:.....
8. State the particulars of any other mineral titles held:.....
9. The particulars of applicant's technical partners,.....
10. Capital available to the applicant for operation under the Lease.
11. State qualification and experience in mining operations,.....
12. Describe the proposed mining operations scheme
 (to be annexed to the application)

Attach supporting documents specified in the Regulations/ Advertisement

I declare that all the foregoing information and particulars are true and correct.

DATED the day of 20.....

.....
*Signature of Applicant or
 Representative of the Applicant*

Application registration particulars

Date : Time

Number

Applicant (or representative)

Received by:

Signature and stamp:

NIGERIAN MINERALS AND MINING ACT, 2007.
TRANSFER OF MINERAL TITLE
SECTION 147 (2)

I.....
(Name of holder)

of.....
(address of holder)

being the holder of.....Number.....
registered as No.....on page.....
in volume.....of the Mining Cadastre Office
Register of.....which the said.....entitles
me to conduct.....within.....number of cadastre
unit(s) as described in the.....in consideration.....
(amount) the receipt of which I hereby acknowledge, DO HEREBY TRANSFER all
my right, title and interest in and under the said.....
to.....

(transferee's name)

(transferee's address)

With effect from.....day of.....20.....

Dated the.....day of.....20.....

Signed by the said.....

(transferor's name)

In the presence of.....

(witness)

(address of witness)

Signed by the said.....

(transferee's name)

In the presence of.....

(witness)

DATED this.....day of.....20.....

Approval.....

DIRECTOR GENERAL
Mining Cadastre Office

of
(address of holder)

the receipt of which I hereby acknowledge, Do HEREBY ASSIGNED all my right, title and interest in and under the said
to
(Assignee's name)

With effect from day
of 20
Dated the day of
..... 20
Signed by the said
(Assignee's name)

In the presence of
(witness)
.....
(address of witness)

Signed by the said
(Assignee's name)

In the presence of
(witness)

Dated this day
of 20
Approval

DIRECTOR-GENERAL
Mining Cadastre Office



MINING CADASTRE

MINERAL TITLE
MODIFICATION
APPLICATION FORM

APPLICATION N°

I - TITLE ON WHICH THE MODIFICATION IS REQUESTED

TITLE NUMBER

DATE OF ISSUE

TITLE TYPE

DATE OF EXPIRY

NUMBER OF CU's

II - MODIFICATION REQUESTED

☐

RENEWAL

☐

ENLARGEMENT *

☐

RELINQUISHMENT *

☐

ADD. MINERAL(S)

☐

TRANSFER / ASSIGNMENT *

FULL

☐

PARTIAL

☐

DURATION

Yr(s)

☐

ABANDON / SURRENDER

P R I O R I T Y

>>> REGISTER + NUMBERING SEQUENCE

☐

CONSOLIDATION

⇒

With TITLE NUMBER

DATE OF ISSUE

☐

CONVERSION

⇒

To TITLE TYPE

DATE OF EXPIRY

NUMBER OF CU

* Fill separate coordinates forms;

III - APPLICANT'S IDENTIFICATION

☐

BODY CORPORATE

☐

CO-OPERATIVE

☐

INDIVIDUAL *

Full name

Registration No *

ID card No * if any

Address

Street / Road *

City / Town *

State *

LGA *

Country of origin

No *

P.O. Box

Zip

Communication

Telephone *

Fax

Mobile *

Email *

Web site

IV - REPRESENTATIVE

Full name

ID card No * if any

Position in the company (if any)

Address

Street / Road *

City / Town *

State *

LGA *

No *

P.O. Box

Zip

Communication

Telephone *

Fax

Mobile *

Email *

Web site

⊗ To be filled in by the Mining Cadastre Officer - Application submitted in 3 copies
 * Mandatory information

PLEASE USE CAPITAL LETTERS ONLY