STATUTORY INSTRUMENT NO. OF 2015

\_\_\_\_\_\_\_\_\_\_

The Mines and Minerals Development Act, 2015

(Act No.  11 of 2015)

\_\_\_\_\_\_\_\_\_\_

The Mines and Minerals Development

(General) Regulations, 2015

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

Regulation

1. Title
2. Interpretation
3. Cadastre unit
4. Geometric rules for cadastre coordinates
5. Cadastre co-ordinates and beacons setting
6. Cadastre maps

PART II

APPLICATION FOR A MINING RIGHT OR NON-MINING RIGHT

1. Application for mining right
2. Application for non-mining right
3. Application to export, import, etc., mineral, ore or mineral product
4. Application to export, sell, etc., radioactive minerals
5. Application for mineral analysis or valuation certificate
6. Application by agent
7. Assignment of identification code
8. Application by polygon
9. Offer letter by Minister or Directors
10. Notice of rejection of application by Minister, Director or Director of Geological Survey
11. Grant of mining right or non-mining
12. Amendment of licence
13. Change in particulars of holder

PART III

RENEWAL OF MINING RIGHT AND MINERAL

PROCESSING LICENCE

1. Application for renewal of mining or non-mining right
2. Application polygon for renewal
3. Modification of perimeter
4. Rejection of application for renewal
5. Grant of renewal

PART IV

ALTERATION OF PROSPECTING OR MINING AREA

1. Application for alteration of exploration or mining area
2. Application polygon for alteration
3. Approval of alteration

PART V

TRANSFER OR ASSIGNMENT OF MINING RIGHT OR MINERAL PROCESSING LICENCE

1. Application for consent to transfer or to assign
2. Grant of consent to transfer

PART VI

ABANDONMENTOF MINING AREA

1. Application to abandon land subject to licence
2. Grant of certificate of abandonment

PART VII

ONLINE AND ELECTRONIC SUBMISSION OF APPLICATION

1. Documents not permitted to be e-filed
2. General e-filing and e-payment principles
3. Validation of area of interest
4. Format of e-filed documents
5. Acceptable file formats
6. Priority time for applications
7. User ID and electronic signature
8. Responsibility for filing
9. Original documents to be maintained by persons
10. Proof of application or electronic payment
11. Public access
12. Printing of e-filed documents
13. Certified copies
14. Interruption of service
15. Special provisions where rules not complied with
16. Applicable fees

PART VIII

GENERAL PROVISIONS

1. Notice of appeal
2. Fees, area charges, etc.
3. Pegging certificate
4. Area subject to conflict
5. Revocation of S.I. No. 123 of 1996

First Schedule

Second Schedule

Third Schedule

Fourth Schedule

Fifth Schedule

Sixth Schedule

IN EXERCISE of the powers contained in sectionone hundred and nineteen of the Mines and Minerals Development Act, 2015, the following Regulations are made:

PART I

PRELIMINARY

Title

1. These Regulations may be cited as the Mines and Minerals Development (General) Regulations, 2015.

Interpretation

1. In these Regulations, unless the context otherwise requires –

“abandonment” means the voluntary extinction of a mining  right which may be total or partial and which is  demanded by the  holder by renunciation;

“Act” means the Mines and Minerals Development  Act, 2015;

“alteration” in relation to a mining area, means the extension or the reduction of the size of the prospecting exploration or mining area;

“assignee” means a person who derives a right or interest in a licence or mining right from the holder of the licence or mining right;

“assignor” means a person who grants a right or interest in a licence or mining right to another person;

“cadastral co-ordinates” means the geographic sexagesimal co-ordinates used in the delineation of an area subject to a licence or mining right in  accordance with these Regulations;

“cadastre unit” has the same meaning assigned to it in the Act;

“cadastral map” means a map record of existing non-mining and mining rights;

“certificate of abandonment” has the same meaning assigned to it in the Act;

“conventionally file” means the act of filing or serving of paper documents;

“Directors” means the Director of Mines, Director of Mines Safety, Director of Geological Survey or Director of Mining Cadastre, appointed under the Act;

“document management system” means the electronic document storage and

imaging system maintained by the Mining Cadastre Office;

“e-filing” means electronic transmission of an original document;

“electronic” includes digital or online submissions;

“electronic document” means an original document in electronic format;

“electronic service” means electronic

transmission of a document between a person and the Mining Cadastre Office;

“exploration area” means an area of land subject to an exploration licence;

“exploration licence” means an exploration licence granted under Part III of the Act;

“exploration operations” means operations carried out in the course of exploration;

“filing” means the process of submitting documents online, electronically or in paper form at the Mining Cadastre Office;

“holder” means a person in whose name a mining right or non-mining right is registered under the Act;

“hyperlink” means an electronic connection or reference to another place in a document, such that when selected, the user is taken to the portion of the document to which the hyperlink refers;

“ID” means a unique user identification;

“mining information management system” means the system used by the Mining

Cadastre Office to administer mining rights and non-mining rights;

“PDF” means portable document format, a file format that preserves all fonts, formatting colours and graphics of any source document, regardless of the

application platform used;

“pegging certificate” means a certificate issued by a surveyor after demarcation of a licence or mining right in accordance with regulation 50;

“perimeter” means the external contour of the ground made up of contiguous cadastral units, which is the subject of a licence or mining right or an application for a licence or mining right;

“Priority ID” means a unique user identification number assigned in the

mining rights management system to assign priority of an application for a mining right or mineral processing licence; and

“scanned format” means an electronic image created by scanning a paper format.

Cadastre unit

3.(1)For the purposes of the Act and these Regulations, the surface area of Zambia is divided into cadastre units in squares of six seconds by six seconds in conformity with the grid defined by geographic sexagesimal co-ordinates in degrees, minutes and seconds represented at the edge ofcadastral maps.

(2)  The cadastral maps shall be based on the official topographic map of the Republic of Zambia at the scale of 1:50,000 or 1:250,000 and based on the ellipsoid of Clarke 1880.

Geometric rules for cadastre coordinates

4.(1)    Coordinates values shall be exact multiples of six seconds and all perimeters shall conform to the exact division.

(2) A polygon that forms an application for a licence or mining right shall be composed of an exact number of indivisible cadastre units which shall be contiguous.

(3)  An isolated polygon or a polygon which is joined to the other polygon by only one vertex shall not be included in one licence or mining right application.

(4)Mining activity in a polygon that partially falls outside a transnational boundary shall only be undertaken within the national boundaries.

(5)An applicable fee shall be payable in respect of polygon covered by a mining right.

Cadastral co-ordinates and beacons setting

5.  (1)A setting out on the ground of the cadastral co-ordinates shall be made by the use of the official parameters for the transformation between the topographical map co-ordinates and the Global Positioning System (GPS) co-ordinates.

(2) The Mining Cadastre Office shall provide the parameters outlined under sub-regulation (1) in order to guarantee the homogeneity in the positioning

of licences and mining rights.

(3)  Where there is a contradiction between the field topographical data and the cadastral co-ordinates, the cadastral co-ordinates shall take priority.

Cadastral maps

6.  (1)The Mining Cadastre Office shallmaintain an updated cadastral map.

   (2)The cadastral maps and the cadastre registers shall be open to the public for inspection.

PART II

APPLICATION FOR A MINING RIGHT OR

NON-MINING RIGHT

Application for mining right

7.(1)A person shall upon payment of the fees set out in the First Schedule apply to the Director of Mining Cadastre for the following mining rights in Form I set out in the Second Schedule:

(a)an exploration licence; and

(b)a mining licence.

(2)A person shall apply to the Minister for consent to carry out mining operations in respect of radioactive minerals in Form II set out in the Second Schedule.

Application for non-mining right

8.(1)A person shall upon payment of the fees set out in the First Schedule apply to the Director of Mining Cadastre for a mineral processing licence in Form II  set out in the Second Schedule.

(2)A person shall apply to the Director of Mines for a mineral trading permit in Form III set out in the Second Schedule.

(3)A mineral trading permit shall cover one of the following classes of minerals:

(a)gemstones;

(b)precious metals;

(c)base metals; and

(d)industrial minerals.

(4)A person who intends to trade in more than one class of minerals set out in sub-regulation (3) shall apply for a separate permit in respect of each class

of minerals.

Application to export, import, etc., mineral, ore or mineral product

9.A person who intends to import or export any mineral, ore or mineral product shall upon payment of the fees set out in the First Schedule apply for a permit to the Director of Mines in Form IV set out in the Second Schedule.

Application to export, sell, etc., radioactive minerals

10.A person shall upon payment of the fees set out in the First Schedule apply to the Minister for consent to acquire, store, transport, sell or export radioactive minerals in Form V set out in the Second Schedule.

Application for mineral analysis or valuation certificate

11.A person shall upon payment of the fees set out in the First Schedule apply to the Director of Geological Survey for a mineral analysis  certificate or a valuation certificate in Form VI set out in the Second Schedule.

Application by agent

12.An agent who makes an application, under these Regulations, on behalf of another person shall submit, together with the application, the authority to act as an agent in Form VII set out in the Second Schedule.

Assignment of identification code

13.The Mining Cadastre Office shall, upon receipt of an application under these Regulations, assign an identification code to the application.

Application polygon

14. (1) An applicant for a mining right or mineral processing licence shall provide a hard copy and an electronic copy of geographical coordinates of the area of land in respect of which the licence is sought except that where there are more than twelve geographical coordinates, a hard copy shall only contain the first twelve geographical coordinates.

(2)The geographical coordinates of the area of land referred to in sub-regulation (1) shall be valid from the date of an application to the date of the grant or rejection of the application.

(3) A subsequent application that relates to a part or whole of the perimeter of an area already applied for shall be considered as partially or wholly overlapping with an area which is the subject matter of an application with a right of priority under these Regulations.

Offer letter by Director of Mining Cadastre

15.(1)The Director of Mining Cadastre shall where the Mining Licensing Committee, as the case may be, approves an application made under these Regulations –

(a)inform the applicant of the approved application through any of the

following:

(i)notification in the print media;

(ii)regular notices at the central or regional Cadastre Offices;

(iii)short messaging system (SMS); or

(iv)electronic mail; and

(b)issue a letter of offer in Form VIII set out in the Second Schedule to the applicant stipulating the conditions of the offer.

(2)A letter of offer issued under sub-regulation (1) shall be valid for a period of thirty days which period commences from the date of notification.

(3)Where an applicant accepts the offer referred to in sub-regulation (1), the Mining Licensing Committee shall grant the applicant the licence.

Notice of rejection of application by

Director of Mining Cadastre

16.The Director of Mining Cadastre shall where the Mining Licensing Committee as the case may be rejects an application for a mining right or Mineral Processing Licence, inform the applicant of the rejection in Form IX set out in the Second Schedule.

Grant of mining right or non-mining rights

17.(1)A grant of a mining right or non-mining right shall be in the appropriate form set out in the Third Schedule.

(2)A grant of a certificate, permit or authorisation shall be in the appropriate form set out in the Third Schedule.

(3)The terms and conditions of a licence, certificate, permit or authorisation, as the case may be, are as set out in the Fourth Schedule.

Amendment of licence

18. (1) An application to amend a mining right or non-mining right shall, upon payment of the fees set out in the First Schedule, be made to the

S.I. No. 85 of 2008

Director of Mining Cadastre in Form XI set out in the Fifth Schedule.

(2) Where the application for amendment relates to the inclusion of minerals –

(a)for a mining right or mineral processing licence, the application shall include a programme of operations for the additional minerals approved by the Director of Mines or Director of Geological Survey, as the case maybe; or

(b)which are radioactive minerals, the holder of a mining right or mineral processing licence shall comply with the requirements of the Act and the Mines and Minerals Development (Prospecting, Mining, and Milling of Uranium Ore and other Radioactive Mineral Ores) Regulations, 2008.

Change in particulars of holder

19.A holder shall inform the Mining Cadastre Office of any change in the particulars of the holder in  Form XII set out in the Fifth Schedule.

PART III

RENEWALOF MINING RIGHT AND MINERAL PROCESSING LICENCE

Application for renewal of mining or non-mining right

20.(1)An application for renewal of a mining right or mineral processing licence shall be made –

(a)for an exploration licence, six months before the expiry of the licence;

(b)for a mining licence, in the case of –

(i)artisanal mining, three months before the expiry of the licence;

(ii)small-scale mining, six months before the expiry of the licence; and

(iii)large-scale mining, one year before the expiry of the licence; and

(c)for a mineral processing licence, one year before the expiry of the licence.

(2)A holder who makes an application for renewal of a mining right or mineral processing licence after the periods stipulated in sub-regulation (1) and before the date of expiry shall pay a fine of five hundred penalty units for each day that the holder is in default.

(3)An application for renewal of a mining right shall be in Form XIII set out in the Fifth Schedule.

(4)An application for renewal of a mining right in respect of radioactive minerals shall be in Form XIV set out in the Fifth Schedule.

(5)An application for renewal of a mineral processing licence shall be in Form XV set out in the Fifth Schedule.

Application polygon for renewal

21.The Mining Cadastre Office shall, in accordance with regulation 5, provisionally plot onto the cadastral maps the perimeter that relates to an application for renewal of a mining right or mineral processing licence.

(2) An application under this Part in respect of an area that has been proposed for relinquishment, under an exploration licence, shall not partially or fully overlap with the area applied for.

Modification of perimeter

22. (1) The Mining Licensing Committee shall reject an application to modify the current perimeter that covers a new adjacent area where –

(a)a part of the proposed area overlaps an area that is already subject to another mining right or licence or is under application;

(b) a minimum of twenty-five percent of the original exploration area is not part of the modified area; and

(c)the area falls below the minimum prescribed for safe mining operations.

(2)The Director of Mining Cadastre shall where the Mining Licensing Committee rejects an application under sub-regulation (1), inform the applicant of the rejection in Form X set out in the Second Schedule.

(3)A new area that is annexed to a licence shall conform with the maximum duration, and the prescribed fees, applicable to the original licence or mining right.

Rejection of application for renewal

23. (1)The Director of Mining Cadastre shall, where the Mining Licensing Committee rejects an application for renewal of a mining right or non-mining right, inform the applicant of the rejection in Form X set out in the Second Schedule.

(2)The Director of Mining Cadastre shall, where the Mining Licensing Committee rejects an application for renewal of a mining right or non-mining right, endorse the rejection on the licence, issued in respect of the mining right or non-mining right.

Grant of renewal

24. The Director of Mining Cadastre shall, where the Mining Licensing Committee approves an application for renewal of a mining right or mineral processing licence, endorse the approval on the licence, issued in respect of the mining right or mineral processing licence.

PART IV

ALTERATION OF EXPLORATION OR MINING AREA

Application for alteration of exploration or mining area

25.(1)A holder intending to alter the holder’s exploration area or mining area shall apply to the Director of Mining Cadastre, in Form XVI set out in the Fifth Schedule.

(2)A new exploration area or mining area shall conform to the prescribed cadastral unit and the geometrical rules specified under regulation 4.

(3) The maximum surface area for which a mining right may be granted shall not exceed the area stipulated in section twenty one and thirtyof the Act.

Application polygon for alteration

26.The Mining Cadastre Office shall, pending the approval of an application for alteration of an exploration area or a mining area,  provisionally plot the new perimeter on the cadastral map and record the new perimeters in accordance with regulation 5.

Approval of alteration

27. (1)The Mining Licensing Committee shall, where an application for alteration of an exploration area or a mining area meets the requirements of the Act and these Regulations, approve the application.

(2)  Where the Mining Licensing Committee approves an application for alteration of an exploration area or mining area, the Director of Mining Cadastre shall endorse the approval on the licence issued in respect of that mining right.

PART V

TRANSFER AND ASSIGNMENT OF MINING RIGHT OR MINERAL PROCESSING LICENCE

Application for consent to transfer or to assign

28. (1)An application for consent to transfer or to assign a mining right or mineral processing licence shall be in Form XVII set out in the Fifth Schedule.

(2)An application for consent to transfer or assign a mining right or mineral processing licence  shall –

(a)be made by an assignor at any time during the validity of a mining right

or mineral processing licence; and

(b)be accompanied by an application for a mining right or mineral processing licence, as the case may be, made by the prospective assignee.

(3)The periods stipulated in sub-regulation (1) of regulation 20 apply to this regulation, with the necessary modifications.

Grant of consent to transfer

29.The Minister shall, where an application made under regulation 28 meets the requirements of the Act and these Regulations, grant consent to assign or transfer a mining right or mineral processing licence in Form XVIII set out in the Fifth Schedule.

PART VI

ABANDONMENT OF MINING RIGHT AREA

Application to abandon land subject to licence

30.An application for the abandonment of all or any part of any land subject to a mining or exploration licence shall be in Form XIX set out in the Fifth Schedule.

Grant of certificate of abandonment

31. The Director of Mining Cadastre shall, where the Director of Mining Cadastre approves an application for the abandonment of land, grant the certificate of abandonment in Form X set out in the Fifth Schedule.

PART VII

ONLINE AND ELECTRONIC SUBMISSION OF APPLICATION

Documents not permitted to be e-filed

32.Notwithstanding any other provisions for electronic and online submissions, the following documents shall be filed conventionally, unless expressly required to be filed electronically by the Director of Mining Cadastre:

(a)feasibility study reports;

(b)environmental impact study reports;

(c)any other reports and submissions as determined by Director of Mining Cadastre.

General e-filing and e-payment principles

33.(1)Where a matter under these regulations requires the filing of applications, documents and statutory reports, the submissions may be filed electronically at the Mining Cadastre Office or online.

(2)A person may pay by electronic methods established by the Mining Cadastre Office.

(3)A person who wishes to make an application shall, prior to submission, register as a user in the mining rights management system.

(4)A person who submits an application for a mining right or mineral processing license shall have the option to select the area of application by:

(a)direct entry of geographical coordinates in the system;

(b)selection of cadastre units in the system;

(c)uploading geographical coordinates from a soft copy medium into the system;

(d)attachment of prescribed appendices using the PDF format.

Validation of area of interest

34.(1)Following submission of the area of interest electronically, the area of application shall be validated by the system against valid mining rights and earlier mining rights applicable to enable the user identify:

(a)if the area of interest is free; or

(b)partial or total overlaps.

(2)Where the area of interest partially overlaps, the user shall have the option to select free cadastre units for submission.

(3)Upon submission of a revised application under sub-regulation (2), the application shall be stored in the system for twenty-four hours within which time the application fee must be paid failing which the application shall lapse.

(4)Upon payment of the application fee, the system shall assign a unique priority ID which shall also carry priority of the application in relation to other applications.

Format of e-filed documents

35.(1)A person shall ensure that an electronically filed document is formatted in accordance with the applicable formatting of paper documents acceptable to the Director of Mining Cadastre.

(2)The Director of Mining Cadastre shall provide guidance on the format acceptable for submission.

(3)The Director of Mining Cadastre may require a person to produce the original of a scanned document that has been filed electronically.

Acceptable file formats

36.(1)A person may electronically submit a document in Microsoft Word, Microsoft Excel, Rich Text Format, Portable Document Format and any standard non-proprietary graphic formats.

(2)Coordinates to be uploaded shall be submitted in Microsoft Excel format longitudes and latitudes in geographical format.

Priority time for applications

37.(1)Applications submitted online or electronically shall be queued up and assigned priority time and date by the system.

(2)Priority time and date assigned shall be based on the Zambian official time zone.

User ID and electronic signature

38.(1)The Director of Mining Cadastre shall register users and provide each user with a personally selected user name (ID) and password.

(2)The user name referred to in sub-regulation (1)shall, when used in conjunction with the personally selected password, constitute a signature of the registered user on documents and management of licences and applications in the mining rights management system.

(3)Notwithstanding sub-regulation (2), a user may apply an electronic signature to a document to be submitted for purposes of these Regulations.

(4)In order to ensure the intent of the holder or applicant, the signature line on an electronically filed document shall bear the printed name of the user preceded by the symbol "/s/".

(5)An electronic document may be signed by the Registrar of Mining Rights through the use of a printed signature preceded by the "/s/" symbol or through the use of the official signature stamp.

(6)The official signature stamp shall be merged with the electronic document and shall be visible when the document is printed and viewed electronically.

(7)A document which requires the signature of a holder or an applicant shall be filed with the Mining Cadastre Office in paper format scanned and maintained in a manner consistent with applicable record retention and archival rules.

(8)Where the document submitted is free from infection, the document shall be deemed submitted and the Mining Cadastre Office shall send acknowledgment of receipt through the mining rights management system.

(9)A document which has been successfully received shall be reviewed for compliance with prescribed requirements and filing standards and where it complies with standards, shall be accepted and deemed filed as of date and time it was received by mining rights management system.

Responsibility for filing

39.A holder of or applicant for a mining right or mineral processing licence shall have the same responsibility as a person filing a document in paper format and shall ensure that the document is properly complete and filed.

Original documents to be maintained by persons

40.(1)Notwithstanding any other provisions under these Regulations a person filing an application shall not submit a courtesy paper copy of the applications unless ordered to do so by the Mining Cadastre Office.

(2)Where the Act or these Regulations demand that an original paper document be submitted in its original form, a person shall submit the original hard copy within five days of the demand by the Director of Mining Cadastre.

Proof of application or electronic payment

41.Where a document has been submitted electronically, the document shall be deemed to have been received when it has arrived at the hosting server for incoming communications in connection with which the user ID or signature is associated.

Public access

42.(1)The mining rights management system shall make available online basic mining rights information.

(2)The Director of Mining Cadastre shall make electronically filed, scanned documents and mining rights information available to the public.

Printing of e-filed documents

43.An electronically filed document shall be maintained in a printed format with the same content and formatting as if printed from its author program.

Certified copies

44.(1)A certified copy of an electronically filed document may  be obtained electronically or be issued in the conventional manner by the Director of Mining Cadastre, as may be applicable.

(2)Certified copies shall be granted in the conventional paper format.

Interruption of service

45.The Mining Cadastre Office shall not be liable for any break in service, malfunction or error occurring in online or electronic transmission or receipt of electronically filed documents.

Special provisions where rules not complied with

46.(1)The Director of Mining Cadastre may determine, if necessary, specify instructions connected with online and e-filing through an electronic entry in the system.

(2)The Director of Mining Cadastre shall determine if any application deadlines may be extended as a result of rejection of e-filed documents.

(3)The Director of Mining Cadastre may order a person to re-submit any document that is not compliant with the rules or may order the documents to be filed conventionally.

Applicable fees

47.(1)All fees applicable to conventional hard copy applications shall apply to online and electronic applications and submissions.

(2)A document, application or statutory report which requires to be accompanied by a fee or penalty may be rejected within twenty four hours, if the payment has not been rendered.

PART VII

REPORTS BY MINING RIGHTS AND MINERAL PROCESSING LICENCE HOLDERS

Reports by holder of exploration licence

48.(1) The holder of an exploration licence shall-

(a) at quarterly intervals, on or before the thirtieth day of the month following the end of each quarter, submit to the Director of Geological Survey and Director of Mines Safety, a comprehensive report, which shall consist of a hard and soft copy, relating to exploration operations carried out during the previous quarter supported by-

(i) maps and diagrams showing the areas where exploration operations have been carried out, and the locations where excavations have been made and boreholes sunk and the relevant geological data;

(ii) documents and maps showing the results of any geological, geochemical or geophysical surveys;

(iii) sections showing strata or ore bodies penetrated in any excavations or borehole and assay results; and

(iv) the average number of employees broken into number and category of Zambian citizens and expatriates employed during the previous quarter in carrying out exploration operations;

(b)submit to the Director of Geological Survey and Director of Mines Safety, an annual comprehensive report of exploration operations, on or before the end of the first month following the end of the year, which shall include-

(i) a comprehensive summary of all pertinent geological, geochemical and geophysical data supported by maps, diagrams and sections and including in particular details of mineralisation revealed, calculations and estimates of ore reserves and the data on which such calculations and estimates are based;

(ii) a brief description of work undertaken; and

(iii) the holder's compliance with the approved local business development programme; and

(c) within six months of the expiry of each tenure of the licence, submit an interpretative report of exploration operations carried on during the period of the licence which shall include-

(i) a comprehensive summary of all pertinent geological, geochemical and geophysical data supported by maps , diagrams and sections and including in particular details of mineralisation revealed, calculations and estimates of ore reserves and the data on which such calculations and estimates are based;

(ii) a brief description of work undertaken; and

(iii) details of beneficiation tests carried out.

(2) A holder of an exploration licence who wishes to apply for a mining licence shall include information provided for in paragraph (c) of sub-regulation (1).

Monthly return of mineral production by mining and mineral processing licence holder

49.(1)The holder of a mining licence or mineral processing licence shall, on or before the fifteenth day of each month, submit to the Director of Mines and Director of Mines Safety in respect of the preceding month a return of the quantities and value of mineral products produced from the mining area or mineral processing area, whether by way of trial, of regular business or of the removal of minerals from the mining area, in Form xxx in the xxxx Schedule.

(2)The mineral production return shall also include a record of all primary and secondary development, ore hoisted and treated

Submission of annual reports by mining and mineral processing licence holders

50.(1)  The holder of a mining licence or mineral processing licence shall submit to the Director of Mines and Director of Mines Safety not later than the 28th February in each year, a report on the operations carried out in the mining area and operations ancillary thereto during the year ending on the previous 31st  December.

(2)  The report referred to in sub-regulation (1) shall include-

(a)tonnage, type and grade of ore milled and its source;

(b) tonnages and grade of ore depleted from or added to reserves or moved from one category of ore reserve to another;

(c) a report on exploration work carried on within the mining area;

(d) the total footages of primary development, secondary development and exploratory drilling completed;

(e)calculations showing the ore recovery and dilution factors;

(f)the recovery percentages and efficiency of all mining and metallurgical processes and a metallurgical balance sheet showing the disposition of all metal and mineral products depleted from the ore reserves;

(g)a brief report on any research projects or major technical     investigations carried out and results to date;

(h) operating cost sheet showing in detail the average cost of production expressed in cost per ton of ore mined and treated and cost per unit of finished product;

(i) statement of work carried out on capital projects, and expenditure thereon;

(j) quantities and grade of end products produced, quantities sold and average selling prices;

(k) average number of employees broken into number and category of Zambian citizens and expatriates employed during the previous year;

(l) the holder's compliance with the approved local business development programme; and

(m) a brief report on training carried out.

Programme of future operation

50.(1)  The holder of a mining licence or mineral processing licence shall submit to the Director of Mines and Director of Mines Safety not later than the last day of November in each year a programme of operations in respect of the mining area for the ensuing year commencing on the following 1st January.

(2)  The programme referred to in sub-regulation (1) shall include-

(a)  an estimate of the tonnages and grades of ore or other material that will be mined or reclaimed and treated and their source;

(b)  an estimate of primary and secondary development and

exploratory drilling planned for the year;

(c)  an estimate of the quantities of mineral products which will be produced, estimated average operating costs and anticipated selling prices for the year;

(d) details and estimated cost of any capital projects to be undertaken;

(e)  a forecast of any changes anticipated in the mining methods, treatment processes or marketing arrangements;

(f)  a statement of any research projects or major investigations to be carried out;

(g)  estimated number of staff and labour requirements, stating the number of and category of Zambians and expatriates to be employed;

(h)a brief preview of the training programme for the year; and

(i)a brief preview of the local business development programme for the year.

Submission of geological report

51. The holder of a mining licence shall, at intervals of two years, submit to the Director of Mines and Director of Geological Survey a detailed report of exploration activity including details of mineralization and calculated and estimated ore reserves in the mining area and the data on which the calculation is based.

Submission of audited financial report

52.  The holder of a mining licence or mineral processing licence shall submit to the Director of Mines and Director of Mines Safety a copy of audited annual financial statements within three months of the end of each financial year.

PART IX

GENERAL PROVISIONS

Commencement of exploration mining and mineral processing operations

53.(1)The holder of an  exploration licence shall commence operations in accordance with the approved programme not later than six months from the date of grant of the licence.

(2)   The holder of a mining licence or mineral processing licence shall commence operations in accordance with the approved programme of operations.

Notice of appeal

54.A notice of appeal shall be in Form XXI set out in the Fifth Schedule.

Fees, area charges, etc.

55.  (1)The fees set out in the FirstSchedule are applicable for the matters stipulated therein.

(2)The minimum annual exploration expenditures are set out in the Sixth Schedule.

(3)A holder of a mining right or mineral processing licence shall pay the prescribed area charges on or before the anniversary of the grant of the mining right or mineral processing licence.

(4)A holder of an exploration licence, mining licence or mineral processing licence who defaults on payment of the prescribed area charges commits an offence and is liable, upon conviction –

(a)in the case of a large scale mining operation, to a fine of fifteen thousand penalty units for each day that the holder of a licence referred to in this sub-regulation is in default; or

(b)in the case of the small-scale mining operation or artisanal operation to a fine of one thousand five hundred penalty units for each day that the holder of a mining right referred to in this sub-regulation is in default.

Pegging certificate

56. (1) An application under these Regulations shall not be approved if the area covered in the application overlaps a neighbouring mining right or mineral processing licence.

(2) Following  the grant of a licence under these Regulations, a holder of a mining rightor mineral processing licence, subject to the direction of the Mining Cadastre Office shall, at the holder’s cost –

(a)  survey the mining right area and place -

(i)temporary beacons for exploration licence; or

(ii)permanent beacons for  mining and mineral processing licences; and

(b) obtain a pegging certificate.

(3)A pegging certificate shall be in Form XXII set out in the Fifth Schedule and shall be submitted to the Mining Cadastre Office.

Construction of temporary beacons

57.A temporary beacon shall consist of an iron bar, or a hard wood or wooden pole treated with preservative, two metres in length and fifty centimetres into the ground, surrounded by a pile of stones not less than sixty centimetres in diameter at the base and not less than one metre high and having attached to  it a plate bearing the following details:

(a)the registered number of the exploration licence and the name of the holder thereof;

(b)the date of beaconing; and

(c)the beacon number.

Construction of permanent beacon

58.    A permanent beacon shall consist of -

(a)an iron pin, not less than thirty eight centimetres long and one and a half centimetres in diameter, set in  concrete not less than one hundred and fifty cubic centimetres, and buried so that the top of the pin is at least twenty five centimetres below the surface of the ground:

Provided that-

(i)in sandy soil the pin shall not be less than sixty centimeters long;

(ii)where the ground is rock and it is impossible to drive an iron pin into it, a hole not less than one and half centimeters in diameter and two centimeters deep shall be drilled in the rock, which hole shall be in lieu of such pin; and

(b)a masonry or concrete pillar not less than ninety by ninety centimetres at the base, not less than fifty by fifty centimeters at the apex, and not less than one meter high, built centrally over the pin or hole;

(c)an iron pin concreted into the pillar plumbed centrally over the buried pin or hole and projecting beyond the apex of the pillar for adistance not more than one and half centimetres; and

d)a rustproof metal plate, not less than five by five centimetres, securely attached to the pillar and bearing on it the following details:

(i)the markings for the purpose of identifying the beacon by the land surveyor in accordance with the Survey  Regulations;

(ii)the registered number of the mining licence or mineral processing licence concerned  and the name of the holder thereof; and

(iii)such other information as may be required by the Act: Provided that where the details are imprinted upon the pillar the metal plate  shall not be required.

Defacing, alteration, destruction etc of temporal or permanent beacon

59.  Any person who willfully or maliciously defaces, alters the position of, removes, pulls down, injures, destroys or erects or renews in any position other than its proper or original position, any temporary beacon or permanent beacon, erected under these Regulations shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five years, or to both.

Destruction or disposal of samples

60. (1)  The holder of an exploration licence in whose area geochemical surveying, reverse circulation or diamond drilling has been carried out shall not destroy or dispose of any samples or diamond drill cores or the records relating thereto without written authority from the Director of Geological Survey.

(2)  The Director of Geological Survey may take possession of   such samples or cores or records relating thereto.

Area subject to conflict

61.  Upon the commencement of these Regulations, where an area is subject to any conflict or overlap that could affect the mining activity area that area shall be blocked off until the resolution of the conflict and no application shall be accepted over that area.

Revocation of S.I. No. 123 of 1996 and S.I. No. 84 of 2008

62.The Mines and Minerals (Applications for Mining Rights) Regulations, 1996, and the Mines and Minerals Development (General) Regulations, 2008 are hereby revoked.