

Regs - 2011 Amendment - Moses Gann

[Legal Notice No. 55]

MINES AND MINERALS ACT  
(Cap. 42)

MINES AND MINERALS (AMENDMENT) REGULATIONS 2011

← 27 June 2011

IN exercise of the powers conferred upon me by section 80 of the Mines and Minerals Act (Cap. 42), I make these Regulations –

Citation and commencement

1. These Regulations may be cited as the Mines and Minerals (Amendment) Regulations 2011 and commence on the date of publication in the Gazette.

New Part added

2. The Mines and Minerals Regulations 1996 (L.N. 106/96) ("principal Regulations") is amended by adding the following new Part –

new part

**PART XX EXPORTATION OF MINERALS**

Definition 69. In this Part –

"application" means an application made under regulation 71 for an export permit;

"consignment permit" means a consignment permit issued to a mining company under regulation 73;

"export and consignment permit" means an export and consignment permit issued to a person other than a mining company under regulation 73;

"export permit" means an export permit issued under regulation 70.

Power to issue export permit

70. (1) The Minister, acting on the advice of the Board, has the power to issue an export permit to a mining company, in Form No. 18A with or without conditions and subjects to the payment of the export permit fee set out in the Schedule.

(2) The power to issue an export permit includes the power to refuse, vary, suspend or cancel the permit or to vary, suspend revoked conditions or to impose new conditions.

(3) Subject to regulation 73, the export permit authorises the holder to export mineral commodity within the period of the permit.

Min  
can refuse

double contingency:  
a) need Exp Permit (Min)  
b) need a Consig Perm (Dir)

(4) The Board must assess the application and provide its advice to the Minister on whether or not the application should be granted.

*Board assesses*

(5) The Board may require the applicant to provide further information within thirty days before it may re-consider the application, otherwise the application lapses at the expiration of the thirty days.

(6) When the Board completes its assessment of the application, the Director shall notify the Minister on the advice of the Board for the purposes of subregulation (1).

(7) The Director shall inform the applicant of the decision of the Minister and, subject to payment of the export permit fee, he may send the export permit to the licensee.

(8) The export permit may be issued for up to 3 years and shall not be transferred or assigned to another person except that a gold dealer may be issued an export permit for a period of up to 12 months.

*Direct: 3yrs  
not transferable*

(9) The requirement of an export permit does not apply if the mining lease authorizes the permit.

*Exception*

71. (1) Any mining company desiring to export mineral commodity may apply in Form No.18 and accompanied by the prescribed application fee to the Director for an export permit.

Application for export permit

(2) The Director shall refer the application to the Board.

(3) The Director may, if the application does not contain all the necessary information, require the applicant to submit further documents before he refers the application to the Board.

*some overlap*

72. (1) The Minister may, on advice of the Board, suspend or cancel the export permit if the permit holder breaches any condition of the export permit or a provision of the Act or its Regulations.

Suspension and cancellation

*Suspend/cancel*

(2) The Board may, when giving advice to the Minister under subregulation (1), give an opportunity to the permit holder to respond as to why the permit should not be suspended or cancelled.

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(3) The Director must forward the advice of the Board to the Minister and inform the permit holder of the decision of the Minister.

(4) When an export permit is suspended or cancelled, the consignment permit is also suspended or cancelled.

Contingent rights: EP vs CP

Application for export and consignment permit

73. (1) The Director may, with or without condition, grant the following permit to export minerals -

- (a) a consignment permit in Form No. 19A to a mining company pursuant to its export permit issued under regulation 70;
- (b) an export and consignment permit in Form No. 20A to a person other than a mining company.

(2) Any mining company intending to export a consignment of mineral commodity under its export permit may in Form No. 19 apply to the Director for a consignment permit.

Exp Permit  
↓  
Consig Permit

not mandatory??

(3) Any person other than a mining company may apply in Form No. 20 to the Director for an export and consignment permit authorising the person to export the mineral commodity.

(4) Before the mineral commodity is exported, the Director shall -

- (a) inspect, check and verify all information in relation to the exportation of the mineral commodity;
- (b) verify and confirm payment of any tax in relation to exportation of the mineral commodity;
- (c) approve in writing the consignment of mineral commodity to be exported; and
- (d) ensure that all Customs shipment clearance for exportation of the mineral commodity has been completed to his satisfaction."

?? → Bill May not before grant of per CP? Leaves Dir more exposed to attach contingency to phys act rather than grant of right

First and Second Schedules amended

3. (1) The First Schedule to the principal Regulations is amended by adding the following forms set out in Part 1 of the Schedule to these Regulations.

(2) The Second Schedule to the principal Regulations is amended by inserting a new part 11 as set out in Part 2 of the Schedule to these Regulations.

} new forms

SCHEDULE  
(regulations 3)

PART 1 - AMENDMENTS TO THE SECOND SCHEDULE OF THE  
PRINCIPAL REGULATIONS

“FORM 18

Application for Mineral Export Permit<sup>1</sup>  
(regulation 71)

To: The Director of Mines,  
Ministry of Mines, Energy and Rural Electrification  
Honiara, Solomon Islands

I, ..... hereby apply for Mineral Export  
Permit on behalf of .....  
to export .....  
comprising of .....  
produced from .....  
through .....

Address in Solomon Islands at which notices may be served:

.....  
Approximate mining lease area: .....

Province: .....

Island: .....

Length of Term desired: .....

Fees paid herewith:

(a)	Application Fee	S.....
(b)	Processing Fee	S.....
(c)	Mineral Export Permit fee for ..... months/years ( <i>to be paid when application granted</i> )	S.....
	<b>TOTAL FEE</b>	S.....

<sup>1</sup>Three copies to be submitted



I attached herewith the marketing contract/sales agreement with the purchaser, copy of mining lease, accreditation of traders, retailers, and processors, and mining plan showing the anticipated facilities, scale of operations and production capacity, nature of the mineral products, processing plan and the estimated overall recovery of the commodity and mineral products.

**2. Applicants Declaration**

I hereby certify that the above particulars are correct for best of my knowledge and belief that the company holds current Mining Lease No.....of 20.....

Dated at ..... this ..... day of ..... 20.....

Signature of Applicant or Agent

Official Use: Received at ..... hr on ..... day of .... 20..... G.T.R. No: ..... ..... Signature of Receiving Officer
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FORM 18A

EXPORT PERMIT<sup>2</sup> - MINING COMPANIES  
(regulation 70)

EXPORT PERMIT NO. ....

**Permit**

UPON application dated ..... and on the advice of the Board dated ....., I hereby grant an Export Permit to export the mineral listed in Appendix A in respect of its Mining Licence No. .... in relation to land are listed in Appendix B to ---

- (a) Name of Company: .....
- (b) Address: .....
- (c) Telephone: ..... Fax: .....
- (d) Email: .....

**Period**

The Permit is for a period of [.....] effective from this ..... day of ..... 20 .....

**Conditions**

The Permit is subject to the following conditions --

- (a) a consignment permit issued under regulation 73 is required to effect the export of the mineral;
- (b) prescribed export duties of mineral commodity concerned is cleared to the satisfaction of the Director of Mines.

ISSUED this            day of            20.....

MINISTER  
Ministry of Mines, Energy and Rural Electrification

<sup>2</sup>Three copies are to be signed

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APPENDIX A

(Minerals which may be, exported from the mining lease area subject  
of this permit)

GOLD AND SILVER

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APPENDIX B

(Situation and description of the area this subject of this permit)

Area referred hereto as

---

FORM 19

APPLICATION FOR AND CONSIGNMENT PERMIT BY  
MINING COMPANY

(regulation ~~73~~ reg 73(1)(a), 73(2))

TO: The Director of Mines  
Ministry of Mines, Energy and Rural Electrification  
Honiara, Solomon Islands

a) Mineral Export Information

I<sup>3</sup> hereby apply for a miner consignment permit on behalf  
of<sup>4</sup>  
to export<sup>5</sup>  
of<sup>6</sup>  
contained<sup>7</sup> comprising of<sup>8</sup>  
produced from<sup>9</sup>  
and marked<sup>10</sup>  
through<sup>11</sup>  
via<sup>12</sup>  
shipped by<sup>13</sup>  
to<sup>14</sup>

Monetary value of minerals by weight in SBD (Solomon dollar)<sup>15</sup>

b) Payment herewith

Received from  
The sum of  
Being for

- <sup>3</sup>full name and address of person signing this form
- <sup>4</sup>name and full address of mining company/person
- <sup>5</sup>quantity of minerals by weight in ounces
- <sup>6</sup>name and description of minerals
- <sup>7</sup>number of packages
- <sup>8</sup>grade, specifications and/or assay where applicable
- <sup>9</sup>name and registration number of mine, name of owner of administrative district
- <sup>10</sup>full postal address of consignee
- <sup>11</sup>agent and place of export
- <sup>12</sup>despatched & receiving port of consignment
- <sup>13</sup>carrier & flight details
- <sup>14</sup>company & country of destination
- <sup>15</sup>value of export metal as of today's price



c) Declaration of Consigner

I hereby certify that the above particulars are correct to the best of my knowledge and belief that the company holds current Mining Lease No..... of 20.....

Date: .....  
Signature of Consigner

d) Mines Officer Receiving Consignment

Received at ..... hr on..... day of ..... 20 .....

G.T.R No:.....  
Signature of Receiving Officer

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FORM 19A

CONSIGNMENT PERMIT BY MINING COMPANY

Our ref:                      Date:

[CONSIGNMENT PERMIT NO: .....]

UPON considering your Application date ..... for an Export and Consignment Permit to export minerals,

I hereby grant to:

Name: .....

Address:

Telephone/fax/email contact:

this Export and Consignment Permit to export the following minerals --

.....  
.....  
.....

within the period of fourteen (14) days from the date thereof,

Dated this ..... day of ..... 20 .....

DIRECTOR OF MINES  
Mines Division  
Ministry of Mines, Energy and Rural Electrification

[Valid (Until/for): One (Shipment) only]

EXPORT<sup>2.59</sup>  
FORM 20

APPLICATION FOR AND CONSIGNMENT PERMIT BY OTHER  
PERSONS OTHER THAN MINING COMPANY

(regulation ~~72~~ — reg 73(1)(b), 73(3))

TO: The Director of Mines  
Ministry of Mines, Energy and Rural Electrification  
Honiara, Solomon Islands

a) Mineral Export Information

I<sup>16</sup> ..... hereby apply for a  
mineral export and consignment permit to export<sup>17</sup> .....  
of<sup>18</sup> .....  
contained<sup>19</sup> ..... comprising of<sup>20</sup> .....  
produced from<sup>21</sup> .....  
and marked<sup>22</sup> .....  
through<sup>23</sup> .....  
via<sup>24</sup> .....  
shipped by<sup>25</sup> .....  
to<sup>26</sup> .....

Monetary value of minerals by weight in SBD (Solomon dollar)<sup>27</sup> .....

b) Payment herewith

Received from .....  
The sum of .....  
Being for .....

c) Declaration of Consigner

- <sup>16</sup> full name and address of person signing this form
- <sup>17</sup> quantity of minerals by weight in ounces
- <sup>18</sup> name and description of minerals
- <sup>19</sup> number of packages
- <sup>20</sup> grade, specifications and/or assay where applicable
- <sup>21</sup> name and registration number of mine, name of owner of administrative district
- <sup>22</sup> full postal address of consignee
- <sup>23</sup> agent and place of export
- <sup>24</sup> dispatched & receiving port of consignment
- <sup>25</sup> carrier & flight details
- <sup>26</sup> company & country of destination
- <sup>27</sup> value of export metal as of today's price

I hereby certify that the above particulars are correct to the best of my knowledge and belief that the minerals were obtained lawfully in Solomon Islands.

Date: .....  
Signature of Consigner

**d) Mines Officer Receiving Consignment**

Received at ..... hr on ..... day of ..... 20 .....

G.T.R No:.....  
Signature of Receiving Officer

**FORM 20A**

**EXPORT AND CONSIGNMENT PERMIT BY PERSONS  
OTHER THAN A MINING COMPANY**

Our ref:                      Date:

[MINERAL EXPORT AND CONSIGNMENT PERMIT NO: .....]

UPON considering your Application dated ..... for a Consignment Permit to export minerals pursuant to your Export Permit No. ...., issued under regulation 70 which is still valid until the ..... day of ..... 20 ....., I hereby grant to:

Name of the Company/Officer of the Company: .....

This Consignment Permit to export the following minerals -

.....  
.....

with the period of fourteen (14) days from the date thereof,

Date the ..... day of ..... 20 .....

DIRECTOR OF MINES  
Mines Division  
Ministry of Mines, Energy & Rural Electrification

[Valid (Until/for): One (Shipment) only]

Forms

- 18 - App<sup>n</sup> for min exp permit (Mg co.)
- 18A - Export permit (form of)
- 19 - App<sup>n</sup> for consignment permit (Mg co.)
- 19A - Consignment permit (form of)
- 20 - App<sup>n</sup> for Exp + consign permit (non-Mg co.)
- 20A - Exp + consign permit (form of)

PART 2 - NEW PART ADDED TO THE SECOND SCHEDULE AS FOLLOWS -

attaches only to MEP?

"11. MINERAL EXPORT PERMIT AND CONSIGNMENT PERMIT FEES

ITEM	SUBJECT	FEE (\$)
1.	Application for Export Permit (including renewal application)	3,000.00
2.	Processing fee (including plans) (including renewals)	7,000.00
3.	Export Permit Fee (including renewal permit fee) -	
	(a) Up to 12 months	50,000.00
	(b) Over 12 months to 2 years	100,000.00
	(c) Over 2 years to 3 years	150,000.00
4.	Application for consignment permit (regulation 73(1)(a))	5,000.00
5.	Application for export and consignment permit (regulation 73(1)(b))	500.00
6.	Consignment Permit Fee	7,000.00
7.	Export and consignment permit fee	500.00

MEP fees

CP fees

ECP fees

why so low? one-off

MADE AT HONIARA this twenty-seventh day of June, 2011.

HON. MOSES GARU  
Minister  
Ministry for Mines, Energy and Rural Electrification