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SOMMARIO

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PARTE PRIMA

ATTI LEGISLATIVI ED AMMINISTRATIVI

FIRST PART

LEGISLATIVE AND ADMINISTRATIVE ACTS

DECREE OF THE PRESIDENT OF THE SUPREME
REVOLUTIONARY COUNCIL No. 173 of 3 April
1971 — *Mining Regulations.*

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PARTE SECONDA

DISPOSIZIONI, COMUNICATI, AVVISI, VARIE

N. N.

DECREE OF THE PRESIDENT OF SUPREME REVOLUTIONARY
COUNCIL No. of 3 April 1971.
MINING REGULATIONS.

THE PRESIDENT
OF THE SUPREME REVOLUTIONARY COUNCIL

HAVING SEEN the First Charter of the Revolution of 21 October, 1969, and Law No. 1 of 21 October, 1969;

HAVING SEEN Article 106 of the Mining Code (Law No. 77 of 22 November, 1970);

CONSIDERING it necessary to issue Regulations for the implementation of the Mining Code;

ON THE PROPOSAL of the Secretary of State for Mining;

DECREES:

Article 1

The Mining Regulations, which is Annex A to this Decree, is hereby approved and shall form an integral part of this Decree.

Article 2

This Decree shall be deemed to have come into force on the date of entry into force of the Mining Code, Law No. 77 of 22 November, 1970, and shall be published in the Official Bulletin.

Mogadiscio, 3 April, 1971.

Major General Mohamed Siad Barre
PRESIDENT
of the Supreme Revolutionary Council

Mohamed Burraleh Ismail
Secretary of State for Mining

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Part I — GENERAL PROVISIONS

Section 1 — Interpretation

Regulation 1

Definition

1. In these Regulations, «the Code» means the Mining Code (Law No. 77 of 22 November, 1970), and unless the context otherwise requires the term:

«*artstone*» means any stone such as marble, extracted for its natural beauty for use in the manufacture of ornaments, polished stone facings, etc.;

«*building minerals*» includes all minerals other than artstone used for the construction of buildings, roads, dams and similar works such as stone, gravel sand, clay, laterite, volcanic ash and lava, clay for the production of burned bricks and tiles, limestone for the production of burned lime, but does not include any mineral used for the manufacture of cement, fertilisers, glass, or other industrial products;

«*casinghead petroleum spirit*» means any liquid hydrocarbons obtained from natural gas (before crude oil from which it is derived has been measured for royalty) by separation or by chemical or physical process;

«*crude oil*» means mineral oil in its natural state before the same has been refined or otherwise treated, but excluding water and other foreign substances;

«*explosives*» includes all forms of blasting preparations, mixtures, and compounds used in connection with prospecting or mining operations, and all forms of detonators, delay devices and detonating fuses, but does not include safety fuse and fuse ignitors;

«*fracture explosives*» means all types of explosives, including nitrates intended for use in blasting operations, but does not include detonating devices and forms of detonating or instantaneous fuse;

«*gemstone*» means any form of mineral which is commonly cut and polished for use in jewelry, but excludes artstone.

«*misfire*» means an explosive charge which has wholly or partly failed to detonate;

«*natural gas*» means gas obtained from boreholes and wells consisting primarily of hydrocarbons;

«*net value*» means the gross value of the mineral or mineral product less such deductions as the Secretary may allow in respect of expenditure on transport, insurance, assaying, smelting or refining charges, where these are borne by the producer of the mineral or mineral product.

2. Other expressions used in these Regulations shall have the same meanings as are ascribed to them in the Code.

Section 2 — Fees, Rents and Royalty

Regulation 2

Fees, rents and royalty

1. The fees and rents set out in the First Schedule shall be payable in respect of the matters specified therein.

2. All rents payable under these Regulations shall be payable to the Secretary in advance, without demand, and shall be in addition to any royalty.

3. Application fee payable under the First Schedule shall not be refundable, but if the application is refused other fees, rents and deposits paid at the time of application shall be refunded to the applicant.

4. Subject to any special terms and conditions in any lease, the rates or royalty prescribed in the Second Schedule shall be payable in respect of the mineral specified therein.

5. In respect of royalty on mineral oil, the Secretary may at any time at his option, by giving at least 90 days notice to the lessee in advance of the date on which such notice is to take effect, ask for payment of all or part of the royalty to be made in liquid or gaseous hydrocarbons, to be delivered free of cost to the Government storage facilities either on the field of production or at such other place or places in the Republic as the Secretary may specify. Payment of royalty in this manner may be terminated by the Secretary at any time after similar notice.

Section 3 — Demarcation

Regulation 3

Demarcation by temporary beacons, etc.

1. Every applicant for an exclusive prospecting license, mining permit or mining lease, before lodging the application in the prescribed manner, shall demarcate the area required by means of temporary beacons and trenches.

2. The boundaries of the area the subject of the application shall be demarcated as follows:

- (a) a temporary beacon shall be erected at one corner of the area, and shall be designated the «Location Beacon»;
- (b) a temporary beacon shall be erected at each of the other corners. Such beacons shall be designated «Corner Beacons» and shall be numbered consecutively;
- (c) a temporary beacon shall be erected at points where public highways, railways, watercourses or passageways cross the boundary. Such beacons shall be designated «Boundary Beacons».

3. A temporary beacon shall consist of a post, not less than 4 feet above the ground and not less than 16 square inches in cross-section, supported in an upright position by a cairn of stones or mound of earth, not less than three feet high and four feet square at the base. A notice board, not less than 12 inches square shall be fixed securely to the post, and be placed so as to face inwards towards the area demarcated. It shall bear the following information:

- (a) the name of the individual erecting the temporary beacon, and if an agent, the name of the person for whom he is acting;
- (b) the number of the individual's prospecting permit;
- (c) the date of erection of the beacon;
- (d) the letters «E.P.L.», «M.P.» or «M.L.» denoting exclusive prospecting license, mining permit or mining lease as the case may be;
- (e) the letter «L.B.», «C.B.» or «B.B.» denoting Location Beacon, Corner Beacon or Boundary Beacon as the case may be;
- (f) the dimensions and bearings of the boundaries which pass through or converge at the beacon.

4. At every temporary beacon from the base of the cairn or mound, a trench not less than one foot wide and one foot deep shall be made for a distance of ten feet along each boundary passing through or converging at the beacon. In hard ground, the trench may be replaced by large stones in a line ten feet long.

5. With the prior written approval of the Secretary, the boundary of an exclusive prospecting license or mining lease may be formed by suitable topographical features such as a road or river. The Secretary may also waive or vary the requirements of this Regulation in respect of the Corner Beacons.

6. After an area has been demarcated with temporary beacons, the holder of the prospecting permit shall submit the relevant

application to the Secretary in the prescribed manner within 30 days of such demarcation.

Regulation 4

Maintenance of temporary beacons

Every temporary beacon shall be kept in good order and repair, and the notice board shall be maintained in a legible condition throughout the currency of the exclusive prospecting license, mining permit or mining lease, notwithstanding any suspension of obligations granted by the Secretary.

Regulation 5

Removal of temporary beacons

1. When an application for an exclusive prospecting license, mining permit or mining lease is refused, the applicant shall forthwith remove all temporary beacons demarcating the area applied for. Should he fail to do this, the Director or other authorised public officer may remove the obsolete beacons, without prejudice to any legal action which may be taken against the applicant for failure to do so.

2. The Director may authorise the holder of an amalgamated block of mining permits or mining leases to remove the internal beacons within the block to facilitate mining operations.

3. The Director may authorise the removal of temporary beacons from the corners of the area of an exclusive prospecting license, or a mining lease and replacement by permanent beacons when the boundaries are to be surveyed under Article 17 of the Code.

Regulation 6

Official number on beacons

Upon the grant of any exclusive prospecting license, mining permit or mining lease, the official number of such license, permit or lease shall be painted on the temporary beacons demarcating the area, within 30 days of the grant of such license, permit or lease.

Part II — PROSPECTING PERMIT

Regulation 7

Form of application, etc.

1. An application for a prospecting permit shall be in Form 1 of the Third Schedule and shall be submitted to the Secretary in du-

2. A copy of the sketch plan submitted with the application shall be annexed to the license, or where the area has been surveyed under the provisions of Article 17 of the Code, a copy of such survey plan.

Regulation 14

Application for renewal

Application for renewal of an exclusive prospecting license shall be made to the Secretary in writing, together with:

- (a) the original license;
- (b) the annual rent prescribed for the ensuing year;
- (c) a detailed report on the work carried out in the license area during the preceding year, together with a general surface plan at a reasonable scale to depict such matters as are mentioned in the report;
- (d) an account of the expenditure incurred in respect of the prospecting operation during the preceding year;
- (e) the work proposals for the ensuing year, together with the estimated expenditure;
- (f) provisions for deposit or guarantee as may be required for the minimum work obligation for the ensuing year.

Regulation 15

Minimum work obligations

1. The minimum work obligation for every exclusive prospecting license shall be Sh. So. 2000.00 per square mile per annum.

2. Any over-expenditure in any one year may be carried over to the following year.

3. Failure to perform the minimum obligations required in any one year shall render any deposit made under Article 21 of the Code, or a proportionate part thereof in lieu of the failure to perform the obligation fully, liable to be retained by the State. Such retention shall not operate as a waiver of any breach or non-compliance with the requirements of the Code or these Regulations.

4. Direct expenditure on the following technical activities shall be acceptable in performance of work obligations:

- (b) the cost of the necessary logistical support installations erected in the license area, and for such installations erected outside the license area for which the prior written approval of the Secretary has been obtained;
- (c) an administrative cost factor not exceeding 10 per cent of the direct technical expenditure on (a) and (b) above.

5. Where a number of license areas are administered from one centre, the administrative cost shall be proportioned in the ratio of the respective license areas.

Part IV — MINING PERMIT

Regulation 16

Classes of mining permits

The classes of mining permits which may be granted, and the maximum dimensions of the permit area for each class shall be as follows:

- (a) for building minerals — 300 feet in length and 300 feet in width;
- (b) for alluvial minerals — 300 feet in length and 300 feet in width;
- (c) for all other minerals (other than mineral oil), including ores of precious, base, ferrous and non-ferrous metals, mica, sepiolite, gypsum, and similar non-precious and industrial minerals — 1500 feet in length and 600 feet in width.

Regulation 17

Shape of mining permit area

1. The mining permit area shall be rectangular:
Provided that the Secretary may, in special circumstances consent in writing that it be otherwise.
2. The width of the permit area shall not be less than one quarter of the length of the longest side.

Regulation 18

Form of application, etc.

1. The holder of a valid prospecting permit, having duly demarcated an area in accordance with Regulation 3, shall apply to the Secretary in Form 6 of the Third Schedule for the grant of a mining permit.

2. Every application shall be made in triplicate and shall be accompanied by:

- (a) the application fee and the rent for the first year prescribed in the First Schedule;
- (b) a sketch plan in triplicate showing:
 - (i) the Location Beacon, Corner Beacons and any Boundary Beacons;
 - (ii) the lengths of the sides of the area, and as full particulars as possible to enable the Location Beacon to be located on the ground with reference to landmarks or topographical features in the vicinity;
 - (iii) distances separating the area applied for from any other beacons in the vicinity;
 - (iv) such other information as may be necessary to enable the area to be delineated on an official map of the locality.

3. A mining permit shall be in Form 7 of the Third Schedule.

Regulation 19

Adjustment of mining permit area

1. If subsequent to the grant of a mining permit, it is found that the permit area exceeds the prescribed dimensions, or that the area is not rectangular, or does not conform with the details supplied on the sketch plan submitted with the application, the Director or an authorised public officer may require the holder to move the Corner Beacons in such a manner as to conform with the requirements of these Regulations within a specified time. If the holder fails to do so, such beacons may be adjusted by the Director or the authorised public officer.

2. Where beacons are adjusted in accordance with the preceding paragraph, a new sketch plan shall be made and signed by the permit holder. Such new plan shall supercede that submitted with the application.

Regulation 20

Renewal of mining permit

A mining permit may be renewed by submission of the original permit to the Secretary to reach him before the expiry date of the permit, together with the annual rent for the ensuing year:

Provided that the Secretary may, in his discretion, renew a permit received within 30 days after the expiry date.

Part V — MINING LEASE

Regulation 21

Form of application, etc.

1. The holder of a valid prospecting permit or an exclusive prospecting license shall, having duly demarcated an area in accordance with Regulations, apply to the Secretary in Form 8 of the Third Schedule for the grant of a mining lease.

2. Every application shall be in quadruplicate and shall be submitted together with the following:

- (a) the application fee, the annual rent and annual surface rent for one year prescribed in the First Schedule;
- (b) a sketch plan in quadruplicate showing at a reasonable scale:
 - (i) the Location Beacon, Corner Beacons and any Boundary Beacons;
 - (ii) the lengths of the sides and the area enclosed in square miles;
 - (iii) the main topographical features in and around the area demarcated with such further information by way of distances and bearings as will enable the Location Beacon and boundaries to be located on the ground;
 - (iv) such other information as may be necessary to enable the lease area to be delineated on an official map of the locality;
 - (v) the proposed rented surface area;
- (c) a statement of finance available for the development of the mine;
- (d) a memorandum giving details of the deposit of mineral, exploration work carried out, and the basis of calculations that reserves of mineral are sufficient to justify the grant of lease for the term of years applied for;
- (e) proposals for any special terms or conditions to be embodied in the lease.

Regulation 22

Notice of intention to grant lease

1. Notice of intention to grant a mining lease shall be published by the Secretary in an official newspaper and in any other manner as seems appropriate to him.

2. Any person wishing to object to the grant of the lease shall lodge written objection with the Secretary within 30 days of the publication of such notice.

Regulation 23

Survey of boundaries, etc.

1. Upon notification of the grant of a mining lease, the applicant shall forthwith, at his own expense, make a precise survey of the boundaries of the lease area, and shall compute the exact area thereof. Four copies of the plan of such survey shall be supplied free of charge to the Secretary.

2. The boundaries of the rented surface area shall also be surveyed and shall be shown on the survey plan.

3. The Secretary may require a determination of latitude and longitude to be made at any one beacon, but a lease area shall not be defined solely by such means.

Regulation 24

Form of mining lease

1. A mining lease shall be in Form 9 of the Third Schedule and one copy of the precise survey plan submitted under Regulation 23 shall be annexed thereto.

2. If the lease is granted subject to any special terms and conditions, such terms and conditions shall be endorsed on the lease.

Regulation 25

Renewal of mining lease

An application for renewal of a mining lease shall be in letter form and shall be accompanied by:

- (a) the original lease;
- (b) the application fee prescribed in the First Schedule;
- (c) a report showing the calculated ore reserves, or other information to indicate the expected working life of the mine beyond the current term of the lease.

Part VI — MISCELLANEOUS APPLICATIONS

Regulation 26

Application for amalgamation, etc.

1. An application for amalgamation of a number of contiguous permits, licenses or leases under the provisions of Article 13 of the Code, shall be in Form 10 of the Third Schedule.
2. The application shall be submitted to the Director in triplicate, together with the fee prescribed in the First Schedule.
3. The amalgamation certificate shall be in Form 11 of the Third Schedule.

Regulation 27

Application for suspension of obligation, etc.

1. An application for the suspension of an obligation under the Code or these Regulations shall be in Form 12 of the Third Schedule.
2. The application shall be submitted to the Secretary in triplicate, together with the fee prescribed in the First Schedule.
3. Upon approval, the Secretary shall issue a Suspension Certificate in Form 13 of the Third Schedule.

Regulation 28

Application for the transfer of rights, shares, etc.

1. An application for the transfer of an exclusive prospecting license, mining permit or mining lease shall be in Form 14 of the Third Schedule.
2. The application shall be submitted to the Secretary in triplicate, together with the fee prescribed in the First Schedule and the original license, permit or lease, as the case may be.
3. An application for the transfer of shares in an exclusive prospecting licence, mining permit or mining lease shall be in Form 15 of the Third Schedule.
4. Such application shall be submitted to the Secretary in triplicate, together with the fee prescribed in the First Schedule, the original instrument or document creating such shares, and two certified true copies thereof. If approved, the Secretary shall endorse details of such transfer on the original license, permit or lease as the case may be.
5. The transferee shall, within 30 days of the approval of transfer amend the name of the holder on all beacons demarcating the area concerned.

Regulation 29

Surrender of license or lease

1. When the holder of an exclusive prospecting license or mining lease desires to surrender his rights, he shall give notice of his intention to the Secretary in Form 16 of the Third Schedule.

2. Such notice shall be submitted in triplicate, together with the surrender fee prescribed in the First Schedule.

3. When a portion of a license or lease area is to be surrendered, the holder shall supply four copies of a plan showing the area of the license or lease to be surrendered and the area to be retained.

4. Any new beacons required to demarcate the area retained shall be erected and any beacons demarcating the surrendered area shall be removed within 30 days of approval of surrender.

5. The annual work obligation shall be reduced proportionately to the area surrendered, unless the Secretary otherwise directs.

Regulation 30

Right of passageway

1. When the holder of a permit, license or lease requires a right of passageway over land outside the boundaries of his permit, license or lease area, he shall apply to the Secretary in Form 17 of the Third Schedule.

2. Such application shall be submitted in triplicate, together with the fee prescribed in the First Schedule and a sketch plan in triplicate showing details of the area required and its location, similar to that required for a mining permit under Regulation 18.

3. The names of any persons having prospecting or mining rights over the land the subject of the application, or a legal lawful interest in such land shall be declared in the application.

4. The grant of right of passageway shall be in Form 18 of the Third Schedule.

Regulation 31

Notice to show cause

1. When the Secretary gives notice to the holder of prospecting or mining rights under the provisions of Article 9 or 10 of the Code, such notice shall be in Form 19 of the Third Schedule and shall be sent the last known address of the holder.

2. Such notice shall specify the matter complained of, and the time, place and manner in which cause is to be shown.

Part VII — PERMITS AND LEASES FOR MINERAL OIL

Regulation 32

Form of application for permits and lease for mineral oil, etc.

1. An application for an oil exploration permit, oil prospecting permit or an oil mining lease shall be in Form 20 of the Third Schedule.

2. The application shall be lodged with the Secretary in triplicate, together with the application fee prescribed in the First Schedule.

3. A sketch plan of the area at a reasonable scale shall be submitted in triplicate showing the proposed boundaries and approximate area in square miles. Such plan shall contain sufficient details to enable the area to be located on an official map of the locality.

4. When an applicant requires a permit or lease for two or more separate areas, separate application shall be made in respect of each area.

5. The applicant at the time of the application shall furnish evidence of his financial and technical ability to undertake satisfactorily the work obligations prescribed for the permit or lease.

6. In addition to any information required in the form of application or under the preceding paragraph, the Secretary may call for further relevant information within a specified time. If such further information is not supplied within the specified time the application shall be deemed to have been withdrawn.

Regulation 33

Grant of permits or lease for mineral oil

An oil exploration permit, oil prospecting permit and an oil mining lease shall be granted in such form as the Secretary may approve.

Regulation 34

Time limit for execution of documents

1. The applicant shall, within 90 days of the notification of approval of his application for an oil exploration permit, oil prospecting permit or an oil mining lease, execute any necessary documents relating to such permits or lease.

3. Every borehole or well which is abandoned shall be securely plugged to protect waterbearing strata.

Regulation 43

General field practice

The holder of a permit or lease for mineral oil shall at all times conduct his prospecting or mining operations so as to:

- (a) control the flow and prevent the escape or waste of mineral oil discovered or obtained from the permit or lease area;
- (b) prevent damage to adjacent mineral oil bearing strata;
- (c) prevent the entrance of water through boreholes or wells to mineral oil bearing strata;
- (d) prevent the escape of mineral oil into any waterwell, spring, river, lake, reservoir or harbour;
- (e) generally, conserve the mineral oil within the permit or lease area for productive working.

Part VIII — RETURNS, REPORTS, ANNUAL PLANS, ETC.

Regulation 44

Monthly returns

1. On or before the 20th day of each month, the holder of every exclusive prospecting license, oil exploration permit, oil prospecting permit, mining lease or oil mining lease shall submit to the Director a return in respect of the preceding month showing:

- (a) the average number of persons employed in the Republic in connection with the operations on the permit, license or lease;
- (b) the amount disbursed in the Republic in respect of wages, overtime, allowances of other emolument or benefit;
- (c) the amounts disbursed in the Republic for the purchase of fuels, stores, foodstuffs or other materials or services;
- (d) the total expenditure incurred both in the Republic and externally in respect of the operations;
- (e) in the case of a mining lease or oil mining lease, the kind and quality of all minerals or mineral products obtained, treated, and sent away from the lease area, and the balance of stocks on hand at the end of the month;
- (f) any other relevant information which the Director may require.

2. In items (b) to (d) of the preceding paragraph, when the precise amount is not ascertainable by the 20th day of the month, a figure which is the best possible approximation shall be given.

Regulation 45

Quarterly progress reports

The holder of every exclusive prospecting license, oil exploration permit and oil prospecting permit shall submit to the Secretary on or before the 30th day of January, April, July and October, a report on the progress of work carried out during the preceding quarter, in accordance with the approved programme of work submitted under paragraph 1 of Regulation 46.

Regulation 46

Annual programme of work and report

1. Within 30 days of the anniversary date of every exclusive prospecting license, oil exploration permit or oil prospecting permit, the holder shall submit to the Secretary for his approval, a programme of work to be carried out during the ensuing 12 months, together with details of the expenditure to be incurred.

2. Annually, not later than 28th February, the holder of every exclusive prospecting license, oil exploration permit, oil prospecting permit, mining lease and oil mining lease shall submit to the Secretary in duplicate, a report of the operations on the permit, license or lease area, together with a statement showing the working costs, capital expenditure, and such other matters relevant to the operations during the preceding calendar year, according to the system of accounting and records maintained by the holder.

Regulation 47

Annual plans, records, etc.

1. On or before the 31st day of March, the holder of every exclusive prospecting license, oil exploration permit, oil prospecting permit, mining lease and oil mining lease shall submit to the Secretary the following plans, diagrams and other records and information, as may be applicable to the operations on the permit, license or lease:

- (a) a surface plan at a scale not smaller than 1:2500 showing:
 - (i) the boundaries of the license, permit or lease area and the rented surface area;
 - (ii) the outcrops and dips of reefs, beds or other boundaries of mineral deposits, as determined by the holder;

2. The Director shall satisfy himself that the original and copies are in agreement, and that any prescribed approval for such transfer or surrender has been given. He shall thereupon endorse the original document «REGISTERED» and shall return it with any original schedule or plan to the person applying for registration, unless otherwise requested at the time of application.

Regulation 53

Rights devolving upon or vesting in any person to be registered

When any right, title or interest in any permit, license or lease devolves upon or vests in any person such person shall within 30 days of such event take steps to register such right, title or interest, in the manner prescribed in the preceding Regulation.

Regulation 54

Stamp Duty

1. All applications under the Code and these Regulations shall, before presentation to the competent authority, be duly stamped in accordance with the Law on Stamp Tax (Legislative Decree No. 6 of 7 December, 1966), as subsequently amended.

2. All other documents under the Code and these Regulations shall also be duly stamped in accordance with the said Law.

Regulation 55

Inspection of register, etc

The Director shall upon request and upon payment of the fee prescribed in the First Schedule allow a search of the registers and filed copies of any permits, licenses or leases, and of any registered documents, and shall give certified true copies or extracts therefrom on payment of the fee prescribed in the First Schedule.

Regulation 56

Notice to general public

1. In addition to any notice which may be required under the provisions of the Code or these Regulations, the Secretary shall publish notices from time to time for the information of the general public, giving details of the grant and termination of every permit, license or lease, other than a prospecting permit.

2. When any permit, license or lease terminates for any reason, the area the subject of such permit, license or lease shall

remain closed to prospecting until the time and date notified to the general public by the Secretary in such notice.

Part X — USE OF EXPLOSIVE FOR PROSPECTING AND MINING

Regulation 57

Use of explosives

1. The holder of prospecting or mining rights who requires to use explosive in connection with his prospecting or mining operation shall comply with the provisions of this Part in addition to the provisions of any other law in force relating to explosives.
2. The prior authority of the Director shall be obtained before any explosives are used in connection with any prospecting or mining operations.
3. Application for and the grant of authority to use explosives shall be in Form 21 of the Third Schedule. Such application shall be submitted to the Director in triplicate, together with the fee prescribed in the First Schedule.

Regulation 58

General responsibilities of persons concerned with explosives, etc.

1. Every person storing, issuing for use, transporting or handling any explosives, or carrying out blasting operations in connection with prospecting or mining, shall take all reasonable precautions to prevent accident.
2. The placing of explosive charges, detonators, fuses and the firing of the charges, shall only be carried out by the holder of a Blasting Permit issued under the provisions of Regulation 59, but such holder may be assisted by an individual who is not the possessor of a Blasting Permit but working under his direct and immediate supervision.
3. The person carrying out blasting operations shall take proper precautions to prevent accidental detonation during the placing of the charges, detonators and fuses, and shall post guards with red flags and whistles to prevent any person inadvertently entering any place which may be dangerous during the blasting operations.
4. After blasting has taken place, the area shall be inspected by the person who fired the charges for any loose explosives, or signs of a misfire or faulty charge. Such misfire shall be rendered safe by the holder of a Blasting Permit, before any workmen are allowed on the site of the blasting operations.

MINING REGULATIONS

First Schedule

PRESCRIBED FEES

1. Application fees.

Application for an exclusive prospecting license	Shs. So.	100.00
Application fee for a mining permit	»	50.00
Application fee for a mining lease or renewal thereof	»	500.00
Application fee for a right of passageway	»	100.00
Application fee for an oil exploration permit, oil prospecting permit or oil mining lease	»	1000.00
Application for renewal of an oil mining lease	»	1000.00
Application for amalgamation	»	20.00
Application for suspension of obligation	»	50.00
Application for transfer of rights, shares, etc.	»	200.00

2. Rents and other annual fees.

Annual fee for issue or renewal of a prospecting permit	Shs. So.	50.00
Annual rent for an exclusive prospecting license of 8 square miles or less	»	200.00
		per square mile or part thereof
Annual rent for a mining permit:		
(a) for quarrying stone or burning lime:		
(i) permit area less than 5000 sq. yds.	»	300.00
(ii) permit area more than 5000 sq. yds (up to 10,000 sq. yds maximum)	»	600.00
(b) for all other minerals (other than mineral oil)	»	100.00
Annual rent for a mining lease	»	7000.00
		per square mile or part thereof
Annual rent for an oil exploration permit	»	10.00
		per square mile or part thereof
Annual rent for an oil prospecting permit	»	200.00
		per square mile or part thereof
Annual rent for an oil mining lease	»	5000.00
		per square mile or part thereof

Annual surface rent payable under Article 47 of the Mining Code	» 14,000.00
	per square mile or part thereof
Other fees payable by the holder of oil exploration permits, oil prospecting permits and oil mining leases:	
(a) Annual lump sum in lieu of fiscal impositions, (other than port or storage charges, customs dues, income tax and charges for public utility services and municipal assessments).	» 10.00
	per square mile or part thereof
(b) Annual lump sum in lieu of all municipal assessments (other than reasonable charges for services rendered)	» 1.00
	per square mile or part thereof
Annual rent for right of passageway	» 100.00

3. Miscellaneous fees.

Surrender fee for an exclusive prospecting license or mining lease, or a part thereof	Shs. So. 200.00
Surrender fee for an oil exploration permit, oil prospecting permit or an oil mining lease or a part thereof	» 500.00
Transfer fee for an oil exploration permit, oil prospecting permit or an oil mining lease	» 1000.00
Fee for a blasting permit	» 50.00
Fee for authority to use explosives	» 50.00
Fee for search in registry, for every half hour or part thereof	» 5.00
Fee for copy or extract of any registered document, for every 100 words or part thereof	» 2.00
Fee for an export license	» 10.00
Fee for a Mineral Dealer's License	» 200.00



MINING REGULATIONS

Form 1.

Regulation 7 (1)

MINING REGULATIONS

Third Schedule

APPLICATION FOR PROSPECTING PERMIT

To the Secretary of State for Mining. *(Submit in duplicate)*

1. Name of applicant
2. Nationality 3. Age
4. Address in Republic at which notices may be served
5. Is application on own account or as agent for another person?
.....
(see Note 1 below)
6. If employed by another person the name and address of that person
7. If not resident in the Republic the name and address of agent or attorney
8. Have you ever held prospecting rights before? (Give details)
9. Have you ever had any prospecting or mining rights revoked? (Give details)
10. Have you ever been convicted of any offence against the mining or labour laws? (Give details)

Notes: (1) If are acting as agent for another person, that person should complete and sign the Undertaking in Form 2:

I hereby declare that the above statements are true;

Date.....

(Signature of applicant)

(For Official use only)

Fees Paid Stamp Tax.....

Annual fee Sh. So. 50.00 vide Receipt No.....

dated Prospecting Permit No.....

Issued on for (minerals).....

..... in

Entered in Register of Prospecting Permits

Form 2.

Regulation 7 (2)

MINING REGULATIONS

Third Schedule

UNDERTAKING BY PRINCIPAL

In consideration of the grant of a prospecting permit to my agent (name) I/we hereby undertake to be responsible for all the acts and omission of the said (name) in the course of prospecting operations carried out by him as my/our agent under the authority of the said prospecting permit and I/we further undertake to pay to the Secretary of State for Mining or to any other person any sums which may be payable in respect of such prospecting operations.

Date.....

(Signature of Principal)

If on behalf of a company, state capacity.....

Form 3.

MINING REGULATIONS

Third Schedule

PROSPECTING PERMIT

No.

Subject to the provisions of the Mining Code and the Regulations thereunder, now in force or which may come into force during the currency of this permit, permission is hereby granted to

.....

of

to prospect on his own behalf/as agent for.....
of..... for one year from the date hereof for such minerals (other than mineral oil) and in such areas as are herein described:

Minerals:

Area:

Date

.....
Secretary of State for Mining

Fee paid:

Sh. So. 50 vide Receipt No. dated

RENEWALS

To..... Signature and Date

**MINING REGULATIONS
Third Schedule**

APPLICATION FOR EXCLUSIVE PROSPECTING LICENSE

To the Secretary of State for Mining. *(Submit in triplicate)*

Date and time of receipt by Secretary

1. Name of applicant
2. Address in Republic at which notices may be served
3. Number of Prospecting Permit and date of issue or renewal
4. Date of erection of beacons
5. If Prospecting Permit was issued as agent for another person, the name and address of that person
6. State the minerals for which rights are desired
7. Approximate area required and general situation.....
..... square miles.

Locality

District

- Notes:*
- (1) Attach a sketch plan in triplicate showing the Location Beacon and all other beacons, the lengths and bearings of the sides of the area, main topographical features in vicinity, and such other information as is necessary to establish the area on the ground and to delineate it on an official map of the locality.
 - (2) Attach a statement of finance available (to be signed by the principal where applicable) sufficient for the minimum work obligation for the first year at the rate of Sh. 2000/- per sq. mile.
 - (3) Enclose the following fees:
Application fee: Sh. So. 100.00
1st Year's rent: Sh. So. 200.- per sq. mile.
 - (4) Proof of payment of any Stamp Tax due should accompany this application.

I declare that the foregoing particulars are true and that the area has been fully and properly demarcated as required by Regulation 3 of the Mining Regulations.

Date.....

Signature of holder of
Prospecting Permit

Form 5.

Regulation 13

MINING REGULATIONS
Third Schedule
EXCLUSIVE PROSPECTING LICENSE

No.

This exclusive prospecting license subject to the provisions of the Mining Code and of the Regulations thereunder, now in force or which may come into force during the currency of this license, and subject also to the special terms and conditions hereinafter contained, is hereby granted to

.....

of

for a period of one year from the.....th day of.....197.....

within the area comprising..... square miles situated

at..... in the District

as the same is delineated on the plan annexed hereto and thereon edged in red.

SPECIAL TERMS AND CONDITIONS

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

Date.....

.....
Secretary of State for Mining

Fees Paid:

1st year's rent Sh. So..... vide Receipt No..... dated.....

Form 6.

Regulation 18 (1)

MINING REGULATIONS
Third Schedule
APPLICATION FOR MINING PERMIT

To the Secretary of State for Mining *(Submit in triplicate)*

1. Name of applicant
2. Address in Republic at which notices may be served
3. Prospecting permit number and date of issue or renewal
4. If prospecting permit is held as agent for some other person the name and address of that person
5. Date of erection of beacons
6. Minerals to be mined
7. Dimension of permit area Length..... feet Width..... feet
8. If not rectangular, state reasons why a rectangular area cannot be demarcated
9. Location details Locality..... District.....

Notes: (1) Attach a sketch plan in triplicate showing the Location Beacon and Corner Beacons, the lengths and bearings of the sides of the area required, distances to other beacons in the vicinity, main topographical features, and such other information as is necessary to establish the area on the ground and to delineate it on an official map of the locality.

(2) The following fees must be paid with this application.
Application fee: Sh. So. 50.00
1st Year's rent: Sh. So. 100.00

(3) Proof of payment of any Stamp Tax due should accompany this application.

I declare that the foregoing particulars are true and that the area has been fully and properly demarcated as required by Regulation 3 of the Mining Regulations.

Date.....

Signature of holder of
Prospecting Permit

Form 7.

Regulation 18 (3)

MINING REGULATIONS

Third Schedule

MINING PERMIT

No.

Subject to the provisions of the Mining Code and of the Regulations thereunder, now in force or which may come into force during the currency of this Mining Permit, permission is hereby granted to

.....
of

to mine within the area situated
at in District as the same
is described in his application and sketch plan dated.....
....., a copy of which is annexed hereto, for a period
of one year theth day of 197.....

Date.....

Secretary of State for Mining

Fees paid:

Annual rent for 1st year Sh. So. 100.00 vide Receipt No.....
dated.....

RENEWAL, TRANSFERS, ETC.

From..... to..... Signature and Date

Form 8.

Regulation 21 (1)

MINING REGULATIONS
Third Schedule
APPLICATION FOR MINING LEASE

To the Secretary of State for Mining *(Submit in quadruplicate)*

Date and time of receipt by Secretary

1. Name of applicant
2. Address in Republic at which notices may be served
3. Number of prospecting permit and date of issue or renewal
4. If prospecting permit was issued as agent for another person,
the name and address of that person
5. Date of erection of beacons
6. Minerals to be mined
7. Location and approximate area of lease
- Locality District
- Area square miles.
8. What term of years is required?
9. Are any special conditions proposed for the lease? If so submit
details of the proposals

Notes: (1) Attach a sketch plan in quadruplicate showing the Location Beacon, Corner Beacons, Boundary Beacons, if any, lengths and bearings of sides of lease area, main

topographical features in the vicinity, and such other information as is necessary to establish the area on the ground, and to delineate it on an official map of the locality. Indicate proposed rented surface area.

- (2) Attach a statement of finance available, (to be signed by the principal where applicable) for the development of the mine.
- (3) In a separate memorandum give details of the deposit, any exploration work carried out, and the basis of calculations of ore reserves sufficient to warrant the grant of a mining lease for the term of years requested. Also give indication of what markets are expected for the products.
- (4) Enclose the following fees: Application fee Sh. So. 500.00 Annual rent for 1st year at Sh. So. 7000.00 per sq. mile.

Annual surface rent for 1st year Sh. So. 14.000.00 per sq. mile.
- (5) Proof of payment of any Stamp Tax due should accompany this application.

I declare the foregoing particulars are true and that the area has been fully and properly demarcated as required by Regulation 3.

Date.....

Signature of holder of
Prospecting permit

Fees paid:

Application Fee Sh. So. 500.00 Receipt No..... Date

1st Year's Rent Sh. So..... Receipt No..... Date

1st years surface rent Sh. So..... Receipt No..... Date.....

Stamp Tax.....

MINING REGULATIONS

Third Schedule

MINING LEASE

No.

This Mining Lease is granted to.....
 of.....
 for the purpose of mining.....
 in that piece of land comprising..... square miles as the
 same is delineated on the survey plan annexed hereto and thereon
 edged in red for a term of..... years from the.....th
 day of..... 197..... subject to the provisions of the
 Mining Code and the Regulations thereunder, now in force or which
 may come into force during the currency of this Mining Lease, and
 subject to the special terms and conditions hereinafter set forth.

SPECIAL TERMS AND CONDITIONS

.....

Dated this..... day of..... 197.....

.....
 Secretary of State for Mining

Fees paid:

1st year's rent Sh. So. vide Receipt No. dated.....

Annual surface rent Sh. So. vide Receipt No. dated.....

Form 10.

Regulation 26 (1)

MINING REGULATIONS

Third Schedule

APPLICATION FOR AMALGAMATION

To the Director of Mines

(Submit in triplicate)

I/We being the holder of.....exclusive prospecting licenses/mining permits/mining leases + forming a single block hereby request that the said licenses/permits/leases + be amalgamated under the provisions of Article 13 of the Mining Code.

2. The registered numbers of the said licenses/permits/leases + are as follows.

<i>Official Numbers</i>	<i>Minerals</i>
.....

3. Fee of Sh. So. 20.00 is enclosed with this application.

Date.....

.....
Signature of applicant

(+ Delete as necessary)

FOR OFFICIAL USE ONLY

1. Fee paid Sh. So. 20.00 vide Receipt No..... dated.....
2. Registered numbers have been checked and are correctly quoted and are current
3. Amalgamation Certificate No..... issued on.....
Date.....

Form 11

Regulation 26 (3)

MINING REGULATIONS

Third Schedule

AMALGAMATION CERTIFICATE

Under the provisions of Article 13 of the Mining Code, the following licenses/permits/leases + are hereby amalgamated from the day of 197

E.P.L. / M.P. / M.L.

Nos.....

Date.....

Director of Mines

(+Delete as necessary)

Fee paid: Sh. So. 20.00 vide Receipt No..... dated.....

Form 12.

Regulation 27 (1)

MINING REGULATIONS

Third Schedule

APPLICATION FOR SUSPENSION OF OBLIGATION

To the Secretary of State for Mining (Submit in duplicate)

Under the provisions of Regulation 27 of the Mining Regulations application is hereby made for the suspension of the obligation(s) cited below in respect of the following exclusive prospecting licenses/mining leases

Article or Regulation	Obligation imposed	Reason for requiring suspension
-----------------------	--------------------	---------------------------------

2. The period of suspension requested is from..... to

3. The fee of Sh. So. 50.00 is forwarded with this application.

4. Any other special comments.

Date..... Signature of applicant

Fee paid: Sh .So. 50.00 vide Receipt No..... Dated.....

- Note* (1) The application fee of Sh. So. 200.00 should be sent with this application.
- (2) Proof of payment of any Stamp Tax due should accompany this application.
- (3) The original license, permit or lease should be sent with this application.

A P P R O V A L

The above application for the transfer of the said E. P. L. /
M. P. / M. L. No(s) is hereby approved.

Date.....

Secretary of State for Mining

MINING REGULATIONS

Third Schedule

TRANSFER OF SHARES, ETC.

In consideration of the payment of Sh. So.....
 by..... of
 I/We..... being the holder of the
 exclusive prospecting license (s)/mining permit(s)/mining lease(s)
 described below do hereby request approval of the transfer of the
 share (s) in such to the said.....
 (EPL / MP / ML)

.....
(Signature of transferor)

EPL / MP / ML (s)

Share to be transferred

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

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

And I/We the transferee of the said share (s) hereby accept
 the said share (s) subject to approval being granted in the propor-
 tions shown above, subject to the provision of the Mining Code and
 the Regulations, and to any terms and conditions under which the
 said..... were granted.
 (EPL / MP / ML)

.....
(Signature of transferee)

- Note (1) The original exclusive prospecting license, mining per-
 mit or mining lease in which shares are to be transferred
 must be sent with this application.
- (2) The fee payable in respect of this transfer is Sh. So.
 200.00 in respect of each license, permit or lease.
- (3) If the space above is insufficient a separate sheet should
 should be affixed to each copy of the application.
- (4) If a separate document has been drawn up creating the
 share or other interest, the original document and two
 certified true copies shall be sent with this application.

- (5) In the case of a Mining Lease, attention is drawn to Article 50 of the Mining Code which requires the approval of the Secretary of State *before* shares or other right or interest is created, unless such transfer is provided for in the terms and conditions of the Lease itself.
- (6) Proof of payment of any Stamp Tax due should accompany this application.

APPROVAL OF TRANSFER

In accordance with the provisions of Article 50 of the Mining Code, the above transfer of share(s) is hereby approved.

Date.....

Secretary of State for Mining

MINING REGULATIONS

Third Schedule

**APPLICATION FOR SURRENDER OF (Part of +)
EXCLUSIVE PROSPECTING LICENSE / MINING LEASE**

No.

To the Secretary of State for Mining *(Submit in triplicate)*
I/We being the holder
of exclusive prospecting license/mining lease No. hereby
the said license / lease +
apply for your approved for
a part of the said license / lease
to be surrendered with effect from the day of 197.....

2. I/We enclose the original license / lease and the surrender fee of Sh. So. 200.00.

3. I/We certify that all excavations on the area to be surrendered have been secured in a permanent manner and that all beacons and boundary marks will be removed therefrom.

4. + I/We enclose plans in triplicate of the part to be surrendered and the portion to be retained which has been redemarcated as shown on the plans.

Date
.....
(Signature of holder)

A P P R O V A L

The surrender of (part of +) exclusive prospecting license/
mining lease No. is hereby approved.

Date
.....
Secretary of State for Mining

+ Delete if the whole license or lease is being finally surrendered. Attention is drawn to Article 23 of the Mining Code regarding the submission of plans, etc. to the Director of Mines.

MINING REGULATIONS

Third Schedule

APPLICATION FOR RIGHT OF PASSAGEWAY

To the Secretary of State for Mining *(Submit in triplicate)*

I/We..... being the holder of
exclusive prospecting license/mining permit/mining lease No.....
hereby request that right of passageway be granted over the lands
adjacent thereto as delineated in the sketch plan annexed hereto,

and comprising approximately
(state area)

2. I/We attach hereto a list of the names and addresses, so far
as I/We have been able to ascertain, of the persons alleging law-
ful interest in the land over which passageway is desired. Compen-
sation has/has not been agreed with these person for the use of the
land. +

3. I/We also have shown on the annexed plan the boundaries
of other licenses, permits or leases over which passageway is re-
quested and which are not held by me/us. Agreement to the passa-
geway has/has not been secured from the holders of these other
rights. +

4. I/We enclose the fee of Sh. So. 100.00 together with the
rent of Sh. So. 100.00 payable in respect of the first year.

Date.....

.....
Signature of applicant

+ When agreement has been reached with third parties for
the usage of the land and compensation or other terms
have been agreed, evidence should be submitted with this
application.

Form 18

Regulation 30 (4)

**MINING REGULATIONS
Third Schedule**

GRANT OF RIGHT OF PASSAGEWAY

Right of Passageway is hereby granted to.....
..... of.....
in respect of land adjacent to..... No.....
(EPL/MP/ML)

as delineated in the plan annexed hereto and thereon edged in red during the currency of the said license/permit/lease or of any right or title replacing the same.

2. This right is granted subject to the provisions of the Mining Code and Regulations thereunder, now in force or which may come into force during the currency of this right, and to the following special terms and conditions.

SPECIAL TERMS AND CONDITIONS

Dated this..... day of..... 197.....

.....
Secretary of State for Mining

Fees paid:

Application fee Sh. So. 100.00 Receipt No..... dated.....
1st year's rent Sh. So. 100.00 Receipt No..... dated.....

Form 19

Regulation 31

**MINING REGULATIONS
Third Schedule**

NOTICE TO SHOW CAUSE

To

Subject:

(License/Permit/Lease No.....)

Whereas you are the holder of the abovementioned.....
AND whereas it has been brought to my attention that you appear to have contravened the provision of the Mining Code and/or the Mining Regulations in the manner set forth below.

Article or Regulation Details of alleged contravention
contravened (time, manner, place, etc.)

Now therefore, I hereby require you to show cause to me at..... on or before the..... day of..... 197..... either in writing or by attending personally why the said..... should not be revoked forthwith.

Date.....

.....
Secretary of State for Mining

**MINING REGULATIONS
Third Schedule**

**APPLICATION FOR OIL EXPLORATION
PERMIT/OIL PROSPECTING PERMIT/OIL MINING LEASE**

To the Secretary of State for Mining (Submit in triplicate)

1. Name of applicant (s)
2. If application is from an individual:
 - (a) Address
 - (b) Nationality
 - (c) Occupation
3. If application is by a company, state:
 - (a) Principal place of business
 - (b) Nature of business
 - (c) If outside the Republic, the name and address of the
du'y authorised agent in the Republic:
.....
 - (d) Names of Directors and Nationality
 - (e) Names of principal shareholders and amount of
shares held
4. State what type of permit or lease is required
5. Period for which permit or lease is required.....
6. Attach a statement showing:
 - (a) previous experience in oil prospecting and deve-
lopment;
 - (b) names and qualifications of principal technical ex-
perts who will work in the Republic;
 - (c) amount of capital available for operations:
 - (i) Immediately;
 - (ii) Expected from other sources.
7. Attach a sketch plan in triplicate showing the boundaries of
the area required, and the approximate number of square miles.
8. If the application is for an oil mining lease show details of the
current oil prospecting permit or any adjacent lease.
9. If a subsidiary operating company is to be incorporated in the
Republic, give details as required in (3) to (6) above.
10. If any special terms and conditions are proposed, submit de-
tails in a seperate memorandum.
11. Attach receipt for payment of Application Fee of Sh.So. 1000.00

I/We certify that all the particulars supplied with this application are correct.

Date.....

Signature of applicant

Fees paid:

Application fee Sh. So. 1000.00 vide Receipt No..... dated.....

Note: Proof of payment of any Stamp Tax due should accompany this application.

Form 21

Regulation 57

**MINING REGULATIONS
Third Schedule**

APPLICATION FOR AUTHORITY TO USE EXPLOSIVES

To the Director of Mines *(Submit in triplicate)*

1. Name of applicant

2. Address

3. Place at which explosives are to be used. (Quote license, permit or lease)

4. Name of holder of Blasting Permit and number of Permit
Name..... No.....

5. Estimated monthly quantities of fracture explosives detonators, fuse, etc. which will be required

6. Details of approved storage available

Note: If storage arrangements have not yet been approved, supply details and drawings in triplicate of the proposed storage boxes, store or magazine, together with a site plan in triplicate showing the proposed location of the site and distances to places used by the general public and employees.

Date.....

Signature of applicant

FOR OFFICIAL USE ONLY

Approval is hereby granted for explosive to be used subject to the following conditions:

(1). Fracture explosives shall be stored

- (2) Detonators shall be stored
- (3) Transport from approved storage to the site at which explosives are to be used shall be by

Date..... Director of Mines

Fee paid: Sh. So. 50.00 vide Receipt No..... dated.....

Form 22 Regulation 59 (1)

MINING REGULATIONS
Third Schedule
APPLICATION FOR BLASTING PERMIT

To the Director of Mines *(Submit in duplicate)*

- 1. Name of Applicant
- 2. Age 3. Address
- 4. State whether you require permit for blasting on the surface only, or also for blasting underground.
- 5. Give details of previous experience in blasting operations, and attach any Blasting Permit or Certificate issued by any other authority.
- 6. If you do not possess any previous authority for carrying out blasting operations, you should, if possible, arrange for the Holder of a Blasting Permit to complete the following certificate:

CERTIFICATE OF COMPETENCE

I, being the holder of Blasting Permit No..... have examined the applicant as to his knowledge of the use of explosives, and he has carried out blasting operations under my supervision satisfactorily. I believe him to be competent to undertake blasting operations.

Date..... Signature of holder of Blasting Permit No.....

I certify that the details in this application are true and I hereby apply for a Blasting Permit.

Date..... Signature of applicant

FOR OFFICIAL USE ONLY

Fee Paid: Sh. So. 50.00 vide Receipt No..... dated.....

Evidence of previous experience accepted

Applicant examined as to his knowledge

Blasting Permit No..... issued on.....

Entered in Register of Blasting Permits.....