

In the Name of Allah, the Gracious, the Merciful

THE MINES AND QUARRIES REGULATIONS (1973)

In exercise of the powers conferred on him by Section 13 of the Mines and Quarries Act, 1972 the Minister of Energy and Mining hereby makes the following Regulations:

1. TITLE

These regulations may be cited as “the Mines and Quarries Regulations, 1973”.

2. REPEAL

The Mines and Quarries Regulations, 1959 are hereby repealed; but notwithstanding that all the rights granted or decisions made under those regulations shall remain in force and be deemed as if granted or made under these regulations.

3. DEFINITIONS

In these Regulations, unless the context otherwise requires, the words and expressions appearing herein shall have the same meaning as set out in section 3 of the Mines & Quarries Act 1972.

4. APPLICATIONS FOR LICENCES

- 4.1 Applications for general prospecting licences, exclusive areas registration certificates, mining leases, salt and gypsum leases and quarrying licences shall be made and contain the particulars provided for in the forms set out in the First Schedule attached to these regulations.
- 4.2 A fee of £S. 5 shall be payable by the applicant on each such application.
- 4.3 Where the applicant is a company or a partnership, evidence of registration in accordance with the laws of the Sudan shall accompany the application.
- 4.4 Where the applicant is an alien, or a company incorporated Outside the Sudan, no mining lease shall be granted to the applicant until he forms and registers a company in the Sudan in accordance with the Sudanese Companies Law.

5. LICENCES AND LEASES FORMS:

Minerals Prospecting Licences, Mining leases, Salt and Gypsum lease, Exclusive Areas Registration Certificates and Quarrying Licences shall be granted on the prescribed forms shown in Sections I, II, III, IV, V of the Third Schedule attached to these Regulations.

6. DEMARCATION OF AREAS

Lease areas, quarrying licence areas and exclusive prospecting areas shall be demarcated in accordance with the provisions contained in the Second Schedule attached to these Regulations.

7. SPECIAL PROVISIONS AS TO PROSPECTING LICENCES

- 7.1 Where in any case, two or more holders of prospecting Licences issued in accordance with the Mines and Quarries Act, 1972 apply for registration of an exclusive prospecting area thereunder, the whole or part of which is included in more than one of those applications, the Board shall, unless in its opinion there are adequate reasons to the contrary, prefer the applicant whose application was first received.
- 7.2 The Board may at any time, without giving reasons, exclude from a prospecting licence any part of the area comprised therein and the licensee shall, on receipt of notification of such exclusion, cease to prospect in the excluded area, but in the case of an exclusive prospecting area he shall be entitled, as from that date, to a proportionate reduction of the annual rent payable under the licence.
- 7.3 Any mineral obtained by a licensee in the course of prospecting under a prospecting licence or the course of proving an exclusive prospecting area thereunder, shall be the property of the Government. The licensee shall hold the mineral to the disposal of the Government and shall not remove it or dispose of it, without the written consent of the Government, save only the amounts taken for the purpose of examination and analyses.
- 7.4 The fee for a licence shall be £S. 50 and £S. 25 for its renewal.
- 7.5 The annual rent in respect of an exclusive prospecting area shall be £S. 15 per square kilometre or any part thereof, and shall be payable in addition to the licence fee.

8. SPECIAL PROVISIONS AS TO MINING LEASES

- 8.1 A mining lease shall only be granted to a holder of a prospecting licence covering the area in question. Nevertheless, the Minister, on reasonable grounds, may invite tenders for mining leases or grant a mining lease, by a special agreement to a person not holding such prospecting licence.
- 8.2 The area of a mining lease shall not exceed 476 feddans, provided that the Board may, taking into consideration the nature of the mineral or minerals to be mined and the experience and competence of the applicant, authorize an increase of that area.
- 8.3 The lease area shall be rectangular in shape and its width shall not be less than one fifth of its length.
- 8.4 The annual rent shall be £S. 2 per feddan, provided that the minimum rent payable for any mining lease area shall be £S. 20.
- 8.5 The rate of royalty shall not exceed 7% of the value of the metals or minerals produced at the average world market price.

9. SPECIAL PROVISIONS AS TO QUARRYING LICENCES

- 9.1 The area of a quarrying licence shall not exceed 100 feddans and it shall be of square or rectangular shape and in the latter case its width shall not be less than one fifth of its length.
- 9.2 The annual rent shall be £S 8 per feddan or any part thereof provided that the minimum rent for any quarrying area shall not be less than £S. 20.

9.3 The annual rent for brick kilns shall be £S. 10 for any area not exceeding two feddans and five pounds for any additional feddans or any part thereof.

10.1 Any licensee for the production of cement shall pay annually on first day of July, a royalty at the rate of Pt. 1 per ton of clinker produced during the previous twelve months.

10.2 The government may, if it is proved that this royalty is less than any other royalty payable on each, cubic metre of limestone, sand or gravel or clay, collect the higher rate.

11. POWERS OF THE DIRECTOR OF THE GEOLOGICAL RESEARCH AUTHORITY OF SUDAN

11.1 The Director of GRAS shall have the power to verify all applications submitted to the Board and to ensure their compliance with the conditions and particulars required and to take any action he considers necessary before submitting such applications to the Board.

11.2 The Director of GRAS shall sign on behalf of the government all licences and Leases approved by the Board.

11.3 The Board may delegate to the Director of GRAS its powers at any time as it sees fit.

11.4 The Director of GRAS or his authorised agents shall have the power to inspect all mines and quarries for the purpose of following the progress of work and production, and to ensure the compliance with these Regulations or the Mines and Quarries Act, 1972 by license and lease holders.

*Made under my hand.
This Tenth day of January 1973.
Minister of Energy and Mining.*