



BELIZE

**MINES AND MINERALS ACT
CHAPTER 226**

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CHAPTER 226

MINES AND MINERALS

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CHAPTER 226

MINES AND MINERALS

CAP. 183,
R.E., 1980-1990.
14 of 1988.
S.I. 106 of 1988.

[1st January, 1989]

PART I

Preliminary

Short title.

1. This Act may be cited as the Mines and Minerals Act.

Property in and
control of miner-
als.

2.—(1) Notwithstanding anything in any other Act or any grant of, or title to, land conferring rights to minerals, the entire property in and control of all minerals,

- (a) in any land in Belize;
- (b) under territorial sea as determined by the maritime legislation in force;
- (c) on or under the sea bed beyond the territorial sea to a point where the sea is two hundred metres in depth and beyond to such depths of the super jacent waters as admit of exploitation of minerals;
- (d) in suspension or in solution in any spring, stream, river, lake, lagoon or in the sea,

shall be deemed to be and always to have been vested in Belize.

(2) Any rights to minerals explicit or implied in any grant of, or title to, land made previous to this Act are hereby revoked,

Provided that such rights to minerals shall not be revoked if the holder thereof satisfies the Minister, within twelve months from the date

of commencement of this Act, that he has taken or is taking adequate measures to develop such mineral rights.

(3) No grants of the rights to prospect or mine shall be valid unless granted in accordance with this Act.

(4) No person shall prospect or mine except in accordance with the rights granted under this Act.

(5) Any person who contravenes subsection (4) of this section, commits an offence and is liable on conviction,

(a) in the case of an individual, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year, or to both such fine and term of imprisonment; or

(b) in the case of a body corporate, to a fine not exceeding five thousand dollars.

(6) Nothing in this Act shall be construed to sanction prospecting for or mining of mineral oil.

3.-(1) In this Act, unless the context otherwise requires,

Interpretation.

“authorised officer”, in relation to any provision of this Act, means a person designated as such under section 6 (2) of this Act, for the purposes of that provision;

“body corporate” means a company or a corporation;

“claim” means a claim registered under Part IV;

“claim area” means an area of land subject to a claim;

“company” means a corporate body incorporated under the Companies Act, Cap. 250;

“conditions” includes terms, limitations and stipulations;

“conserve” means, in relation to natural resources, to protect, improve and use natural resources in accordance with principles that will ensure the highest sustainable benefit in terms of economic, social, cultural and aesthetic values;

“construction minerals” means stones, gravel, sand or clay used for constructing buildings, roads, dams, concrete structures, and similar works, the making of blocks, bricks and tiles, but does not include materials mined for the production of cement, nor ornamental stone such as marble, coloured granites and the like;

“corporation” means a corporate body incorporated in or outside Belize, whether by an Act or otherwise, but does not include a company;

“drilling” means the perforation of the earth’s surface otherwise than by pitting, trenching or sinking a shaft, whether the hole is vertical, inclined or horizontal, and includes all operations for preventing the collapse of the sides of the hole or for preventing the hole from becoming filled with extraneous matter (including water);

“exclusive prospecting licence” means a licence granted under section 25 of this Act;

“holder” means,

- (a) in relation to a mineral right, the person whose name is for the time being recorded pursuant to section 56 or 58 of this Act, as being the older of the mineral right; or
- (b) in relation to a claim, the person whose name is for the time being registered pursuant to section 74 of this Act;

“in default” means in breach of any provision of this Act or of any condition of a non-exclusive prospecting licence or a claim;

“industrial minerals” means basalt, clay, dolomite, granite, gypsum, laterite, limestone, marble, sand, sandstone or salt, used for agricultural, building, road making or industrial purposes in Belize, and includes such other minerals as may be prescribed;

“Inspector” means the Inspector of Mines and Minerals appointed pursuant to section 5 of this Act;

“land” includes land beneath water;

“mine”, when used as a noun, means any place, excavation or working in or on which any operation connected with mining is carried on, together with all buildings, premises, erections and appliances belonging or appertaining thereto, above or below the ground, for the purpose of winning, treating or preparing minerals, obtaining or extracting any mineral or metal by any mode or method or for the purpose of dressing mineral ores;

“mine”, when used as a verb, means to win minerals and includes any operations directly or indirectly necessary for or incidental to mining operations;

“mineral” means any substance, whether in solid, liquid or gaseous form, occurring naturally in or on the earth, formed by, or subject to, a geological process, but does not include,

- (a) water, not being water taken from a borehole, well, excavation or natural saltpan for the extraction therefrom of a substance in solution therein and of commercial value;
- (b) soil, not being taken from the earth for the extraction therefrom of a substance of commercial value contained therein or for the manufacture therefrom of a product of commercial value; or
- (c) petroleum;

“mineral right” means a reconnaissance licence, an exclusive prospecting licence or a mining licence;

“mining area” means an area in respect of which a mining licence has been granted;

“mining licence” means a licence granted under section 37 of this Act;

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

“Minister” means the Minister for the time being responsible for mines and minerals;

“monument” means any structure or building erected by man or any natural feature transformed or worked by man, or the remains or any part thereof, whether upon land or in any river, stream or watercourse or under the territorial waters of the country, that has been in existence for one hundred years or more;

“non-exclusive prospecting licence” means a licence issued under section 71 of this Act;

“occupier”, in relation to land, means the holder of a lease, location ticket or permit to occupy;

“owner”, in relation to land, includes a lessee;

“prospect” means intentionally to search for minerals and includes the determination of their extent and economic value;

“prospecting area” means the area of land subject to an exclusive prospecting licence;

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

“public land” has the meaning assigned to it in the National Lands Act, Cap. 191;

“quarry” means any place (not being a mine) where quarry material or quarry mineral has been removed or is being removed, whether by excavation or otherwise, to supply material for construction, commercial, industrial or manufacturing purposes;

“quarry material” means rock, stone, sand (including sea sand, marl, gravel, clay, fill and limestone) where such material does not contain any minerals in economically workable quantities;

“quarry mineral” means gypsum and any other substance that the Minister, by notice published in the *Gazette*, declares to be a quarry mineral;

“radioactive mineral” means a mineral which contains by weight at least one twentieth of one *per centum* (0.05 *per centum*) of uranium or thorium or any combination thereof, and includes,

- (a) monazite sand and other ore containing thorium; and
- (b) carnotite, pitchblende and other ore containing uranium;

“reconnaissance area” means an area of land subject to a reconnaissance licence;

“reconnaissance licence” means a licence granted under section 16;

“reconnaissance operations” means the search for minerals by geophysical surveys, geochemical surveys and photogeological surveys or other remote sensing techniques and surface geology in connection therewith;

“Register” means the Register referred to in section 56 of this Act and elsewhere in this Act;

“regulations” means the regulations made under section 119 of this Act;

“reserved minerals” means all such minerals obtainable from identified resources which can be extracted economically with available technology;

“salt” means,

- (a) sodium chloride or sodium carbonate, occurring naturally whether individually or as a mixture;
- (b) any naturally occurring salt or mixture of salts, soluble in water, which may be prescribed;

“surface rights” include the right of the owner/lawful occupier over the crops, trees, grass, other bushes or plants and structures of any kind whatever standing on the land but does not include the right to dig the land for any mineral (excluding water);

“working for profit” means producing a mineral for use or sale.

(2) In this Act, a reference to minerals in any land includes a reference to minerals on or under the land.

(3) In this Act,

- (a) a reference to the conditions of a mineral right is a reference to the conditions on which the mineral right is granted, as from time to time varied; and
- (b) a reference to the conditions of a claim is a reference to the conditions on which the claim is, for the time being, registered.

(4) In this Act, a reference to a programme of reconnaissance operations, prospecting operations, or mining operations, in relation to the holder of a mineral right, is a reference to operations of that kind which the holder is, from time to time, required to carry on.

4.-(1) A document or notice required or permitted to be served on, or given to, a person, under or for the purposes of this Act, may be served or given,

Service of notices,
etc.

- (a) in the case of an individual (other than the Minister or the Inspector) by serving it personally upon the individual or by sending it by post to him at his usual or last known place of abode or business or at the address kept pursuant to section 64 of this Act;
- (b) in the case of the Minister or the Inspector, in the manner prescribed;
- (c) in the case of a body corporate,
 - (i) by leaving it at the registered or principal office of the body corporate with some individual employed by the body corporate and not less than sixteen years of age;
 - (ii) by sending it by post to the body corporate at the registered or principal office of the body corporate; or
 - (iii) by delivering it to some individual in the employment or acting on behalf of the body corporate, or who agrees to accept service of or to receive the notice or any document.

(2) For the purpose of subsection (1) (c) of this section, the principal office of a body corporate incorporated outside Belize is its principal office within Belize or the address kept pursuant to section 64 of this Act.

(3) Where a person has more than one place of abode or business, a document or notice may be served on or given to the person under this section at any of those places.

(4) Where a document or notice is sent by post pursuant to this section, service or notice is deemed to have been effected or given under this section, unless the contrary is proved, at the time at which the document or notice would be delivered in the ordinary course of post.

PART II

Administration

Inspector of
Mines.

5. The Minister may designate a technically qualified public officer to be the Inspector of Mines for the administration of this Act.

Performance of In-
spector's functions,
etc.

6.—(1) Anything required or permitted by or under this Act to be done by the Inspector may be done by any public officer who is authorised, either specially or generally, in that behalf in writing by the Inspector and for the purposes of this Act that officer shall be deemed to be the Inspector.

(2) The Inspector may designate any technically qualified public officer to be an authorised officer for the purposes of this Act or any provision of this Act.

Prohibition against
disclosure of infor-
mation.

7.—(1) Subject to subsection (2) of this section, no information furnished, or information in a report submitted pursuant to section 64, by the holder of a mineral right, shall, for as long as the mineral right has effect, be disclosed, except with the consent of the holder of the mineral right.

(2) Nothing in subsection (1) of this section, shall be construed to prevent the disclosure of information where the disclosure is made,

- (a) for or in connection with the administration of this Act;
- (b) for the purpose of any legal proceedings;
- (c) for the purpose of any investigation or inquiry conducted under this Act;

- (d) to any consultant to the Government, or to any public officer, who is approved by the Inspector as a proper person to receive the information.

(3) Any person who contravenes subsection (1) of this section, commits an offence and is liable on conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year, or to both such fine and term of imprisonment.

8. A person shall not incur any liability in respect of the exercise or performance, or purported exercise or performance, by him in good faith, of any function under and for the purposes of this Act.

Indemnity.

PART III

Mineral Rights, Reconnaissance , Prospecting, Mining, Licences etc.

9. The Minister may, on behalf of the Government, enter into an agreement (not inconsistent with this Act) with any person with respect to all or any of the following matters, namely,

Agreement with respect to the grant of mineral rights.

- (a) the grant to that person, or to any person (including any body corporate to be formed) identified in the agreement, of a mineral right on the conditions (if any) specified in the agreement;
- (b) conditions to be included in the mineral right as granted or renewed; or
- (c) any matter incidental to or connected with the foregoing.

Applications.

10.—(1) An application under this part,

- (a) shall be made to the Minister, or, if so prescribed, to the Inspector;
- (b) shall be in or to the effect of a form approved by the Minister;
- (c) shall be accompanied by the prescribed fee; and
- (d) may be withdrawn by the applicant giving to the Minister or, in the case of an application made to the Inspector, to the Inspector, a notice of withdrawal.

(2) Any application under this Part required to be made to the Minister shall be made to him through the Inspector.

(3) The Minister shall, by notice served on an applicant for the grant or renewal of a mineral right, or for the enlargement of a prospecting area or a mining area under section 66, direct the applicant to publish details of his application for mineral rights, in at least three issues of a newspaper circulating in Belize, at intervals of not less than one week between such issues, and in at least three issues of the *Gazette*.

Power of Minister to obtain information concerning applications, etc.

11.—(1) The Minister may, by notice served on an applicant for the grant of a mineral right, require the applicant to furnish him, within such reasonable time as is specified in the notice,

- (a) with such further information relevant to the application as may be described in the notice; and
- (b) if the applicant, or any of the applicants, is a body corporate, with such information as may be specified in the notice to enable the Minister to ascertain to what extent the controlling power in the direction of the affairs of the body corporate is vested in a body corporate incorporated outside Belize or an individual or individuals resident outside Belize.

(2) To enable him to dispose of an application for the grant of a mineral right, the Minister,

- (a) may cause such investigations, negotiations or consultations to be carried on as he considers necessary; and
- (b) may, by notice served on the applicant for the grant of the mineral right, require the applicant to furnish him, within such reasonable time as is specified in the notice, with such proposals, by way of alteration to or in addition to any proposals in the application, as the Minister specifies in the notice.

12. No mineral right,

- (a) shall be granted to an individual unless he is a citizen of Belize or has been continuously resident in Belize during the period of five years immediately preceding the date on which his application for the grant of a mineral right is made;
- (b) being a reconnaissance licence or an exclusive prospecting licence, shall be granted to a body corporate, unless the body corporate is a company or corporation incorporated in Belize;
- (c) being a mining licence, shall be granted to a body corporate unless the body corporate is a company or corporation incorporated in Belize; or
- (d) being a reconnaissance licence, an exclusive prospecting licence or a mining licence, shall be granted to any person who is in the service of the Government of Belize or in the service of a statutory body established by any law for the time being in force.

Restriction on persons to whom mineral rights may be granted.

Mineral right.

13. A mineral right shall be granted in such form as the Minister may prescribe by regulations under this Act.

Restriction on exercise of rights by holder of mineral right.

14. Where the doing of any act is regulated or prohibited by a written law (other than this Act), nothing in this Act shall be construed as authorising the holder of a mineral right to do the said act,

- (a) otherwise than in accordance with the written law; and
- (b) without first obtaining the licence, permit, authority or other instrument (if any), required under the written law for the doing of the act.

Application for reconnaissance licence.

15. An application for the grant of a reconnaissance licence,

- (a) shall give in respect of the person or, if there is more than one person, of each person making the application,
 - (i) in the case of an individual, his full name and nationality; or
 - (ii) in the case of a body corporate, its name and place of incorporation, the names and nationalities of the directors or equivalent officers and, if the body corporate has a share capital, the name of any person who is the beneficial owner of more than five *per centum* of the issued share capital;
- (b) shall be accompanied by a plan of the area over which the licence is sought, drawn in such manner and showing such particulars as the Minister may require;
- (c) shall identify the minerals in respect of which the licence is sought;

- (d) shall be accompanied by a statement giving particulars of the financial and technical resources available to the applicant for the licence;
- (e) shall give or be accompanied by a statement giving particulars of the programme of reconnaissance operations proposed to be carried out in the area of land over which the licence is sought, an estimate of the cost of carrying out the programme and of the period required for completion of the programme and an estimate of any significant effect which the carrying out of the programme would be likely to have on the environment or on any monument or relic in the area over which the licence is sought; and
- (f) may set out any other matter which the applicant wishes the Minister to consider.

16.—(1) Subject to this Act, on application duly made, the Minister may grant on such conditions as he may determine, or refuse to grant, a reconnaissance licence over any area of land.

Disposal of application for reconnaissance licence.

(2) The total area of land over which a reconnaissance licence is granted to any person shall not exceed fifty square kilometres and shall be of such shape and orientation that so far as possible, it shall be rectangular with the width not being less than one quarter of the length,

Provided that the Minister may authorize the shape to be other than rectangular when satisfied that local circumstances make this desirable, and may authorise the use of a permanent natural boundary instead of a straight line, provided that such boundary is clearly discernible on the ground, such as the centre line of a river, stream, road or track.

17.—(1) No reconnaissance licence shall be granted over an area of land in, or which constitutes,

Restriction on grant of reconnaissance licence.

- (a) a prospecting area if a person, other than the person to whom the reconnaissance licence is to be granted,

is the holder of an exclusive prospecting licence over the area in respect of a mineral to which the reconnaissance licence would relate;

(b) a mining area; or

(c) a claim area.

(2) Where an area of land is subject to a reconnaissance licence which, pursuant to section 19 (4) of this Act, gives to the holder of the licence an exclusive right to carry on reconnaissance operations in that area, no other reconnaissance licence shall be granted over land in, or which constitutes, that area in respect of any mineral to which that exclusive right relates.

(3) Where it is necessary to fly over any land for the purpose of the exercise of any right under section 22 of this Act, nothing in this section may be construed to prevent any such flight from being undertaken.

Notices of decision on application for reconnaissance licence.

18.—(1) The Minister shall give notice to an applicant for the grant of a reconnaissance licence of his decision on the application and, if he is prepared to grant the licence, he shall give in the notice details of the proposed licence.

(2) If an applicant, within sixty days after he is given notice pursuant to subsection (1) of this section, that the Minister is prepared to grant a reconnaissance licence, fails to give notice to the Minister of his willingness to accept the proposed licence, his application shall lapse.

Contents of reconnaissance licence.

19.—(1) A reconnaissance licence shall,

(a) state the date of the grant of the licence and the period for which it is granted;

(b) include a description and a plan of the area of land over which it is granted;

(c) state the conditions on which it is granted; and

(d) identify any mineral to which the licence relates.

(2) Subject to any relevant agreement of a kind referred to in section 9 of this Act, there may be included in, or in a statement appended to, a reconnaissance licence either or both of the following conditions, namely,

(a) a condition that in, or in relation to, the reconnaissance area, the holder of the licence shall, during a specified period, carry out the programme of reconnaissance operations and expend the amounts specified in the licence; or

(b) a condition requiring the holder of the licence, in respect of any period and in the manner specified, to submit to the Minister acceptable proposals for the carrying out of a programme of reconnaissance operations and the expenditure of amounts in, or in relation to, the reconnaissance area during that period.

(3) Where the Minister is satisfied that an initial period is required to make the necessary preparations to carry on reconnaissance operations, he may specify in a reconnaissance licence a period (not exceeding three months) as the preparation period.

(4) A reconnaissance licence shall, in respect of any mineral to which the licence relates, confer on the holder of the licence the exclusive right to carry on reconnaissance operations in the reconnaissance area.

20.—(1) The term of a reconnaissance licence is the period for which the licence is granted, not exceeding twelve months, stated in the licence and any preparation period specified in the licence pursuant to section 19 (3) of this Act.

Term of reconnaissance licence.

(2) The term of a reconnaissance licence commences on and includes the date on which the licence is granted, as stated in the licence.

Miscellaneous provisions concerning reconnaissance licences.

21.—(1) Subject to this section, where the holder of a reconnaissance licence applies for the grant of an exclusive prospecting licence over an area of land in the reconnaissance area and the application has not been finally dealt with before the date on which the reconnaissance licence would, but for this subsection, cease to have effect, the reconnaissance licence continues to have effect over the area of land until,

- (a) notice is given to the applicant pursuant to this Act of the refusal to grant the exclusive prospecting licence; or
- (b) as the case may be, the date of the grant of the exclusive prospecting licence, as stated in the exclusive prospecting licence.

(2) Where an exclusive prospecting licence is granted to the holder of a reconnaissance licence, the land subject to that exclusive prospecting licence ceases to be subject to that reconnaissance licence, but no other reconnaissance licence is affected by the grant of that exclusive prospecting licence.

(3) Where an area of land becomes a mining area, it ceases to be subject to any reconnaissance licence to which it was subject immediately before becoming a mining area.

(4) Subsection (1) shall not have effect,

- (a) to prevent the cancellation under this Act of a reconnaissance licence; or
- (b) if the application for the grant of an exclusive prospecting licence is withdrawn.

Rights of holder of reconnaissance licence.

22.—(1) Subject to this Act and the conditions of the licence, a reconnaissance licence, while it has effect, confers on the holder of the licence the right to carry on reconnaissance operations in or over the reconnaissance area, and for the purpose of the exercise of that right, the holder may, subject to this Act and the conditions of the licence, either

himself, or through employees or agents, enter the reconnaissance area, and erect camps and temporary buildings, or erect installations in any waters forming part of the reconnaissance area.

(2) The holder of a reconnaissance licence shall not engage in drilling, excavation or other subsurface techniques, except where and to the extent he is authorised by his licence to use any of those techniques.

23.—(1) The holder of a reconnaissance licence,

Duties of holder of reconnaissance licence.

- (a) shall, subject to subsection (2) of this section, carry on reconnaissance operations in accordance with his programme of reconnaissance operations;
- (b) shall, subject to subsection (2) of this section, expend in, or in relation to, the reconnaissance area an amount not less than the amount required by the licence or otherwise to be so expended; and
- (c) shall carry on reconnaissance operations in accordance with the requirements of this Act.

(2) The Minister may, on an application made to him by the holder of a reconnaissance licence, limit, reduce, vary or suspend any obligation arising pursuant to subsection (1)(a) or (b) of this section, either conditionally or unconditionally.

24. An application for the grant of an exclusive prospecting licence,

Application for exclusive prospecting licence.

- (a) shall give information of the kind referred to in section 15 (a), and shall give or be accompanied by a statement giving particulars of the kind referred to in section 15 (d) of this Act;
- (b) shall identify the minerals in respect of which the licence is sought;

- (c) shall be accompanied by a plan of the kind referred to in section 15 (b) of this Act;
- (d) shall state the period for which the licence is sought;
- (e) shall give or be accompanied by a statement giving particulars of the programme of prospecting operations proposed to be carried out in the area of land over which the licence is sought and an estimate of the cost of carrying out the programme, and an estimate of any significant effect which the carrying out of the programme would be likely to have on the environment and on any monument or relic in the area over which the licence is sought;
- (f) shall give or be accompanied by a statement giving particulars of the applicant's proposals with respect to the employment and training of citizens of Belize;
- (g) shall be accompanied by a statement giving particulars of expected infrastructure requirements; and
- (h) may set out any other matter which the applicant wishes the Minister to consider.

Disposal of application for exclusive prospecting licence.

25.—(1) Subject to this Act and to any relevant agreement of a kind referred to in section 9 of this Act, on application duly made, the Minister may grant on such conditions as he may determine, or refuse to grant, an exclusive prospecting licence over any area of land.

(2) The total area of land over which an exclusive prospecting licence is granted to any person shall not exceed twenty-five square kilometres and shall be of such shape and orientation that, so far as possible, it shall be rectangular with the width not being less than one quarter of the length,

Provided that the Minister may authorise the shape to be other than rectangular when satisfied that local circumstances make this desirable,

and may authorise the use of a permanent natural boundary instead of a straight line; provided that such boundary is clearly discernible on the ground, such as the centre line of a river, stream, road or track.

26.—(1) No exclusive prospecting licence shall be granted over an area of land in, or which constitutes,

Restriction on grant of exclusive prospecting licence.

- (a) a mining area; or
- (b) a claim area.

(2) Where an area of land is subject to an exclusive prospecting licence, no other exclusive prospecting licence shall be granted over land in, or which constitutes, that area in respect of any mineral to which the subsisting exclusive prospecting licence relates.

(3) Where an area of land is subject to a reconnaissance licence which gives, pursuant to section 19 (4) of this Act, to the holder of the licence an exclusive right to carry on reconnaissance operations in respect of the land, an exclusive prospecting licence shall not be granted in respect of any mineral to which that exclusive right relates, over land in, or which constitutes, that area, to a person other than the holder of the reconnaissance licence.

(4) No exclusive prospecting licence shall be granted to an applicant unless,

- (a) the applicant has adequate financial resources, technical competence and experience to carry on effective prospecting operations;
- (b) the programme of proposed prospecting operations is adequate;
- (c) the applicant's proposals for the employment and training of citizens of Belize are adequate; and
- (d) the applicant has paid the fees and complied with all other conditions for grant of a licence.

Notice of decision on application for exclusive prospecting licence.

27. The provisions of section 18 shall apply in relation to an application for the grant of an exclusive prospecting licence as they apply in relation to an application for the grant of a reconnaissance licence.

Contents of exclusive prospecting licence.

28.—(1) An exclusive prospecting licence shall,

- (a) state the date of the grant of the licence and the period for which it is granted;
- (b) identify the mineral in respect of which it is granted;
- (c) include a description and a plan of the area of land over which it is granted; and
- (d) state the conditions on which it is granted.

(2) Where the Minister is satisfied that an initial period is required to make the necessary preparation to carry on prospecting operations he may, in an exclusive prospecting licence, specify a period (not exceeding three months) as the preparation period.

(3) There shall be appended to an exclusive prospecting licence a programme for the employment and training of citizens of Belize.

Programme of prospecting operations.

29.—(1) If in addition to conditions included in an exclusive prospecting licence under section 28 (1) of this Act, or on any extension of the licence under section 48 of this Act, the licence is subject to the condition that not later than one month before the anniversary in any year of the grant of the licence, the holder of the licence shall submit to the Minister in detail an adequate programme with respect to work and expenditure to be carried out or made in the year of the licence immediately following, the programme so submitted is deemed to constitute a requirement of the licence with respect to prospecting operations and expenditure.

(2) The requirement in subsection (1) of this section, that the programme submitted shall be adequate, is deemed to have been met where the programme submitted satisfies the requirements (if any) with respect to work and expenditure contained in a relevant agreement of a kind referred to in section 9 of this Act.

30. There may be included in an exclusive prospecting licence a provision with respect to the exercise, by the Government or a person identified in the licence, of an option to acquire on stipulated terms, or on terms to be agreed, an interest in any mining venture which may be carried on in relation to land in, or which constitutes, the prospecting area.

Option.

31.—(1) The term of an exclusive prospecting licence shall be the period for which the licence is granted, not exceeding three years as may be stated in the licence, and any preparation period specified in the licence pursuant to section 28 (2) of this Act.

Term of exclusive prospecting licence.

(2) The term of an exclusive licence commences on and includes the date of the grant of the licence as stated in the licence.

32.—(1) Subject to this section, where the holder of an exclusive prospecting licence applies for the grant of a mining licence over any area of land in, or which constitutes, the prospecting area, and the application has not been finally dealt with before the date on which the exclusive prospecting licence would, but for this subsection, cease to have effect, the exclusive prospecting licence continues to have effect over that area of land until,

Miscellaneous provisions concerning exclusive prospecting licences.

- (a) notice is given to the applicant pursuant to this Act of the refusal to grant the mining licence; or
- (b) as the case may be, the date of the grant of the mining licence, as stated in the mining licence.

(2) Where a mining licence is granted over any area of land wholly or partly in one, or more than one, prospecting area,

- (a) the exclusive prospecting licence held by the person to whom the mining licence is granted ceases to have effect in the mining area; and
- (b) the exclusive prospecting licence held by any other person,

- (i) ceases to have effect if the prospecting area covered by the licence is within, or is constituted by the same area of land as, the mining area; or
- (ii) as the case may be, continues to have effect only in relation to land outside the mining area.

(3) Subsection (1) of this section shall not have effect,

- (a) to prevent the cancellation under this Act of an exclusive prospecting licence; or
- (b) if the application for the grant of a mining licence is withdrawn.

(4) An exclusive prospecting licence may continue to have effect pursuant to this section notwithstanding that the prospecting area has ceased to be in the shape or ceased to have the dimensions prescribed in respect of prospecting areas or, as the case may be, approved in respect of that area.

33. Subject to this Act and the conditions of the licence, an exclusive prospecting licence, while it has effect, confers on the holder of the licence the exclusive right to carry on prospecting operations in the prospecting area for the mineral to which the licence relates, and for the purpose of the exercise of that right the holder may, subject to this Act and the conditions of the licence, either himself, or through his employees or agents, enter the prospecting area and erect camps and temporary buildings or erect installations in any waters forming part of the prospecting area.

34. The holder of an exclusive prospecting licence,

- (a) shall commence prospecting operations within three months of the date of the grant of the licence, as stated in the licence;
- (b) shall, subject to sections 35 and 52 of this Act, carry on prospecting operations in accordance with his programme of prospecting operations;

Rights of holder of exclusive prospecting licence.

Duties of holder of exclusive prospecting licence.

- (c) shall give to the Minister notice of the discovery,
 - (i) of possible commercial value of any mineral to which his licence relates;
 - (ii) of any mineral deposit of possible commercial value, within thirty days of the discovery;
- (d) shall, subject to section 35, expend in, or in relation to, the prospecting area an amount not less than the amount required by the licence or otherwise to be so expended;
- (e) shall, subject to section 35, employ and train citizens of Belize in accordance with the proposals in that connection particulars of which have been given in or appended to the licence; and
- (f) shall carry on prospecting operations in accordance with the requirements of this Act.

35.—(1) The Minister may, on application made to him by the holder of an exclusive prospecting licence, limit, reduce, vary or suspend any obligation arising pursuant to section 34 (b), (d) or (e) of this Act, either conditionally or unconditionally,

Variations, etc.,
of obligations.

Provided that before limiting, reducing, varying or suspending any obligation under section 34 (b), (d) or (e) of this Act, the Minister shall obtain the prior approval of the Cabinet.

(2) To enable him to dispose of an application under subsection (1) of this section, the Minister may, by notice served on the applicant, require the applicant to furnish him, within such reasonable time as is specified in the notice, with such information relevant to the application as may be described in the notice.

36.—(1) An application for the grant of a mining licence may be made by the holder of an exclusive prospecting licence or by a person who is not such a holder.

Application for
mining licence.

(2) Where an application for the grant of a mining licence is made the holder of an exclusive prospecting licence, the application shall be made,

- (a) only in respect of land subject to the exclusive prospecting licence;
- (b) only if the holder has given notice to the Minister of the discovery in commercial quantities of any mineral to which his licence relates; and
- (c) not later than two months, or such further periods as the Minister may allow, after that notice was given to the Minister.

(3) An application for the grant of a mining licence,

- (a) shall give information of the kind referred to in section 15 (a) of this Act;
- (b) shall identify the minerals which it is proposed to mine;
- (c) shall state the number of the exclusive prospecting licence (if any) held by the applicant and shall give details of any exclusive prospecting licence held by the applicant, or by any person controlling, controlled by or under joint or common control with, the applicant, during the preceding four years;
- (d) shall be accompanied by a plan of the area over which the licence is sought, drawn in such manner as the Minister may require and showing,
 - (i) the name of each owner/lawful occupier of a holding in, or partly in, that area and in the case of more than one such holding, the boundaries within that area of each such holding; and

- (ii) such other particulars as the Minister may require;
- (e) shall state the period for which the licence is sought;
- (f) shall give or be accompanied by a statement giving details of the mineral deposits in the area of land over which the licence is sought, including details of all known minerals proved, estimated or inferred, ore reserves and mining conditions;
- (g) shall be accompanied by a technical report on mining and treatment possibilities and the intention of the applicant in relation thereto;
- (h) shall give or be accompanied by a statement giving particulars of the programme of proposed mining operations, including a statement of,
 - (i) the estimated date by which the applicant intends to work for profit;
 - (ii) the estimated capacity of production and scale of operations;
 - (iii) the estimated overall recovery of ore and mineral products;
 - (iv) the nature of the products;
 - (v) proposals for the prevention of pollution, the treatment of wastes, the safeguarding of natural resources, the progressive reclamation and rehabilitation of land disturbed by mining and for the minimisation of the effects of mining on surface water and groundwater and on adjoining or neighbouring lands;

- (vi) the residual effects on the environment of the mining operations and proposals for their minimisation;
 - (vii) any particular risks (whether to health or otherwise) involved in mining the mineral, and proposals for their control or elimination; and
 - (viii) any significant effect which the carrying out of the programme is likely to have on the environment and on any monument or relic in the area over which the licence is sought and proposals for eliminating or controlling that effect;
- (i) shall give or be accompanied by a statement giving a detailed forecast of capital investment, operating costs and revenues and the anticipated type and source of financing;
 - (j) shall be accompanied by a report on the goods and services required for the mining operation which can be obtained within Belize and the applicant's proposals with respect to the procurement of those goods and services;
 - (k) shall give or be accompanied by a statement giving particulars of the applicant's proposals with respect to the employment and training of citizens of Belize;
 - (l) shall be accompanied by a statement giving particulars of expected infrastructure requirements; and
 - (m) may set out any other matter which the applicant wishes the Minister to consider.

(4) Where an application for the grant of a mining licence is made by a person who is not the holder of an exclusive prospecting licence the

application shall, in addition to the matter referred to in subsection (3) of this section, give or be accompanied by a statement giving particulars of the financial and technical resources available to the applicant for the licence.

37.—(1) Subject to this section, to section 38 of this Act and to any relevant agreement of a kind referred to in section 9 of this Act, on application duly made by the holder of an exclusive prospecting licence the Minister may grant, on such conditions as he may determine, the mining licence applied for.

Disposal of application for mining licence.

(2) The area of land over which a mining licence is granted shall not exceed ten square kilometres, provided that the applicant for such a licence shall be entitled to delineate and hold more than one mining licence for the area which is the subject of the exclusive prospecting licence.

(3) Subject to this section and section 38, on application duly made by a person who is not the holder of an exclusive prospecting licence, the Minister may grant, on such conditions as he may determine, or refuse to grant, the mining licence applied for.

(4) To enable him to dispose of an application for the grant of a mining licence, the Minister may, by notice given to the applicant, require the applicant, at his own expense, to commission an independent study by consultants acceptable to the Minister for the purpose of,

- (a) assessing the feasibility of the programme of mining operations proposed in the application; or
- (b) assessing or making recommendations about such other matters arising out of, or connected with, the application, as the Minister may specify in the notice.

38.—(1) No mining licence shall be granted over an area of land in, or which constitutes,

Restriction on grant of mining licence.

- (a) a mining area; or

(b) a claim area.

(2) Where an area of land is subject to a reconnaissance licence which has been granted, pursuant to section 26 (3) of this Act, which gives to the holder of the licence an exclusive right to carry on reconnaissance operations in that area in respect of any mineral, a mining licence shall not be granted over land in, or which constitutes, the reconnaissance area, in respect of any such mineral to any person other than the holder of the reconnaissance licence.

(3) No mining licence over land in, or which constitutes, a prospecting area shall be granted to a person who is not the holder of a prospecting licence over that land.

(4) Subject to any relevant agreement of a kind referred to in section 9, no mining licence shall be granted to an applicant unless,

- (a) the programme of proposed mining operations,
 - (i) takes proper account of environmental and safety factors; and
 - (ii) will ensure the most efficient and beneficial use of the mineral resources concerned;
- (b) the area of land over which the licence is sought is not in excess of the area reasonably required to carry out that programme;
- (c) the applicant has adequate financial resources, technical competence and experience to carry on effective mining operations;
- (d) the applicant's proposals for the employment and training of citizens of Belize are adequate;
- (e) the applicant's proposals with respect to the procurement of goods and services obtainable within Belize are satisfactory;

- (f) any relevant option given pursuant to section 30 has been exercised and given effect to or satisfactory arrangements have been made for that purpose; and
- (g) the applicant has paid the prescribed fees and complied with all other conditions for grant of a licence.

(5) Where an application for the grant of a mining licence is duly made by the holder of an exclusive prospecting licence, the Minister shall not refuse an application for the grant of a mining licence on a ground other than the ground referred to in subsection (3) of this section unless he has,

- (a) given notice to the applicant of his intention to refuse to grant the licence on that ground (giving particulars); and
- (b) specified in the notice a date before which the applicant may make appropriate proposals to remove the ground for refusal or, as the case may be, remedy the default, or make representation in relation thereto, and the applicant has not done so before that date.

39. The provisions of section 18 apply in relation to an application for the grant of a mining licence as they apply in relation to an application for the grant of a reconnaissance licence.

Notice of decision on application for mining licence.

40.—(1) A mining licence shall,

Contents of mining licence.

- (a) state the date of the grant of the licence and the period for which it is granted;
- (b) identify the mineral in respect of which it is granted.

(2) There shall be appended to a mining licence particulars of a holder's proposals for the employment and training of citizens of Belize which shall form part of the licence.

(3) Subject to any relevant agreement of a kind referred to in section 9, there may be included in, or in a statement appended to, a mining licence either or both of the following conditions, namely,

- (a) a condition that in, or in relation to, the mining area, the holder of the licence shall during a specified period carry out the programme of mining operations and expend the amounts specified in the licence; or
- (b) a condition requiring the holder of the licence, in respect of any period and in the manner specified, to submit to the Minister acceptable proposals for the carrying out of a programme of mining operations and the expenditure of amounts in, or in relation to, the mining area during that period.

(4) There may be included in a mining licence conditions with respect to the processing, disposal or sale of the minerals to be mined.

Term of mining licence.

41.—(1) A mining licence may be for a period not exceeding twenty years or the estimated life of the ore body which it is proposed to be mined, whichever is earlier, as may be stated in the licence.

(2) The term of a mining licence commences on and includes the date of the grant of the licence.

Rights of holder of mining licence.

42.—(1) A mining licence, while it has effect, confers on the holder of the licence the exclusive right to carry on prospecting and mining operations in the mining area and for the purpose of the exercise of that right the holder may, subject to this Act and the conditions of the licence,

- (a) use employees and agents to work on his behalf;
- (b) take all reasonable measures in that area, including the use of necessary equipment and the erection of necessary installations, plant and buildings for mining, and transporting, dressing, treating, smelting or refining any mineral recovered; and

- (c) dispose of any mineral product recovered, and stack or dump any mineral or waste products in a manner approved by the Minister.
- (2) The holder of a mining licence,
- (a) shall not intentionally carry on prospecting or mining operations for a material unless it is a mineral to which his licence relates; and
- (b) shall not mine any mineral deposit, particulars of which have not been given pursuant to section 36 (3) (f) of this Act, in his application, or in a statement accompanying his application, for the grant of the licence, without the approval of the Minister given under subsection (3) of this section.
- (3) Where in the exercise of his rights the holder of a mining licence discovers any mineral deposit, particulars of which were not given pursuant to section 36 (3) (f) of this Act, in his application, or in a statement accompanying his application, for the grant of the licence, the holder,
- (a) shall, within the period of thirty days after the discovery, give notice and particulars of the mineral deposit and the circumstances in which the discovery was made; and
- (b) may, in the notice, request the Minister to give his approval to the mining of the mineral deposit in accordance with a programme of mining operations stated in the notice.
- (4) Subject to subsection (5), on a request made pursuant to subsection (3) (b) of this section, the Minister,
- (a) shall, if the mineral deposit consists, or consists primarily, of minerals to which the mining licence

relates, and the programme of mining operations stated in the notice containing the request is satisfactory, give his approval to the request; or

- (b) shall, in any other case, give preferential treatment to the request.

(5) The Minister may, pursuant to subsection (4) of this section, by notice served on the holder of the licence, give his approval,

- (a) to the request as made; or
- (b) to the request as amended with the agreement of that holder, unconditionally or subject to such conditions as are agreed to by the holder.

(6) The instrument in which the Minister gives an approval under subsection (5) of this section, is deemed to form part of the mining licence concerned.

(7) Before giving his approval to any request under this section the Minister may, by notice served on the holder of the licence, require the holder to comply with any of the requirements of section 36 (3) of this Act, as if the request were an application for the grant of a mining licence in respect of the minerals to which the request relates.

Duties of holder of mining licence.

43.—(1) The holder of a mining licence,

- (a) shall, subject to subsection (2) and section 52 of this Act, carry on mining and development operations and commence production in accordance with his programme of training operations;
- (b) shall, subject to subsection (2) of this section, employ and train citizens of Belize in accordance with the proposals in that connection appended to the licence;
- (c) shall, subject to subsection (2) of this section, expend in, or in relation to, the mining area an amount not less

than the amount required by the licence or otherwise to be so expended;

- (d) shall carry on mining operations in accordance with the requirements of this Act;
- (e) shall demarcate, and keep demarcated, in the manner prescribed, the area of land subject to the licence; and
- (f) shall give notice to the Minister when he begins to work for profit.

(2) The Minister may, on application made to him by the holder of a mining licence, limit, reduce, vary or suspend any obligation arising pursuant to subsection (1)(a), (b) or (c) of this section either conditionally or unconditionally,

Provided that before limiting, reducing, varying or suspending any obligation under subsection (1)(a), (b) or (c) of this section, the Minister shall obtain the prior approval of Cabinet.

44.-(1) Where the Inspector considers that the holder of a mining licence is using wasteful mining or treatment practices, he may give notice to the holder accordingly (giving in the notice particulars of such practices) and require the holder to show cause within such period as the Inspector shall specify in the notice why he should not cease to use those practices.

Use of wasteful practices.

(2) Where, within the period specified in a notice given to the holder of a mining licence pursuant to subsection (1) of this section, the holder fails to satisfy the Inspector that he is not using the wasteful practices specified in the notice or that the practices are not wasteful, or that the use of those practices is justified, the Inspector may give notice to the holder directing him to cease using all of those practices or the practices specified, by such date as is so specified, and the holder shall do so.

45.-(1) The holder of a mining licence shall give notice to the Inspector,

- (a) twelve months in advance, if he proposes to cease production from a mine in the mining area concerned;

Cessation, etc., of production from mine.

- (b) six months in advance, if he proposes to suspend production from any such mine; or
- (c) three months in advance, if he proposes to curtail production from any such mine, and shall give in the notice the reason for cessation, suspension or curtailment.

(2) Where, for any reason beyond his control, the holder of a mining licence ceases, suspends or curtails production from a mine in the mining area concerned he shall, within fourteen days after the cessation, suspension or curtailment give notice thereof to the Inspector.

46. Where, pursuant to section 45 (1) or (2) of this Act, notice is given to him, or if he otherwise becomes aware, of any cessation, suspension or curtailment of production from a mine, the Inspector shall cause the matter concerned to be investigated and thereafter,

- (a) he shall give his approval, conditionally or unconditionally, to the cessation, suspension or curtailment by notice to the holder of the mining licence; or
- (b) he shall direct the holder of the mining licence by notice given to the holder to resume full production, or production at such level as is specified in the notice, by such date as is so specified and the holder shall do so.

47.—(1) The holder of a reconnaissance licence may, not later than three months before the expiration of the licence, apply for the renewal of the licence in respect of all or any part of the reconnaissance area.

(2) An application under subsection (1) of this section,

- (a) shall state the period for which renewal of licence is sought;
- (b) shall be accompanied,

Power of Inspector on cessation, etc.

Application for renewal of reconnaissance licence.

- (i) by a report on reconnaissance operations then carried out; and
- (ii) by a statement giving particulars of the programme of reconnaissance operations proposed to be carried out in the period of renewal, an estimate of any significant effect which the carrying out of the programme would be likely to have on the environment and on any monument or relic in the area over which renewal of the licence is sought, and an estimate of the cost of carrying out the programme;
- (c) shall, if the renewal of the licence is sought in respect of part only of the reconnaissance area, be accompanied by a plan identifying that part of the reconnaissance area; and
- (d) shall give particulars of any alteration in the matter shown in the application for the grant of the licence pursuant to section 15 (a) and (b) of this Act.

(3) On application duly made for the renewal of a reconnaissance licence, the Minister,

- (a) may, if he is satisfied that it would be in the public interest to do so, renew the licence, with or without variation of the conditions of the licence, for a period not exceeding twelve months; and
- (b) if not so satisfied, shall refuse to renew the licence.

48.—(1) The holder of an exclusive prospecting licence may, not later than three months before the expiration of the licence, apply for the renewal of the licence in respect of an area of land,

Application for renewal of exclusive prospecting licence.

- (a) of such shape as may be prescribed; and

- (b) which is not greater in extent than half of the prospecting area as at the date of the grant of the licence, unless the Minister otherwise permits.

(2) An application under subsection (1) of this section

- (a) shall state the period for which renewal of the licence is sought;
- (b) shall be accompanied,
 - (i) by a report on prospecting operations then carried out and the costs incurred in carrying them out; and
 - (ii) by a statement giving particulars of the programme of prospecting operations proposed to be carried out in the period of renewal, an estimate of any significant effect which the carrying out of the programme would be likely to have on the environment and on any monument or relic in the area over which renewal of the licence is sought, and an estimate of the cost of carrying out the programme;
- (c) shall be accompanied by a plan identifying the area of land in respect of which renewal of the licence is sought; and
- (d) shall give particulars of any alteration in the matter shown in the application for the grant of the licence pursuant to section 24(a) of this Act.

(3) Subject to subsections (4) and (5) of this section, on application duly made for the renewal of an exclusive prospecting licence, the Minister shall renew the licence for a period not exceeding one year.

(4) The Minister shall refuse to renew an exclusive prospecting licence,

- (a) If,
 - (i) the applicant has not paid the prescribed fees and complied with other conditions for the grant of the licence;
 - (ii) the programme of prospecting operations proposed to be carried out is not satisfactory; or
 - (iii) the area of land in respect of which renewal of the licence is sought does not meet the requirements of subsection (1) (a) and (b) of this section;
- (b) if the Minister has given to the applicant notice of his intention to refuse to renew the licence,
 - (i) giving in the notice particulars of the grounds for the intended refusal; and
 - (ii) stating a date before which the applicant may take appropriate action or make representation in relation to that ground; and
- (c) if the applicant has not, before that date, remedied the default or, in a notice given to the Minister, made appropriate amendments to his application, or made representations, which, in the opinion of the Minister, remove the ground for the intended refusal.

(5) An application under subsection (1) of this section for the renewal of an exclusive prospecting licence may be made on not more than two occasions and, accordingly, the power under subsection (3) of this section, may be exercised in relation to an exclusive prospecting licence on not more than two occasions.

(6) Where a prospecting licence has been renewed pursuant to subsection (5) of this section, on two occasions, the Minister,

- (a) on the request of the holder of the licence; and
- (b) if he considers it in the public interest to do so,

may, by instrument in writing, extend the term of the licence with effect from the date of expiry of the last period of renewal for such period, and on such conditions, as is specified in the instrument.

Application for
renewal of mining
licence.

49.—(1) The holder of a mining licence may, not later than twelve months before the expiration of the licence, apply for the renewal of the licence in respect of the whole or any part of the mining area.

(2) An application under subsection (1) of this section,

- (a) shall state the period for which renewal of the licence is sought;
- (b) shall be accompanied by a statement giving particulars of the programme of mining operations proposed to be carried out in the period of renewal, an estimate of any significant effect which the carrying out of the programme would be likely to have on the environment and on any monument or relic in the area over which renewal of the licence is sought, and an estimate of the cost of carrying out the programme;
- (c) shall be accompanied by a statement giving details of,
 - (i) the latest proved, estimated or inferred ore reserves;
 - (ii) the capital investment to be made in, and production costs and revenue forecasts in respect of, the period of renewal;

- (iii) any expected changes in the methods of mining and treatment; and
- (iv) any expected increase or reduction in mining activities and the estimated life of the mine;
- (d) shall, if renewal of the licence is sought in respect of part only of the mining area, be accompanied by a plan identifying that part of the mining area; and
- (e) shall give particulars of any alterations in the matter shown in the application for the grant of the licence pursuant to section 36 (3)(a), (d), (h) (v), (vi) and (vii), (j) and (l) of this Act.

(3) Subject to subsection (4) of this section, on application duly made for the renewal of a mining licence, the Minister shall renew the licence, with or without variation of the conditions of the licence, for a period not exceeding fifteen years.

(4) The Minister shall refuse to renew a mining licence,

- (a) If,
 - (i) the applicant has not paid the prescribed fees and complied with all other conditions for the grant of the licence;
 - (ii) the development of the mining area has not proceeded with reasonable diligence;
 - (iii) minerals in reasonable quantities do not remain to be produced; or
 - (iv) the programme of mining operations proposed to be carried out is not satisfactory;
- (b) if the Minister has given to the applicant notice of his intention to refuse to renew the licence,

- (i) giving in the notice particulars of the ground for the intended refusal; and
- (ii) stating a date before which the applicant may take appropriate action or make representations in relation to that ground; and
- (c) if the applicant has not, before the specified date, remedied the default or, in a notice given to the Minister, made appropriate amendments to his application, or made representations which, in the opinion of the Minister, remove the ground for the intended refusal.

(5) In determining whether or not to vary the conditions of a mining licence on renewal, the Minister shall have regard and give effect to any relevant agreement of a kind referred to in section 9 of this Act.

50.—(1) The Minister shall give notice to an applicant for the renewal of a reconnaissance licence, an exclusive prospecting licence or a mining licence of his decision on the application and, if he renews the licence, the notice,

- (a) shall state the period of renewal;
- (b) shall set out any variation in the conditions of the licence; and
- (c) shall include a plan of the area of land in respect of which the licence is renewed if that area differs from the area of land subject to the licence immediately before the renewal of the licence.

(2) Subject to any relevant agreement of a kind referred to in section 9 of this Act, there may be included in, or in a statement appended to, a notice referred to in subsection (1) of this section, either or both of the following conditions, namely,

Notice of disposal of application for renewal of mineral right.

- (a) a condition that in, or in relation to, the reconnaissance area, prospecting area or mining area, as the case may be, the holder of the licence concerned shall, during a specified period, carry out the programme of reconnaissance, prospecting or mining operations, as the case may be, specified in the notice; or
- (b) a condition requiring the holder of the licence concerned, in respect of any period and in the manner specified, to submit to the Minister acceptable proposals for the carrying out of a programme of reconnaissance, prospecting or mining operations, as the case may be, and the expenditure of amounts in, or in relation to, the reconnaissance area, the prospecting area or the mining area, as the case may be, during that period.

51.—(1) Where an application under this Part for the renewal of a mineral right is not finally dealt with before the date on which the mineral right would, but for this subsection, cease to have effect, the mineral right continues to have effect over the area of land over which renewal of the mineral right is sought until notice is given pursuant to section 50 of this Act of the refusal to renew or, as the case may be, of the renewal of the mineral right.

Licence to have effect pending disposal of application for renewal.

(2) The period for which a mineral right is renewed commences on and includes the date on which the mineral right would have ceased to have effect if an application for the renewal of the mineral right had not been made.

(3) Subsection (1) of this section, shall not have effect,

- (a) to prevent the cancellation under this Act of a mineral right; or
- (b) if an application for the renewal of a mineral right is withdrawn.

A m e n d m e n t
of prospecting
or mining pro-
gramme.

52.—(1) The holder of an exclusive prospecting licence or a mining licence may amend his programme of prospecting or mining operations and, subject to subsection (2) of this section, the amendment has effect when particulars of the amendment are given in a notice served on the Minister.

(2) An amendment which substantially alters a programme of prospecting or mining operations does not have effect unless application has been made pursuant to section 35 or 43 (2) of this Act to the Minister and the Minister has, under section 35 or 43 (2) of the Act, agreed to the amendment.

Surrender.

53.—(1) The holder of a reconnaissance licence, an exclusive prospecting licence or a mining licence who wishes to surrender the whole or part of the land subject to the licence shall apply to the Inspector for a certificate of surrender of the land not less than three months before the date on which he wishes the surrender to have effect.

(2) An application under subsection (1) of this section,

- (a) shall state the date on which the applicant wishes the surrender to have effect;
- (b) shall, if part only of the land subject to the licence is to be surrendered, identify that part by the inclusion of a plan thereof;
- (c) shall give particulars of reconnaissance, prospecting or mining operations carried on in respect of the land to be surrendered; and
- (d) shall be supported by such records and reports in relation to those operations as the Inspector may reasonably require.

(3) Subject to subsection (4) and (5) , on application duly made under subsection (1) of this section, the Inspector shall issue a certificate of surrender, either unconditionally or subject to such conditions as are

specified in the certificate, in respect of the land to which the application relates.

(4) Where an application is made under subsection (1) of this section, the Inspector shall consult with the Minister.

(5) The Inspector shall not issue a certificate of surrender,

- (a) to an applicant who has not paid the prescribed fees and complied with other conditions for the grant of the licence;
- (b) to an applicant who fails to comply with any reasonable requirement of the Inspector for the purposes of subsection (2) (d) of this section; or
- (c) if the Inspector is not satisfied that the applicant will leave the land to be surrendered and on which reconnaissance, prospecting or mining operations have been carried on in a condition which is safe and in accordance with good mining practice.

54.—(1) Where pursuant to section 53 (3) of this section, a certificate of surrender is issued, the Inspector,

Effect of certificate of surrender.

- (a) shall, if part only of the land subject to a reconnaissance licence, an exclusive prospecting licence or a mining licence is surrendered, amend the licence accordingly; or
- (b) shall, in any other case, cancel the licence, and in either case the Inspector shall give notice to the applicant of the amendment, or, as the case may be, the cancellation, and of the issue of the certificate of surrender.

(2) The land in respect of which a certificate of surrender is issued shall be treated as having been surrendered with effect from the date on

which notice of the surrender is given pursuant to subsection (1) of this section to the applicant for the certificate.

(3) The surrender of any land does not affect any liability incurred before the date on which the surrender takes effect and any legal proceedings that might have been commenced or continued in respect of the liability against the applicant may be commenced or continued against that applicant.

Suspension or cancellation of mineral right.

55.—(1) Subject to this section, where the holder of a reconnaissance licence, an exclusive prospecting licence or a mining licence,

- (a) fails to use in good faith the land subject to the licence for the purpose for which the licence was granted;
- (b) uses that land for any purpose other than the purpose for which the licence was granted;
- (c) fails to comply with any requirement of this Act (not being exempted under this Act from doing so) with which he is bound to comply;
- (d) fails to comply with a condition of the licence (not being exempted under this Act from doing so);
- (e) fails to comply with a direction lawfully given under this Act or with a condition on which any certificate of surrender is issued or on which any exemption or consent is given under this Act;
- (f) fails to comply with the conditions relating to the exercise of his rights under his licence, which are contained in a relevant agreement of a kind referred to in section 9;
- (g) fails to pay any amount payable by him under this Act within one month after the amount becomes due,

the Minister may, on that ground, by notice in writing served on the holder of the licence, suspend or cancel the licence.

(2) The Minister shall not, under subsection (1) of this section, suspend or cancel the licence on the ground referred to in that subsection unless,

- (a) he has, by notice in writing served on the holder of the licence, given not less than thirty days' notice of his intention to suspend or cancel the licence on that ground;
- (b) he has, in the notice, specified a date before which the holder of the licence may, in writing, submit any matter which he wishes the Minister to consider; and
- (c) he has taken into account,
 - (i) any action taken by the holder of the licence to remove that ground or to prevent the recurrence of similar grounds; and
 - (ii) any matters submitted to him by the holder of the licence pursuant to paragraph (b) of this subsection.

(3) The Minister shall not, under subsection (1) of this section, suspend or cancel a licence on a ground referred to in subsection (1) (g) of this section, if, before the date specified in a notice referred to in subsection (2) of this section, the holder of the licence pays the amount of money together with an amount of interest (if any) which the Minister considers reasonable in the circumstances of the case.

(4) The Minister may, by notice in writing served on the holder of a reconnaissance licence, an exclusive prospecting licence or a mining licence, cancel the licence,

- (a) if the holder (being an individual) is,

- (i) adjudged bankrupt; or
 - (ii) enters into any agreement or scheme of composition with his creditors or takes advantage of any law for the benefit of debtors; or
- (b) if, in the case of a holder that is a body corporate, an order is made or a resolution is passed winding-up the affairs of that body corporate, unless the winding-up is for the purpose of amalgamation or reconstruction and the Minister has been given notice thereof.

(5) Where two or more persons are jointly holders of a reconnaissance licence, an exclusive prospecting licence or a mining licence, the Minister shall not, under subsection (4) of this section, cancel the licence on the occurrence, in relation to one or some only of such persons, of an event entitling the Minister so to cancel the licence, unless he is satisfied that any other person or persons is or are unwilling, or would be unable, to carry out the duties and obligations of the holder of the licence.

(6) On the cancellation of a reconnaissance licence, an exclusive prospecting licence or a mining licence, the rights of the holder of the licence thereunder cease, but the cancellation does not affect any liability incurred before the cancellation and any legal proceedings that might have been commenced or continued against the former holder of the licence may be commenced or continued against him.

Records.

56.-(1) The Inspector shall cause a record to be kept in a Register of every mineral right granted and of any dealings with, or affecting, a mineral right.

(2) When a mineral right is granted, the Inspector shall cause the name of the person to whom the mineral right is granted to be recorded in the Register as the registered holder of the mineral right.

Interest in mineral right to be created by instrument in writing.

57.-(1) A legal or equitable interest in, or affecting, a mineral right, is not capable of being created, transferred, assigned, effected or dealt with, whether directly or indirectly, except by an instrument in writing.

(2) The creation of a legal or equitable interest in, or affecting, a mineral right does not affect the liability of the registered holder of the mineral right for any breach of the conditions of the mineral right or of any of the provisions of this Act.

58.—(1) Unless the Minister approves,

- (a) the transfer of a mineral right; or
- (b) an instrument by which a legal or equitable interest in, or affecting, a mineral right, is created, assigned, effected or dealt with,

Transfer of mineral right to be approved by Minister.

whether directly or indirectly, the transfer, or the instrument in so far as it operates as provided in this paragraph, is of no force.

(2) An application for the approval by the Minister under subsection (1) of this section, of a transfer or an instrument shall be made to the Inspector in accordance with the regulations.

(3) Subject to subsections (4) and (5), on application duly made under subsection (2) of this section, the Minister may give, or refuse to give, his approval, or may give his approval subject to such conditions as he deems necessary in the circumstances to impose.

(4) The Minister shall not give his approval to the transfer of, or to any instrument operating as provided in subsection (1) (b) of this section, in relation to, a reconnaissance licence.

(5) The Minister shall give his approval to the transfer of an exclusive prospecting licence or mining licence when the transferee,

- (a) is a person controlling, controlled by or under common control with, the transferor; and
- (b) is not a person disqualified under any provision of this Act from holding a mineral right.

(6) If the Minister gives his approval to the transfer of a mineral right, the Inspector shall cause the name of the transferee to be recorded

in the Register as the registered holder of the mineral right but legal proceedings that might have been commenced or continued against the former registered holder may be commenced or continued against him notwithstanding the transfer.

(7) The reference in subsection (1) (a) of this section, to the transfer of a mineral right includes a transfer of a mineral right by operation of law.

59. The Minister may require any person making application under section 58 of this Act to the Inspector to furnish to the Inspector such information as the Minister may reasonably require to enable the Minister to dispose of the application and the application shall comply with the requirement.

60.—(1) The Inspector may give a certificate with respect to any matter referred to in subsection (2) of this section.

(2) A certificate of the Inspector,

- (a) that a mineral right was granted, transferred, suspended or cancelled on, or with effect from, a date specified in the certificate;
- (b) that any land identified in the certificate is, or was on a date specified in the certificate, subject to a mineral right;
- (c) that a mineral specified in the certificate is a mineral to which a mineral right relates;
- (d) that any condition specified in the certificate is, or was on a date so specified, a condition of a mineral right;
- (e) that a certificate of surrender was issued in respect of land identified, on a date specified, in the certificate;

Minister may require information.

Evidentiary provision.

- (f) that any condition specified in the certificate is a condition on which a certificate of surrender was issued or on which any consent or approval so specified was given; or
- (g) that a person named in the certificate is, or was on a date specified in the certificate, the holder of a mineral right,

shall be received in proceedings before any court or tribunal as evidence of that fact, but without prejudice to the right to adduce evidence in rebuttal.

61.—(1) A copy of any entry in the Register may be obtained by any person on payment of the prescribed fee.

Inspection of Register.

(2) The Register shall at all reasonable times be open for inspection by any person on payment of the prescribed fee, and a person may take copies of any licence or entry in the Register on payment of the prescribed fee.

62. Where the Inspector is satisfied that there has been a mistake made in, or that some matter has been incorrectly entered in the Register, he shall rectify the Register by correcting that mistake or incorrect entry.

Register may be rectified.

63. A person who wilfully,

Offences in relation to registration.

- (a) makes, or causes to be made or concurs in making a false entry in the Register; or
- (b) produces or tenders in evidence a document falsely purporting to be a copy of or extract from an entry in the Register or of or from an instrument lodged with the Inspector under this Division,

commits an offence and is liable on conviction to a fine which shall not exceed two thousand five hundred dollars or imprisonment for a term which shall not exceed one year, or to both such fine and term of imprisonment.

Records and reports.

64.—(1) The First Schedule specifies the information to be furnished, the reports to be submitted and the records to be kept by the holder of a reconnaissance licence, an exclusive prospecting licence and a mining licence.

(2) The holder of a mineral right,

- (a) shall establish immediately after the grant of the mineral right, and keep established while the mineral right subsists, an address in Belize; and
- (b) shall give notice of that address to the Minister, and of any variation of the address from time to time.

Application for inclusion of additional minerals in licence.

65.—(1) This section applies where,

- (a) the holder of an exclusive prospecting licence or mining licence, in the course of searching for or mining the mineral to which his licence relates, finds another mineral (in this section called an “additional mineral”); and
- (b) in the circumstances it would be impracticable or impossible to mine the mineral to which the licence relates without also mining that additional mineral.

(2) Where this section applies, the holder of the exclusive prospecting licence or mining licence concerned may make application to the Minister for the inclusion in the licence of the additional mineral and the Minister, if satisfied that this section applies, shall approve the application.

(3) The Minister is not required to approve an application referred to in subsection (2) of this section, if the applicant is unwilling to make such alterations in his programme of prospecting or mining operations as are reasonably necessary to cover the searching for or mining of the additional mineral.

(4) Where the Minister approves an application referred to in subsection (2) of this section, he shall do so subject to the condition that the exclusive right to search for or mine the additional mineral shall arise only where that mineral is found together with a mineral to which the licence otherwise relates in such circumstances that it would not be practicable or possible to mine such last mentioned mineral without also mining the additional mineral.

(5) Notice of the Minister's decision under subsection (2) of this section, shall be given to the holder of the exclusive prospecting licence or, as the case may be, mining licence concerned; and in the event that the Minister approves the application, the licence shall, subject to subsection (4) of the section, be deemed to relate also to the additional mineral.

(6) In any case where this section would not apply by reason of the requirement of subsection (1) of this section not being met, the Minister may, if he considers that it would be in the interests of the development of the mineral resources of Belize to do so, approve an application by the holder of an exclusive prospecting licence or a mining licence to include a further mineral in the licence; and in that event the licence shall be deemed to relate also to the further mineral, subject to any conditions imposed on the giving of the approval.

66.—(1) The holder of an exclusive prospecting licence or a mining licence may apply to the Minister to have his prospecting area or, as the case may be, mining area, enlarged in the manner specified in the application and the Minister may, subject to subsection (2) of this section, approve the application or refuse to do so.

Enlargement of prospecting area or mining.

(2) The Minister shall not approve an application made under subsection (1) of this section,

- (a) unless he is satisfied that to do so would be in the interest of the development of the mineral resources of Belize; or
- (b) if, by reason of this Act, the Minister could not then grant to the holder making the application an exclusive

prospecting licence or, as the case may be, a mining licence over the area of land by the addition of which the prospecting area or mining area is to be enlarged, or could only do so subject to any condition which could not be satisfied.

(3) The approval of the Minister under subsection (1) of this section, may be given unconditionally, or subject to such conditions as the Minister may determine and specify in a notice given pursuant to subsection (4) of the section.

(4) Notice of the Minister's decision under subsection (1) of this section, shall be given to the holder of the prospecting licence or, as the case may be, mining licence concerned, and in the event that the Minister approves the application, the prospecting or mining area shall be deemed to have been enlarged accordingly.

(5) To enable him to dispose of an application made under subsection (1) of this section, the Minister may by notice served on the applicant require the applicant to furnish him, within such reasonable time as is specified in the notice, with such information relevant to the application as may be described in the notice.

67.-(1) Subject to subsection (3) of this section, when the amount expended in, or in relation to, a reconnaissance area, a prospecting area or a mining area is less than the amount required to be so expended by a reconnaissance licence, an exclusive prospecting licence or a mining licence, or otherwise, the amount falling short of the amount required to be expended shall be deemed to be a debt due to the Government and may be recovered in a court of competent jurisdiction.

(2) In proceedings to subsection (1) of this section, a certificate of the Inspector certifying that a specified amount is payable by an identified person shall be received as evidence of that fact, but without prejudice to the right to adduce evidence in rebuttal.

(3) The right to recover an amount pursuant to this section is subject to the provisions of a relevant agreement of a kind referred to in section 9 limiting that right.

Recovery of unex-
pended amounts.

68.–(1) Where a mining licence is granted to a company, the company shall not, after the date of the grant of the licence, without the written consent of the Minister,

Control of company not to be given without consent of Minister.

- (a) register the transfer of any share or shares in the company to any particular person or his nominee; or
- (b) enter into an agreement with any particular person,

if the effect of doing so would be to give to the particular person (or his nominee) control of the company.

(2) On application made to him for his consent under this section, the Minister shall give his consent if he considers that the public interest would not be prejudiced, but otherwise shall refuse to give his consent; and for the purpose of considering any such application the Minister may call for and obtain such information as he considers necessary.

(3) For the purposes of this section,

- (a) a person is deemed to have control of a company,
 - (i) if the person, or his nominee, holds or the person and his nominee hold a total of twenty *per centum* or more of the equity shares in the company; or
 - (ii) if the person is entitled to appoint, or prevent the appointment of, half or more than half the number of directors of the company.
- (b) “equity shares”, in relation to a company, means shares in the company other than preference shares; and
- (c) “preference shares” means shares which carry the right to payment of a dividend of a fixed amount, or not exceeding a fixed amount, in priority to payment of a dividend on another class or other classes of shares, whether with or without other rights.

PART IV

Non-Exclusive Prospecting Licences and Claims, etc.

Definitions.

69. In this Part, “district” means one of the judicial districts into which Belize is divided under the Inferior Courts Act, Cap. 94.

Restriction on exercise of rights by holder of non-exclusive prospecting licence or claim.

70. Where the doing of any act is regulated or prohibited by any written law (other than this Act), nothing in this Act shall be construed as authorising the holder of a non-exclusive prospecting licence or a claim to do the act,

- (a) otherwise than in accordance with the written law; and
- (b) without first obtaining the licence, permit, authority, or other instrument (if any), required under the law for the doing of the act.

Non-exclusive prospecting licence.

71.—(1) Subject to this section, the Inspector may issue to any person a non-exclusive prospecting licence.

(2) Subject to subsection (5) of this section, a non-exclusive prospecting licence,

- (a) shall not be granted to an individual unless he is a citizen of Belize;
- (b) shall not be issued to a company unless it is a company whose entire share capital is beneficially owned by citizens of Belize or by a corporation which, in the opinion of the Minister, has been established for a public purpose, or partly by such citizens and partly by such a corporation;
- (c) shall not be issued to a corporation unless it is a corporation incorporated in Belize.

(3) A non-exclusive prospecting licence shall not be issued to a person unless the Inspector is satisfied that that person intends, with the limits of his competence and resources, to undertake prospecting operations.

(4) The power to issue a non-exclusive prospecting licence is subject to the regulations.

(5) Where the Minister is satisfied that it is in the public interest to do so and certifies to the Inspector, the Inspector may issue a non-exclusive prospecting licence,

- (a) to an individual who is not a citizen of Belize but who has been ordinarily resident in Belize during the period of four years immediately preceding the date on which his application for grant of a licence is made; or
- (b) to a company or corporation other than one of a kind referred to in subsection (2)(b) or (c) of this section.

72.—(1) A non-exclusive prospecting licence may authorise the holder of the licence to prospect in all districts, or in any district or part of a district identified in the licence, for any mineral identified in the licence.

Rights under non-exclusive prospecting licence.

(2) The holder of a non-exclusive prospecting licence may, subject to this Act and the conditions of the prospecting licence, enter on any land in which he is authorised to prospect, and carry on prospecting operations for any mineral to which his licence relates.

(3) The holder of a non-exclusive prospecting licence shall not prospect,

- (a) in land,
 - (i) in a reconnaissance area for any mineral in respect of which the holder of the reconnaissance licence has been granted exclusive rights pursuant to section 19(4) of this Act;

- (ii) in a prospecting area for any mineral to which the prospecting licence relates; or
 - (iii) in a mining area;
- (b) in land in a claim area, unless he is the holder of the claim.

(4) Subject to this Act and the conditions of the non-exclusive prospecting licence, for the purpose of the exercise of the right referred to in subsection (2) of this section, the holder of a non-exclusive prospecting licence may, in particular, erect camps and temporary buildings, or erect installations in any waters forming part of the land on which he is authorised to prospect.

Term and renewal of non-exclusive prospecting licence.

73.—(1) A non-exclusive prospecting licence has effect for the period of twelve months from and including the date of the issue of the licence.

(2) Subject to subsections (3) and (4) of this section and the regulations, the Inspector, on application duly made, may renew a non-exclusive prospecting licence for a period of twelve months from the date on which it would cease to have effect if not renewed.

(3) The Inspector shall not renew a non-exclusive prospecting licence unless he is satisfied,

- (a) that the applicant has undertaken, in good faith within the limits of his competence and resources during the period for which he has held the licence, prospecting operations; and
- (b) intends, within those limits, to undertake in good faith further prospecting operations.

(4) The Inspector shall not renew a non-exclusive prospecting licence if the applicant has not paid the prescribed fees or has failed to comply with the conditions on which the licence was granted.

74.—(1) Subject to this Act, the holder of a non-exclusive prospecting licence may peg a claim or claims in accordance with the regulations.

Pegging of claim.

(2) Where the holder of a non-exclusive prospecting licence, pursuant to subsection (1) of this section, pegs a claim, he shall, within thirty days of doing so, apply in accordance with the regulations for registration, in the manner prescribed, of the claim.

(3) Subject to this Act, on application duly made for the registration of a claim, the claim shall be registered, either unconditionally or subject to such conditions as may be prescribed.

75.—(1) A claim shall not be registered pursuant to section 74 of this Act, in respect of land in which the person applying for registration of the claim is not entitled to prospect.

Restriction on registration of claim.

(2) The Inspector shall refuse to register a claim,

- (a) if he has reasonable grounds to believe that minerals in commercial quantities have not been discovered within the proposed claim area;
- (b) if he has reasonable grounds to believe that the applicant does not intend to carry on, in good faith, within the limits of his competence and resources, mining operations in the proposed claim area;
- (c) if he has reasonable grounds to believe that it is not in the public interest that a claim should be registered in respect of the proposed claim area; or
- (d) if the applicant has not paid the prescribed fees or has failed to comply with the prescribed conditions and the Inspector, for reasons to be recorded in writing, is not prepared to waive the default.

(3) Where the Inspector has refused to register a claim on any of the grounds referred to in subsection (2) of this section, the applicant may appeal against the decision to the Minister whose decision shall be final.

(4) The Inspector may refuse to register a claim if the applicant fails, within a reasonable period specified by the Inspector, to furnish the Inspector with satisfactory evidence of the existence of the mineral for which the claim is pegged, within the area of the claim.

Period of validity and renewal of claim.

76.—(1) Subject to this Act, a claim registered pursuant to section 74 of this Act,

- (a) is valid from the day when the claim was pegged until the 31st March next following that day; and
- (b) on application made to the Inspector in accordance with the regulations, may be renewed for further periods of twelve months each, commencing on the 1st April in each year.

(2) A claim shall not be renewed pursuant to subsection (1) of this section,

- (a) unless the Inspector is satisfied that minerals in commercial quantities remain in the claim area;
- (b) unless the Inspector is satisfied that the applicant has carried on, in good faith, within the limits of his competence and resources, mining operations in the claim area and intends to continue doing so; or
- (c) if the applicant has not paid the prescribed fees or fails to comply with the prescribed conditions and the Inspector, for reasons to be recorded in writing, is not prepared to waive the default.

(3) Where the Inspector has refused to renew a claim on any of the grounds referred to in subsection (2) of this section, the applicant may appeal against the decision to the Minister whose decision shall be final.

Rights and duties of holder of claim.

77.—(1) Subject to this Act and the conditions of the claim, the holder of a claim has the right to enter a claim area and also the exclusive right, while the claim is registered, to prospect and mine therein, and to

remove therefrom and dispose of, the minerals in respect of which the claim is registered pursuant to section 74 of this Act.

(2) The holder of a claim shall,

- (a) within the limits of his competence and resources, carry on, in good faith, in the claim area, mining operations;
- (b) furnish the Inspector with such information relating to his mining or prospecting operations carried on in the claim area as the Inspector may reasonably require or as may be prescribed; and
- (c) carry out promptly any directions relating to his mining or prospecting operations which may be given to him by the Inspector for the purpose of ensuring safety or good mining practice.

78.-(1) Where the holder of a claim,

Cancellation of claim.

- (a) fails to use, in good faith, the land in the claim area for mining operations;
- (b) uses the land in the claim area for any purpose other than mining operations;
- (c) fails to comply with any requirement of this Act (not being exempted from doing so) with which he is bound to comply;
- (d) fails to comply with a condition of the claim (not being exempted from doing so);
- (e) fails to comply with a direction lawfully given under this Act or with a condition on which any exemption or consent is given; or

- (f) fails to pay any amount payable under this Act by him within one month after the amount becomes payable,

the Inspector may, on that ground, by notice in writing served on the holder of the claim, cancel the claim.

(2) The Inspector may, by notice in writing served on the holder of a claim, cancel the claim,

- (a) if the holder (being an individual) is,

(i) adjudged bankrupt; or

(ii) enters into an agreement or scheme of composition with his creditors or takes advantage of any law for the benefit of debtors;

- (b) if, in the case of a holder that is a company or a corporation, an order is made or a resolution is passed winding up the affairs of the company or corporation unless the winding up is for amalgamation or reconstruction and the Inspector has been given notice thereof.

(3) On the cancellation of a claim, the rights of the holder of the claim thereunder cease, but the cancellation does not affect any liability incurred before the cancellation and any legal proceedings that might have been commenced or continued against the former holder of the claim may be commenced or continued against him.

(4) Where the Inspector has cancelled a claim under subsections (1) and (2) of this section, the person who was the holder of the claim may appeal against the cancellation to the Minister whose decision shall be final.

PART V

Mining of Construction Minerals

79.—(1) Construction minerals may only be mined under the authority of a quarry permit issued under this Part, or under the authority of a mining licence.

Quarry permit.

(2) Any person may apply for the grant of a quarry permit: Provided that no permit shall be required in the following cases,

- (a) a citizen of Belize taking construction minerals in accordance with established local custom for the building of a house and appurtenances thereto for himself and his family;
- (b) the owner or occupier of private land taking construction minerals from such land for the construction of buildings, dams, roads and similar works on such land for his own use or that of his employees;
- (c) persons engaged in the construction of public roads or other public works utilising the spoil from necessary excavations or from borrow pits close to such road or works;
- (d) the holder of an exclusive prospecting licence or a mining licence taking construction minerals in accordance with the provisions of sections 33 and 42 of this Act.

(3) Any dispute as to whether or not a person is entitled to take minerals pursuant to subsection (2) (a) of this section, shall be decided by the Minister, whose decision shall be final.

80.—(1) Application for the grant of a quarry permit shall be made in the prescribed manner to the Inspector through the Lands Officer of the district in which the construction minerals are to be mined.

Application, grant and renewal of quarry permit.

(2) The applicant shall show to the satisfaction of the Lands Officer, or where there is no Lands Officer, to the satisfaction of the Inspector, that he has sufficient capital and equipment for the scale of the intended operations, and that he is competent to keep records of his sales and can submit to the Inspector such returns of his transactions as the Inspector may require from time to time.

(3) A quarry permit shall expire annually on the 31st day of December but may be renewed if submitted to the Inspector during the month of December together with the prescribed fee.

Duration and renewal of quarry permit.

81.—(1) A City Council, Town Council, Lands Office or other autonomous government agency may from time to time define areas within the boundaries of their jurisdiction to be termed “Public Quarries”. Any person holding a quarry permit may remove construction minerals from such Public Quarry on payment of any fee that may be imposed by the administering authority.

(2) Notice of the establishment of a Public Quarry with a description of its boundaries shall be published in the *Gazette*, and a copy of the notice with a plan of the area shall be sent to the Inspector, who shall place the plan on record and allocate an official serial number to the quarry, notifying the administering authority.

(3) The authority establishing the Public Quarry may disestablish the quarry at any time, provided at least thirty days’ notice shall have been given by the publication of a notice in the *Gazette*, and by posting an advance copy of the notice on public display within the area of the authority’s jurisdiction. An advance copy of such notice shall be sent also to the Inspector.

(4) A Government department which wishes to establish a quarry site for departmental use shall demarcate with suitable beacons the desired area which may be of any size or shape, and shall send two copies of plans thereof showing the dimensions and location to the Inspector for recording as a Government quarry. The Inspector shall place one plan on record and notify the department of the serial number of the Government quarry.

82.—(1) When a person wishes to mine construction minerals from a site other than a Public Quarry, not being a site provided for in section 79, (2) (a) to (d) of this Act, he shall when applying for his quarry permit, also apply for the required site to be recorded as a “Registered Quarry”, supplying plans for the intended site and such other information as may be prescribed.

Registered Quarry.

(2) Application for a Registered Quarry shall also be made in the prescribed form to the Inspector through the Lands Officer of the district in which the site is located, and the Lands Officer shall submit his comments to the Inspector.

(3) The Inspector may register the site by placing the plan on record and allocating to the site a serial number, which shall be notified to the applicant. The Inspector may refuse any application but shall give his reasons for such refusal.

(4) A Registered Quarry site shall not exceed three hundred feet square, and shall be rectangular in shape. Except when materials are to be extracted from cliffs or from the sea shore, all four corners of the site shall be marked in the manner prescribed.

(5) A Registered Permanent Quarry site shall not exceed three hundred yards square, and shall be rectangular in shape. Except when materials are to be extracted from cliffs or from the sea shore, all four corners of the site shall be marked in the manner prescribed.

83.—(1) The holder of a quarry permit shall have the right of access to any Public Quarry and to his Registered Quarry site, and shall have the right to mine, sell and dispose of construction minerals mined therefrom subject to the payment of any prescribed fees.

Rights, etc., of permit holder in Registered Quarry or Public Quarry.

(2) The holder of a quarry permit shall have the right to establish, within the boundaries of his Registered Quarry site, machinery for excavating, crushing, sizing and stacking the products of his quarry together with buildings of a temporary nature for use as an office or stores, but not for housing employees other than a watchman.

(3) The permit holder shall conduct his operations in a manner not likely to impede the holders of other quarry permits working in the vicinity, and shall at all times maintain his excavations in a safe condition so as not to cause injury to livestock or persons.

(4) The permit holder shall submit to the Inspector such returns as may be prescribed, and such other information as the Inspector may require concerning his transactions from time to time.

(5) The permit holder may issue written authorisation to another person to mine construction minerals within his Registered Quarry site, and such person shall not require a quarry permit, but the permit holder shall remain responsible for the discharge of every obligation and responsibility imposed by this Act and regulations made thereunder in respect of such authorised mining.

Revocation of quarry permit.

84.—(1) A quarry permit may be revoked by the Inspector on the advice of a Lands Officer,

- (a) if it appears that the holder has not worked in his Registered Quarry site for a period exceeding ninety days;
- (b) for any serious accident to livestock or persons;
- (c) for conviction for any breach of the laws governing the employment of labour.

(2) The recording of a Registered Quarry site may be cancelled by the Inspector at the end of any calendar year if the site or land in its vicinity is required for a public purpose or other development, and further mining would be detrimental to the development of the locality. All mining therein shall thereupon cease.

(3) No compensation shall be payable to the permit holder, nor shall he be called upon to make good the ground within his Registered Quarry site, but he shall have ninety days in which to remove his stocks of mineral, machinery and other structures, after which time anything remaining on the site shall be the property of the Government.

PART VI

Finances etc.

85.—(1) Subject to this Act, the holder of a mining licence shall, in accordance with this Act and his licence, pay to the Government a royalty in respect of minerals obtained by him in the mining area.

Royalty on minerals obtained under mining licence.

(2) Royalty is payable pursuant to subsection (1) of this section,

- (a) at the rate fixed in, or computed in accordance with the provisions of, the mining licence or agreement provided for in section 9 of this Act;
- (b) if no rate is so fixed or provision so made in the licence concerned, at such rate not exceeding ten *per cent ad valorem* for all industrial minerals and at such rate not exceeding fifteen *per cent ad valorem* for all other minerals as may be prescribed from time to time.

(3) Provision may be made in the regulations for the payment of royalty in respect of minerals obtained in a reconnaissance area or a prospecting area.

86.—(1) Subject to this Act, the holder of a claim shall, in accordance with this Act, pay royalty to the Government in respect of minerals obtained by him in the claim area.

Royalty on minerals obtained under a claim.

(2) Royalty is payable pursuant to subsection (1) at the rate prescribed in section 85(2)(b) of this Act.

87. If the holder of a mining licence fails to pay any royalty payable by him on or before the due date or any extension thereof allowed by the Minister, the Minister may, by notice to the holder of the mining licence, prohibit the disposal of any mineral from the mining area concerned, or from any other mining area held by that holder, until all outstanding royalty has been paid or until an arrangement acceptable to the Minister has been made for the payment of the royalty, and the holder shall comply with the notice.

Prohibition on disposal of minerals.

Remission of royalty, etc.

88.—(1) The Minister may remit, in whole or in part, any royalty payable on any mineral, or on any mineral obtained from a particular deposit for such period as he may determine, if he considers it expedient in the interests of the production of the mineral to do so.

(2) The Inspector may exempt from liability with respect to royalty samples of minerals acquired for the purpose of assay, analysis or other examination.

(3) The Minister may, on application made to him by the holder of a mining licence or a claim, defer payment of any royalty due from the holder for such period and subject to such conditions as he may determine.

Annual charges in respect of mineral rights.

89.—(1) There shall be paid to the Government by the holder of any mineral right an annual charge of such amount as may be prescribed.

(2) The annual charge payable pursuant to subsection (1) of this section, is payable on the grant of a mineral right and thereafter annually on the anniversary of the grant until the termination of the mineral right.

Security for compliance.

90. The Minister may, from time to time, make such arrangements as appear appropriate to him to secure that the holder of a mineral right complies with this Act, and in particular may accept guarantees, whether from shareholders or otherwise, in respect of that compliance.

Minister may require information to be furnished.

91.—(1) Where the Minister has reason to believe that a person is capable of giving information or producing or making available books or documents relating to minerals obtained, or the value of minerals obtained, he may by instrument in writing served on that person, order that person,

- (a) to furnish to him in writing, within the period and in the manner specified in the instrument, any such information;
- (b) to attend before him or a person specified in the instrument, at such time and place as is so specified, and produce books or documents in his custody,

power or control relating to minerals obtained or the value of minerals obtained.

(2) A person is not excused from furnishing information, answering a question or producing or making available books or documents, when required to do so under this section, on the ground that the information so furnished, the answer to the question, or the production or making available of any books or documents might tend to incriminate him or make him liable to a penalty, but the information so furnished shall not be admissible in evidence against him in any proceedings other than proceedings for an offence under this section.

(3) Where books or documents are made available pursuant to a requirement under subsection (1)(b) of this section, the person to whom the books or documents are made available may make copies of, or take extracts from, such books or documents.

(4) A person shall not,

- (a) refuse or fail to comply with a requirement under subsection (1) of this section to the extent to which he is capable of complying with it;
- (b) in purported compliance with such a requirement, knowingly furnish information that is false or misleading in a material particular;
- (c) when attending before the Minister or any person in pursuance of such a requirement, knowingly make a statement or produce a document which is, or produce books which are, false or misleading in a material particular; or
- (d) when making available books or documents in pursuance of such a requirement, knowingly make available books which are, or a document which is, false or misleading in a material particular.

(5) Any person who contravenes subsection (4) of this section, commits an offence and is liable on conviction to a fine not exceeding two thousand five hundred dollars or to a term of imprisonment not exceeding one year, or both such fine and term of imprisonment.

Recovery of royalty, etc.

92.—(1) Royalty payable under section 85 or 86 and any annual charge payable under section 89 of this Act, are debts due to the Government and may be recovered through a court of competent jurisdiction.

(2) In proceedings pursuant to subsection (1) of this section, a certificate of the Inspector certifying that a specified amount of royalty, or an annual charge, is payable by an identified person shall be received as evidence of that fact; but without prejudice to the right to adduce evidence in rebuttal.

(3) Where two or more persons constitute the holder of a mining licence or a claim when royalty becomes payable, those persons are jointly and severally liable for the payment of royalty under section 85 or 86, or any annual charge payable under section 89; but without prejudice to any right to contribution existing between them.

PART VII

Protection of the Environment

Protection of natural resources to be taken into account.

93.—(1) In deciding whether or not to grant a mineral right, the Minister shall take into account the need to conserve the natural and cultural resources in or on the land over which the mineral right is sought, or in or on any neighbouring land.

(2) In deciding whether or not to issue a non-exclusive prospecting licence or to register a claim, the Inspector shall take into account the need to conserve the natural resources in or on land to be covered by the licence or over which the claim is to be registered, or in or on neighbouring land.

(3) The Minister may, pursuant to section 37 (4) of this Act, require environmental impact assessment studies to be carried out.

94.—(1) There may be included in a mineral right conditions with respect to,

Conditions for the protection of the environment, etc.

- (a) the prevention, limitation or treatment of pollution;
- (b) the minimisation of the effects of mining on adjoining or neighbouring areas and their inhabitants.

(2) On the registration of a claim, any condition of a kind referred to in subsection (1) of this section may be imposed as a condition on which the claim is registered.

95.—(1) There may be included in a prospecting or mining licence such conditions relating to,

Rehabilitation of area damaged by prospecting or mining.

- (a) the reinstatement, levelling, regrassing, reforestation and contouring of any part of the prospecting or mining area that may have been damaged by prospecting or mining operations; and
- (b) the filling in, sealing or fencing off, of excavations, shafts and tunnels, as may be prescribed, or as the Minister may, in any particular case, determine.

(2) There may be included as a condition on which a claim is registered any condition, of a kind referred to in subsection (1) of this section, which may be prescribed for the purposes of that subsection.

(3) Where any condition is to be included in a prospecting or mining licence pursuant to subsection (1) of this section, the Minister may require the applicant for the licence to lodge with the Inspector, within such time as the Minister may require, security for the performance of the condition in such amount and form as the Minister deems appropriate.

Direction to comply with conditions of mineral right for protection of environment.

96.—(1) Where a mineral right over any land is wholly or partly determined or cancelled, or expires, the Minister may, by notice served on the person who is or was the last holder of the mineral right, direct him to take such steps, within such time as may be specified in the notice, to give effect, in relation to the land which is no longer subject to the mineral right, to any conditions included in the mineral right pursuant to sections 94 or 95 of this Act.

(2) Any person to whom a direction is given under subsection (1) of this section who, without reasonable excuse, fails or neglects to comply with the direction commits an offence and is liable on conviction,

- (a) in the case of an individual, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding three years, or to both such fine and term of imprisonment;
- (b) in the case of a body corporate, to a fine not exceeding twenty-five thousand dollars.

(3) If a person to whom a direction is given under subsection (1) of this section does not comply with the direction, the Minister may cause to be taken any steps specified in the notice containing the direction.

(4) Costs and expenses incurred pursuant to subsection (3) of this section in taking any steps referred to in that subsection are a debt due to the Government and are recoverable through a court of competent jurisdiction.

(5) In any proceedings instituted for the recovery from a person to whom a direction was given under subsection (1) of a debt due by that person to the Government under subsection (4) of this section, a certificate of the Inspector that a specified amount is the amount of the debt due shall be received as evidence of that fact; but without prejudice to the right to adduce evidence in rebuttal.

(6) A debt due by any person to the Government under subsection (4) is recoverable notwithstanding that that person is convicted of an offence under subsection (2) of this section.

(7) Where two or more persons are joint holders of a mineral right, those persons are jointly and severally liable for the payment of any costs and expenses which may be recovered under this section from the person who is or was the last holder of the mineral right; but without prejudice to any right to contribution existing between them.

PART VIII

Reserved Minerals

97. In this Part, unless the context otherwise requires,

Interpretation in
this Part.

“minerals” means precious metals, precious stones and any other mineral which may be prescribed;

“mineral dealer’s licence” means a licence issued under section 101 of this Act.

“precious metals” means gold, silver, platinum and platinoid metals, in an unmanufactured state, and includes all such slimes, concentrates, slags, trailings, residues and amalgams as are valuable for their content of the aforementioned precious metals;

“precious stones” means rough and uncut diamonds, emeralds, rubies and sapphires, not forming part of any tool or instrument or abrasive powder used in an industrial process, and includes any other stones which may be prescribed;

Possession, etc.,
of reserved min-
erals.

98.—(1) Subject to this section, no person,

- (a) shall possess any reserved minerals,
 - (i) unless they were obtained by him pursuant to the exercise of rights under a mineral right, a non-exclusive prospecting licence, or a claim of which he is the holder; or
 - (ii) unless he is the holder of a mineral dealer's licence authorising him to buy the minerals concerned, or an employee of any such holder duly authorised and acting as such; or
- (b) shall in Belize, buy any reserved minerals unless he is the holder of a reserved minerals licence authorising him to buy the minerals.

(2) Nothing in subsection (1) of this section operates to prevent a *bona fide* museum, educational or scientific establishment from possessing or purchasing reasonable amounts of reserved minerals for the purpose of display, teaching or scientific study.

(3) This section is subject to such exceptions as may be prescribed.

Mineral dealer's li-
cence.

99.—(1) Subject to the regulations, the Inspector may, on the prescribed fee being paid, issue to any person a mineral dealer's licence.

(2) Subject to subsection (3) of this section, a mineral dealer's licence authorises the holder to buy such reserved minerals as are identified in the licence.

(3) The holder of a mineral dealer's licence shall not buy any reserved minerals from any person unless that person is entitled, under this Part, to possess those reserved minerals.

(4) The holder of a mineral dealer's licence shall keep such records in such form containing such particulars as may be prescribed, provided that the holder of such licence,

- (a) keeps a register showing,
 - (i) all purchases and sales of minerals made;
 - (ii) the nature and weight of such minerals;
 - (iii) the date of each transaction;
 - (iv) the name and address of the vendor, and his title to such minerals;
 - (v) the name of the purchaser or consignee to whom such minerals are sold or consigned;
- (b) causes every such transaction to be entered in the register within twenty-four hours;
- (c) produces on demand such register to the Inspector or any officer authorised by him for inspection;
- (d) renders to the Inspector such returns as he may require.

(5) The regulations may provide for the term, renewal and cancellation of reserved minerals licences.

100. Any person who contravenes section 98(1) or 99 (3) of this Act, commits an offence and is liable on conviction,

Offences.

- (a) in the case of an individual, to a fine not exceeding two thousand five hundred dollars or to imprisonment for a term not exceeding one year, or to both such fine and term of imprisonment; or
- (b) in the case of a body corporate, to a fine not exceeding twenty thousand dollars.

PART IX

Restrictions on Surface Rights

Interpretation in this Part.

101. In this Part, “authority” means,

- (a) a mineral right;
- (b) a non-exclusive prospecting licence;
- (c) a claim; or
- (d) a quarry permit.

Restrictions on exercise of rights in relation to certain land.

102.—(1) The holder of an authority shall not exercise any of his rights under the authority or under this Act,

- (a) except with the written consent of the Minister in respect of,
 - (i) any land set apart for any public purpose (other than mining);
 - (ii) any land dedicated as a place of burial or which is a place of religious significance;
- (b) except with the written consent of the owner/lawful occupier thereof,

Provided that where the consent of the owner/lawful occupier is withheld, if the Minister, on an application by the holder of the authority made through the Inspector, and after hearing both the parties, is satisfied that such consent is being unreasonably withheld, he may, by Order, direct the owner/lawful occupier to allow the holder of the authority to carry on such works on the land on such terms and conditions and within such period as may be specified in the Order;

- (c) in respect of any land reserved for the purposes of any railway track, or which is within fifty metres (or such greater distance as may be prescribed) of the boundaries of any land so reserved, except with the written consent of the railway administration;
- (d) in respect of any land within, or within two hundred metres (or such greater distance as may be prescribed) of the boundaries of, any township, except with the written consent of the local authority having control over the township; or
- (e) in respect of any land comprising a street, road reserve as defined in the Public Roads Act, Cap. 232 or aerodrome, except with the written consent of the Minister or other authority having control thereof;
- (f) in respect of any ancient monument or antiquity as defined in the Ancient Monuments and Antiquities Act, Cap. 330, without the consent of the Minister or other authority having control thereof.

(2) Any consent under subsection (1) (a), (c), (d) or (e) of this section, may be given unconditionally or subject to such conditions as are specified in the instrument of consent.

(3) For the purposes of subsection (1) (a) of this section, “public purpose” means a purpose prescribed as such.

103.—(1) Subject to the provisions of this Act, where, in the course of reconnaissance, prospecting or mining operations, the rights of the owner/ lawful occupier of any land are disturbed or damage to any crops, trees, buildings, stock or works thereon is caused,

Compensation for disturbance to rights, etc.

- (a) the holder of the authority, by virtue of which the operations are carried on; or
- (b) if the operations are carried on by or on behalf of a person who is not the holder of an authority otherwise

than in accordance with an authority, every person by or on whose behalf the operations are carried on,

is liable to pay the owner/lawful occupier fair and reasonable compensation in respect of the disturbance or damage according to the respective rights or interests of the owner/lawful occupier concerned.

(2) The amount of compensation payable for surface rights shall be,

- (a) where the owner/lawful occupier is also the licensee or permit holder, fair and reasonable compensation less one half per cent reduced royalty; and
- (b) where the owner/lawful occupier is not the licensee or permit holder, fair and reasonable compensation shall be charged in addition to ten per cent of the annual acreage rental.

104.—(1) Subject to such exceptions as may be prescribed, the holder of a reconnaissance or an exclusive prospecting licence, before commencing prospecting operations in any private land, shall give to any owner/lawful occupier of the land notice of his intention to commence the operations, in such manner and form as may be prescribed.

(2) The reference in subsection (1) of this section, to “prospecting operations” includes a reference to reconnaissance operations, but only to the extent that the reconnaissance operations involve surface or subsurface techniques.

PART X

Miscellaneous

105. There shall be constituted a Board for the purpose of determining all complaints, claims or disputes arising out of the provisions of this Act.

106.—(1) The Board shall consist of the following five persons,

Notice of intention to commence reconnaissance of prospecting operations, etc.

Establishment of the Board.

Constitution and duties of the Board.

- (a) the Registrar General or his nominee;
- (b) the Chief Magistrate;
- (c) one person representing the mining industry;
- (d) two persons approved by the House of Representatives by resolution,

to be appointed by the Minister.

(2) The Minister shall appoint one of the members to be the Chairperson of the Board.

(3) The Inspector shall function as Secretary to the Board.

(4) At any meeting of the Board, three members shall constitute the quorum.

(5) The Chairperson shall preside at all meetings of the Board at which he is present, and in his absence the members present and constituting a quorum shall elect one of their members to act as Chairperson of the meeting.

(6) The decisions of the Board shall be by a majority of the members present at the meeting and voting.

(7) The practice and procedure of the Board shall, as far as may be, be similar to the practice and procedure of a summary jurisdiction court as specified in Part V of the Inferior Courts Act, Cap. 94.

(8) The Board shall, as far as practicable, complete its investigation of a complaint, claim or dispute under section 105 within thirty days and communicate its decision to the parties and to the Minister and the Minister shall cause it to be published in the *Gazette*.

(9) Any person aggrieved by the decision of the Board may, within twenty-one days of the notification of the Board's decision, appeal to the Supreme Court, and the provisions of Part IX of the Supreme Court of

Judicature Act, Cap. 91 and Order LXXIII of the Supreme Court Rules made in Subsidiary Legislation 1962 Volume I at page 271 shall, so far as may be, apply to such appeals.

(10) Any amount ordered by the Board by way of compensation or a fine may be enforced in the same manner as if the amount thereof were a judgment debt or in such other manner as the law for the time being allows.

107.—(1) The Inspector may, by instrument in writing, consent to the carrying on by any person of reconnaissance or prospecting operations in the course of a scientific investigation with respect to the geology or mineral resources of Belize.

(2) An instrument of consent under this section is subject to such conditions (if any) as are specified in the instrument.

(3) An instrument of consent under this section authorises the person to whom it is issued to carry on the reconnaissance or prospecting operations specified in the instrument,

(a) in the area; and

(b) subject to the conditions (if any), specified in the instrument,

in the course of the scientific investigation.

(4) Subject to subsections (5) and (6) of this section, any authorised officer, or any person authorised in writing for the purpose of this section by the Inspector for the purpose of collecting information on the geology and mineral resources of Belize, may enter on any land and, for that purpose, carry on any prescribed operations.

(5) An authorised officer or a person authorised shall not, pursuant to subsection (4) of this section, enter on any land or place referred to in section 102 of this Act, without obtaining the consent required under that section in relation to the land or place.

Scientific investi-
gation.

(6) Where the doing of any act is regulated or prohibited by a written law (other than this Act) nothing in this section shall be construed as authorising the person specified in the instrument to do the act,

- (a) otherwise than in accordance with the written law; and
- (b) without first obtaining the licence, permit, authority, or other instrument, if and when required under the written law, for the doing of the act.

(7) Notwithstanding any provision of that written law, if the Minister is satisfied that any licence, authority, or other instrument required in pursuance of subsection (6) (b) of this section, is being unreasonably withheld he may, in his absolute discretion, direct the issue thereof.

108.-(1) For the purposes of this Act, the Inspector or an authorised officer, at all reasonable times,

Powers of Inspector and authorised officers.

- (a) may enter any area, structure, vehicle, vessel, aircraft or building that, in his opinion, has been, is being or is to be used in connection with reconnaissance, prospecting or mining operations;
- (b) may inspect and test any machinery or equipment that, in his opinion, has been, is being or is to be used in connection with any of the operations referred to in paragraph (a) of this subsection;
- (c) may take or remove for the purpose of analysis or testing, or, for use in evidence in connection with an offence against this Act, samples of minerals or other substances from a mine or any area where any of the operations referred to in paragraph (a) of this subsection are being carried on;
- (d) may inspect, take extracts from, and make copies of, any document relating to any of the operations referred to in paragraph (a) of this subsection;

- (e) may, with respect to the health and safety of persons employed by a holder of a mineral right or a claim in or in connection with any of the operations referred to in paragraph (a) of this subsection, issue directions to and impose restrictions on the holder or any persons so employed, by instrument in writing;
- (f) may order, by instrument in writing,
 - (i) the cessation of operations on or in, and the withdrawal of all persons from, any structure or building that is being used in connection with any of the operations referred to in paragraph (a) of this subsection; or
 - (ii) the discontinuance of the use of any machinery or equipment, which he considers unsafe, unless and until such action as is necessary for safety and specified in the instrument is taken and completed; or
- (g) may make such examination and inquiries as are necessary to ensure that the provisions of this Act and any directions issued, conditions imposed or orders made under this Act are being complied with.

(2) Before exercising any of the powers under subsection (1) of this section, if there is any person who is or appears to be in charge of the area, structure, vehicle, vessel, aircraft, building, machinery, equipment or matter or thing in respect of which the power is about to be exercised, the Inspector or an authorised officer shall identify himself to that person and to any person to whom he is about to give an order or a direction.

(3) Any person who is aggrieved by a decision, direction or order may prefer an appeal,

- (i) to the Inspector where such decision, direction or order is made by an officer authorised by the Inspector; and

- (ii) to the Minister where such decision, direction or order is made by the Inspector.

(4) On an appeal under subsection (3) of this section, the Inspector or the Minister, as the case may be, may rescind or affirm the decision, direction or order appealed against or may make a new decision, direction or order in substitution therefor, and that decision, direction or order shall be final.

(5) In exercising his powers under subsection (1) of this section, the Inspector or an authorised officer may be accompanied by any person who the Inspector or the authorised officer, as the case may be, believes has special or expert knowledge of any matter being inspected, tested or examined.

(6) A person who is an occupier or the person in charge of any building, structure or place, or the person in charge of any vehicle, vessel, aircraft, machinery or equipment referred to in subsection (1) of this section, shall provide the Inspector or an authorised officer all reasonable facilities and assistance (including the provision of necessary means of transport) for the effective exercise of the powers under this section by the Inspector or an authorised person.

(7) Any person who,

- (a) without reasonable excuse, obstructs, molests or hinders the Inspector or an authorised officer in the exercise of his powers under this section; or
- (b) knowingly or recklessly makes a statement or produces a document that is false or misleading in a material particular to the Inspector or an authorised officer engaged in carrying out his duties and functions under this section,

commits an offence and is liable on conviction to a fine not exceeding two thousand five hundred dollars or to imprisonment for a term not exceeding one year, or to both such fine and term of imprisonment.

Removal of minerals.

109.—(1) Minerals shall not be removed from any land from which they have been obtained, nor disposed of, in any manner, except,

- (a) subject to subsection (2) of this section, by the holder of a mineral right, a non-exclusive prospecting licence or a claim for the purpose of sampling or analysis;
- (b) by such a holder in accordance with the terms of the mineral right, non-exclusive prospecting licence or claim concerned; or
- (c) as otherwise permitted by this Act.

(2) The holder of a mineral right, a non-exclusive prospecting licence or a claim shall not, pursuant to subsection (1) (a) of this section, take or send out of any land samples of minerals without the written consent of the Inspector.

(3) Any person who contravenes subsection (1) or (2) of this section, commits an offence and is liable on conviction,

- (a) in the case of an individual, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year, or to both such fine and term of imprisonment; or
- (b) in the case of a body corporate, to a fine not exceeding five thousand dollars.

Permit to export minerals.

110.—(1) The Minister may grant to any person a permit to export minerals from Belize on conditions determined by the Minister and specified in the permit; but the grant of such a permit does not exempt the person concerned from complying with the requirements of any other law relating to the export of minerals.

(2) Any person who exports any mineral from Belize otherwise than under and in accordance with a permit granted under subsection (1) of this section, commits an offence and is liable on conviction,

- (a) in the case of an individual, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year, or to both such fine and term of imprisonment; or
- (b) in the case of a body corporate, to a fine not exceeding five thousand dollars.

(3) This section shall not apply with respect to such minerals as may be prescribed.

111. Where the Minister considers that any land is required to secure the development or utilisation of the mineral resources of Belize, he may direct that the land be compulsorily acquired under the Land Acquisition (Public Purposes) Act, Cap. 184.

Acquisition of land.

112. The Minister may direct the holder of a mineral right or a claim, at a reasonable time and place specified in the direction, to make available to, or to produce for inspection by, the Inspector or an authorised officer, any books, accounts, vouchers, documents or records of any kind, concerning the mineral right or claim, and if the holder fails or neglects to do so, he commits an offence and is liable on conviction to a fine not exceeding one thousand dollars.

Production of books, etc.

113. A person exercising any right under a reconnaissance licence, a prospecting licence or a non-exclusive prospecting licence on any land shall, if required to do so by any lawful occupier of the land, produce evidence that he is the holder, or an agent or employee of the holder, of such a licence, and if he fails to do so he may be treated as a trespasser.

Identify of person exercising certain rights to be established.

114.—(1) Subject to any relevant agreement of a kind referred to in section 9, where a mineral right has been wholly or partly determined or cancelled, or has expired, the Minister may, by notice served on the person who is or was the holder of the mineral right, direct that person to remove or cause to be removed from the relinquished area concerned all property brought into that area by any person engaged or concerned in the operations authorised by the mineral right, or to make arrangements that are satisfactory to the Minister with respect to that property.

Removal of property by holder of mineral right.

(2) A person to whom a direction under subsection (1) of this section, is given and who refuses or fails to comply with the direction within the period specified in the notice by which the direction was given commits an offence and is liable on conviction to a fine not exceeding one thousand dollars.

Removal and sale
of property.

115.—(1) Where a direction under section 114 of this Act, has not been complied with, the Minister,

- (a) may do or cause to be done all or any of the things required by the direction to be done;
- (b) may remove or cause to be removed, in such manner as he thinks fit, all or any of the property from the relinquished area concerned;
- (c) may dispose of, in such manner as he thinks fit, all or any of the property referred to in paragraph (b) of this subsection; and
- (d) may, if he has served a copy of the notice by which the direction was given on a person whom he believed to be an owner of the whole or part of the property, sell or cause to be sold by public auction, or otherwise as he thinks fit, all or any of the property referred to in paragraph (b) of this subsection that belongs, or that he believes to belong, to that person.

(2) The Minister may deduct from the proceeds of sale of property under subsection (1) of this section that belongs, or that he believes to belong to a particular person,

- (a) all or any part of any costs and expenses incurred by him under that subsection in relation to that property;
- (b) all or any part of any costs and expenses incurred by him in relation to the doing of anything required by a direction under section 114 of this Act to be done by the person; and

- (c) all or any part of any fees or amounts due and payable under this Act by the person.

(3) The costs and expenses incurred by the Minister under subsection (1) of this section,

- (a) if incurred in relation to the removal, disposal or sale of property, are a debt due by the owner of the property to the Government; or
- (b) if incurred in relation to the doing of anything required by a direction under section 114 of this Act to be done by a person who is or was the holder of a mineral right, are a debt due by that person to the Government, and to the extent to which they are not recovered under subsection (2) of this section, are recoverable in a court of competent jurisdiction, as a debt due to the Government.

(4) Subject to subsection (3) of this section, no action lies in respect of the removal, disposal or sale of property under this section.

116. Any person who, without reasonable excuse, obstructs, molests, hinders or prevents the holder of a mineral right, a non-exclusive prospecting licence, or a claim, in or from the doing of any act which that holder is authorised to do by this Act, commits an offence and is liable on conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year, or to both such fine and term of imprisonment.

Obstruction of holder of mineral right, etc.

117. When an offence which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, is guilty of that offence and liable to be proceeded against and punished accordingly.

Offence committed by body corporate.

Miscellaneous offences.

118. Any person who,

- (a) in, or in connection with, any application under this Act or in response to any invitation or requirement of the Minister or of the Inspector under this Act, otherwise than under section 108 of this Act, knowingly or recklessly gives information which is false or misleading in a material particular;
- (b) in any report, return or affidavit submitted in pursuance of any provision of this Act, knowingly or recklessly includes or permits to be included any information which is false or misleading in a material particular;
- (c) places or deposits, or is accessory to the placing or depositing of, any material or substance in any place with the intention of misleading any other person as to the mineral possibilities of that place;
- (d) mingles or causes to be mingled with any sample of ore any substance which will enhance the value or in any way change the nature of the ore with the intention to cheat, deceive or defraud,

commits an offence and is liable on conviction,

- (i) in the case of any individual, to imprisonment for a term not exceeding two years or a fine not exceeding five thousand dollars, or to both such fine and term of imprisonment;
- (ii) in the case of a body corporate, to a fine not exceeding thirty thousand dollars.

Regulations.

119.—(1) The Minister may make regulations prescribing all matters that by this Act are required or permitted to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

- (2) In particular, but without limiting the generality of subsection (1) of this section, the regulations may include provision for or with respect to,
- (a) reconnaissance operations, prospecting for minerals and the carrying on of related operations, and for those purposes the execution of works, the methods which may or may not be used and the duties of specified persons in relation to reconnaissance or prospecting operations;
 - (b) mining for minerals and the carrying on of related operations, and for those purposes the execution of works, the methods which may or may not be used and the duties of specified persons in relation to mining operations;
 - (c) the functions of officers acting in the administration of this Act;
 - (d) the regulation of matters relating to sanitation and health;
 - (e) the reporting of cases of accident or death occurring in the course of reconnaissance, prospecting or mining operations, or in any related operations, and the holding of inquiries into accidents;
 - (f) the demarcation of reconnaissance, prospecting or mining areas;
 - (g) the determination and amount of royalty payable, and the manner of the payment and collection of royalty;
 - (h) the circumstances in which fees or rents may be charged and the amount thereof;
 - (i) the making of searches in connection with claims or mineral rights, or interests created therein, the granting of certificates in connection therewith, and the effect of any such certificate;

- (j) the issue and conditions of a non-exclusive prospecting licence and the exercise of rights thereunder;
- (k) the manner of pegging of claims (including the number and class of claims which may be pegged), and the registration of claims;
- (l) the exercise of rights and the duties to be performed (including work obligations);
- (m) the transfer and the creation of shares in a claim, and the respective rights of the transferor and the transferee;
- (n) the amalgamation, surrender or cancellation of claims, whether in respect of the whole or part only of the land in claims areas;
- (o) submission of records and reports as specified in the First Schedule by the holders of reconnaissance licences, exclusive prospecting licences and mining licences;
- (p) amending the First Schedule to this Act.

(3) Regulations made pursuant to subsection (2) (g) of this section,

- (a) may prohibit the export of any mineral unless or until royalty payable thereon has been paid or secured;
- (b) may specify the person or persons by whom royalty shall be paid, and may specify whether two or more persons are jointly and severally liable to pay the royalty;
- (c) may provide for the examination of mineral consignments and the issue of export permits in respect thereof; and

- (d) may provide for the performance by persons identified in the regulations of the functions with respect to royalty and its collection.

(4) The power under this section to make regulations may be exercised,

- (a) either in relation to all cases to which the power extends, or in relation to all of those cases subject to specified exceptions, or in relation to any specified cases or class of cases; and
- (b) so as to make, as respects the cases in relation to which it is exercised,
 - (i) the same provision for all those cases, a different provision for different cases or classes of cases, or different provisions as respects the same case or class of case for different purposes of this Act;
 - (ii) any such provision either unconditionally or subject to any specified condition.

120. The transitional provisions and savings shall be such as are specified in the Second Schedule.

Transitional provisions and savings.

121. The Minerals Act, Ch. 125, R. L 1958 is hereby repealed and any subsidiary legislation made under the Act so repealed is hereby revoked,

Repeals.

Provided that notwithstanding such repeal and revocation any such subsidiary legislation may be continued to such extent as may be prescribed.

FIRST SCHEDULE

MINES AND MINERALS ACT

*Records and Reports**[Sections 64 (1), 119 (2) (o) and (p)]*

Duties of holder
of reconnaissance
licence.

1.—(1) Subject to subparagraph (4), the holder of a reconnaissance licence,

- (a) shall furnish such information in connection with the programme of reconnaissance operations as the Minister may, from time to time, require; and
- (b) shall, at half-yearly intervals commencing six months after the grant of the licence, submit to the Minister reports on the progress of the programme of reconnaissance operations.

(2) Where a reconnaissance licence is determined or cancelled or expires, the person who was the holder of the licence immediately before the determination, cancellation or expiration shall, not later than three months thereafter, submit to the Minister a report setting forth his evaluation of the mineral prospects of the former reconnaissance area.

(3) A report submitted pursuant to subparagraph (2) shall be accompanied by the negatives of all aerial photographs taken in the course of carrying on the programme of reconnaissance operations, together with,

- (a) all geological, geochemical and geophysical maps, profiles, tapes, diagrams and charts made;
- (b) copies of all tests and analysis made by or for that holder;
- (c) copies of all reports made by or for that holder, including interpretations concerning the mineral prospects in the reconnaissance area; and

- (d) a statement of the costs incurred by that holder in the performance of the programme of reconnaissance operations.

2.-(1) Subject to subparagraph (2), the holder of an exclusive prospecting licence,

Duties of holder of exclusive prospecting licence.

- (a) shall keep, at the address referred to in section 64 (2)(a) of this Act, full and accurate records of his prospecting operations which shall show,
- (i) boreholes drilled;
 - (ii) strata penetrated, with detailed logs of the strata;
 - (iii) minerals discovered;
 - (iv) the results of any seismic survey or geochemical or geophysical analysis;
 - (v) the results of any analysis or identification of minerals removed under section 109;
 - (vi) the geological interpretation of the records maintained under subparagraph (i) to (v) inclusive;
 - (vii) duplicates of all samples;
 - (viii) the number of persons employed;
 - (ix) other work done in connection with the exclusive prospecting licence;
 - (x) costs incurred; and
 - (xi) such other matters as may be prescribed; and

- (c) shall submit, at least once in every three months of the term of the licence, copies of those records to the Minister, together with any reports prepared as a result of those records.

(2) The Minister may, on application made to him by the holder of an exclusive prospecting licence, dispense with or modify all or any of the requirements of subparagraph (1).

Duties of holder of mining licence.

3.-(1) Subject to subparagraph (2), the holder of a mining licence shall,

- (a) keep, at the address referred to in section 64 (2) (a) of this Act, full and accurate technical records of his mining operations in the mining area, in such form as the Minister may approve;
- (b) keep at that address copies of all maps, geological reports, including interpretations, mineral analyses, aerial photographs, core logs, analyses and tests, and all other data, obtained and compiled by the holder in respect of the mining area;
- (c) keep at that address accurate and systematic financial records of his operations in the mining area and such other books of accounts and financial records as the Minister may require; and if the holder is engaged in any other activity not connected with his mining operations he shall maintain separate books of account in respect of his mining operations;
- (d) submit to the Minister such reports, records and other information as the Minister may, from time to time, require concerning the conduct of operations in the mining area; and
- (e) furnish the Minister with a copy of every annual financial report within three months of the end of each financial year showing the profit or loss for the year

and the state of financial affairs of the holder at the end of each financial year.

(2) The Minister may, on application made to him by the holder of a mining licence, dispense with or modify all or any of the requirements of subparagraph (1).

4. Where,

- (a) a mineral right terminates pursuant to section 54 (1) (b) or 55 of this Act; or
- (b) the term of an exclusive prospecting licence or mining licence expires,

Duty on termination of mineral right, etc.

the person who was the holder of the mineral right immediately before the termination or expiration shall deliver to the Minister,

- (i) all records which the former holder maintained pursuant to this Act with respect to the mineral right;
- (ii) all plans or maps of the area of land that was subject to the mineral right and which were prepared by or on the instructions of the former holder;
- (iii) such other documents as the Minister may, by notice given to the former holder, require him to so deliver; and
- (iv) all samples derived from the area.

SECOND SCHEDULE

MINES AND MINERALS ACT
Transitional Provisions and Savings
[Section 120]

Definitions.

1. In this Schedule,

“the commencement” means the date on which this Act comes into operation;

“the repealed Act” means the Minerals Act , Ch. 125 R. L. 1958 repealed by section 121 of this Act.

General savings.

2. Except insofar as the context or subject matter otherwise indicates or requires, nothing in this Schedule affects,

- (a) anything duly done or commenced to be done under the repealed Act;
- (b) any liability incurred under the repealed Act;
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any provision of the repealed Act; or
- (d) any investigation, inquiry, legal proceedings or remedy in respect of any such liability, penalty, forfeiture or punishment, and any such investigation may be continued or enforced, and any such penalty, forfeiture or punishment may be imposed and enforced, as if this Act had not been enacted.

Prospecting rights.

3. A prospecting right issued under section 9 of the repealed Act that is in force immediately before the commencement is deemed to be a non-exclusive prospecting licence issued on the same conditions under this Act on the commencement,

- (a) for the unexpired term (as at the commencement) of the prospecting right issued under section 9 of the repealed Act; and
- (b) authorising the holder of the right so issued to prospect in all areas covered by the right for any mineral for which he is authorised by virtue of the right so issued to prospect, and the provisions of this Act apply accordingly.

4.-(1) An exclusive prospecting licence granted under section 11 of the repealed Act that is in force immediately before the commencement is deemed to be an exclusive prospecting licence granted on the same conditions under this Act on the commencement,

Exclusive prospecting licence.

- (a) for the unexpired term (as at the commencement) of the licence granted under section 11 of the repealed Act; and
- (b) authorising the holder of the licence so granted to prospect in the area of land identified in the licence for any mineral identified in the licence, and the provisions of this Act apply accordingly.

(2) The Inspector shall cause the name of the person who, immediately before the commencement, was the holder of an exclusive prospecting licence granted under section 11 of the repealed Act to be recorded pursuant to section 56 of this Act as the registered holder of the exclusive prospecting licence.

5.-(1) A mining lease granted under section 26 of the repealed Act that is in force immediately before the commencement is deemed to be a mining licence granted on the same conditions under this Act on the commencement,

Mining leases.

- (a) for the unexpired term (as at the commencement) of the lease granted under section 26 of the repealed Act; and

- (b) over the area of land subject to the lease so granted in respect of the minerals to which that lease relates, and the provisions of this Act apply accordingly.

(2) The Inspector shall cause the name of the person, who, immediately before the commencement, was the holder of a mining lease granted under section 26 of the repealed Act, to be recorded pursuant to section 56 of this Act as the registered holder of the mining licence.

General provision.

6. For the avoidance of doubt, it is hereby declared that any prospecting right, exclusive prospecting licence, mining lease or permit to which this Schedule applies is subject to the provisions of this Act which apply to the corresponding instrument under this Act including, in particular, the provisions of this Act relating to cancellation.

Rules.

7. The Minister may, by rules under this paragraph, make whatever provisions seem to him to be necessary or desirable for a smooth transition from arrangements under the repealed Act to the arrangements under this Act.