

MINING REGULATIONS, 2020
Arrangement of Regulations

MINING REGULATIONS, 2020

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MINING REGULATIONS, 2020

The Minister, in exercise of the powers conferred by section 56 of the Mining Act, 2020 makes the following regulations-

PART I PRELIMINARY

1. Citation

These Regulations may be cited as the Mining Regulations, 2020.

2. Interpretation

(1) In these Regulations-

"the Act" means the Mining Act, 2020;

(2) Words or phrases not defined in these Regulations shall, unless the context otherwise requires, have the meaning ascribed to them in the Act.

PART II MINERAL RIGHTS LICENCING

3. Methods of application for mineral rights

(1) An application for any mineral right under section 10 of the Act or dredging permit under section 31 of the Act shall be made by submitting it to the Director-

(a) by hand;

(b) through registered post;

(c) electronically on the Ministry's official website address; or

(d) to another electronic address specified on the Ministry's official website address.

(2) An application for any mineral right under section 10 of the Act or dredging permit under section 31 of the Act shall contain-

(a) the full particulars of the applicant; and

(b) in the case of a corporation, documentary proof that the applicant has obtained the necessary authority to make the application in a representative capacity on behalf of the corporation.

(3) An application for any mineral right under section 10 of the Act or dredging permit under section 31 of the Act shall be accompanied by a plan of the area to which the application relates, signed and dated by the applicant and shall contain details of-

- (a) the location of the area;
- (b) the boundaries of the area;
- (c) the topography of the land to which the application relates; and
- (d) surface structures and registered land owners and registered title descriptions where applicable.

4. Public consultations

- (1) For the purposes of section 10 (4) of the Act, a prescribed newspaper shall be one that has online presence and the Minister is of the opinion that the newspaper has a wide national circulation.
- (2) A publication referred to in section 10 (4) of the Act shall include an invitation to members of the public to submit comments to the Director in writing on or before a date specified in the notice or advertisement, which date may not be earlier than 30 days from the date of such notice or advertisement.
- (3) A public consultation process should be undertaken with that which is prescribed by the Environmental Planning and Protection Act Section 9

5. Application for reconnaissance licence

- (1) An application for a reconnaissance licence under section 10 of the Act shall contain-
 - (a) a plan referred to in regulation 3(3), showing the land, area or offshore area to which the application relates;
 - (b) if the applicant is not the owner of the land to which the application relates, a description of the registered title deed of the land to which the application relates;
 - (c) if the applicant is the owner of the land to which the application relates, a certified copy of the title deed in respect of the land to which the application relates;
 - (d) the period for which the licence is required;
 - (e) a reconnaissance work program described in regulation 7 with estimated expenditure during the reconnaissance operations;

- (f) documentary proof of the applicant's technical ability to conduct the proposed reconnaissance operations;
- (g) a proposal for the use of Bahamian expertise, contractors and consultants during the proposed reconnaissance operations;
- (h) documentary proof of the applicant's financial ability to carry out the reconnaissance operations;
- (i) an environmental impact assessment refer to in section 40 of the Act;
- (j) an environmental management plan referred to in section 40 of the Act;
- (k) any other information, data or documentation that the Minister may require.

6. Application fee for a reconnaissance licence

- (1) An application for a reconnaissance licence shall be submitted together with an application fee of dollars.

7. Reconnaissance work program

- (1) A reconnaissance work program shall contain-
 - (a) a description of the mineral or minerals for which reconnaissance operations shall be undertaken;
 - (b) an outline of the work to be performed;
 - (c) technical data detailing the reconnaissance method(s) to be implemented for the proposed reconnaissance work program;
 - (d) an estimate of the expenditure to be incurred, which shall include costs pertaining to the rehabilitation and management of environmental impacts;
- (2) The reconnaissance work program described in sub-regulation (1) shall form part of the reconnaissance licence if granted.

8. Reports in respect of reconnaissance operations

- (1) A holder of a reconnaissance licence shall submit progress reports to the Director, detailing progress achieved as described in the reconnaissance work program.
- (2) A progress report referred to in sub-regulation (1) shall be submitted quarterly from the date of issuing of a reconnaissance licence, or at the end of the period of the reconnaissance licence if that period is less than 3 months.

9. Supply of data in respect of reconnaissance

A holder of a reconnaissance licence shall supply to the Director, in a format agreed with the Director, copies of all data, reports and interpretations generated, as soon as possible after completion of the reconnaissance operations.

10. Application for mining permit

- (1) A mining permit shall not be granted to a person unless that person
 - (a) is a citizen of The Bahamas, and
 - (b) has attained the age of eighteen years.
- (2) An application for a mining permit under section 10 of the Act shall only be made for small-scale mining of deposits of mineral substances utilising non-mechanised operations.
- (3) An applicant for a mining permit shall provide the following information:
 - (a) a proposal for a small-scale mining work plan;
 - (b) proof of technical competence for conducting small-scale mining;
 - (c) proof of financial capability to undertake the small-scale mining activities;
 - (d) an environmental impact assessment referred to in section 40 of the Act;
 - (e) an environmental management plan referred to in section 40 of the Act; and
 - (f) other supporting documentation as the Minister may require.

11. Application fee for a mining permit

An application for a mining permit under section 10 of the Act shall be made together with an application fee of dollars.

12. Records and Reports in respect of mining permit operations

- (1) In addition to the applicable responsibilities for mineral rights specified in the Act, the permit holder shall maintain records of the quantity of mineral substances removed or extracted from the area as well as the quantity disposed of or sold, their selling prices, the names and addresses of the persons or parties to whom the same were sold or disposed of;
- (2) The records referred to in sub-regulation (1) shall be open at all times for review by the Director, and failure to make these records available shall constitute a basis under these Regulations for termination of the permit.
- (3) A holder of a mining permit shall submit an annual report to the Director containing a summary of the operations in the mining permit area over the period

and including information on the quantity of mineral substances removed or extracted from the area as well as the quantity disposed of or sold, the selling prices, the names and addresses of the persons or parties to whom the same were sold or disposed of.

- (4) The Minister, if requested in writing by the permit holder or unilaterally within the limit of his or her authority, shall amend or propose changes to the terms and conditions of the permit.

13. Application for a prospecting licence An application for a prospecting licence under section 10 of the Act shall contain-

- (a) a plan referred to in regulation 3(3), showing the land, area or offshore area to which the application relates;
- (b) an indication of the mineral or minerals for which the prospecting licence is required;
- (c) the period for which the prospecting licence is required;
- (d) a program of prospecting operations referred to in section 27 (b) of the Act including the estimated annual expenditure for each phase of the prospecting operations;
- (e) documentary proof of the applicant's technical ability to conduct the proposed prospecting operations; and to mitigate, manage and rehabilitate relevant environmental impacts;
- (f) documentary proof of the applicant's financial ability to carry out the prospecting operations;
- (g) a proposal for the use of local expertise, contractors and consultants in the proposed prospecting operations;
- (h) a list of existing mineral rights and or permits, as the case may be, held by the applicant, indicating the location within The Bahamas;
- (i) an environmental impact assessment refer to in section 40 of the Act;
- (j) an environmental management plan referred to in section 40 of the Act;
- (k) copy or copies of the title deed or deeds, where applicable, in respect of the land to which the application relates;
- (l) if the operations will entail dredging, the types of machines or equipment intended to be used in the dredging operations; and

- (l) any other specific or additional information, data or documentation which the Minister may request.

14. Application fee for a prospecting licence

An application for a prospecting licence shall be submitted together with an application fee of dollars.

15. Program of prospecting operations

- (1) The proposed program of prospecting operations referred to in section 27(b) of the Act shall contain-
 - (a) the details of mineral or minerals to be prospected for;
 - (b) a geological description of the land substantiated by a geological map;
 - (c) a description of how the mineral resource and mineral distribution of the prospecting area will be determined through the prospecting operations to be performed;
 - (d) any geochemical or geophysical survey proposed to be carried out;
 - (e) technical data and a description of the prospecting method(s) to be implemented that may include –
 - (i) any excavations, trenching, pitting and drilling;
 - (ii) any bulk sampling and testing; and
 - (iii) any other prospecting methods to be applied;
 - (f) the time required for each phase of the proposed prospecting operations;
 - (g) an estimate of the expenditure to be incurred, which shall include costs pertaining to the rehabilitation and management of environmental impacts.
- (2) The program of prospecting operations referred to in sub-regulation (1) shall form part of the prospecting right if such right is granted.

16. Progress report in respect of prospecting

- (1) The progress report referred to in section 27(d) of the Act shall provide-
 - (a) details of the prospecting operations conducted during the reporting period;
 - (b) the location, extent and depth of all boreholes, trenches or excavations completed;
 - (c) details of the mineral content and mineral distribution identified in those boreholes, trenches or excavations;

- (d) details with regard to the execution and compliance with the approved environmental management plan;
 - (e) details of the prospecting operations that will be conducted during the next reporting period in accordance with the program of prospecting operations;
 - (f) any other relevant information obtained by the holder of a prospecting licence regarding the prospecting operations; and
 - (g) any additional information regarding the prospecting operations that may be requested by the Minister.
- (2) If prospecting methods other than boreholes, trenches or excavations are utilized, the following information shall also be provided in the progress report:
- (a) details of any geophysical surveys conducted and data gathered during those surveys;
 - (b) details of any geochemical surveys conducted, including the surface plans showing all sample points; the details of all **analysis** carried out on those samples; and the full analytical results of all those samples;
 - (c) copies of any geological maps or plans produced during the prospecting operation.
- (3) The holder of a prospecting licence shall supply the Director with a list of borehole core information generated during any drilling program.
- (4) The holder of a prospecting licence shall obtain written permission from the Director to destroy any **residual** borehole core information.

17. Application for mining licence

An application for a mining licence under section 10 of the Act shall contain details of-

- (a) a plan referred to under regulation 3(3) showing the land and mining area to which the application relates;
- (b) the mineral or minerals for which the licence is required;
- (c) the period for which the licence is required;
- (d) a mining work program as provided in regulation 18;
- (e) an employment and training plan as provided in regulation 31;
- (f) documentary proof of the applicant's technical ability to conduct the mining activities and to mitigate and rehabilitate relevant environmental impacts;

- (g) documentary proof of the applicant's financial ability to carry out the mining operations;
- (h) a proposal for the use of local expertise, contractors and consultants in the proposed mining operations;
- (i) a list of existing mineral rights and or permits, as the case may be held by the applicant, indicating the island and location with regard to the land name and the existing right or permit number for each mineral within The Bahamas;
- (j) a copy or copies of the title deed or deeds, where applicable, in respect of the land to which the application relates;
- (k) an environmental impact assessment refer to in section 40 of the Act;
- (l) an environmental management plan referred to in section 40 of the Act;
- (m) if the operations will entail dredging, the types of machines or equipment intended to be used in the dredging operations; and
- (n) any other specific and additional information, **data** or documentation that the Minister may request.

18. Mining work program

- (1) A program of mining operations referred to in section 29 (1) (b) of the Act shall contain-
 - (a) a plan referred to in regulation 3(3), showing the land and mining area to which the application relates;
 - (b) a geological description of the mining area substantiated by a geological map;
 - (c) the details of the identified mineral deposit concerned with regard to the type of **mineral** or minerals to be mined, its locality, extent, depth, geological **structure**, mineral content and mineral distribution;
 - (d) the details of the market for and pricing in respect of the mineral concerned;
 - (e) the details with regard to the applicable timeframes and scheduling of the various implementation phases of the proposed mining operations, and an estimate of the period required for the mining of the mineral deposit concerned;
 - (f) a financing plan containing –

- (i) the details and costing of the mining technique, mining technology and production rates applicable to the proposed mining operation;
 - (ii) the details and costing of the technological process applicable to the extraction and preparation of the mineral or minerals to comply with market requirements;
 - (iii) the details and costing of the technical skills and expertise and associated labour implications required to conduct the proposed mining operations;
 - (iv) the details and costing of regulatory requirements in terms of the Act and other applicable laws, relevant to the proposed mining operations;
 - (v) the details regarding other relevant costing, capital expenditure requirements, and expected revenue applicable to the proposed mining operation;
 - (vi) the details regarding the applicant's resources or proposed mechanisms to finance the proposed mining operations;
 - (g) provisions for the execution of the employment and training plan submitted in accordance with section 50(2) of the Act;
 - (h) an undertaking, signed by the applicant, to adhere to the proposals as set out in the mining work program.
- (2) The mining work program provided in sub-regulation (1) shall form part of the mining licence if granted.

19. Application fee for a mining licence

An application for a mining licence shall be submitted together with an application fee of dollars.

20. Application for a dredging permit

An application for a dredging permit under section 31 of the Act shall contain details of-

- (a) The mineral right under which dredging operations are to be conducted;
- (b) the area to be dredged and what is to be dredged under the permit;
- (c) the proposed method of dredging to be utilised in the dredging operations;
- (d) the period for which the permit is required;

- (e) documentary proof of the applicant's technical and financial ability to conduct the dredging operations and to mitigate and rehabilitate relevant environmental impacts; and
- (f) any other specific and additional information, data or documentation that the Minister may request.

21. Application fee for dredging permit

An application for a dredging permit shall be submitted together with an application fee of dollars.

22. Obligations under a dredging permit

- (1) A holder of a dredging permit shall not —
 - (i) diverge from the limits as to depth and extent authorised by the permit; or
 - (ii) dispose of what is dredged except in such manner as is approved in the permit.
- (2) A holder of a dredging permit shall —
 - (i) Carry out such survey upon request by, and to the satisfaction of, the Minister as may be necessary to ascertain that any dredging, or disposal of what is dredged, is in accordance with the permit; and
 - (ii) carry out such remedial work as the Minister may direct.
- (3) A holder of a dredging permit shall not interfere or impede upon, in any way, with the general rights of the public to use for navigation or other purposes the waters upon which the permit covers except to the extent provided in the plans and specifications described in the permit and approved by the Minister.
- (4) If the permit holder fails to comply with the requirements of sub-regulations (3), a notice may be served upon the permit holder by an authorized officer indicating the point where the interference or impediment has occurred, and requiring such interference or impediment to be remedied.
- (5) If the permit holder fails to remedy interference or impediment, within the time set out in the notice referred to in sub-regulation (4), the permit may be cancelled by the Minister.
- (6) A holder of a dredging permit is not, by reason of such permit, relieved of any other obligation imposed by law in relation to its dredging operations.

23. Renewal of dredging permit

A dredging permit may be renewed at the discretion of the Minister if it is shown to the satisfaction of the Minister that

- (a) the area of the permit has not been fully dredged; and
- (b) the permit holder has, during the term of the permit, carried out dredging operations efficiently and has also otherwise complied with the Act and these Regulations.

PART III

DEMARCATIION OF AND SIZE OF MINERAL RIGHT AREAS

24. Demarcation of mineral right area

- (1) The physical boundaries of a mineral right area shall be the vertices defining the mineral right area.
- (2) The horizontal surface demarcation points of a mineral right area shall be identified by markers set in or on the ground or in water, which shall be positioned using the cadastral coordinates that define the vertices of the mineral right area.
- (3) The major vertices enclosing the mineral right area shall be demarcated using global positioning system equipment in a format approved by the Director.
- (4) The holder of a mineral right shall be responsible for erecting, marking and maintaining the mineral right boundary markers in a mineral right area.
- (5) Every area which is subject to a mineral right shall be demarcated as follows-
 - (a) by erecting a post that shall be securely placed in the ground at each corner of the relevant area;
 - (b) each post shall-
 - i. project not less than two metres (2m) from the ground;
 - ii. be conspicuous with clear marks or writings that state the owner and type of mineral right with the licence or permit number;
 - iii. state the dimensions and area covered under the licence or permit;
 - (c) at each corner of the mineral right area, two trenches shall be excavated to show the direction of the boundary of the mineral right area which shall not be less than 1 metre in length and 50 centimetres in depth along the boundary lines forming each corner of the mineral right area; and

- (d) the holder of a mineral right must maintain in all posts boundary indicators and markers such as trenches and notices on the mineral right area in the positions required by these Regulations during all time the mineral right is held.
- (6) The holder of a mineral right shall ensure that each post is engraved, or marked in a permanent manner with the holder's name, type and number of the mineral right.
- (7) Where the terrain, physical features, water or other impediments prevent placement of a demarcation marker in the designated point, the holder of a mineral right may, with the approval of the Director, erect any other permanent marks.
- (8) Upon revocation or expiry of the mineral right, the holder shall remove any boundary markers that demarcate the mineral right area.
- (9) A holder of a mineral right shall, within thirty days from the date of the grant of the mineral right, complete the placement of all demarcation point markers in accordance with these Regulations.
- (10) A holder of a mineral right shall not undertake any operations in the mineral right area until the requirements relating to demarcation as set out in these Regulations are complied with.

25. Instructions by the Director to survey

The Director may instruct the holder of a mineral right-

- (a) to have the mineral right area, or any part thereof specified by the Director, surveyed or further surveyed to establish the positioning of demarcation points and boundaries;
- (b) cause to be removed any mis-located demarcation point markers; and
- (c) to place demarcation point markers at such locations as are determined by such survey.
- (2) The applicant or holder to whom an instruction is given under this regulation shall pay all costs associated with the work carried out by the surveyor.

26. Demarcation of reconnaissance licence areas

The area and boundaries of a reconnaissance licence shall be based on the coordinates of cadastral blocks and do not require demarcation, however, the

holder may demarcate the licence area in the manner prescribed under this regulation.

27. Sub-surface boundaries

The boundaries of mineral rights shall be deemed to extend vertically from the surface.

28. Boundary disputes

- (1) Any dispute regarding the demarcation of boundaries, placement of markers or any other boundary matter shall be reported to the Director for resolution.
- (2) The Director shall resolve any dispute that may arise on or from the demarcation of a mineral right area and, in writing, notify the holders of the decision.
- (3) Where operations are underway, the Director may determine that the operations be suspended in whole or part, if a boundary dispute requires such action.

29. Size of mineral right areas

For the purposes of these Regulations, the size of each a mineral right shall be for-

- (a) a reconnaissance licence, the maximum size shall be hectares;
- (b) a mining permit, the maximum size shall be hectares
- (c) a prospecting licence, the maximum size shall be hectares; and
- (d) a mining licence, the maximum size shall be ... hectares.

PART IV

EMPLOYMENT AND TRAINING PLAN

30. Submission of employment and training plan

- (1) Pursuant to section 50(2) of the Act a holder of a mining licence shall submit to the Director an employment and training plan whose objectives are to-
 - (a) promote employment and advance the social and economic welfare of Bahamians; and
 - (b) contribute to the value addition of the mining industry within The Bahamas;
- (2) For the purposes of sub regulation (1), an employment and training plan shall include details of:

- (a) on-going and planned recruitment;
- (b) proposals for identifying qualified Bahamian citizens for employment;
- (c) proposal for training programmes for Bahamians employed by the holder of the mining licence, which shall include but not be limited to:
 - (i) Provision of specialised training aimed at upgrading employees' skills and providing further practical experience;
 - (ii) Professional development of employees through enrolment in relevant institutions within or outside of The Bahamas; and
- (d) Any other proposal in connection with the employment and training of Bahamian employees.

31. Approval of employment and training plan

An employment and training plan submitted to the Director shall require the approval of the Minister.

32. Amendment of employment and training plan

An employment and training plan may not be amended or varied without the consent of the Minister.

33. Submission of annual report on employment and training plan

The annual report to be submitted pursuant to section 50 (3) shall include details of:

- (a) the total number of employees including non-citizens of The Bahamas;
- (b) the number of employees in the executive, managerial, technical, supervisory and unskilled categories and the number of employees in each category that are citizens of Bahamas;
- (c) Any training or professional development carried out pursuant to sub-regulation 30 (2);
- (d) Any other specific and additional information, data or documentation that the Director may request from the holder of the mining licence in connection with the employment and training of its Bahamian employees.

PART V
ENVIRONMENTAL MANAGEMENT PLANS AND MINE CLOSURE

34. Environmental management plan

An environmental management plan referred to in section 40 of the Act shall include:

- (a) a description of the environmental objectives and the management of identified environmental impacts emanating from the proposed operations;
- (b) where applicable, specific goals for mine closure;
- (c) action plans to achieve the objectives and specific goals contemplated in paragraph (a) and (b) which shall include a time schedule of actions to be undertaken to implement mitigating measures for the prevention, management and remediation of each environmental **impact** for each phase of the mineral right operations;
- (d) procedures for environmental related emergencies and remediation;
- (e) planned monitoring and environmental management program performance assessment;
- (f) financial security provision in relation to the execution of the environmental management plan which shall include the determination of the quantum of the financial provision referred to in regulation 36 and details of the method providing for financial provision referred to in regulation 35;
- (g) description of the environment likely to be affected by the proposed operations;
- (h) an assessment of the potential impacts of the proposed mineral right operations on the environment;
- (i) a summary of the assessment of the significance of the potential impacts, **and** the proposed mitigation and management measures to minimize adverse impacts and benefits;
- (j) planned monitoring and performance assessment of the environmental management plan.

35. Methods for financial security

- (1) The financial provision required under section 42 of the Act shall be provided for by one or more of the following methods:

- (a) a financial guarantee from a Bahamian registered bank or any other bank or financial institution approved by the Director guaranteeing the financial provision relating to the environmental management plan;
 - (b) a deposit into a Government account specified by the Director; or
 - (c) any other method as the Director may determine.
- (2) In the case of sub-regulation (1)(c), the method and proof of payment shall be submitted to the Minister for Cabinet approval prior to the approval of the environmental management plan.

36. Quantum of financial security

- (1) The quantum of the financial security required under section 42 of the Act shall include a detailed itemization of all actual costs required for-
- (a) premature closure regarding the rehabilitation of the surface of the area;
 - (b) the prevention and management of pollution of the atmosphere;
 - (c) the prevention and management of pollution of water and the soil;
 - (d) decommissioning and final closure of the operation; and
 - (e) post closure management of residual and latent environmental impacts.
- (2) The holder of the mineral right shall annually update and review the quantum of the financial provision as required in terms of the approved environmental management program or environmental management plan; or as requested by the Minister.
- (3) Any inadequacies with regard to the financial provision shall be rectified by the holder of the mineral right in an amendment of the environmental management program or environmental management plan, as the case may be; within the timeframe provided for; or as determined by the Minister.

37. Mine closure

In accordance with section 29 (i) of the Act, the holder of a mining licence shall ensure that -

- (a) the closure of mining operations incorporates a process that starts at the commencement of the operations and continues throughout the life of the operations;
- (b) risks pertaining to environmental impacts shall be quantified;

- (c) the safety and health requirements under section 43 the Act are complied with;
- (d) residual and possible latent environmental impacts are identified and quantified;
- (e) the land is rehabilitated, as far as is practicable, to its natural state, or to a predetermined and agreed standard; and
- (f) mining operations are closed efficiently and cost effectively.

PART VI

SPECIAL PROVISIONS FOR RADIOACTIVE MINERALS

38. Compliance with general requirements

An application for a mineral right in respect of a radioactive mineral shall comply with the general requirements for mineral rights under the Act, and pursuant to section 56(f) of the Act, the information required of applicants for licences is in addition to the information required by any provision of the Act or these Regulations.

39. Environment and waste management

An application for a mineral right in respect of a radioactive mineral shall contain the following information in relation to the environment and waste management:

- (a) the program to determine the environmental baseline characteristics of the site and the surrounding area;
- (b) the effects on the environment that may result from the operations to be licensed, and the measures that will be taken to prevent or mitigate those effects;
- (c) the proposed location, the proposed maximum quantities and concentrations, and the anticipated volume and flow rate of releases of radio-active substances and hazardous substances into the environment, including their physical, chemical and radiological characteristics;
- (d) the anticipated liquid and solid waste streams within the licensed area, including any diversion or control of the flow of uncontaminated surface and ground water;
- (e) the proposed environmental protection policies and programs;

- (f) the proposed environmental monitoring programs;
- (g) the proposed measures to control releases of radio-active substances and hazardous substances into the environment;
- (h) a description of the proposed waste management system;
- (i) the proposed positions for and qualifications and responsibilities of environmental protection workers; and
- (j) the program to inform persons living in the vicinity of the licensed area, of the general nature and characteristics of the anticipated effects of the activity to be licensed on the environment and the health and safety of persons.

40. Health and safety

An application for a mineral right in respect of a radioactive mineral shall contain the following information in relation to health and safety:

- (a) the effects on the health and safety of persons that may result from the activity to be licensed, and the measures that will be taken to prevent or mitigate those effects;
- (b) the proposed worker health and safety policies and programs;
- (c) the proposed measures to control the spread of any radioactive contamination;
- (d) the proposed positions for and qualifications and responsibilities of radiation protection workers; and
- (e) the proposed training program for workers.

41. Planning and design of radioactive mines

An application for a mining licence in respect of a radioactive mineral shall contain the following information in relation to the plan and description of the mine:

- (i) a description of the site geology and mineralogy;
- (ii) a description of the site evaluation process and of the investigations and preparatory work to be done at the site and in the surrounding area;
- (iii) a plan showing the existing and planned structures, excavations and underground development;
- (iv) a description of the mine, including the installations, their purpose and capacity, and any excavations and underground development;

- (v) a description of and the schedule for the planned mining and the proposed methods for carrying out the mining operations;
- (vi) a description of any activity that may have an impact on the development of the mine, including any mining related activity that was carried on at the site before the date of submission of the application to the Minister; and
- (vii) the proposed plan for the decommissioning of the mine.

PART VII

FINANCIAL PROVISIONS

42. Applicability of royalty

Pursuant to section 45 of the Act, royalties shall be payable on the sale of any mineral produced in The Bahamas.

43. Prescribed royalty rates

- (1) Rates of royalties shall be as specified in Annex 2 of these Regulations and shall be calculated as a percentage of the gross market value of the mineral receivable in an arm's length transaction.
- (2) For the purposes of this section, the expression "arm's length transaction" shall mean a transaction between a willing buyer and willing seller in the open market where the purchase price for the sale is not influenced by any special relationship or other arrangement between the parties to the transaction and is not affected by any non-commercial considerations and specifically excludes any barter, swap, exchange, or transfer price arrangements, restricted or distress transaction which is associated with special financial, commercial or other considerations.
- (3) Where it appears to the Minister that minerals have been disposed of otherwise than in an arm's length transaction, the Minister shall determine the royalty payable on the basis of prices ruling in the industry, and the royalty so determined shall be payable on demand:

44. Payment of royalty

- (1) Except as otherwise provided in section 46 or any other provision of the Act or these Regulations, royalty is payable by the holder of the mineral right

concerned and shall be paid within a period not exceeding thirty days after assessment by the Director based on monthly returns submitted by the holder of the mineral right concerned and any other information obtained during any investigation or inspection that the Director may carry out for the purpose of such assessment;

(2) Except as otherwise provided in section 46 or any other provision of the Act or these Regulations, a mineral shall be exported only where the royalty due on that mineral has been paid or a guarantee for its payment has been secured by the Director.

45. Penalty for unpaid royalty

For every royalty period in which royalty is due and unpaid, a penalty of ... per cent (...%) per month of the unpaid royalty shall be due from those liable for the unpaid royalty.

46. Statutory fees and levies

The statutory fees and levies specified in Annex 2 to these Regulations shall be paid in respect of the matters and things specified in that Schedule.

47. Annual surface rentals

- (1) The annual surface rentals specified in Annex 2 to these Regulations shall be paid by the holder of a mineral right.
- (2) The annual surface rental payable under sub-regulation (1) of this regulation is payable on the grant of a mineral right; and thereafter annually on the anniversary of the grant until the termination or expiry of the mineral right concerned.

ANNEX 1

PRESCRIBED FORMS

Form 1. Application for a reconnaissance licence

1. Applicant's identity and contact information

- a. Full name:
- Physical Address:
- b. Phone number:
- c. E-mail address:

2. Duration of licence applied for:

3. Mandatory attachments (Check each item attached to this application)

- Proof of payment of application;
- Mineral or minerals for which the licence is sought;
- In case of a company: a copy of the company's certificate of incorporation and copy of its memorandum and articles of association;
- A list of the full names and nationalities of all its directors,
- A list of the names of every shareholder who is the beneficial owner of five per cent (5%) or more of the issued share capital
- A description of the applicant's profile and history of reconnaissance operations in The **Bahamas** or elsewhere;
- As per regulation 3(3) of the Mining Regulations, 2020, a plan of the area
- A statement giving particulars of the technical and financial resources available to the applicant for the reconnaissance operations,
- A proposed work programme setting the work and expenditure intended over the term of the licence;
- p An Environmental Impact Assessment Document;
- Environmental management plan if required;
- A description giving particulars of the applicant's plan to employ and train Bahamians pursuant to Section 50(2) of the Act; and
- A description of the particulars of the applicant's plan for the procurement of local good and services pursuant to Section 51 of the Act.

Form 2. Reconnaissance licence

Reconnaissance licence Registration No. RL.....

Term of licence: years

Term commences on: day, month....., year.....

Term ends on: day, month....., year.....

1. Subject to the conditions set out in the Act, in the regulations made under the Act and in this reconnaissance licence, Name:

.....

(Hereinafter referred to as the "holder") whose registered office in The Bahamas is at:

Address:

.....

is by this licence granted the non-exclusive right to carry out reconnaissance operations for ...(name of minerals) within and over the mineral right area specified in Annex 1 of this licence.

DATED THIS..... DAY OF....., 2.....

.....

Minister (*name*)

.....

(*signature*)

In the presence of:

.....

Director of Mines (*name*)

.....

(*signature*)

.....

Holder of mineral right/Authorised Representative (*name*)

(*signature*)

In the presence of:

.....

Witness (*name*)

.....

(*signature*)

2. Terms and Conditions

(1) Rights conferred by the licence

This licence confers on the holder the non-exclusive right within the reconnaissance area:

- (a) to enter on or fly over the reconnaissance area to carry out approved reconnaissance operations;

(2) The Obligations under the licence

- (a) commence reconnaissance within three months of grant of the licence;
- (b) carry out reconnaissance in accordance with the approved programme of reconnaissance operations;
- (c) expend on reconnaissance in accordance with the programme of reconnaissance, not less than such amount as may be specified in the reconnaissance licence;
- (d) not enter land that is excluded from the reconnaissance licence;
- (e) compensate users of land for damage to land and property resulting from reconnaissance operations in the licence area;
- (f) ensure that the amount of work and amount of expenditure as specified in the approved programme or reconnaissance operations is actually expended in the course of undertaking reconnaissance operations within the mandated deadlines stipulated in the plan and reported in the reports that may be required by the relevant regulations;
- (g) comply with the conditions of the licence and any directions issued by the Minister or authorised officer in accordance with the Act;
- (h) carry out reconnaissance in accordance with international good practice standards and any guidelines as may be prescribed.

3. ACCOMPANYING ANNEXES

Annex 1: Map of reconnaissance area

Annex 2: Approved reconnaissance programme

Form 3. Application for a mining permit

1. Applicant's identity and contact information
 - a. Full name:
 - Physical Address:
 - b. Phone number:
 - c. E-mail address:
2. Duration of permit applied for:years
3. Mandatory attachments (Check each item attached to this application)
 - Proof of payment of application fee;
 - Mineral or minerals in respect of which the permit is sought;
 - Proposed programme of small scale mining operations;
 - In case of a company: a copy of the company's certificate of incorporation and copy of its memorandum and articles of association;
 - A description the applicant's profile and history of mining operations in The Bahamas or elsewhere;
 - As per regulation 3(3) of the Mining Regulations, 2020, a plan of the area
 - A statement giving particulars of the technical and financial resources available to the applicant; and
 - Environmental management plan.

Form 4. Mining permit

Mining Permit Registration No. MP

Term of: years

Term commences on: day, month....., year.....

Term ends on: day, month....., year.....

1. Subject to the conditions set out in the Mining Act, in the regulations made under the Act and in this mining permit, Name:

.....
(Hereinafter referred to as the "holder") whose registered office in The Bahamas

is at: 

Address:
.....

is by this mining licence granted the exclusive right to mine ...(name of minerals) within and over the mineral right area specified in Annex 1 of this licence.

DATED THIS..... DAY OF....., 2.....

.....
Minister (name) (signature)

In the presence of:
.....

Director of Mines (name) (signature)

Holder of mineral right/Authorised Representative (name) (signature)

In the presence of:
.....

Witness (name) (signature)

2. Terms and Conditions

(1) Rights conferred by this permit

The holder of a mining permit shall enjoy the exclusive rights to carry out small scale mining operations in the area specified in the permit and may-

- (a) enter the area specified in the permit and take all reasonable measures to carry out the approved small scale mining operations;

(b) erect on the area buildings and equipment necessary to carry out the small scale mining operations; and

(c) use or dispose of any minerals recovered.

(2) Obligations under this permit. The holder of a mining permit shall—

- (a) conduct small scale mining operations in compliance with a plan approved by the Minister;
- (b) demarcate and keep demarcated the mining area in the prescribed manner;
- (c) take all measures necessary to protect and restore the environment within the mining area;
- (d) comply with any prescribed record keeping obligations;
- (e) stack or dump any minerals or building materials or waste products in the manner provided for in the relevant laws or regulations;
- (f) not use such equipment as may be determined by the Director; and
- (g) pay royalties, fees, taxes and charges.

3. ACCOMPANYING ANNEXES

Annex 1: Map of mining permit area

Annex 2: Approved work programme

Form 5. Application to renew a mining permit

Mining permit Registration Number:

1. Applicant's identity and contact information

a. Full name:

Physical Address:

b. Phone number:

c. E-mail address:

2. Duration of mining permit applied for:

3. Mandatory Attachments

- Proof of payment of application fee;
- A report summarising small scale mining operations undertaken since the permit was granted;
- A revised small scale mining programme;
- A report describing environmental remediation actions taken during the term of the permit.

Form 6. Application for a prospecting licence

1. Applicant's identity and contact information
 - a. Full name:
 - Physical Address:
 - b. Phone number:
 - c. E-mail address:
2. Mineral or minerals in respect of which the licence is sought
3. Duration of licence applied for:
4. Mandatory attachments (Check each item attached to this application)
 - Proof of payment of application fee;
 - If a company, a copy of the applicant company's certificate of incorporation and copy of its memorandum and articles of association;
 - A list of the full names and nationalities of all the applicant company's directors;
 - A list of the names of every shareholder of the applicant company who is the beneficial owner of five per cent (5%) or more of the issued share capital;
 - A description of the applicant's profile and history of prospecting operations in The Bahamas and elsewhere;
 - As per regulation 3(3) of the Mining Regulations, 2020, a plan of the area
 - A description of the technical and financial resources available to the applicant;
 - The prospecting work programme for the period the licence is sought;
 - Environmental management plan;
 - A description giving particulars of the applicant's plan for the employment and training of Bahamians; and
 - A description of the particulars of the applicant's plan for the procurement of local goods and services.

Form 7. Prospecting licence

Prospecting licence Registration No. PL.....

Term of licence: years

Term commences on: day, month....., year.....

Term ends on: day, month....., year.....

1. Subject to the conditions set out in the Mining Act, in the regulations made under the Act and in this prospecting licence, Name:

.....
(Hereinafter referred to as the "holder") whose registered office in The Bahamas

is at: 

Address:

is by this licence granted the exclusive right to prospect for ...(name of minerals) within and over the mineral right area specified in Annex 1 of this licence.

DATED THIS..... DAY OF.....

.....
Minister (name) (signature)

In the presence of:

.....
Director of Mines (name) (signature)

.....
Holder of mineral right/Authorised Representative (name) (signature)

In the presence of:

.....
Witness (name) (signature)

2. Terms and Conditions

(1) Rights conferred by the licence

This licence confers on the holder the exclusive right within the prospecting area to:

- (a) demarcate the areas that fall within the licence area;

- (b) enter the area of land specified in the licence and take all reasonable measures on or under the surface of the land to carry out prospecting operations;
- (c) erect equipment, plant and buildings necessary to carry out the prospecting operations.

(2) Obligations of the holder under the licence

The holder of a prospecting licence shall—

- (a) commence prospecting operations within three months of the grant of the prospecting licence or a period specified in the approved programme for prospecting operation;
- (b) undertake prospecting operations in accordance with the approved programme of prospecting operations;
- (c) ensure that the amount of work and expenditure specified in the approved programme of prospecting operations is actually expended in the course of undertaking prospecting operations within the deadlines stipulated;
- (d) without any unreasonable delay, notify the Minister of the discovery of any mineral deposit of potential commercial value including mineral deposits for which the holder of the licence was not authorised to prospect;
- (e) comply with the conditions of the licence or any existing and applicable minerals agreement, and any directions issued by the Minister or an authorized officer in accordance with this Act;
- (f) submit to the Minister geological and financial reports and such other information relating to prospecting operations at such other intervals as may be determined by the Minister; and
- (g) carry out prospecting activities in accordance with the international best practice standards and guidelines as may be prescribed.

3. ACCOMPANYING ANNEXES

Annex 1: Map of prospecting area

Annex 2: Approved prospecting programme

Form 8. Application to renew a prospecting licence

1. Applicant's identity and contact information
 - a. Full name:
 - Physical Address:
 - b. Phone number:
 - c. E-mail address:
2. Duration of the renewal for the prospecting licence:
3. Mandatory Attachments
 - Proof of payment of the application fee;
 - Summary report on prospecting operations and the cost incurred for the term of the licence;
 - The work programme including the expenditure to be incurred during the renewal period;
 - The map and coordinates of the area to be retained and also relinquished in respect of which the renewal is sought.

Form 9. Application for a mining licence

4. Applicant's identity and contact information

- a. Full name:
- Physical Address:
- b. Phone number:
- c. E-mail address:

5. Duration of licence applied for:years

6. Mandatory attachments (Check each item attached to this application)

- Proof of payment of application fee;
- Mineral or minerals in respect of which the licence is sought;
- Proposed programme of mining operations;
- If a company, a copy of the applicant company's certificate of incorporation and copy of its memorandum and articles of association;
- A list of the full names and nationalities of all the applicant company's directors;
- A list of the names of every shareholder of the applicant company who is the beneficial owner of five per cent (5%) or more of the issued share capital;
- A description of the applicant's profile and history of mining operations in The Bahamas or elsewhere;
- As per regulation 3(3) of the Mining Regulations, 2020, a plan of the area
- A statement giving particulars of the technical and financial resources available to the applicant;
- Environmental management plan;
- A description of the particulars of the applicant's plan to employ and train Bahamians; and
- A description of the particulars of the applicant's plan for the procurement of local goods and services

Form 10. Mining licence

Mining licence Registration No. ML

Term of licence: years

Term commences on: day, month....., year.....

Term ends on: day, month....., year.....

1. Subject to the conditions set out in the Mining Act, in the regulations made under the Act and in this mining licence, Name:

.....
(Hereinafter referred to as the "holder") whose registered office in The Bahamas

is at:

Address:
.....

is by this mining licence granted the exclusive right to mine ...(name of minerals) within and over the mineral right area specified in Annex 1 of this licence.

DATED THIS..... DAY OF....., 2.....

.....
Minister (*name*) (signature)

In the presence of:

.....
Director of Mines (*name*) (signature)

.....
Holder of mineral right/Authorised Representative (*name*) (signature)

In the presence of:

.....
Witness (*name*) (signature)

2. Terms and Conditions

(1) Rights conferred by the licence

The holder of a mining licence shall,

- (a) enjoy the exclusive right to carry out mining operations in respect of the mineral or mineral deposit specified in the licence within the area

specified subject to the provisions of the Mining Act and the terms and conditions set out in this licence.

- (b) enter the area of land specified in the licence and take all reasonable measures on or under the surface of the land to carry out mining operations;
- (c) erect equipment, plant and buildings necessary to mine the specified mineral and to transport, dress or treat the minerals so recovered; and
- (d) dispose of any mineral recovered subject to the payment of the required fees and royalties.

(2) Obligations under this licence

- (a) commence mining operations as may be specified in the approved program for mining operations or in any relevant minerals agreement;
- (b) conduct mining operations in compliance with the approved programme for mining operations;
- (c) comply with the terms and conditions of the approved environmental management plan relating to the operations to be carried out under the mining licence;
- (d) demarcate and keep demarcated the mining area in the prescribed manner;
- (e) comply with the conditions of the licence, any applicable mineral agreement and any directions issued by the Minister or an authorized officer in accordance with this Act;
- (f) stack or dump any mineral or waste products in the approved manner or as otherwise prescribed, having regard to good mining industry practice;
- (g) carry out the mining activities in accordance with international best practices; and
- (h) pay royalties, fees, taxes, and charges.

3. ACCOMPANYING ANNEXES

Annex 1: Map of mining area

Annex 2: Approved programme for mining operations

Annex 3: Approved employment and training plan

Annex 4: Approved plan for the procurement of local goods and services

Annex 5: Approved environmental management plan

Form 11. Application to renew a mining licence

1. Applicant's identity and contact information
 - a. Full name:
 - Physical Address:
 - b. Phone number:
 - c. E-mail address:
2. Duration of licence applied for:years
3. Mandatory attachments
 - Proof of payment of application fee;
 - A proposed programme of mining operations to be carried out during the term of renewal;
 - A plan of the area in respect of which a renewal of the mining licence is sought including all or any of the contiguous blocks in the mining licence area; and
 - Environmental management plan for the renewal period.

Form 12. Application for the transfer of a mineral right

1. Transferor's identity and contact information to be provided by the transferor
 - a. Full name:
 - Physical Address:
 - b. Phone number:
 - c. E-mail address:
2. Transferee's identity and contact information to be provided by the transferor
 - a. Full name:
 - Physical Address:
 - b. Phone number:
 - c. E-mail address:
3. Mandatory attachments (tick each item attached to this application)
 - Proof of payment of the application fee;
 - A signed copy of the agreement between the parties to the transfer
 - details of the proposed transfer including copies of any agreement; and
 - details of the transferee, confirming that:
 - the transferee is a qualifying person under the Act; and
 - the transferee has the requisite technical and financial capabilities to carry out the obligations of the holder's licence or permit.

Form 13. Application to surrender a mineral right area

1. Applicant's identity and contact information

- a. Full name:
- Physical Address:
- b. Phone number:
- c. E-mail address:

2. Mandatory attachments (tick each item attached to this application)

- A map and coordinates of the area to be retained;
- A map of the area to be surrendered;
- A report on the surrendered area prepared in accordance with the guidelines on work programme and exploration reports;
- In the case of a surrender of the entire mineral right, all records and reports with respect to the mineral right operations carried out in the mineral right area to be surrendered including but not limited to:
 - Status of any prospecting or mining operations as of date of surrender;
 - Plans for the removal of equipment and infrastructure;
 - Status of mine and mine-related workers affected by the surrender;
 - A confirmation from the authorised agency that approved environmental management plans, relating to the area being surrendered have been fully implemented.

Form 14. Application for a dredging permit

3. Applicant's identity and contact information

- a. Full name:
- Physical Address:
- b. Phone number:
- c. E-mail address:

4. Estimated quantity of what is to be dredged..... cubic yards

5. Nature of what is to be dredged.....

6. Location of area on which dredged material is to be discharged
.....

7. Use of what is to be dredged : —

- a. Carted away for industrial use.....
- b. Left *in situ* to elevate low lying land.....

8. Type of equipment proposed to be used for dredging.....

9. Estimated time required to complete the project.....

10. Mandatory attachments to this application:

- o A plan showing extent of proposed dredging, depth to be dredged, and area proposed to receive what is dredged.

Form 15. Dredging permit

Dredging permit Registration No. DP.....

This permit is issued in accordance with section 31 of the Mining Act, 2020.

.....

Name

.....

Address

.....

.....

Description and Location of works (plans and specifications attached*)

.....

This permit authorises the dredging of the waters of the
in accordance with the plans and specifications as submitted to and approved by the
Minister.

SPECIAL CONDITIONS

Pursuant to regulation of the Mining Regulations 2020, the permit holder shall
dredge a minimum of and maximum of cubic yards of per year.

This Permit is valid for the period ending
and is subject to the special conditions as set out in this permit.

.....

Date of Issue

.....

Minister

.....

Director

**ANNEX 2
ROYALTY RATES**

Mineral name	Royalty rate
[]	[..... %]
[]	[..... %]
[]	[..... %]
[]	[..... %]
[]	[..... %]