In the exercise of the powers conferred on him by section 21 of the Nigerian Minerals and Mining Act 2007 and all enabling powers in that behalf, the Minister of Mines and Steel Development hereby makes the following regulations.

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PART I
PRELIMINARY AND GENERAL PROVISIONS

CI TATION AND COMMENCEMENT

1. (1) These Regulations may be cited as the Nigerian Mining Regulations, 2010.

(2) These Regulations shall come into operation on such date as the Minister may, by notice in the Gazette appoint.

INTERPRETATION

2. (1) Unless the context indicates otherwise, in these regulations, any word to which a meaning has been assigned in the Nigerian Minerals and Mining Act, 2007 (hereinafter in these regulations referred to as “the Act”) shall have that meaning.

(2) In these Regulations unless the contrary intention appears


“Application” means an application in respect of a mineral title or Licence or permit made in accordance with the Act or these Regulations.

“Agency” means an agency or parastatal of the Ministry.


“Companies and Allied Matters Act” means the Companies and Allied Matters Act C20 Laws of the Federation of Nigeria, 2004

“Date of Application” means the date on which an application is lodged at the Ministry or Cadastre Office with the prescribed fee.

“Department” means a department of the Ministry.

“Exploration Licence” means Exploration Licence granted under the Act.

“Exploration Licence Register” means the register, record or book created under the Act or these regulations for recording information concerning Exploration Licence.
“Mining Cadastre Office Registers” means the registers, created for each of the following types of mineral titles:

- Reconnaissance Permit
- Exploration Licence
- Mining Lease
- Small Scale Mining Lease
- Water Use Permit
- Quarry Lease

“Mining” includes quarrying operations

“Mining Lease” means the Mining Lease granted under the Act.

“Mine” any reference to a mine includes a Quarry.

“Mining Cadastre Office” (hereinafter in these regulations referred to as the “Cadastre Office”) means the Mining Cadastre Office responsible for the grant of mineral titles.

“Mining lease register” means the register, record or book created under the Act or these regulations for recording information concerning mining leases.


“Ministry” means the Ministry responsible for regulating matters relating to the exploration, development and exploitation of Mineral Resources.

“President” means the President of the Federal Republic of Nigeria

“Priority Register” means the register, record or book created under and as defined under the Act.

“Qualified Applicant” means a person who is qualified to apply for a mineral title or Licence or Permit under the Act or these Regulations.

“Quarry Lease” means Quarry Lease granted under the Act

“Quarry Lease Register” means the register, record or book created under the Act or these regulations for recording information concerning quarry leases.

“Reconnaissance Permit” means Reconnaissance Permit granted under the Act.
“Reconnaissance Permit register” means the register, record or book created under the Act or these regulations for recording information concerning Reconnaissance Permit.
Reference to the masculine gender includes reference to the feminine gender.
“Regulation” means a regulation of these regulations.
“Schedule” means schedule in these regulations.
“Small Scale Mining Lease” means Small Scale Mining Lease granted under the Act.
“Small Scale Mining Lease register” means the register, record or book created under the Act or these regulations for recording information concerning Small Scale Mining Leases.
“Water Use Permit” means Water Use Permit granted under the Act
“Water Use Permit register” means the register, record or book created under and as defined by the Act or these regulations.
“Transfer of Mineral Title” includes assignment, mortgage, pledge, sublease, charge or hypothecation.
“Adit” means a nearly horizontal access into underground workings from a side of a hill or surface;
“banksman” means a competent person duly authorized to supervise the lowering and raising of persons, material or rock in a conveyance at the bank and to give the necessary signals;
“competent person” means a person who is:
(a) qualified by virtue of his or her knowledge of, and training, skills and experience in any matter in respect of which he or she is required to be a competent person; and/or
(b) familiar with the provisions of the Act and these regulations or any other law which apply to the work to be performed; and/or
(c) trained to recognize any potential or actual danger to health and safety in performance of the work;
“conveyance” in relation to a shaft, means any cage, skip, kibble, bucket, stage, or any other receptacle or structure attached to or
suspended from a winding rope and operated by a winder and intended to serve as means of raising or lowering persons, material or rock; “conductor” means material with the ability to carry or conduct electrical energy.
“earthed” means connected to the general mass of the earth in such manner as will ensure at all times an immediate discharge of electrical energy without danger;
“electrical apparatus” includes electric cables and any part of any machine, apparatus or appliance being a part designed for the generation, conversion, storage, transmission or utilization of electricity.
“excavation” means any trench, pit, quarry, shaft or other open or underground working made in the course of mining operations or prospecting activities, as the case may be, excluding any superficial excavations made for purposes of geochemical soil and rock sampling.
“factor of safety”, in relation to any rope or part of machinery, means the ratio of the breaking force or strength of that rope or part of machinery to the maximum total static force on it including the component of its own weight.
“flammable” means any substance which is capable of being easily set alight.
“ladderway” means any place where permanent ladders are installed for the use of persons ascending or descending thereon.
“live” means electrically energized;
“material” means anything, except persons or rock, conveyed or to be conveyed by means of a winder;
“mine manager” means a competent person appointed in terms of regulation 122(a) and includes the owner of a mine who himself or acts as mine manager;
“onsetter” means a competent person duly authorized to be in charge of a shaft conveyance in which persons, material or rock are lowered or raised from any station below the bank and to give the necessary signals;
“opencast workings” means any workings below the surface of the ground, excluding underground workings and any trench, pit or other such excavation;
“raise” means any tunnel in a mine having an inclination of more than 10 degrees above the horizontal and which is not included under the definition of ‘ramp’ or “shaft”;
“rock” means any portion of the earth’s crust whether consolidated or not;
“ramp” means any roadway inclined above or below the horizontal especially designed for the movement of trackless vehicles;
“shaft” means a vertical or inclined excavation of limited area compared with its depth, leading from the surface to underground workings or from one part of an underground workings to another made for:
(a) mining minerals;
(b) raising and lowering persons, material or rock; or
(c) ventilating underground workings;
“stope” means an underground excavation made by the removal of any mineral, but does not apply to excavations made for engine rooms and pump chambers or for development purposes such as shafts, drives, winzes and raises;
“tailings” means any waste rock, slimes or residue derived from any mining operation or processing of any mineral;
“toxic” means any substance in such concentration as is capable of causing injury to or harmful pathological change in any part of a person by absorption or inhalation;
“trackless vehicle” means any vehicle having wheels, tracks or skids, self-propelled or otherwise, which does not run on rails;
“underground” means any place in a mine under the natural surface of the earth which is solely connected to the surface by means of an adit, ramp or shaft, including such adit, ramp or shaft;
“underground workings” means any working below the natural surface of the earth, access to which is by means of an adit, ramp or shaft, but excludes opencast workings;
“ventilating district”, in relation to a mine in which underground workings are being carried on, means:

(a) in the case of a mine other than a mine which is ventilated by natural means, such part of such mine as has an independent intake commencing from a main intake airway and an independent return terminating at a main return airway; and

(b) in the case of a mine which is ventilated by natural means, the whole of such mine or such part thereof as is so ventilated;

“winder” means the machinery used to raise or lower by means of a rope or ropes any conveyance in a shaft for the conveyance of persons, material or rock, but excluding any lifting machine, endless rope haulage or scraper winch installation;

“winze” means any tunnel in a mine having an inclination of more than 10 degrees below the horizontal and which is not included under the definition of ‘ramp’ or ‘shaft’;

“workings” means any part of a mine, whether on surface or underground, which has been excavated or is in the process of being excavated;

“workplace” means any place at a mine to which access has been authorized.

“work injury” means any injury suffered by a person which arises out of and in the course of his or her employment; the work injury shall be construed to include also occupational disease and work related disability.

“mineral processor” means a person or mining cooperative or company engage in mineral dressing, milling, treatment, or processing for commercial purpose.
GENERAL PROVISIONS

3. These regulations are made to define the rules and processes in respect of matters provided under the Act and generally for giving full effect to the implementation of the Act. Consistent with the Act, these Regulations shall:

(a) define the procedures and processes for the regulation of exploration and mining operations generally, including acquisition of the titles to engage in such operations;

(b) prescribe measures to enhance the general protection of the mining environment and safety of workers engaged in mining operations and the general public;

(c) prescribe new forms to be used for the purpose of applying the regulations to any matter covered by it;

(d) regulate the processes and procedures for enforcement and compliance with the provisions of the Act.

AREAS IN RESPECT OF WHICH MINERAL TITLES MAY BE GRANTED BY COMPETITIVE BIDDING

4. (1) The Minister shall in the exercise of his power under Section 9 of the Act create a committee to advise him, on the determination of areas in respect of which mineral titles may be granted by competitive bidding.

(2) The areas in respect of which mineral titles may be granted by competitive bidding shall include:

(a) areas free of any valid existing mineral titles;

(b) areas in which minerals classified by the Act as “security” minerals have been found;

(c) areas which the committee for any other reason deems fit to so recommend to the Minister;
OPERATIONAL GUIDELINES

5. (1) Consistent with the powers conferred upon him under section 4 of the Act, the Minister shall supervise and regulate mining operations and enforce compliance with the provisions of the Act.

(2) The Minister, for the purpose of carrying out the provisions of the Act and these regulations shall:

(a) amend existing regulations;
(b) make additional regulations to deal with any matter not covered by these regulations.
(c) prescribe new forms or amend old forms to be used for the purpose of these regulations.
(d) from time to time establish operational guidelines and standards for the proper and effective implementation of the provisions of the Act and these regulations;
(e) establish procedures for monitoring compliance with community development agreements by mineral title holders and operators;
(f) prescribe guidelines and procedure for the assessment of compensation and rents payable to landowners and occupiers;
(g) prescribe the procedure, processes and conditions for the grant of incentives to investors in the mining industry as provided under the Act;
(h) prescribe guidelines and standards for the operations of the Mines Inspectorate Department, Mines Environmental Compliance Department and other departments and units of the Ministry to ensure the proper discharge of their functions particularly the monitoring of mining environment and operations and safety of miners.
(i) Create new departments pursuant to section 16 of the Act subject to the procedure laid down in relevant government guidelines, provided that notice of the creation of the department shall be published in the gazette.
(j) Establish such committees as he may consider necessary to advise him:
   (i) On such matters pertaining to his functions or connected with the administration of the Act;
(ii) On any appeal made to him in respect of any mineral title.
(iii) Mineral titles granted by competitive bidding.

**INSPECTION OF MINING OPERATIONS**

6. (1) The Ministry shall, through its departments, units and agencies perform the functions stipulated in the Act and facilitate the implementation of its provisions.

(2) The Ministry shall in carrying out its functions through its departments, units or agencies authorize or carry out inspection over mining operations in the manner provided under these regulations.

(3) In order to discharge its functions properly and effectively the Ministry, through any of its departments or agencies shall enforce compliance with the provisions of the Act and these regulations and shall be entitled to:

(a) Arrest without warrant any person found committing or reasonably suspected to have committed an offence under the Act;

(b) Seize any tool, implement, equipment or vehicle used in committing the offence;

(c) Summon and issue written directive(s) to and impose restrictions on the holder or the agent or operator of the mine; and

(d) By order in writing direct that exploration or mining operation be suspended where any machine, equipment, thing or practice at the mine is considered to be dangerous or defective.

**INTERNAL REPORTING OBLIGATIONS**

7. (1) Every department or agency created under the Act shall submit a report of its activities to the Minister on a quarterly basis or as may be directed by him.

(2) The report, depending on the department or agency concerned may include:

(a) The activities of the department, agency or unit during the period covered by the report.
(b) Summary of all applications received and processed, the findings in respect thereof and the final recommendations;

(c) Details of all mines inspections carried out during the period, the findings and results of such inspections and the level of compliance by holders and operators with the Act and these regulations;

(d) all reports, records and returns stipulated in section 43 of the Act which shall include explanatory reports, work programme reports, mine designs and returns on production;

(e) The report of any inquiry or accident investigation carried out during the period;

(f) Report of any dispute resolution;

(g) Report of any discovery in relation to mining operation.

(3) If a department or an officer in the Ministry in the course of duty obtains any information or discovers any fact concerning exploration or mining operations a report shall be made immediately to the Minister in writing giving him such information or fact.

(4) Every department or agency created under the Act or these regulations shall serve on all other departments a quarterly report of its activities.

**MINISTER’S NOTICE TO DELEGATE AUTHORITY**

8. (1) If the Minister, pursuant to section 20 of the Act intends to delegate authority to any department or officer in the Ministry or any of its agencies he shall cause to be published in the Gazette, a notice stating:

(a) His desire to delegate authority to such officer;

(b) The full names, department and designation of the officer;

(c) The matters in respect of which the department or officer is authorized to act for the Minister;

(d) The duration of the authority;

(2) The notice to delegate authority shall be in form 1 in Schedule 3 and must be signed by the Minister.

(3) No department or officer shall incur any liability for anything done or purported to be done in exercise of the authority conferred on him by the Minister under the Act and these Regulations;
This Regulation shall not be construed as excluding any requirement or procedure which may be prescribed in the Civil Service Rules or any other regulations relating to the exercise of such power by the Minister.

NOTICES AND REPORTS OF MEETINGS

9. (1) Before any meeting of any Committee or Board created under the Act or these Regulations is held, the Secretary shall cause a notice of the meeting to be served on all members or persons who are entitled to attend at least seven (7) days before the meeting;

(2) In case of an emergency meeting, the Secretary shall ensure that all members or persons entitled to attend are notified either orally or in writing or through e-mail at least twenty-four (24) hours to the meeting;

(3) The notice shall clearly specify the place, date, time and agenda of the meeting;

(4) The Chairman or Secretary of any Committee or Board shall:
   (a) Cause minutes of all proceedings of its meetings to be entered in books kept for that purpose;
   (b) Submit a quarterly report of activities to the Minister accompanied by relevant documents showing any progress made during the period covered by the report.

DISPOSAL OF TAILINGS

10. (1) The Ministry shall from time to time in writing and by notice to be published in any widely read national newspaper prescribe the manner in which tailings shall be managed by mining lease, small-scale mining lease and quarry lease holders under the Act and these Regulations.

(2) No mineral title holder shall, without the permission of the Ministry deposit tailings in any natural watercourse.

COMPENSATION AND SOCIAL OBLIGATIONS

11. (1) In compliance with the relevant provisions of the 1999 Constitution of the Federal Republic of Nigeria and the Act, all holders of mineral titles, shall fulfill all obligations concerning payment of compensation to owners and occupiers of land acquired or used for mining operations.
(2) A Mining Lease holder shall:
   (a) honour all compensation obligations as provided under the Act;
   (b) give, if demanded by the Minister, security or lieu thereof a bank guarantee for the payment of compensation due to land owners or occupiers.

(3) The holder of any mineral title other than a Reconnaissance Permit shall:
   (a) pay to the owner or occupier of land subject to a state lease or right of occupancy reasonable compensation for:
       (i) surface rights of the owner or for any damage done to the surface of the land;
       (ii) damage to economic crops, trees, building or work.
   (b) pay to the owner or occupier of land within the area of any lease or license compensation for removal or destruction of crops, economic trees, building or work.

(4) Any person who suffers any damage, loss or disturbance of his right by reason of any mining operations shall be entitled to be paid adequate compensation.

**ASSESSMENT OF COMPENSATION**

12. (1) In order to arrive at a just and proper assessment of the compensation payable to owners or occupiers of land covered by a mineral title, in line with section 108 of the Act, Mining Cadastre Office after consultation with the Mineral Resources Environmental Management Committee shall determine the assessment and payment of compensation and:
   (a) may constitute a special committee to advise it on all matters relating to the assessment and payment of compensation;
   (b) give such directives as to the taking of inventory of all trees, economic crops, buildings and other things on the land;
   (c) may engage the services of government licensed or private surveyors or valuers to carry out a valuation of the land and things thereon;

(2) In assessing damages payable to land owners or occupiers, account shall be taken of the following factors:
(a) the owners and occupiers of the land should be involved in the assessment or computation of the compensation to be paid;
(b) in compliance with constitutional provisions the compensation awarded should be adequate;
(c) account shall be taken of any improvement by the holder of the mineral title which has or will accrue to the owner or occupier of the land;
(d) the basis upon which compensation shall be payable for damage to the surface of any land shall be the extent to which the market value of the land upon which the damage occurred has been reduced by reason of the damage.

**SOCIAL OBLIGATIONS**

13. The holder of a mineral title shall:

(1) as a precondition for proper interaction with the host community, comply with all compensation obligations to all persons entitled in the community as stipulated under the Act and these Regulations;

(2) identify the leaders of the Community who must be persons who are known, and recognized by their people and who can exercise a reasonable degree of control over them;

(3) before commencement of operation, meet and discuss with the Community and their leaders to sensitize them about the project and the likely benefits to the community as well as the measures to be taken to prevent the hazards and risks associated with mining operations, particularly pollution and environmental degradation;

(4) emphasize the benefits in terms of job creation, education and skill acquisition for the Youths to minimize their restiveness;

(5) participate as much as is realizable in the social-cultural activities of the community as a means of fostering cordial relationship with the people;

(6) do any other thing which may promote a peaceful and harmonious relationship with the community.
PANEL OF INQUIRY TO INVESTIGATE ACCIDENT

14. (1) When an accident of a type referred to in Regulation 115 occurs, the Minister shall set up a panel of inquiry of not less than four members to investigate the accident.

(2) The panel shall determine the cause of the accident and submit to the Minister a report which shall contain its findings and recommendations;

(3) The investigation shall include an inquiry as to:

(a) whether there was any negligence on the part of the holder or his agent(s);
(b) cause of death or serious injury;
(c) measures to prevent a re-occurrence or future accidents.

(4) A Panel of Inquiry investigating an accident may:

(a) summon witnesses, examine such witnesses on oath and order the production of any books, records and materials by witnesses;
(b) Sit in the public, but may take evidence in camera if doing so in public will be injurious or adverse to the interest of the nation;
(c) Take written submissions from witnesses;
(d) Visit the scene of the accident to verify claims or evidence given by witnesses in their oral or written submissions;
(e) Make any order for the preservation of the site of the accident or anything contained on or around the site;
(f) On its own volition invite an expert in the relevant field to testify on any matter of technical nature which may arise in the course of investigation.

(5) A witness summons for the purposes of the inquiry into an accident shall be in form 2 in schedule 3.

DISPUTE RESOLUTION

15. (1) The Minister may as and when necessary establish a committee to enquire into and resolve any dispute between holders of a mineral title either amongst themselves or between them and mineral title applicants or third parties.
(2) The dispute referred to in Subsection (1) of this Regulation may relate to:
   (a) disputed boundaries;
   (b) assessment and payment of compensation;
   (c) environmental or social obligations.
   (d) any act or omission connected with mining operation;
   (e) any dispute arising from the processing or refusal of applications for mineral titles;
   (f) any dispute between applicants for and holders of mineral titles.
(3) The Minister may approve and make any order(s) which may be necessary for the purpose of giving effect to the decisions of the committee.

PROCEDURES FOR DISPUTE RESOLUTION

16. (1) (a) The party who is aggrieved shall submit a memorandum stating briefly the subject matter of complaint, the facts relied upon and the relief(s) or prayer(s) sought;
   (b) The complaint shall be served on the party against whom it is filed, who shall be given the opportunity to file a reply or memorandum within a stipulated time;
   (c) A date and time will be fixed for the parties to dialogue and to present their witness(es) and any additional documents or materials they intend to rely upon;
   (d) The Committee and parties may visit any site or carry out physical inspection of any material or objects and may make necessary directives to preserve or protect the subject matter of the dispute.
(2) This regulation shall not be construed as preventing the Minister from directing the settlement of a dispute in any other manner.

AGGRIEVED PARTY MAY APPEAL

17. (1) Any person aggrieved by any decision of the Ministry or any of its agencies on any application or matter under these regulations, may within seven (7) days after being notified of the decision, appeal to the Minister for a review.
(2) The appeal shall state:
   (a) the particulars of the holder or applicant;
   (b) the particulars of the title in respect of which the appeal is made;
(c) the subject matter of the appeal;
(d) the grounds of the appeal; and
(e) the prayer or relief sought.

(3) The Minister may set up a committee to consider the appeal and to forward to him a report which shall include its findings and recommendations.

(4) On receiving the report, the Minister may uphold, set aside or vary the decision complained of;

(5) A notice of the Minister’s decision on the appeal shall be sent to the parties within seven (7) days thereof.

INFORMATION AND REPORTS

18. (1) So long as a mineral title subsists, the holder shall:

(a) Prepare and submit to the Mines Inspectorate Department detailed half yearly report of all exploration and mining operations in the mineral title area as set out in schedule 5.

(b) Where the holder intends to export samples of any mineral for processing or analysis, it shall notify the Minister in writing and shall give a description of the mineral sought to be exported, the quantity and the reason(s) for the exportation;

(c) On an annual basis, the holder shall give a progress report on the Community Development Agreement with the host community which shall include a fair and honest assessment of the projects pursued in the Community, the achievements recorded and the constraints;

(d) Report promptly the discovery of any mineral;

(e) On an annual basis, the holder shall submit expenditure reports on mining operations to the Ministry;

(f) Before the commencement of mining operations, the holder of a Small Scale Mining Lease, Mining Lease and Quarry Lease shall submit to the Ministry the following:

(i) All Environmental Impact Assessment studies and mitigation plans required under applicable environmental laws and these regulations;
(ii) Details of the work which the holder is prepared to undertake for carrying out any minimum work obligations imposed by the Ministry.

(2) Every holder of a mineral title involved in mineral exploration and exploitation, shall in addition to all other reporting obligations stipulated in the Act and these Regulations:

(a) Keep correct plans of exploration or mining operations;
(b) Supply to the Ministry, copies of such plans and records as and when demanded;
(c) Provide to the Nigerian Geological Survey Agency for storage and archiving, a complete set of all geoscientific data acquired in the course of such activity inclusive of maps, coring and samples in line with the Act.

ESTABLISHMENT OF THE SOLID MINERALS DEVELOPMENT FUND

CONSTITUTION OF THE BOARD

19. (1) The Minister Shall:
(a) Constitute the board of the Solid Minerals Development fund in accordance with section 35 (2) (a-e) of the Act.
(b) Appoint an Executive Secretary for the day today administration of the fund under the direction of the Board.

MANAGEMENT OF THE BOARD

(2) The Board shall be managed and operated as specified by section 35(3)-(9) of the Act.

SECRETARIAT OF THE BOARD

(3) The secretariat of the Board shall be located in Abuja.

FUNCTIONS OF THE BOARD

(4) The Board shall operate as provided in section 36(a)-(h) of the Act while the Federal Government shall provide fund for the day to day running of its activities.

ANNUAL BUDGET OF THE FUND

(5) The Ministry shall be responsible for the preparation of the Annual Budget of the Fund.
ANNUAL REPORT

(6) The Annual Report to be submitted to the Minister by the Board shall include:
(a) Audited account of the Fund
(b) Auditor’s report on the accounts
(c) How the fund was utilized during the year under review
(d) Constraints or challenges
(e) Recommendations.
PART II    MINERALS TITLE ADMINISTRATION
MINING CADASTRE OFFICE

GENERAL PROCEDURE FOR APPLICATIONS FOR MINERAL TITLES

APPLICATIONS

20. (1) Applications may be made under these regulations for the grant of the following mineral titles:
   (a) Reconnaissance Permit
   (b) Exploration Licence
   (c) Small Scale Mining Lease
   (d) Mining Lease
   (e) Quarry Lease
   (f) Water Use Permit

   (2) An application for a mineral title shall be made by a qualified applicant under the Act in accordance with the Regulations set out in this part.

GENERAL OBLIGATIONS OF MINERAL TITLE HOLDERS

21. Every mineral title granted under this part shall be held subject to the following terms and conditions:
    The holder shall:
    (i) pay the rents due under the permit, licence or lease at the prescribed time and in the prescribed manner;
    (ii) use the land in respect of which the permit, licence or lease is granted solely for exploration and mining purposes only;
    (iii) not transfer the permit, licence or lease granted without the prior written consent of the Minister;
    (iv) not assign, underlet or part with the possession of such land or any part thereof without the prior written consent of the Minister;
    (v) lodge with the MinesInspectorate Department such reports and information as prescribed under the Act and these regulations;
    (vi) promptly report in writing to the Minister details of all minerals discovered;
(vii) duly and punctually observe and comply with all provisions, conditions and obligations contained in the Act and these Regulations and in any other Act for the time being in force applicable to the permit, licence or lease or the land subject thereof;

(viii) perform and comply with any further conditions, terms or stipulations in any Community Development Agreement to which the holder is a party.

(ix) comply with all environmental and health and safety provisions contained in the Act and these and other regulations.

(x) comply with all reasonable directives and instructions which may be issued from time to time by the Ministry or any of its agencies or authorized officers;

(xi) allow any public officer duly authorized by the Ministry or any of its agencies at any time with or without notice to enter upon the land or mining area for inspection purposes.

**RESTRICTIONS ON GRANT OF MINERAL TITLE**

22. (1) An application for a mineral title may be granted unless:

(a) the applicant is not qualified to hold the mineral title applied for in the case of an individual, he is under the age of 18 years or is an undischarged bankrupt or otherwise declared bankrupt under any written law;

(b) in the case of a company, if it is shown that any of its directors, or shareholders holding controlling shares have been convicted of a criminal offence or committed an offence under the Act or these Regulations;

(c) the application is not properly made;

(d) the applicant is the holder of another mineral title and is in respect of that other mineral title in default;

(e) the area of land for which the application is made is subject to another mineral title;

(f) there is a pending application by another qualified applicant for the area of land for which the application has been made;
(g) the area of land for which the application is made is designated by the Minister as an area reserved for exploration and mining operations by competitive bidding;

(h) the area applied for is closed to mining operations or excluded from mineral exploration and exploitation under the Act;

(i) the applicant has failed to provide proof of sufficient working capital for the exploration or mining operations and of technical competence to carry on the proposed exploration or mining operation;

(j) the area applied for exceeds what is allowed under the Act;

(k) if it is not in the public or national interest to grant the application.

**GRANT OF EXPLORATION LICENCE AND MINING LEASE BY COMPETITIVE BIDDING**

(2) (a) Pursuant to the power conferred under section 9 of the Act, the Minister may, by notice in the Gazette or in any widely read national newspaper designate any vacant area as an area in respect of which Exploration Licence and a Mining Lease shall be granted based on competitive bidding.

(b) The procedure and guidelines for the grant of a licence or lease in areas so designated shall be determined by the Minister and be advertised when invitations are made for bidding.

(3)(a) After the advertisement as provided in subsection (2)(b) of this Regulation, interested applicants (who must be limited liability companies) shall obtain a bidding application form for a fee to be determined by the Minister.

(b) The bidding application shall be in form 3 in schedule 3.

(4) All applicants will be pre-qualified in accordance with the guidelines to be prescribed by the Minister.

(5) The applicant shall also pay a bid processing fee to be determined by the Minister at the time the bidding is advertised.

(6) The bidding application form shall be submitted to the Ministry or at such other places which the Minister may stipulate and the applicant shall provide such number of copies as may be required.
Bid Committee

(7) The Minister may set up a bid Committee to handle the bidding and the Committee when constituted, shall adopt and apply the guidelines and criteria stipulated by the Minister which shall be made known to participating companies and must be such that can reasonably guarantee the transparency and integrity of the process.

(8) The bid Committee shall comprise experts from the Ministry, or such of its agencies and such other persons outside the Ministry with qualification and experience in the relevant fields.

(9) The final analysis and evaluation of the bids shall be done by the bid Committee which shall recommend to the Minister the bids which are most likely to promote the expeditious and profitable development of the mineral resources of the area having regard to:

(a) the programme of exploration operations which the applicant proposes to carry out and the commitments as regards the expenditure which the applicant is prepared to make;

(b) the financial and technical resources of the applicant;

(c) the previous experience of the applicant in mining operations;

(d) other factors which the committee may consider.

(10) The Committee shall determine the modalities for the announcement of the bid results.

(11) The instrument or certificate of title shall be in form 4 in schedule 3

APPLICATIONS BY HOLDERS OF MINERAL TITLES

23. Every application for the renewal, transfer, enlargement, relinquishment, consolidation, surrender and every other application by the holder of a mineral title under this part shall:

(a) be made to the Mining Cadastre Office.

(b) every such application shall be dealt with and processed in the manner set out in These Regulations with such modifications as circumstances may warrant.
(c) The applicant shall in respect of all applications referred to in this Regulation pay at the time the application is lodged an application fee as prescribed in schedule 1.

(d) Where any application in this Regulation is granted, any instrument, certificate or notice issued pursuant thereto shall be signed by the Director General, Mining Cadastre Office or an officer authorized by him.

TECHNICAL COMPETENCE FOR MINERAL TITLE

24. (1) An applicant for Exploration Licence, Mining Lease, Water use Permit or Reconnaissance Permit shall have in its employment a person(s) who possesses adequate qualification and experience in Mining and must be registered or is registrable with Council for Mining Engineers and Geoscientists, (COMEG) and any other relevant professional body.

(2) An applicant for Quarry Lease or Small Scale Mining Lease shall have in its employment a person(s) who possesses a minimum qualification of a certificate in Mining/Quarrying related fields.

FINANCIAL CAPABILITY

25. The Mining Cadastre Office shall require an applicant for minerals title in line with section 54 of the Act to provide evidence of sufficient working capital by way of Bank Statement or Reference Letter.

SURVEY PLAN

26. In line with section 79 of the Act the Mining Cadastre Office shall require an applicant for lease to submit a survey plan.

LOSS OF INSTRUMENT OR CERTIFICATE OF TITLE

27. (1) If the instrument or certificate of title in respect of any mineral title is destroyed, lost or stolen, the holder may, apply to the Cadastre Office for another instrument or certificate upon payment of the prescribed fee in schedule 1.

(2) The application for another instrument or certificate shall be made not later than seven (7) days of the destruction, loss or theft, and shall contain:

(a) the full particulars of the holder;
(b) the date, time and place of destruction, loss or theft as far as they can be ascertained;
(c) how the destruction, loss or theft occurred;
(d) the efforts made to retrieve the document in the event of loss;
(e) a sworn affidavit before any Federal or State High Court of Nigeria attesting to the facts and circumstances relating to the destruction or loss of the instruments;
(f) a Police report;
(g) Publication in a national newspaper.

(3) Upon compliance with subsection (2) of this Regulation, another instrument or certificate shall be issued to the title holder.

(4) It is an offence to provide any false information or make any false statement concerning the destruction, loss or theft of an instrument or certificate of title.

GRANT OF MINERAL TITLES AND AUTHORIZATIONS

28. (1) A reconnaissance permit, small-scale mining lease, quarry lease, or water use permit may be granted in response to an individual request.
(2) An exploration licence or mining lease may be granted in response to an individual request or as a result of a competitive bidding procedure.
(3) Any competitive bidding process leading to the grant of an exploration licence or mining lease shall be administered by the Mining Cadastre Office.
(4) Any area included in a mineral title that was closed to mining operations activities under any existing law then in force at the time the title was granted shall be automatically deemed not to be included as part of the mineral title area, and any grant of mineral title rights in that closed area is null and void.
29. (1) When a mineral title is issued or revoked, the Mining Cadastre Office shall, within thirty (30) calendar days from the date of the title’s issuance or revocation, give public notice of the mineral title issued or revoked, including the name of the titleholder and a description of the mineral title area, in the Gazette, and by notice posted in the Mining Cadastre Office and in a National Newspaper.

(2) The provisions of subsection (1) of this Regulation also apply when a mineral title is amended to enlarge or reduce the mineral title area.

(3) A mineral titleholder shall where there is land subject to another land title within the mineral title holder’s permit, licence, or lease area, have the right, subject to the Act and to these Regulations to enter upon such titled land to conduct the activities authorized by his permit, licence, or lease.

30. (1) An applicant for a reconnaissance permit shall pay the non-refundable Reconnaissance Permit Application Processing Fee specified in Schedule 1.

(2) A reconnaissance permit application, in Form 5 in Schedule 3 shall be submitted, in triplicate, by an applicant to the Mining Cadastre Office.

(3) A reconnaissance permit application shall:

(a) specify the complete identification and contact information of the applicant (if the applicant is a corporation, the address of its headquarters, the identity and address of any legal representative(s), and the identity and address of its commercial representative in Nigeria, if any);

(b) be completed and signed by the applicant or an authorized representative of the applicant; and shall have annexed the following:

(i) where the applicant is an individual, Form 6A schedule 3, attesting that the applicant is legally capable and has not been convicted of a criminal offence;
(ii) where the applicant is a body corporate, a certified copy of the Certificate of incorporation or other constitutive document provided under the Companies and Allied Matters Act and any amendments thereto;

(iii) where the applicant is a body corporate or mining cooperative, **Form 6B in schedule 3**, attesting that the applicant, including all members or directors of the applicant or any shareholder holding a controlling share of the applicant has not been convicted of a felony or an offence under the Act;

(iv) Receipt for Payment of Reconnaissance Permit Application Processing Fee, and

(v) such other information as the applicant desires to include.

(4) An application containing all information required under subsection (3) of this Regulation is complete.

(5) At the time that a reconnaissance permit application is received by the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall immediately verify whether the application is complete.

(6) An application found to be incomplete under subsection (5) of this Regulation shall be rejected and not registered.

(7) When an application is verified to be complete under subsection (5) of this regulation:

(a) the Mining Cadastre officer making such verification shall assign an identifying code to the application and shall register its, date, hour and minute of submission in the General Register;

(b) the General Register shall be signed by both the officer verifying the application and the applicant or the applicant's authorized representative;

(c) the identifying code, date, hour and minute of application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre Officer, and one copy of the application shall be given to the applicant.
(8) In the review of a reconnaissance permit application, the Director General may, within seven (7) calendar days from the application registration date:
   (a) request the applicant to correct any defects or omissions;
   (b) confirm the information provided in the application;
   (c) consult with other specialists as necessary;
   (d) consult other relevant government entities as necessary;
   (e) propose alterations in the application.

(9) The failure of an applicant to provide any of the information requested pursuant to subsection (8)(a) of this Regulation within seven (7) calendar days, or the lack of clarity in the provisions of such information, shall render the application null and void, and the Mining Cadastre Office shall in such a case:
   (a) in writing, notify the applicant that the application is null and void, and
   (b) record the date of such notification in the General Register.

(10) The Director General shall deny approval to an applicant if it is shown that any of the members or directors of the applicant or a shareholder holding a controlling share of the applicant has been convicted of a felony or an offence under the Act.

(11) The Director General shall deny approval to an applicant who has in the ninety(90) calendar days preceding the application registration date had a prior reconnaissance permit application which was deemed null and void under subsection (16) of this Regulation.

(12) The Mining Cadastre Office shall, in writing, notify within thirty (30) calendar days of the reconnaissance permit application registration date, an applicant whose permit application is denied approval, and the date that such notice of denial was sent shall be recorded in the General Register.

(13) Subject to subsections (10) and (11) of this Regulation and if the applicant for a reconnaissance permit is a qualified person, the Director General shall grant the permit approval within thirty (30) calendar days from the application registration date.

(14) The Mining Cadastre Office shall, in writing, notify an applicant whose reconnaissance permit application is granted approval, within thirty (30) calendar days of the application registration date:
(a) that the application is granted approval,
(b) the Mining Cadastre Office at which the permit can be issued,
(c) that the permit shall be collected by the applicant, or its representative,
   within fourteen (14) calendar days from the date of notification, and
   shall have the date that the notice was sent recorded in the General
   Register.

(15) The Mining Cadastre Office shall issue to a reconnaissance permit applicant
   whose application is granted approval by the Director General a
   reconnaissance permit, and the date of issuance shall be recorded in the
   Reconnaissance Permit Register.

(16) When an applicant fails to appear and collect a reconnaissance permit
   within fourteen (14) calendar days from the date of being notified under
   subsection (14) of this Regulation, the application shall be deemed to be
   null and void, and the date upon which the application became null and
   void shall be recorded in the General Register.

(17) When it becomes known to the Mining Cadastre Office that a false
   attestation was made in Form 6A or 6B in schedule 3 any resultant
   reconnaissance permit shall be null and void.

FORM, DURATION AND AREA OF RECONNAISSANCE PERMIT

31. (1) A reconnaissance permit shall be in Form 7 in schedule 3.
(2) A reconnaissance permit shall be issued initially for a term of one (1) year.
(3) A reconnaissance permit may be renewed for further period of one (1)
    year.
(4) There is no maximum limit on the number of times a reconnaissance
    permit can be renewed.
(5) A reconnaissance permit unless terminated earlier by revocation, shall
    remain valid during the initial period fixed in the permit measured from
    the date on which the permit is issued by the Mining Cadastre Office, and
    any renewal period granted in conformity with these Regulations.
(6) Unless terminated earlier by revocation, a reconnaissance permit shall
    terminate upon expiration of the term provided therein.
(7) The area of land in respect of which a reconnaissance permit is to be granted shall include all land within the territory of Nigeria available for mining operations.

(8) Notwithstanding subsection (7) of this Regulation, no area the subject of an exploration licence, small-scale mining lease, mining lease, quarry lease, or water use permit, or any area closed to mining operations shall be part of the reconnaissance area.

RECONNAISSANCE PERMIT REPORTING REQUIREMENT

32. (1) A reconnaissance permit holder shall meet the prescribed reporting requirements in line with template 1 in schedule 5.

(2) Upon receipt of a notice from the Mines Inspectorate Department that a reconnaissance permit holder has failed to meet the prescribed reporting requirement, the Mining Cadastre Office shall proceed to revoke the permit.

EXPLORATION LICENCE

EXPLORATION LICENCE APPLICATION

33. (1) An applicant for an exploration licence shall pay the non-refundable Exploration Licence Application Processing Fee specified in Schedule 1.

(2) An exploration licence application, in Form 8 in, schedule 3. shall be submitted, in triplicate, by the applicant to the Mining Cadastre Office, for registration and processing.

(3) An exploration licence application shall:

(a) specify the complete identification and contact information of the applicant (if the applicant is a corporation, the address of its headquarters, the identity and address of any legal representative(s), and the identity and address of its commercial representative in Nigeria, if any);

(b) identify, in accordance with the method specified in Schedule 2, the contiguous area applied for, but not exceeding two hundred (200) square kilometers;

(c) be completed and signed by the applicant or an authorized representative of the applicant; and shall have annexed the following:
(i) where the applicant is a body corporate, a certified copy of the certificate of incorporation or other constitutive document provided under the Companies and Allied Matters Act and any amendments there of.

(ii) where the applicant is a body corporate or mining cooperative, **Form 6B** attesting that the applicant, including all members or directors of the applicant or any shareholder holding a controlling share of the applicant has not been convicted of a felony or an offence under this Act.

(iii) Receipt for Payment of Exploration Licence Application Processing Fee, and;

(iv) such other information as the applicant desires to include.

(4) An application containing all information required under subsection (3) of this Regulation is complete.

(5) At the time that an exploration licence application is received by the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall immediately verify whether the application is complete.

(6) An application that is found to be incomplete under subsection (5) of this Regulation shall be rejected and not registered.

(7) When an application is verified to be complete under subsection (5) of this regulation:

(a) the Mining Cadastre officer making such verification shall assign an identifying code to the application and shall register its date, hour and minute of submission in the Priority Register;

(b) the Priority Register shall be signed by both the officer verifying the application and the applicant or the applicant’s authorized representative;

(c) the identifying code, date, hour and minute of application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre Officer, and

(d) one copy of the application shall be given to the applicant.

(8) When an exploration licence application is registered, the area applied for shall be recorded in the Cadastral Maps.
(9) A registered exploration licence application shall be officially accepted for consideration of approval unless the area applied for is fully within an area:

(a) currently under an exploration licence, mining lease, small-scale mining lease, quarry lease, or water use permit held by another licence or lease titleholder, or

(b) closed to mining operations by the Act, these Regulations or any other law in which case the application shall be null and void.

(c) the Mining Cadastre Office shall, in writing, notify the applicant that the application is null and void within seven (7) calendar days of the application registration date, and the date of such notification shall be recorded in the General Register.

(10) Where there is any partial overlap between the area applied for in an exploration licence application and any area which:

(a) is subject to a current exploration licence, small-scale mining lease, mining lease, quarry lease, or water use permit;

(b) is closed to mining operations; or

(c) has been applied for by any applicant for any mineral title, other than a reconnaissance permit, and such application is not decided and was registered earlier in time than the exploration licence application; the area of such overlap shall be excluded from the exploration licence application, and the Mining Cadastre Office shall, in writing, notify the current applicant, within seven (7) calendar days of the application registration date, requesting that the applicant amend the area applied for in the application.

(11) Upon receipt of a notice under subsection (10) of this Regulation, the exploration licence applicant shall modify the application to redefine the area applied for in such a way as to avoid the overlap, and failure by the applicant to appear at the Mining Cadastre Office and modify the application within seven (7) calendar days of receiving such notification shall result in the application becoming null and void.
(12) When an exploration licence application becomes null and void or the application area is amended, in accordance with subsection (11) of this Regulation, the Priority Register and Cadastral Maps shall be updated accordingly.

(13) When there is an overlap between the area applied for in an exploration licence application and any area(s) applied for in another exploration licence, small-scale mining lease, mining lease, quarry lease, or water use permit application, the first registered application shall be given exclusive priority.

(14) In the review of an exploration licence application, the Director General may:
   (a) request the applicant to correct any defects or omissions;
   (b) confirm the information provided in the application;
   (c) consult with other specialists as necessary;
   (d) consult other relevant government entities;
   (e) propose alterations in the application.

(15) The failure of an applicant to provide any of the information requested pursuant to subsection (14)(a) of this Regulation within seven (7) calendar days, or the lack of clarity in the provision of such information, shall render the application null and void, and the Mining Cadastre Office shall in such a case:
   (a) in writing, notify the applicant that the application is null and void, and;
   (b) record the date of such notification in the General Register.

(16) Any person who otherwise qualifies to apply for an exploration licence area shall be ineligible to apply for an exploration licence if:
   (a) the applicant is a former exploration licence titleholder whose licence has been revoked for the same exploration area, or any part therein applied for, if such application is made within two (2) years from the date of such revocation, or
   (b) it is shown that any of the members or directors of the applicant or a shareholder holding a controlling share of the applicant has been convicted of a felony or an offence under the Minerals and Mining Act, or
(c) the applicant, in the ninety (90) calendar days preceding the application registration date, had a prior exploration licence application that applied for part or all of the area currently being applied for, which was deemed null and void under subsection (24) of this Regulation.

(17) The Director General shall deny approval to an exploration licence applicant if that applicant is ineligible, under subsection (16) of this Regulation, to apply for an exploration licence.

(18) The Mining Cadastre Office shall, in writing, notify, within thirty (30) calendar days of the application registration date, an exploration licence applicant whose application is denied approval, and the date that such notice of denial was sent shall be recorded in the General Register.

(19) When an exploration licence application is denied, the Cadastral Maps shall be updated to remove the application area record.

(20) Subject to subsections (13) and (17) of this Regulation, and if the exploration licence applicant is a qualified person, the Director General shall grant the licence approval within thirty (30) calendar days from the application registration date.

(21) The Mining Cadastre Office shall, in writing, notify an applicant whose exploration licence application is granted approval, within thirty (30) calendar days of the application registration date:
   (a) that the application is granted approval;
   (b) the Mining Cadastre Office at which the licence can be issued;
   (c) that the licence shall be collected by the applicant, or its representative, within fourteen (14) calendar days from the date of notification, and shall have the date that the notice was sent recorded in the General Register.

(22) The Mining Cadastre Office shall issue to an exploration licence applicant whose application is granted approval by the Director General an exploration licence, upon payment by the applicant of the non-refundable Annual Service Fee specified in Schedule 1.
(23) When an exploration licence is issued, the licence area shall be recorded in the Cadastral Maps, and the date of issuance shall be recorded in the Exploration Licence Register.

(24) When an applicant fails to appear and pay the non-refundable Annual Service Fee within fourteen (14) calendar days from the date of being notified under subsection (21) of this Regulation, the application shall be deemed to be null and void, and the date upon which the application became null and void shall be recorded in the Priority Register.

(25) When it becomes known to the Mining Cadastre Office that a false attestation was made in Form 6A or 6B, any resultant exploration licence shall be null and void.

**FORM OF EXPLORATION LICENCE**

34. (1) An exploration licence shall be in Form 9 in schedule 3.

(2) An exploration licence shall have annexed to it, by the Mining Cadastre Office, a map with the position of the granted exploration area marked upon it, and any directly adjacent mineral titles, with the exception of reconnaissance permits, shall also be identified clearly on the map.

**DURATION OF EXPLORATION LICENCE**

35. (1) An exploration licence shall be issued initially for a term of three (3) years.

(2) An exploration licence may be renewed for two further periods of two (2) years.

(3) Subject to subsection (1) of Regulation 37, the term of an exploration licence including all renewals shall not exceed seven (7) years.

**APPLICATION FOR RENEWAL OF EXPLORATION LICENCE**

36. (1) Not later than three (3) months before the expiration of an exploration licence, the titleholder may submit an application to renew the licence.

(2) The Director General shall grant approval to an exploration licence renewal application if:

(a) subject to subsection (4) of this Regulation, the application in respect thereof is received at least three (3) months prior to the expiry of the original term of the licence,
(b) the titleholder of the licence has complied with the conditions of the Act, these Regulations, and mineral agreement, if any,
(c) the total duration of the licence including any renewal periods does not exceed seven (7) years.

(3) The Director General shall not deny an exploration licence renewal application without first having given the applicant prior notice of the intention to deny the renewal including the reasons therefore and inviting the applicant, within a specified time period, to take the appropriate remedial measures or to present a documented statement in defense of the default.

(4) When an application for exploration licence renewal is received less than three (3) months prior to the expiry of the original term of the exploration licence, the Director General may deny or consider the application but shall impose on the holder of the licence, upon licence renewal, the non-refundable Late Filing Fee specified in Schedule 1.

(5) When the Director General denies approval to an exploration licence renewal application, he shall, by a written notice, inform the applicant of such denial stating the reasons therefore.

(6) (a) An exploration licence titleholder denied a renewal by the Director General under this Regulations may, within thirty (30) calendar days of being notified of such denial, appeal in writing to the Minister.
(b) The Exploration licence titleholder if not satisfied with the outcome of the appeal to the Minister, may approach the Federal High Court.

(7) In any case appealed under this Regulation to the Federal High Court where the Federal High Court has determined that an exploration licence renewal is to be granted, the Director General shall grant the renewal within seven (7) calendar days.

(8) When an application for an exploration licence renewal is granted approval, such grant shall have effect upon payment of the licence renewal fee specified in Schedule 1 and any Late Filing Fee payable under subsection (4) of this Regulation, and the date the licence was renewed and period of renewal shall be recorded in the licence and in the Exploration Licence Register.
Where the applicant fails to pay the fee(s) required in subsection (8) of this Regulation within thirty (30) calendar days after being notified of the grant, such renewal shall be deemed null and void.

TERM OF VALIDITY OF AN EXPLORATION LICENCE

37. (1) Subject to subsection (3) of this Regulation, an exploration licence shall remain valid during:
(a) the initial period fixed in the licence measured from the date on which the licence is issued by the Mining Cadastre Office, plus any suspension period granted under subsection (3)(b) of Regulation (40), and
(b) any renewal period granted in conformity with Regulation 36, plus any suspension period granted under subsection 3(b) of Regulation (40).

(2) When the term of an exploration licence expires while an application for the renewal of the licence or for the grant of a small-scale mining lease, mining lease, quarry lease, or water use permit covering all or part of the exclusive prospecting area is still pending, the exploration licence will remain valid until, pursuant to this Regulation:
(a) there is a decision on the exploration licence renewal application, or on the small-scale mining lease, mining lease, quarry lease, or water use permit application, or
(b) the exploration licence renewal application or small-scale mining lease, mining lease, quarry lease or water use permit application is rendered null and void.

(3) Subject to subsection (2) of this Regulation, unless terminated earlier by revocation, an exploration licence shall terminate upon expiration of the term provided therein.

EXPLORATION LICENCE AREA

38. (1) Subject to subsection (2) and (3) of this Regulation, the area of land in respect of which an exploration licence may be granted shall not be more than two hundred (200) square kilometers consisting of one contiguous polygonal area, comprising:
(a) one Cadastral Unit; or
(b) more than one Cadastral Unit, each of which shall share a common
side with at least one other Cadastral Unit, having a grouped
geometric form as regular as possible.

(2) Subject to subsection 3 of this Regulation and in accordance with Schedule 2
the exploration licence area will be set forth in the licence.

(3) Any area closed to mining operations, and any area the subject of a small-
scale mining lease, mining lease, quarry lease, or water use permit or that is
under application for such lease or permit on the day the exploration licence is
issued, which is within the boundaries of the exploration licence area, shall be
deemed not part of the exploration licence area.

(4) After an exploration licence is issued, the licence area cannot be enlarged.

VOLUNTARY AREA RELINQUISHMENT

39. (1) An exploration licence titleholder may, at any time during the term of the
licence, apply to the Director General in Form 10 in schedule 3.

(2) The area relinquished shall consist of one contiguous area comprising:
(a) one Cadastral Unit; or
(b) more than one Cadastral Unit, each of which shall share a common side
with at least one other Cadastral Unit, having a grouped geometric
form as regular as possible, and shall be identified in accordance with the
method specified in Schedule 3.

(3) The exploration licence area remaining after any area relinquishment is effected
in accordance with subsection (1) of this Regulation shall be a single
contiguous area.

(4) Any exploration licence area relinquishment effected in accordance with this
Regulation shall be recorded in the exploration licence, in the Exploration
Licence Register, and in the Cadastral Maps.

(5) The area relinquished pursuant to subsection (1) of this Regulation shall cease
to constitute part of the exploration licence area upon the date the area
relinquishment is recorded in the exploration licence register, without
affecting however the holder's liability to fulfill any obligation which accrued
prior to such area relinquishment.
(6) Where the entire exploration licence area is relinquished, the exploration licence shall be liable to revocation.

OBLIGATIONS OF AN EXPLORATION LICENCE TITLEHOLDER

40. (1) Subject to subsection (2) of this Regulation, an exploration licence titleholder shall satisfy all obligations imposed or arising out of or under any Regulation prescribed pursuant to the Act.

(2) An exploration licence titleholder may apply once annually, to the Mining Cadastre Office, to suspend the obligation to work in respect of the licence.

(3) The Mining Cadastre Office shall consider an application submitted under subsection (2) of this Regulation and may, upon a show of good cause:
   (a) suspend the licence for a period of one year;
   (b) direct that any or part of the period of suspension shall not be reckoned in the currency of the licence if during that time no work is done by the licence holder on the lands included in the area covered by the licence, and such period shall be noted in the licence and in the Exploration Licence Register.

(4) A suspension granted under subsection (3) of this Regulation shall have no impact on the exploration licence holder’s obligation to pay the fees specified in Regulations 96 and 98.

(5) Where an exploration licence titleholder has failed to meet an obligation:
   (a) imposed by any regulation created pursuant to the Act, or;
   (b) arising from a provision in a mineral agreement coming into force pursuant to the Act, and these Regulations which states that failure to meet the obligation shall result in the revocation of the licence, the Mining Cadastre Office shall proceed to revoke the licence.

MINIMUM WORKING OBLIGATIONS

41. (1) An exploration licence titleholder shall meet the minimum annual work obligations as may be established under the Act from time to time and that are administered by the Mines Inspectorate Department.
(2) Upon receipt of a notice from the Mines Inspectorate Department that an 
exploration licence titleholder has failed to meet the prescribed minimum 
annual work obligation, the Mining Cadastre Office shall proceed to revoke the 
licence in line with Regulation 95.

EXPLORATION LICENCE REPORTS

42. (1) An exploration licence titleholder shall meet the prescribed reporting 
requirements in line with schedule 5.

(2) Upon receipt of a notice from the Mines Inspectorate Department that an 
exploration licence titleholder has failed to meet the prescribed reporting 
requirement, the Mining Cadastre Office shall proceed to revoke the licence in 
line with Regulation 95.

SMALL-SCALE MINING LEASE

SMALL-SCALE MINING LEASE APPLICANT STATUS

43. (1) A small-scale mining lease application may be submitted, in conformity with 
the provisions of the following Regulations, by any qualified person, whether or 
not the application is emergent from an exploration licence.

(2) A small-scale mining lease application is emergent from an exploration licence if 
(a) made by an exploration licence titleholder during the term of the 
exploration licence; and

(b) the entire area requested for inclusion in the small-scale mining lease 
area is a contiguous area from within the exploration licence area.

(3) A small-scale mining lease application that does not meet the requirements of 
subsection (2) of this Regulation is not emergent from an exploration licence.

SMALL-SCALE MINING LEASE APPLICATION

44. (1) An applicant for a small-scale mining lease shall pay the non-refundable 
Small-Scale Processing Fee specified in Schedule 1.

(2) A small-scale mining lease application, in Form 11 in schedule 3, shall be 
submitted, in triplicate, by the applicant to the Mining Cadastre Office, for 
registration and processing.
(3) A small-scale mining lease application shall:

(a) specify the complete identification and contact information of the applicant (if the applicant is a corporation, the address of its headquarters, the identity and address of any legal representative(s), and the identity and address of its commercial representative in Nigeria, if any);
(b) provide the identifying code of the applicant's exploration licence, if any;
(c) describe the desired small-scale mining lease area, its size and configuration, outlined on a topographical map of the area (the overall area shall not exceed the area reasonably necessary to carry out the mining operations and shall not exceed three (3) square kilometers);
(d) identify, in accordance with the method specified in Schedule 2, the contiguous area applied for;
(e) identify the mineral resources located in the area being applied for;
(f) list the mineral type(s) to be mined, but not mineral water or radioactive minerals;
(g) specify the period of small-scale mining lease duration sought if less than the maximum time allowed;
(h) be completed and signed by the applicant or an authorized representative of the applicant; and shall have annexed the following:

(i) where the applicant is an individual, Form 6A in schedule 3 attesting that the applicant is legally capable and has not been convicted of a criminal offence;

(ii) where the applicant is a body corporate, a certified copy of the certificate of incorporation or other constitutive document provided under the Companies and Allied Matters Act and any amendments thereto;

(iii) where the applicant is a body corporate or mining cooperative, Form 6B in schedule 3 attesting that the applicant, including all members or directors of the applicant or any shareholder holding a controlling share of the applicant has not been convicted of a felony or an offence under the Act;
(iv) a prefeasibility study which shall include:

- a general description of the proposed mining scheme, including sufficient detail to indicate the scale of operation, and the possible location of all major mining operation facilities, pits, shafts, dumps and dams;
- the planned commencement date of mine development;
- the planned commencement date of commercial mineral resources production;
- the planned production profile and capacity;
- the characteristics and nature of the final products;

(v) Receipt for Payment of Small-Scale Mining Lease Application Processing Fee, and

(vi) such other information as the applicant desires to include.

(4) An application containing all information required under subsection (3) of this Regulation is complete.

(5) At the time that a small-scale mining lease application is received by the Mining Cadastre Office, the Mining Cadastre Officer receiving the application shall immediately verify whether the application is complete.

(6) An application that is found to be incomplete under subsection (5) of this Regulation shall be rejected and not registered.

(7) When an application is verified to be complete under subsection (5) of this Regulation:

(a) the Mining Cadastre Officer making such verification shall assign an identifying code to the application and shall register its date, hour and minute of submission in the Priority Register;

(b) the Priority Register shall be signed by both the officer verifying the application and the applicant or the applicant’s authorized representative;

(c) the identifying code, date, hour and minute of application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre Officer, and

(d) one copy of the application shall be given to the applicant.

(8) When a small-scale mining lease application is registered, the area applied for shall be recorded in the Cadastral Maps.
(9) A registered small-scale mining lease application shall be accepted for consideration of approval unless the mining area applied for is fully within an area:

(a) currently under an exploration licence, mining lease, small-scale mining lease, quarry lease, or water use permit held by another licence, lease or permit titleholder, or

(b) closed to mining operations by the Act, these Regulations or any other law in which case the application shall be null and void; the Mining Cadastre Office, in writing, shall notify the applicant that the application is null and void within seven (7) calendar days of the application registration date, and the date of such notification shall be recorded in the General Register.

(10) Where there is any partial overlap between the area applied for in a small-scale mining lease application and any area which:

(a) is subject to a current exploration licence, small-scale mining lease, mining lease, quarry lease, or water use permit;

(b) is closed to mining operations;

(c) has been applied for by any applicant for any mineral title, other than a reconnaissance permit, and such application is not yet decided and was registered earlier in time than the application for the small-scale mining lease; the area of such overlap shall be excluded from the small-scale mining lease application, and the Mining Cadastre Office shall, in writing, notify the applicant, within seven (7) calendar days from the application registration date, requesting that the applicant amend the area applied for in the application.

(11) Upon receipt of a notice under subsection (10) of this Regulation, an applicant shall modify the application to redefine the small-scale mining lease area applied for in such a way as to avoid the overlap.

(12) In the review of a small-scale mining lease application, the Director General may:

(a) request the applicant to correct any defects or omissions;

(b) confirm the information provided in the application;

(c) consult with other specialists as necessary;

(d) consult other relevant government entities;

(e) propose alterations in the application.
(13) The failure of an applicant to provide any of the information requested pursuant to subsections (11) or (12)(a) of this Regulation within seven (7) calendar days, or the lack of clarity in the provision of such information, shall render the application null and void, and the Mining Cadastre Office shall in such a case:
(a) in writing, notify the applicant that the application is null and void, and
(b) record the date of such notification in the Priority Register.

(14) Any person who otherwise qualifies to apply for a small-scale mining lease area shall be ineligible to apply for a small-scale mining lease if:
(a) it is shown that any of the members or directors of the applicant or a shareholder holding a controlling share of the applicant has been convicted of a felony or an offence under the Act, or
(b) the applicant, in the ninety (90) calendar days preceding the application registration date, had a prior small-scale mining lease application that applied for part or all of the area currently being applied for, which was deemed null and void under subsection (23) of this Regulation, or
(c) in the case of a small-scale mining lease application not emergent from an exploration licence, the applicant is a former mining lease or small-scale mining lease titleholder whose lease has been revoked for the same mining area or any part therein applied for when such application is made within twelve (12) months from the date of such revocation.

(15) The Director General shall deny approval to a small-scale mining lease applicant if that applicant is ineligible, under subsection (14) of this Regulation, to apply for a small-scale mining lease.

(16) Subject to subsection (15) of this Regulation, the Director General, in accordance with the provisions of the Act and these Regulations, shall:
(a) for a small-scale mining lease application emergent from an exploration licence, grant the application approval.
(b) for a small-scale mining lease application not emergent from an exploration licence, grant the application approval unless there is a partial overlap with any area(s) for which another exploration licence, small-scale mining lease, mining lease, quarry lease, or water use permit application is currently pending, in which case, the first registered application shall be given exclusive priority for the area of overlap.
(17) The Mining Cadastre Office shall, in writing, notify, within forty-five (45) calendar days of the application registration date, a small-scale mining lease applicant whose application is denied approval, and the date that such notice of denial was sent shall be recorded in the General and Priority Registers.

(18) The Mining Cadastre Office shall, in writing, notify an applicant whose small-scale mining lease application is granted approval, within forty-five (45) calendar days of the application registration date:

(a) that the application is granted approval;
(b) the Mining Cadastre Office at which the lease can be issued;
(c) that the lease shall be collected by the applicant, or its representative, within fourteen (14) calendar days from the date of notification, and shall have the date that the notice was sent recorded in the General Register.

(19) The Mining Cadastre Office shall issue to the applicant a small-scale mining lease granted approval by the Director General, upon payment by the applicant of the non-refundable Annual Service Fee specified in Schedule 1, a small-scale mining lease.

(20) When a small-scale mining lease is issued, the lease area shall be recorded in the Cadastral Maps, and the date of issuance shall be recorded in the Small-Scale Mining Lease Register.

(21) (a) When a small-scale mining lease application is denied by the Director General, or is not acted on by the Director General within the forty-five (45) calendar days application processing period, an appeal may be made to the Minister;
(b) any such appeal shall be lodged within thirty (30) calendar days of receipt of notification under subsection (17) of this Regulation, or when the Director General has failed to act, after the forty-five (45) calendar day processing period has ended but before sixty (60) calendar days from the application registration date.
(c) if the outcome of the appeal to the Minister is not satisfactory, the aggrieved party may approach the Federal High Court.
(22) In any case appealed to the Federal High Court under subsection (21) of this Regulation, where the Federal High Court has determined that a small-scale mining lease is to be granted, the Director General shall grant the lease application approval within seven (7) calendar days of such determination.

(23) When an applicant fails to appear and pay the non-refundable Annual Service Fee within fourteen (14) calendar days from the date of being notified under subsection (18) of this Regulation, the application shall be deemed to be null and void, and the date upon which the application became null and void shall be recorded in the Priority Register.

(24) When it becomes known to the Mining Cadastre Office that a false attestation was made in Form 6A or 6B in schedule 3, any resultant small-scale mining lease shall be null and void.

RESTRICTIONS ON THE GRANT OF A SMALL-SCALE MINING LEASE

45. (1) A small-scale mining lease may only be granted in available areas.

(2) For the purposes of subsection (1) of this Regulation, all areas within the land borders, territorial waters, the continental shelf and in the exclusive economic zone of Nigeria are available areas except areas that are:

(a) subject to any of the following mineral titles held by a party other than the applicant for the small-scale mining lease:

   (i) small-scale mining lease,
   (ii) mining lease,
   (iii) quarry lease,
   (iv) water use permit, or
   (v) exploration licence.

(b) closed to mining operations by the Act, these Regulations or any other law.

LIMITS ON MINING AUTHORIZED BY A SMALL-SCALE MINING LEASE

46. (1) The holder of a small-scale mining lease has the right to conduct an artisanal/small-scale mining operation, which does not use any of the following mining practices:

(a) extensive and continued use of explosives; or

(b) power driven flotation circuits; or

(c) extensive and continued use of toxic chemicals or agents, or
(d) which does not employ or use more than 50 workers in a typical work day.
(e) which does not have underground workings more than 7 meters below the surface of the ground or galleries extending more than 10 meters from a shaft.

FORM OF SMALL-SCALE MINING LEASE

47. (1) A small-scale mining lease authorizing Alluvial and Artisanal or other forms of small-scale mining shall be in Form 12 in schedule 3.
(2) A small-scale mining lease shall have appended to it, by the Mining Cadastre Office, a map with the position of the granted small-scale mining lease area marked upon it, and any directly adjacent mineral titles, with the exception of reconnaissance permits, shall also be identified clearly on the map.

DURATION OF SMALL-SCALE MINING LEASE

48. (1) A small-scale mining lease shall be issued for a period of five (5) years.
(2) A small-scale mining lease may be renewed for further periods not exceeding five (5) years.
(3) There is no maximum limit on the number of times a small-scale mining lease can be renewed.

APPLICATION FOR RENEWAL OF SMALL-SCALE MINING LEASE

49. (1) Not later than three (3) months before the expiration of a small-scale mining lease, the titleholder of the lease may submit an application to renew the lease.
(2) A small-scale mining lease renewal application shall include or be accompanied by the following data and information:
(a) length of the renewal period desired, but not exceeding five (5) years.
(b) proposed program of mining operations to be carried out during the renewal period;
(c) detailed reports of, inter alia:
(i) current proven and estimated reserves;
(ii) the estimated economic life of the mine;
(iii) other material which the applicant considers relevant, and shall have attached;
(d) an updated environmental impact assessment statement approved by the Federal Ministry of the Environment in respect of Mining Operations to be conducted within the Mineral Title Area; and

(e) an updated Environmental Protection and Rehabilitation Program approved by Mines Environmental Compliance Department in respect of mining operations to be conducted within the mineral title area.

(3) The Director General shall grant approval to a small-scale mining lease renewal application within forty-five (45) calendar days from the registration of the application if:

(a) the conditions of the lease have been met;

(b) the titleholder of the lease is not in default under the Act; and these Regulations.

(c) the titleholder of the lease can demonstrate either mineral reserves justifying a renewal or the need to maintain the property for use as an integral part of mining operations on other small-scale mining lease or mining lease lands.

(4) When a small-scale mining lease renewal application is received less than three (3) months prior to the expiry of the original term of the lease, the titleholder of the lease shall pay, in addition the fee imposed in subsection (9) of this Regulation, upon renewal of the lease, the non-refundable Late Filing Fee specified in Schedule 1.

(5) The Director General shall not deny a small-scale mining lease renewal application without first having given the applicant prior notice of the intention to deny the renewal including the reasons therefore and inviting the applicant, within a 14 days specified time period, to take the appropriate remedial measure or to present a documented statement in defense of the default.

(6) When the Director General denies approval to a small-scale mining lease renewal application, he shall, by a written notice, inform the applicant of such denial stating the reasons therefore.

(7)(a) A small-scale mining lease titleholder denied a renewal by the Director General under this Regulation may, within sixty (60) calendar days of being notified of such denial, appeal in writing to the Minister...
(b) The small scale mining lease titleholder if not satisfied with the outcome of the appeal to the Minister, may approach the Federal High Court.

(8) In any case appealed under this Regulation to the Federal High Court where the Federal High Court has determined that a small-scale mining lease renewal is to be granted, the Director General shall grant the renewal within seven (7) calendar days.

(9) When an application for a small-scale mining lease renewal is granted approval, such renewal granted shall take effect upon payment of any fee imposed under subsection (4) of this Regulation and the non-refundable Small-Scale Mining Lease Renewal Fee specified in Schedule 1.

(10) Where the applicant for a small-scale mining lease renewal fails to pay the fee(s) required in subsection (9) of this Regulation within thirty (30) calendar days after being notified of the Director General’s grant, such renewal shall be deemed null and void.

**TERM OF VALIDITY OF A SMALL-SCALE MINING LEASE**

50. (1) Subject to subsections (2) and (3) of this Regulation, a small-scale mining lease will remain valid during:

(a) the initial period fixed in the lease measured from the date on which the lease is issued by the Mining Cadastre Office, and

(b) any renewal period granted in conformity with Regulation 49.

(2) When the term of a small-scale mining lease expires while an application for the renewal of the lease is pending, the lease will remain in force in accordance with provisions of these Regulations:

(a) there is a decision on the renewal application; or

(b) the renewal application is rendered void and without further effect.

(3) Subject to subsection (2) of this Regulation, unless terminated earlier by revocation, a small-scale mining lease shall terminate upon expiration of the term provided therein.
RELINQUISHMENT OF SMALL-SCALE MINING LEASE AREA

51. (1) A small-scale mining lease titleholder may, at any time during the term of the lease, apply to the Director General, in Form 13 in schedule 3 to relinquish part or all of the lease area.

(2) There shall be no relinquishment under this Regulation of any small-scale mining lease area attached by the Court so long as such attachment remains in force.

(3) There shall be no relinquishment under this Regulation of any small-scale mining lease area unless the written consent to all persons having interests registered against the small-scale mining lease shall have been delivered to the Mining Cadastre Office.

(4) Where the entire small-scale mining lease area is to be relinquished, upon the Director General granting the application approval, the Mining Cadastre Office shall:
   (a) revoke the lease;
   (b) in writing, notify the titleholder of the date on which the lease was revoked;
   (c) record the revocation date in the Small-Scale Mining Lease Register;
   (d) update the Cadastral Maps.

(5) Where only part of the small-scale mining lease area is to be relinquished, upon the Director General granting the application approval, the Mining Cadastre Office shall:
   (a) in writing, notify the titleholder of the area approved for relinquishment and on what date the area was relinquished;
   (b) record the area relinquished in the lease;
   (c) record the area relinquishment in the Small-Scale Mining Lease Register and Cadastral Maps.

(6) A titleholder receiving a notice under subsection (5) of this Regulation shall within fourteen (14) calendar days of receiving such notice adjust the small-scale mining lease boundary demarcation markers, in compliance with the provisions of Regulation 106, to mark the new boundaries of the lease area.

(7) When a small-scale mining lease titleholder relinquishes any area the subject pursuant to this Regulation the liability of the holder:
(a) to pay any tax, fee, rental, royalty, penalty or other compensation that is payable before the date of relinquishment;
(b) to fulfill all requirements for environmental obligations;
(c) to perform any other obligation required by law to be performed on or before that date;
(d) for any act done or default made on or before that date;

that is payable under, in respect of, or arises out of or in relation to such lease under the Act, these Regulations or any other law then in force is not affected.

ENLARGEMENT OF SMALL-SCALE MINING LEASE AREA

52. (1) A small-scale mining lease titleholder may apply to enlarge the small-scale mining lease area.

(2) An application for small-scale mining lease area enlargement, in Form 14 in schedule 3 shall be submitted, in triplicate, by the applicant to the Mining Cadastre Office for registration and processing.

(3) An application for small-scale mining lease area enlargement shall specify:
   (a) the complete identification and contact information of the applicant; (if a corporation, the address of its headquarters; the identity, nationality and address of any legal representative(s) and the identity and address of its commercial representative in Nigeria), if any;
   (b) the identifying code of the lease for which the area enlargement is sought;
   (c) the reasons for the area enlargement;
   (d) and identify, in accordance with the method specified in Schedule 2, the contiguous requested area enlargement;
   (e) such other information as the applicant desires to include.

(4) An application containing all information required under subsection (3) of this Regulation is complete.

(5) At the time that a small-scale mining lease area enlargement application is received by the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall immediately verify whether the application is complete.

(6) An application that is found to be incomplete under subsection (5) of this Regulation shall be rejected and not registered.
(7) When an application is verified to be complete under subsection (5) of this Regulation:
(a) the Mining Cadastre officer making such verification shall assign an identifying code to the application and shall register its date, hour and minute of submission in the Priority Register;
(b) the Priority Register shall be signed by both the officer verifying the application and the applicant or the applicant’s authorised representative;
(c) the identifying code, date, hour and minute of application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre Officer, and
(d) one copy of the application shall be given to the applicant.

(8) When a small-scale mining lease area enlargement application is registered, the area applied for shall be recorded in the Cadastral Maps.

(9) Where there is any partial overlap between the area applied for in a small-scale mining lease area enlargement application and any area which:
(a) is subject to a current exploration licence, small-scale mining lease, mining lease, quarry lease, or water use permit, unless the applicant for the mining lease area enlargement is also the titleholder of such licence, lease or permit;
(b) is closed to mining operations;
(c) has been applied for by any applicant for any mineral title, other than a reconnaissance permit, and such application is not yet decided and was registered earlier in time than the small-scale mining lease area enlargement application; the area of such overlap shall be excluded from the current applicant’s application, and the Mining Cadastre Office shall, in writing, notify the current applicant, within seven (7) calendar days from the application registration date, requesting that the applicant amend the area applied for in the application.

(10) In the review of an application for small-scale mining lease area enlargement, the Director General may:
(a) request the applicant to correct any defects or omissions, or to furnish additional information;
(b) confirm the information provided in the application;
(c) consult with other specialists as necessary;
(d) consult other relevant government entities;
(e) propose alterations in the application.

(11) The failure of an applicant to provide any of the information requested pursuant to subsections (9) or (10)(a) of this Regulation within seven (7) calendar days, or the lack of clarity in the provision of such information, shall render the application null and void, and the Mining Cadastre Office shall in such a case:
(a) in writing, notify the applicant that the application is null and void, and
(b) record the date of such notification in the Priority Register.

(13) The Director General shall deny approval to a small-scale mining lease area enlargement application if the small-scale mining lease titleholder is in default of any obligation imposed by the Act arising from:
(a) the small-scale mining lease for which an enlarged area is sought;
(b) any other small-scale mining lease, mining lease or quarry lease held by the titleholder.

(14) Subject to subsections (13) of this Regulation, the Director General shall grant an application for a small-scale mining lease area enlargement.

(15) The Mining Cadastre Office shall within sixty (60) calendar days from the small-scale mining lease area enlargement application date, in writing, notify an applicant whose application is denied approval, and the date that such notice of denial was sent shall be recorded in the General Register.

(16) The Mining Cadastre Office shall, in writing, notify an applicant whose small-scale mining lease area enlargement application is granted approval, within sixty (60) calendar days of the application registration date:
(a) that the application is approved;
(b) the Mining Cadastre Office at which the Small-Scale Mining Lease may be brought to have the area enlargement endorsed on the lease; and
(c) that the lease shall be brought to the Mining Cadastre Office by the applicant, or its representative, for endorsement within thirty (30) calendar days from the date of notification and shall have the date that the notice was sent recorded in the General Register.
(17) The Area approved under this Regulation to be added to a small-scale mining lease shall become part of the lease area at the time the small-scale mining lease titleholder pays the non-refundable Annual Service Fee specified in Schedule 1 for the added area, and the Mining Cadastre Office shall upon such Payment:
(a) endorse upon the lease the area enlargement granted approval by the Director General, and
(b) record the date of such endorsement in the Small-Scale Mining Lease Register.

(18) When a small-scale mining lease is endorsed to include an enlarged lease area, the enlarged lease area shall be recorded on the Cadastral Maps pursuant to Regulation 105.

(19) (a) When a small-scale mining lease area enlargement application is denied by the Director General, or is not acted on by the Director General within the sixty (60) calendar days application processing period, an appeal may be taken to the Minister in line with the Act;
(b) any such appeal shall be lodged within thirty (30) calendar days of receipt of notification under subsection (15) of this Regulation or when the Director General has failed to act, after the sixty (60) calendar days processing period has ended but before ninety (90) calendar days from the application registration date.
(c) If the small-scale mining lease titleholder is not satisfied with the outcome of the appeal to the Minister, the Federal High Court may be approached.

(20) In any case appealed to the Federal High Court under subsection 19 of this Regulation, where the Federal High Court has determined that a small-scale mining lease area enlargement is to be granted, the Director General shall grant the application approval within seven (7) calendar days of such determination.

(21) When an applicant fails to appear and pay the non-refundable Annual Service Fee within thirty (30) calendar days from the date of being notified under subsection (16) of this Regulation, the application shall be deemed to be null and void, and the date upon which the application became null and void shall be recorded in the Priority Register.
SMALL-SCALE MINING LEASE REPORTING

53. (1) A small-scale mining lease titleholder shall meet the prescribed reporting requirements in line with schedule 5.

(2) Upon receipt of a notice from the Mines Inspectorate Department that a small-scale mining lease titleholder has failed to meet the prescribed reporting requirement the Mining Cadastre Office shall proceed to revoke the lease.

MINING LEASE

MINING LEASE APPLICANT STATUS

54. (1) A mining lease application may be submitted, in conformity with the provisions of the Act and these Regulations by any qualified person, if the application is emergent from an exploration licence.

(2) A mining lease application shall be made by an exploration licence titleholder during the currency of the exploration licence.

MINING LEASE APPLICATION

55. (1) An applicant for a mining lease shall pay the non-refundable Mining Lease Application Processing Fee specified in Schedule 1 of this Regulation.

(2) A mining lease application, in Form 15 in schedule 3, shall be submitted, in triplicate, by the applicant to the Mining Cadastre Office, for registration and processing.

(3) A mining lease application shall:

(a) specify the complete identification and contact information of the applicant, the address of its headquarters, the identity and address of any legal representative(s), and the identity and address of its commercial representative in Nigeria, if any;

(b) provide the identifying code of the applicant's exploration licence;

(c) describe the desired mining lease area, its size and configuration, outlined on a topographical map of the area.

(d) identify, in accordance with the method specified in Schedule 2, the contiguous area applied for;

(e) identify the mineral resources located in the area being applied for;
(f) list the mineral type(s) to be mined (if for Mineral Water, no additional minerals shall be listed);

(g) specify the period of mining lease duration sought if less than twenty-five (25) years;

(h) be completed and signed by the applicant or an authorized representative of the applicant; and shall have annexed the following:

(i) A certified copy of the certificate of incorporation or other constitutive document provided under the Companies and Allied Matters Act and any amendments thereto;

(ii) Form 6B in schedule 3 attesting that the applicant, including all members or directors of the applicant or any shareholder holding a controlling share of the applicant has not been convicted of a felony or an offence under the Act;

(iii) a prefeasibility study which shall include:
- a general description of the proposed mining scheme, including sufficient detail to indicate the scale of operation, and the possible location of all major mining operation facilities, pits, shafts, dumps and dams:
- the planned commencement date of mine development;
- the planned commencement date of commercial mineral resources production;
- the planned production profile and capacity;
- the characteristics and nature of the final products;

(iv) Receipt for Payment of Mining Lease Application Processing Fee; and

(v) such other information as the applicant desires to include.

(4) An application containing all information required under subsection (3) of this Regulation is complete.

(5) At the time that a mining lease application is received by the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall immediately verify whether the application is complete.

(6) An application that is found to be incomplete under subsection (5) of this Regulation shall be rejected and not registered.
(7) When an application is verified to be complete under subsection (5) of this Regulation.

(a) the Mining Cadastre officer making such verification shall assign an identifying code to the application and shall register its date, hour and minute of submission in the mining lease Register;

(b) the mining lease Register shall be signed by both the officer verifying the application and the applicant or the applicant’s authorised representative;

(c) the identifying code, date, hour and minute of application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre Officer, and

(d) one copy of the application shall be given to the applicant.

(8) When a mining lease application is registered, the area applied for shall be recorded in the Cadastral Maps.

(9) Where there is any partial overlap between the area applied for in a mining lease application and any area which:

(a) is subject to a current exploration licence, small-scale mining lease, mining lease, quarry lease, or water use permit;

(b) is closed to mining operations;

(c) has been applied for by any applicant for any mineral title, other than a reconnaissance permit, and such application is not yet decided and was registered earlier in time than the mining lease application; the area of such overlap shall be excluded from the mining lease application, and the Mining Cadastre Office shall, in writing, notify the current applicant, within seven (7) calendar days from the application registration date, requesting that the applicant amend the area applied for in the application.

(10) Upon receipt of a notice under subsection (9) of this Regulation, an applicant shall modify the application to redefine the mining lease area applied for in such a way as to avoid the overlap.
(11) In the review of a mining lease application, the Minister may:
(a) request the applicant to correct any defects or omissions;
(b) confirm the information provided in the application;
(c) consult with other specialists as necessary;
(d) consult other relevant government entities;
(e) propose alterations in the application.

(12) The failure of an applicant to provide any of the information requested pursuant to subsections (10) or (11) (a) of this Regulation within seven (7) calendar days, or the lack of clarity in the provision of such information, shall render the application null and void, and the Mining Cadastre Office shall in such a case:
(a) in writing, notify the applicant that the application is null and void, and
(b) record the date of such notification in the mining lease Register.

(13) Any person who otherwise qualifies to apply for a mining lease area shall be ineligible to apply for a mining lease if:
(a) it is shown that any of the members or directors of the applicant or a shareholder holding a controlling share of the applicant has been convicted of a felony or an offence under the Act, or
(b) the applicant, in the ninety (90) calendar days preceding the application registration date, had a prior mining lease application that applied for part or all of the area currently being applied for, which was deemed null and void under subsection (23) of this, Regulation or
(c) in the case of a mining lease application not emergent from an exploration licence, the applicant is a former mining lease or small-scale mining lease titleholder whose lease has been revoked for the same mining area or any part therein applied for when such application is made within twelve (12) months calendar from the date of such revocation.

(14) The Minister shall deny approval to a mining lease applicant if that applicant is ineligible, under subsection (13) of this Regulation, to apply for a mining lease.
(15) The Minister shall deny approval to a mining lease applicant who has not employed a person who possesses adequate professional qualification and experience in mining and the Minister is not satisfied that the company shall, during the currency of the lease, have such qualified person in its employment.

(16) Subject to subsections (13) and (14) of this Regulation, the Minister, in accordance with the provisions of the Act and this Regulation, shall grant application approval for a mining lease.

(17) The Mining Cadastre Office shall, in writing, notify, within forty-five (45) calendar days of the application registration date, a mining lease applicant whose application is denied approval, and the date that such notice of denial was sent shall be recorded in the Mining Lease Register.

(18) The Mining Cadastre Office shall, in writing, notify an applicant whose mining lease application is granted approval, within forty-five (45) calendar days of the application registration date that:
   (a) the application is granted approval;
   (b) the Mining Cadastre Office at which the lease can be issued;
   (c) that the lease shall be collected by the applicant, or its representative, within fourteen (14) calendar days from the date of notification, and shall have the date that the notice was sent recorded in the General Register.

(19) The Mining Cadastre Office shall issue to the applicant of a mining lease application granted approval by the Minister, upon payment by the applicant of the non-refundable Annual Service Fee specified in Schedule 1, a mining lease.

(20) When a mining lease is issued, the lease area shall be recorded in the Cadastral Maps, and the date of issuance shall be recorded in the Mining Lease Register.

(21) (a) When a mining lease application is denied by the Minister, or is not acted on by the Minister within the forty-five (45) calendar days application processing period, the applicant may appeal to the Federal High Court.
(22) In any case appealed to the Federal High Court under subsection (21) of this Regulation, where the Federal High Court has determined that a mining lease is to be granted, the Minister shall grant the lease within seven (7) calendar days of such determination.

(23) When an applicant fails to pay the non-refundable Annual Service Fee within fourteen (14) calendar days from the date of being notified under subsection (18) of this Regulation, the application shall be deemed to be null and void, and the date upon which the application became null and void shall be recorded in the Mining Lease Register.

(24) When it becomes known to the Mining Cadastre Office that a false attestation was made in Form 6B any resultant mining lease shall be null and void.

**RESTRICTIONS ON THE GRANT OF A MINING LEASE**

56. (1) A mining lease may only be granted in available areas.

(2) For the purposes subsection (1) of this Regulation, all areas within the land borders, territorial waters, the continental shelf and in the exclusive economic zone of Nigeria are available areas except areas that are:

(a) subject to any of the following mineral titles held by a party other than the applicant for the mining lease:

   (i) small-scale mining lease,

   (ii) mining lease,

   (iii) quarry lease,

   (iv) water use permit, or

   (v) exploration licence,

(b) closed to mining operations by the Act, these Regulations or any other law.

**FORM OF MINING LEASE**

57. (1) A mining lease shall be in Form 16 in schedule 3.

(2) A mining lease shall have appended to it, by the Mining Cadastre Office, a map with the position of the granted mining lease area marked upon it, and any directly adjacent mineral titles, with the exception of reconnaissance permits, shall also be identified clearly on the map.
DURATION OF MINING LEASE

58. (1) A mining lease shall be issued for the term applied for but not exceeding twenty-five (25) years.

(2) A mining lease may be renewed for further periods not exceeding twenty (25) years.

(3) There is no maximum limit on the number of times a mining lease can be renewed.

APPLICATION FOR RENEWAL OF MINING LEASE

59. (1) Not later than twelve (12) months before the expiration of a mining lease, the titleholder of the lease may submit an application to renew the lease.

(2) An application to renew a mining lease shall include or be accompanied by the following data and information:

(a) the proposed program of mining operations to be carried out during the renewal period;

(b) detailed reports of, inter alia:

(i) current proven and estimated mineral reserves;

(ii) the estimated economic life of the mine;

(iii) other material which the applicant considers relevant; and shall have attached;

(c) an updated environmental impact assessment statement approved by the Federal Ministry of the Environment in respect of Mining Operations to be conducted within the Mineral Title Area; and

(d) an updated Environmental Protection and Rehabilitation Program in respect of Mining Operations to be conducted in the mineral title area.

(e) An updated Community Development Agreement.

(f) Consent of land owners/occupier in prescribed form 17 in schedule 3.

(3) The Minister shall grant approval to a mining lease renewal application within sixty (60) calendar days from the registration of the application if:

(a) the conditions of the lease have been met;

(b) the titleholder of the lease is not in default under the Act, and;
(c) the titleholder of the lease can demonstrate either mineral reserves justifying a renewal or the need to maintain the property for use as an integral part of mining operations on other small-scale mining lease or mining lease lands.

(4) When an application for mining lease renewal is received less than twelve (12) months prior to the expiry of the original term of the lease, the titleholder of the lease shall pay, in addition to the fee imposed in subsection (9) of this Regulation, upon renewal of the lease, the non-refundable Late Filing Fee specified in Schedule 1.

(5) The Minister shall not deny an application for a mining lease renewal without first having given the applicant prior notice of the intention to deny the renewal including the reasons therefore and inviting the applicant, within (14) calendar days to take the appropriate remedial measures or to present a documented statement in defense of the default.

(6) Where the Minister denies a mining lease renewal application, he shall, by a written notice, inform the titleholder of the lease of such denial stating the reasons therefore.

(7) A mining lease title holder denied a renewal by the Minister under this Regulation may appeal to the Federal High Court.

(8) In any case appealed under subsection (7) this Regulation to the Federal High Court where the Federal High Court has determined that a mining lease renewal is to be granted, the Minister shall grant the renewal within seven (7) calendar days.

(9) Where an application for a mining lease renewal is granted approval, such grant shall take effect upon payment of any fee prescribed under subsection (4) of this Regulation and the non-refundable Mining Lease Renewal Fee specified in Schedule 1.

(10) Where the applicant for a mining lease renewal fails to pay the fee(s) required in subsections (9) of this Regulation within thirty (30) calendar days after being notified of the Minister’s grant of approval, such renewal shall be deemed null and void.
TERM OF VALIDITY OF MINING LEASE

60. (1) Subject to subsections (2) and (3) of this Regulation, a mining lease will remain valid during:
   (a) the initial period fixed in the lease measured from the date on which the lease is issued by the Mining Cadastre Office, and
   (b) any renewal granted in conformity with Regulation 59.

(2) When the term of a mining lease expires while an application for the renewal of the lease is pending, the lease shall remain in force until in accordance with provisions of these Regulations:
   (a) there is a decision on the renewal application; or
   (b) the renewal application is rendered null and void and without further effect.

(3) Subject to subsection (2) of this Regulation, unless terminated earlier by revocation, a mining lease shall terminate upon expiration of the term provided therein.

RELINQUISHMENT OF MINING LEASE AREA

61. (1) Without prejudice to the provisions set forth in the Act, a mining lease titleholder may, at any time during the term of the mining lease, apply to the Minister, in Form 18 in schedule 3 to relinquish part or all of the lease area.

(2) There shall be no relinquishment under this Regulation of any mining lease area attached by the Court so long as such attachment remains in force.

(3) There shall be no relinquishment under this Regulation of any mining lease area unless the written consent to the same of all persons having interests registered against the mining lease shall have been delivered to the Mining Cadastre Office.

(4) Where the entire mining lease area is to be relinquished, upon the Minister granting the application approval, the Mining Cadastre Office shall:
   (a) revoke the lease;
   (b) in writing, notify the titleholder of the date on which the lease was revoked;
   (c) record the revocation date in the Mining Lease Register;
   (d) update the Cadastral Maps.
(5) Where only part of the mining lease area is to be relinquished, upon the Minister granting the application for area relinquishment, the Mining Cadastre Office shall:
(a) in writing, notify the titleholder of the area approved for relinquishment and on what date the area was relinquished;
(b) record the area relinquishment in the mining lease;
(c) record the area relinquishment in the Mining Lease Register and Cadastral Maps.

(6) A titleholder receiving a notice under subsection (5) of this Regulation shall within fourteen (14) calendar days of receiving such notice adjust the mining lease boundary demarcation markers, in line with the provisions of Regulation 106 to mark the new boundaries of the lease area.

(7) When a mining lease titleholder relinquishes area pursuant to this Regulation the liability of the holder:
(a) to pay any tax, fee, rental, royalty, penalty or other compensation that is payable before the date of relinquishment;
(b) to fulfill all requirements for environmental matters;
(c) to perform any obligation required by law to be performed on or before that date;
(d) for any act done or default made on or before that date that is payable under, in respect of, or arises out of or in relation to such lease under this or any other law then in force is not affected.

ENLARGEMENT OF MINING LEASE AREA

62. (1) A mining lease titleholder may apply to enlarge the mining lease area provided it is within the applicant's exploration licence area.

(2) An application for mining lease area enlargement, in Form 19, in schedule 3 shall be submitted, in triplicate, by the applicant to the Mining Cadastre Office for registration and processing.

(3) An application for mining lease area enlargement shall specify:
(a) the complete identification and contact information of the applicant; if a corporation, the address of its headquarters, the identity and address of any legal representative(s), and the identity and address of its commercial representative in Nigeria, if any;
(b) the identifying code of the lease for which the area enlargement is sought;
(c) the reasons for the area enlargement;
(d) identify, in accordance with the method specified in Schedule 2, the contiguous requested area enlargement;
(e) such other information as the applicant desires to include.

(4) An application containing all information required under subsection (3) of this Regulation is complete.

(5) At the time that a mining lease area enlargement application is received by the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall immediately verify whether the application is complete.

(6) An application that is found to be incomplete under subsection (5) of this Regulation shall be rejected and not registered.

(7) When an application is verified to be complete under subsection (5) of this Regulation:
   (a) the Mining Cadastre officer making such verification shall assign an identifying code to the application and shall register its date, hour and minute of submission in the Priority Register;
   (b) the Priority Register shall be signed by both the officer verifying the application and the applicant or the applicant's authorised representative;
   (c) the identifying code, date, hour and minute of application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre Officer, and
   (d) one copy of the application shall be given to the applicant.

(8) When a mining lease area enlargement application is registered, the area applied for shall be recorded in the Cadastral Maps.

(9) In the review of an application for mining lease area enlargement, the Minister may:
   (a) request the applicant to correct any defects or omissions, or to furnish additional information;
   (b) confirm the information provided in the application;
   (c) consult with other specialists as necessary;
   (d) consult other relevant government entities;
   (e) propose alterations in the application.
(10) The failure of an applicant to provide any information requested pursuant to subsection (9)(a) of this Regulation within seven (7) calendar days, or the lack of clarity in the provision of such information, shall render the application null and void, and the Mining Cadastre Office shall in such a case:
(a) in writing, notify the applicant that the application is null and void, and
(b) record the date of such notification in the Priority Register.

(11) The Minister shall deny approval to a mining lease area enlargement application if the mining lease titleholder is in default of any obligation imposed by the Act arising from:
(a) the mining lease for which an enlarged area is sought;
(b) any other small-scale mining lease, mining lease or quarry lease held by the titleholder.

(12) Subject to subsections (9) and (10) of this Regulation, the Minister shall grant an application for a mining lease area enlargement.

(13) The Mining Cadastre Office shall within sixty (60) calendar days from the mining lease area enlargement application date, in writing, notify an applicant whose application is denied approval, and the date that such notice of denial was sent shall be recorded in the Priority Register.

(14) The Mining Cadastre Office shall, in writing, notify an applicant whose mining lease area enlargement application is granted approval, within fourteen (14) calendar days of the application registration date:
(a) that the application is approved;
(b) of the Mining Cadastre Office at which the mining lease may be brought to have the area enlargement endorsed on the lease;
(c) that the applicant, or its representative, shall and present the lease for endorsement within seven (7) calendar days from the date of notification, and shall have the date that the notice was sent recorded in the General Register.

(15) The Area approved under this Regulation to be added to a mining lease shall become part of the lease area at the time the mining lease titleholder pays the non-refundable Annual Service Fee specified in Schedule 1 for the added area, and the Mining Cadastre Office shall upon such payment:
(a) endorse upon the lease the area enlargement granted approval by the Minister, and
(b) record the date of such endorsement in the Mining Lease Register.

(16) When a mining lease is endorsed to include an enlarged mining lease area, the enlarged mining lease area shall be recorded on the Cadastral Maps pursuant to Regulation 105.

(17) When a mining lease area enlargement application is denied by the Minister or is not acted on by the Minister within the sixty (60) calendar days application processing period, an appeal may be to the Federal High Court.

(18) In any case appealed to the Federal High Court under subsection (17) of this Regulation, where the Federal High Court has determined that a mining lease area enlargement is to be granted, the Minister shall grant the application within seven (7) calendar days of such determination.

(19) When an applicant fails to appear and pay the non-refundable Annual Service Fee within fourteen (14) calendar days from the date of being notified under subsection(14) of this Regulation, the application shall be deemed to be null and void, and the date upon which the application became null and void shall be recorded in the Priority Register.

(20) A titleholder granted a mining lease area enlargement under this Regulation shall not commence any development work or mining operations on the land in respect of which the enlargement was granted until the titleholder has complied with the provisions of the Act, and these Regulations.

REQUIREMENT TO MAINTAIN MINING OPERATION

63. (1) When there is stoppage of mining operation for six (6) consecutive months the holder of Mining lease shall inform Mines Inspectorate Department of the reasons for the stoppage.

(2) If the stoppage continued for 36 months, the Mines Inspectorate Department shall investigate and make appropriate recommendation to the Mining Cadastre Office.
MINING LEASE REPORTS
64.(1) A mining lease titleholder shall meet the prescribed reporting requirements in line with in schedule 5.

(2) Upon receipt of a notice from the Mines Inspectorate Department that a mining lease titleholder has failed to meet the prescribed reporting requirement, the Mining Cadastre Office shall proceed to revoke the lease.

QUARRY LEASE
QUARRY LEASE APPLICANT STATUS
65. (1) A quarry lease application may be submitted, in conformity with the provisions of the following Regulations, by any qualified person.

(2) A quarry lease application is emergent from an exploration licence if:

(a) made by an exploration licence titleholder during the term of the exploration licence; and

(b) the entire area requested for inclusion in the quarry lease area is a contiguous area from within the exploration licence area.

(3) A quarry lease application that does not meet the requirements of subsection (2) of this Regulation is not emergent from an exploration licence.

QUARRY LEASE APPLICATION
66.(1) An applicant for a quarry lease shall pay the non-refundable Quarry Lease Application Processing Fee specified in Schedule.

(2) A quarry lease application, in Form 20 in schedule 3 shall be submitted, in triplicate, by the applicant to the Central Mining Cadastre Office, for registration and processing.

(3) A quarry lease application shall:

(a) specify the complete identification and contact information of the applicant (if the applicant is a corporation, the address of its headquarters, the identity and address of any legal representative(s), and the identity and address of its commercial representative in Nigeria, if any);

(b) provide the identifying code of the applicant's exploration licence, if any;
(c) describe the desired quarry lease area, its size and configuration, outlined on a topographical map of the area (the overall area shall not exceed the area reasonably necessary to carry out the quarry operations and shall not exceed five (5) square kilometers);

(c) identify, in accordance with the method specified in Schedule 2 the contiguous area applied for;

(e) identify the mineral resources located in the area being applied for;

(f) list the construction mineral type(s) to be quarried.

(g) specify the period of quarry lease duration sought, if less than five (5) years;

(h) be completed and signed by the applicant or an authorized representative of the applicant; and shall have annexed the following:

(i) where the applicant is an individual, Form 6A, in schedule 3 attesting that the applicant is legally capable and has not been convicted of a criminal offence;

(ii) where the applicant is a body corporate, a certified copy of the certificate of incorporation or other constitutive document provided under the Companies and Allied Matters Act and any amendments thereto;

(iii) when the applicant is a body corporate or mining cooperative, Form 6B in schedule 3 attesting that the applicant, including all members or directors of the applicant or any shareholder holding a controlling share of the applicant has not been convicted of a felony or an offence under the ct;

(iv) a prefeasibility study which shall include:

- a general description of the proposed quarry operations scheme, including sufficient detail to indicate the scale of operation, and the possible location of all major quarrying facilities, quarries, pits, shafts, dumps and dams;

- the planned commencement date of quarry development;

- the planned commencement date of commercial mineral production;

- the planned production profile and capacity;

- the characteristics and nature of the final products;

(v) Receipt for Payment of Quarry Lease Application Processing Fee, and

(vi) such other information as the applicant desires to include.
(4) An application containing all information required under subsection (3) of this Regulation is complete.

(5) At the time that a quarry lease application is received by the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall immediately verify whether the application is complete.

(6) An application that is found to be incomplete under subsection (5) of this Regulation shall be rejected and not registered.

(7) When an application is verified to be complete under subsection (5) of this Regulation:

(a) the Mining Cadastre officer making such verification shall assign an identifying code to the application and shall register its date, hour and minute of submission in the Priority Register;

(b) the Priority Register shall be signed by both the officer verifying the application and the applicant or the applicant’s authorised representative;

(c) the identifying code, date, hour and minute of application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre Officer, and

(d) one copy of the application shall be given to the applicant.

(8) When a quarry lease application is registered, the area applied for shall be recorded in the Cadastral Maps.

(9) A registered quarry lease application shall be accepted for consideration of approval unless the quarry area applied for is fully within an area:

(a) currently under an exploration licence, mining lease, small-scale mining lease, quarry lease, or water use permit held by another licence, lease or permit titleholder, or

(b) closed to mining operations by the Act, these Regulations or any other law in which case the application shall be null and void, the Mining Cadastre Office shall, in writing, notify the applicant that the application is null and void within seven (7) calendar days of the application registration date, and the date of such notification shall be recorded in the General Register.
(10) Where there is any overlap between the area applied for in a quarry lease application and any area which:

(a) is subject to a current exploration licence, small-scale mining lease, mining lease, quarry lease, or water use permit;
(b) is closed to mining operations;
(c) has been applied for by any applicant for any mineral title, other than a reconnaissance permit, and such application is not yet decided and was registered earlier in time than the quarry lease application;

the area of such overlap shall be excluded from the quarry lease application, and the Mining Cadastre Office shall, in writing, notify the current applicant, within seven (7) calendar days from the application registration date, requesting that the applicant amend the area applied for in the application.

(11) Upon receipt of a notice under subsection (10) of this Regulation, an applicant shall modify the application to redefine the quarry application area in such a way as to avoid the overlap.

(12) When a quarry lease application is modified to redefine the application area, the redefined application area shall be recorded in the Cadastral Maps.

(13) In the review of an application, the Director General may:

(a) request the applicant to correct any defects or omissions;
(b) confirm the information provided in the application;
(c) consult with other specialists as necessary;
(d) consult other relevant government entities;
(e) propose alterations in the application.

(14) The failure of an applicant to provide any of the information requested pursuant to subsections (11) or (13)(a) of this Regulation within seven (7) calendar days, or the lack of clarity in the provision of such information, shall render the application null and void, and the Mining Cadastre Office shall in such a case:

(a) in writing, notify the applicant that the application is null and void, and
(b) record the date of such notification in the Priority Register.
Any person who otherwise qualifies to apply for a quarry lease area shall be ineligible to apply for a quarry lease if:

(a) it is shown that any of the members or directors of the applicant or a shareholder holding a controlling share of the applicant has been convicted of a felony or an offence under the Act, or

(b) the applicant, in the ninety (90) calendar days preceding the application registration date, had a prior quarry lease application that applied for part or all of the area currently being applied for, which was deemed null and void under subsection (24) of this Regulation, or

(c) in the case of a quarry lease application not emergent from an exploration licence, the applicant is a former quarry lease titleholder whose lease has been revoked for the same quarry area or any part therein applied for when such application is made within twelve (12) months from the date of such revocation.

The Director General shall deny approval to a quarry lease applicant if that applicant is ineligible, under subsection (15) of this Regulation, to apply for a quarry lease.

Subject to subsection (16) of this, Regulation the Director General, in accordance with the provisions of the Act and these Regulations, shall:

(a) for a quarry lease application emergent from an exploration licence, grant the application approval.

(b) for a quarry lease application not emergent from an exploration licence, grant the application approval unless there is a partial overlap with any area(s) for which another exploration licence, small-scale mining lease, mining lease, quarry lease, or water use permit application is currently pending, in which case, the first registered application shall be given exclusive priority for the area of overlap.

The Mining Cadastre Office shall, in writing, notify, within forty-five (45) calendar days of the application registration date, a quarry lease applicant whose application is denied approval, and the date that such notice of denial was sent shall be recorded in the Priority Register.
(19) The Mining Cadastre Office shall, in writing, notify a quarry lease applicant whose application is granted approval, within forty-five (45) calendar days of the application registration date:
(a) that the application is granted approval;
(b) the Mining Cadastre Office at which the lease can be issued;
(c) that the lease shall be collected by the applicant, or its representative, within fourteen (14) calendar days from the date of notification, and shall have the date that the notice was sent recorded in the General Register.

(20) The Mining Cadastre Office shall issue to the applicant of a quarry lease granted approval by the Director General, upon payment by the applicant of the nonrefundable Annual Service Fee specified in Schedule 1, a quarry lease.

(21) When a quarry lease is issued, the lease area shall be recorded in the Cadastral Maps, and the date of issuance shall be recorded in the Quarry Lease Register.

(22) (a) When a quarry lease application is denied by the Director General, or is not acted on by the Director General within the forty-five (45) calendar days application processing period, an appeal may be taken to the Minister; any such appeal shall be lodged within thirty (30) calendar days of receipt of notification under subsection (18) of this Regulation, or when the Director General has failed to act, after the forty-five (45) calendar days processing period has ended but before sixty (60) calendar days from the application registration date.

(b) The applicant for a quarry lease if not satisfied with the outcome of the appeal to the Minister, may approach the Federal High Court.

(23) In any case appealed to the Federal High Court under subsection (22) of this Regulation, where the Federal High Court has determined that a quarry lease is to be granted, the Director General shall grant the lease within seven (7) calendar days of such determination.

(24) When an applicant fails to appear and pay the non-refundable Annual Service Fee within fourteen (14) calendar days from the date of being notified under subsection (19) of this Regulation, the application shall be deemed to be null and void, and the date upon which the application became null and void shall be recorded in the Priority Register.
When it becomes known to the Mining Cadastre Office that a false attestation was made in Form 6A or 6B in schedule 3, any resultant quarry lease shall be null and void.

**RESTRICTIONS ON THE GRANT OF A QUARRY LEASE**

67. (1) A quarry lease may only be granted in available areas.

(2) For the purposes of subsection (1) of this Regulation, all areas within the land borders, territorial waters, the continental shelf and in the exclusive economic zone of Nigeria are available areas except areas that are:

(a) subject to any of the following mineral titles held by a party other than the applicant for the quarry lease:

   (i) small-scale mining lease,
   (ii) mining lease,
   (iii) quarry lease,
   (iv) water use permit, or
   (v) exploration licence,

(b) closed to mining operations under the Act, these Regulations or any other law.

**FORM OF QUARRY LEASE**

68. (1) A quarry lease shall be in Form 21 in schedule 3.

(2) A quarry lease shall have appended to it, by the Mining Cadastre Office, a map with the position of the granted quarry lease area marked upon it, and any directly adjacent mineral titles, with the exception of reconnaissance permits, shall also be identified clearly on the map.

**DURATION OF QUARRY LEASE**

69. (1) A quarry lease shall be issued initially for the term applied for, or five (5) years, whichever period is shorter.

(2) A quarry lease may be renewed for further terms each one not exceeding the first term granted.

(3) There is no maximum limit on the number of times a quarry lease can be renewed.
APPLICATION FOR RENEWAL OF QUARRY LEASE

70. (1) Not later than three (3) months before the expiration of a quarry lease, the titleholder of the lease may submit an application to renew the lease.

(2) An application to renew a quarry lease shall include or be accompanied by the following data and information:

(a) length of the renewal period desired, but not exceeding the first term granted;

(b) proposed program of quarry operations to be carried out during the renewal period;

(c) detailed reports of, inter alia:
   (i) current proven and estimated mineral reserves;
   (ii) the estimated economic life of the quarry;
   (iii) other material which the applicant considers relevant;

and shall have attached;

(d) an updated environmental impact assessment statement approved by the Federal Ministry of the Environment in respect of Mining Operations to be conducted within the Mineral Title Area; and

(e) an updated Environmental Protection and Rehabilitation Program in respect of mining operations to be conducted within the mineral title area.

(3) The Director General shall grant approval to a quarry lease renewal application within sixty (60) calendar days from the registration of the application if:

(a) the application is received at least three (3) months prior to the expiry of the original term of the lease;

(b) the conditions of the lease have been met;

(c) the titleholder of the lease is not in default under the Act, and

(d) the titleholder of the lease can demonstrate either mineral reserves justifying a renewal or the need to maintain the property for use as an integral part of quarry operations on other quarry lease lands.

(4) When a quarry lease renewal application is received less than three (3) months prior to the expiry of the original term of the lease, the titleholder of the lease shall pay, in addition the fee imposed in subsection (9) of this Regulation, upon renewal of the lease, the non-refundable Late Filing Fee specified in Schedule 1.
(5) The Director General shall not deny a quarry lease renewal application without first having given the applicant prior notice of the intention to deny the renewal including the reasons therefore and inviting the applicant, within a specified time period, to take the appropriate remedial measures or to present a documented statement in defense of the default.

(6) Where the Director General denies approval to a quarry lease renewal application, he shall, by a written notice, inform the titleholder of the lease of such denial stating the reasons therefore.

(7) (a) A quarry lease titleholder denied a renewal by the Director General under this Regulation may within sixty (60) calendar days of being notified of such denial, appeal in writing to the Minister.

(b) The applicant for the renewal of a quarry lease if not satisfied with the outcome of the appeal to the Minister, may approach the Federal High Court.

(8) In any case appealed under this Regulation to the Federal High Court where the Federal High Court has determined that a quarry lease renewal is to be granted, the Director General shall grant the renewal within seven (7) calendar days.

(9) When a quarry lease renewal application is approved, such approval shall take effect upon payment of any fee imposed under subsection (4) of this Regulation and the non-refundable Quarry Lease Renewal Fee specified in Schedule 1.

(10) Where the applicant for a quarry lease renewal fails to pay the fee(s) required in subsection (9) of this Regulation within thirty (30) calendar days after being notified of the Director General’s approval, such renewal shall be deemed null and void.

**TERM OF VALIDITY OF QUARRY LEASE**

71. (1) Subject to subsections (2) and (3) of this Regulation, a quarry lease will remain valid during:

(a) the initial period fixed in the lease measured from the date on which the lease is issued by the Mining Cadastre Office, and;

(b) any renewal period granted in conformity with Regulation (70) of these Regulations.
(2) When the term of a quarry lease expires while an application for renewal of
the lease is pending, the lease will remain in force until in accordance with
provisions of these Regulations:
    (a) there is a decision on the renewal application; or
    (b) the renewal application is rendered void and without further effect.

(3) Subject to subsection (2) of this Regulation, unless terminated earlier by
revocation, a quarry lease shall terminate upon expiration of the term provided
therein.

RELINQUISHMENT OF QUARRY LEASE AREA

72. (1) A quarry lease titleholder may, at any time during the term of the lease,
apply to the Director General, in Form 22 in schedule 3, to relinquish part or
all of the lease area.

(2) There shall be no relinquishment under this Regulation, of any quarry lease
area attached by the Court so long as such attachment remains in force.

(3) There shall be no relinquishment under this Regulation of any quarry lease
area unless the written consent to the same of all persons having interests
registered against the quarry lease shall have been delivered to the Mining
Cadastre Office.

(4) When the entire quarry area under a quarry lease is to be relinquished, upon
the Director General granting the application approval, the Mining Cadastre
Office shall:
    (a) revoke the lease:
    (b) in writing, notify the titleholder of the date on which the lease was
revoked;
    (c) record the revocation in the Quarry Lease Register;
    (d) update the Cadastral Maps.

(5) When only part of a quarry lease area is to be relinquished, upon the Director
General granting the application approval, the Mining Cadastre Office shall:
    (a) in writing, notify the quarry lease titleholder of the area approved for
relinquishment and on what date the area was relinquished;
    (b) record the area relinquishment in the quarry lease;
    (c) record the area relinquishment in the Quarry Lease Register and
Cadastral Maps.
(6) A titleholder receiving a notice under subsection (5) of this Regulation shall within fourteen (14) calendar days of receiving such notice adjust the quarry lease boundary demarcation markers, in compliance with Regulation (106) of these Regulations, to mark the new boundaries of the lease area.

(7) When a quarry lease titleholder relinquishes area pursuant this Regulation, the liability of the holder:

(a) to pay any tax, fee, royalty, penalty or other compensation that is payable before the date of relinquishment;
(b) to fulfill all requirements for environmental matters;
(c) to perform any obligation required by law to be performed on or before that date;
(d) for any act done or default made on or before that date, that is payable under, in respect of, or arises out of or in relation to such lease under this or any other law then in force is not affected.

**ENLARGEMENT OF QUARRY LEASE AREA**

73. (1) A quarry lease titleholder may apply to enlarge the quarry lease area.

(2) An application for quarry lease area enlargement, in Form 23 in schedule 3 shall be submitted, in triplicate, by the applicant to the Mining Cadastre Office for registration and processing.

(3) An application for quarry lease area enlargement shall specify:

(a) the complete identification and contact information of the applicant; if a corporation, the address of its headquarters, the identity and address of any legal representative(s), and the identity and address of its commercial representative in Nigeria, if any;

(b) the identifying code of the lease for which the enlargement is sought;

(c) the reasons for the area enlargement;

(d) identify, in accordance with the method specified in Schedule 2, the contiguous requested area enlargement, and such other information as the applicant desires to include.

(4) An application containing all information required under subsection (3) of this Regulation, is complete.
(5) At the time that a quarry lease area enlargement application is received by the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall immediately verify whether the application is complete.

(6) An application that is found to be incomplete under subsection (5) of this Regulation, shall be rejected and not registered.

(7) When an application is verified to be complete under subsection (5) of this Regulation:
   (a) the Mining Cadastre officer making such verification shall assign an identifying code to the application and shall register its date, hour and minute of submission in the Priority Register;
   (b) the Priority Register shall be signed by both the officer verifying the application and the applicant or the applicant's authorised representative;
   (c) the identifying code, date, hour and minute of application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre Officer, and
   (d) one copy of the application shall be given to the applicant.

(8) When a quarry lease area enlargement application is registered, the area applied for shall be recorded in the Cadastral Maps.

(9) Where there is any partial overlap between the area applied for in a quarry lease area enlargement application and any area which:
   (a) is subject to a current exploration licence, small-scale mining lease, mining lease, quarry lease, or water use permit, unless the applicant for the quarry lease area enlargement is also the titleholder of such licence, lease or permit;
   (b) is closed to mining operations;
   (c) has been applied for by any applicant for any mineral title, other than a reconnaissance permit, and such application is not yet decided and was registered earlier in time than the quarry lease area enlargement application; the area of such overlap shall be excluded from the current applicant’s application, and the Mining Cadastre Office shall, in writing, notify the quarry lease area enlargement applicant, within seven (7) calendar days from the application registration date, requesting that the applicant amend the area applied for in the application.
(10) In the review of a quarry lease area enlargement application, the Director General may:

(a) request the applicant to correct any defects or omissions, or to furnish additional information;
(b) confirm the information provided in the application;
(c) consult with other specialists as necessary;
(d) consult other relevant government entities;
(e) propose alterations in the application.

(11) The failure of an applicant to provide any of the information requested pursuant to subsections (9) or (10)(a) of this Regulation, within seven (7) calendar days, or the lack of clarity in the provision of such information, shall render the application null and void, and the Mining Cadastre Office shall in such a case:

(a) in writing, notify the applicant that the application is null and void, and
(b) record the date of such notification in the Priority Register.

(12) Where the area requested in a quarry lease area enlargement application is in excess of the area reasonably needed for mining operations, the Director General shall deny approval to the application, or reduce the area requested to a reasonable area.

(13) The Director General shall deny approval to an quarry lease area enlargement application if the quarry lease titleholder is in default of any obligation imposed by the Act arising from:

(a) the quarry lease for which an enlarged area is sought;
(b) any other small-scale mining lease, mining lease or quarry lease held by the titleholder.

(14) Subject to subsections (12) and (13) of this Regulation, the Director General shall grant an application for a quarry lease area enlargement.

(15) The Mining Cadastre Office shall within sixty (60) calendar days from the quarry lease area enlargement application date, in writing, notify an applicant whose application is denied approval, and the date that such notice of denial was sent shall be recorded in the Priority Register.

(16) The Mining Cadastre Office shall, in writing, notify an applicant whose quarry lease area enlargement application is granted approval, within sixty (60) calendar days of the application registration date:
(a) that the application is approved;
(b) the Mining Cadastre Office at which the quarry lease may be brought to have the area enlargement endorsed on the lease;
(c) that the applicant, or its representative, shall appear and present the lease for endorsement within seven (7) calendar days from the date of notification, and shall have the date that the notice was sent recorded in the General Register.

(17) The Area approved under this Regulation to be added to a quarry lease shall become part of the lease area at the time the quarry lease titleholder pays the non-refundable Annual Service Fee specified in Schedule 1, for the added area, and the Mining Cadastre Office shall upon such payment:
(a) endorse upon the lease the area enlargement granted approval by the Director General, and
(b) record the date of such endorsement in the Quarry Lease Register.

(18) When a quarry lease is endorsed to include an enlarged quarry lease area, the enlarged quarry lease area shall be recorded on the Cadastral Maps pursuant to Regulation 105.

(19) (a) When a quarry lease area enlargement application is denied by the Director General, or is not acted on by the Director General within the sixty (60) calendar days application processing period, an appeal may be taken to the Minister; any such appeal shall be lodged within thirty (30) calendar days of receipt of notification under subsection (15) of this Regulation, or when the Director General has failed to act, after the sixty (60) calendar days processing period has ended but before ninety (90) calendar days from the application registration date.
(b) The applicant for the quarry lease area enlargement may approach the Federal High Court, if not satisfied with the outcome of the appeal to the Minister.

(20) In any case appealed to the Federal High Court under subsection (19) of this Regulation, where the Federal High Court has determined that a quarry lease area enlargement is to be granted, the Director General shall grant the application within seven (7) calendar days of such determination.
(21) When an applicant fails to appear and pay the non-refundable Annual Service Fee within fourteen (14) calendar days from the date of being notified under subsection (16) of this Regulation, the application shall be deemed to be null and void, and the date upon which the application became null and void shall be recorded in the Priority Register.

**QUARRY LEASE REPORTS**

74. (1) A quarry lease titleholder shall submit meet the prescribed reporting requirements in line with template 2 in schedule 5.

(2) Upon receipt of a notice from the Mines Inspectorate Department that a quarry lease titleholder has failed to meet the prescribed reporting requirement, the Mining Cadastre Office shall proceed to revoke the lease.

**WATER USE PERMIT**

**WATER USE PERMIT APPLICANT STATUS**

75. (1) A water use permit application may be submitted, in conformity with the provisions of the following Regulations, by any qualified person who is:

(a) the titleholder of a small-scale mining lease, mining lease, quarry lease or exploration licence; or

(b) an applicant for a small-scale mining lease, mining lease or quarry lease, for which the water use right will be required to be used.

(2) All applications for a water use permit that do not meet the requirements of subsection (1) shall be null and void.

**WATER USE PERMIT APPLICATION**

76. (1) An applicant for a water use permit shall pay the non-refundable Water Use Permit Application Processing Fee specified in Schedule 1.

(2) A water use permit application in Form 24 in schedule 3 of these Regulations shall be submitted, in triplicate, by the applicant to the Mining Cadastre Office, for registration and processing.

(3) A water use permit application shall:
(a) specify the complete identification and contact information of the applicant
(if the applicant is a corporation, the address of its headquarters, the
identity and address of any legal representative(s), and the identity and
address of its commercial representative in Nigeria, if any);
(b) provide the identifying code of the applicant's small-scale mining lease,
mining lease, quarry lease or exploration licence, if such lease or licence
is already granted, or the identifying code of the application for such lease;
(c) describe the desired water use permit area, its size and configuration,
outlined on a topographical map of the area (the overall area shall not
exceed the area reasonably necessary to carry out the Water Use
Operations);
(d) identify, in accordance with the method specified in Schedule 2, the
contiguous area applied for;
(e) identify the water resources located in the area being applied for;
(f) describe the Water Use Operations, and quantities of water to be used;
(g) specify the period of the water use permit sought, if different than that in
the related mineral title;
(h) be completed and signed by the applicant or an authorized representative
of the applicant; and shall have annexed the following:
(i) a preliminary water use plan which shall include:
   (i) a general description of the proposed Water Use Operations, the
       scheme to achieve those operations, including sufficient detail to
       indicate the scale of operation, and the possible location of all
       water use facilities, wells, springs, water storage facilities, dams,
       pipelines, ducts, flumes, furrows, pumping facilities and water
       quality facilities;
   (ii) description of the infrastructures necessary for water usage, and
       the planned commencement date of construction of the water use
       infrastructure;
   (iii) the planned commencement date of water usage;
   (iv) the amount of water to be used, when and how;
(v) proposals for anti-pollution measures, protection of the environment and restoration and rehabilitation (as the case may be) of the terrain including the vegetation;

(vi) identification of any safety and health risks for the personnel involved in the Water Use Operations and the general public, and proposals for the control and elimination of any such risks;

(j) a list of the names of all persons and parties likely to be affected by the grant of the water use permit, their contact information, and a description explaining how they may potentially be affected;

(k) subject to subsection (3)(l) of this Regulation, the written consent of all persons likely to be adversely affected by the grant of a water use permit;

(l) where the written consent of any persons likely to be adversely affected by the grant of a water use permit is not obtained, a written statement by the applicant providing the following information; the name of the potentially affected party, and the efforts by the applicant to obtain that party’s written consent, and why such effort was not successful;

(m) Receipt for Payment of Water Use Permit Application Processing Fee, and

(n) such other information as the applicant desires to include.

(4) An application containing all information required under subsection (3) of this Regulation is complete.

(5) At the time that a water use permit application is received by the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall immediately verify whether the application is complete.

(6) An application that is found to be incomplete under subsection (5) of this Regulation shall be rejected and not registered.

(7) When an application is verified to be complete under subsection (5) of this Regulation:

(a) the Mining Cadastre officer making such verification shall assign an identifying code to the application and shall register its date, hour and minute of submission in the General Register;

(b) the General Register shall be signed by both the officer verifying the application and the applicant or the applicant’s authorised representative;
(c) the identifying code, date, hour and minute of application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre Officer, and

(d) one copy of the application shall be given to the applicant.

(8) When a water use permit application is registered, the area applied for shall be recorded in the Cadastral Maps.

(9) A registered water use permit application shall be officially accepted for consideration of approval unless the water use permit area applied for is fully within an area:

(a) currently held under an exploration licence, mining lease, small-scale mining lease, quarry lease, or water use permit held by someone other than the applicant, or

(b) closed to mining operations under the Act, these Regulations or any other law in which case the application shall be null and void; the Mining Cadastre Office shall, in writing, notify the applicant that the application is null and void within seven (7) calendar days of the application registration date, and the date of such notification shall be recorded in the General Register.

(10) Where there is any overlap between the area applied for in a water use permit application and any area which:

(a) is subject to a current exploration licence, small-scale mining lease, mining lease, quarry lease, or water use permit not held by the applicant;

(b) is closed to mining operations;

(c) has been applied for by any applicant for any mineral title, other than a reconnaissance permit, and such application is not yet decided and was registered earlier in time than the water use permit application; the area of such overlap shall be excluded from the water use permit application, and the Mining Cadastre Office shall, in writing, notify the water use permit applicant, within seven (7) calendar days from the application registration date, requesting that the water use permit applicant amend the area applied for in the application.

(11) Upon receipt of a notice under subsection (10) of this Regulation, an applicant shall modify the application to redefine the water use permit application area in such a way as to avoid the overlap.
(12) When a water use permit application is modified to redefine the application area, the redefined application area shall be recorded in the Cadastral Maps.

(13) In the review of a water use permit application, the Director General may:
(a) request the applicant to correct any defects or omissions;
(b) confirm the information provided in the application;
(c) consult with other specialists as necessary;
(d) consult other relevant government entities;
(e) propose a smaller permit area than applied for where such area exceeds the area reasonably required for the purposes of the Permit;
(f) propose alterations in the application.

(14) The failure of an applicant to provide any of the information requested pursuant to subsections (11) or (13)(a) of this Regulation, within seven (7) calendar days, or the lack of clarity in the provision of such information, shall render the application null and void, and the Mining Cadastre Office shall in such a case:
(a) in writing, notify the applicant that the application is null and void, and
(b) record the date of such notification in the General Register.

(15) Upon receipt of a water use permit application, the Mining Cadastre Office shall publish notice of the application in the Gazette and post the application, in a conspicuous place, at the Central and respective Zonal Mining Cadastre Office, and the notice shall:
(a) announce the submission of the application giving the details of the proposed water use area, and
(b) advise that any party who might be prejudiced by the grant of the application that they shall register any protest at the Central or Zonal Mining Cadastre Office within a period of thirty (30) calendar days from the date of the notice.

(16) The Director General shall not approve a water use permit application until after the expiration of one month from the date the notice required under subsection (15) of this Regulation appeared in the Gazette.
(17) Where the written consent required under subsection (3)(k) of this Regulation is unreasonably withheld, the Mining Cadastre Office shall enter into consultation with all persons withholding consent and likely to be affected by approval of the Water Use Permit Application and shall reach such necessary agreement with such persons as may be just and proper; the Director General shall not issue a water use permit until all such written consents have been obtained.

(18) Any person who otherwise qualifies to apply for a water use permit area shall be ineligible to apply for a water use permit if:

(a) it is shown that any of the members or directors of the applicant or a shareholder holding a controlling share of the applicant has been convicted of a felony or an offence under the Act, or

(b) the applicant, in the ninety (90) calendar days preceding the application registration date, had a prior water use permit application that applied for part or all of the area currently being applied for, which was deemed null and void under subsection (26) of this Regulation, or

(c) the applicant is a former water use permit titleholder whose water use permit has been revoked for the same water use permit area or any part therein applied for if such application is made within twelve (12) months from the date of such revocation.

(19) The Director General shall deny approval to a water use permit applicant if:

(a) that applicant is ineligible, under subsection (18) of this Regulation, to apply for a water use permit, or

(b) it is shown to the satisfaction of the Director General that the exercise of the right under the water use permit shall prejudicially affect any existing right in or over the water supply to which it relates, or

(c) the area applied for exceeds the area reasonably required for the purposes of the permit.

(20) The Mining Cadastre Office shall, in writing, notify a water use permit applicant whose application is denied approval, and shall have the date that the notice was sent recorded in the General Register.

(21) Subject to subsections (16), (17) and (19) of this Regulation, the Director General Shall:
(a) for a water use permit application for use of water by a mining operation on a small-scale mining lease, mining lease, quarry lease or exploration licence already issued to the applicant, grant the application approval.
(b) for a water use permit application for use of water by a mining operation on a small-scale mining lease, mining lease, quarry lease or exploration licence not yet issued, but which has been applied for by the water use permit applicant, grant the water use permit within seven (7) calendar days from the grant of the respective lease.

(22) The Mining Cadastre Office shall, in writing, notify an applicant whose water use permit application is granted approval that:
(a) the application is granted approval;
(b) the Mining Cadastre Office at which the permit can be issued,
and shall have the date that the notice was sent recorded in the General Register.

(23) The Mining Cadastre Office shall issue to the applicant of a water use permit application granted approval by the Director General, upon payment by the applicant of the non-refundable Annual Service Fee specified in Schedule 1, a water use permit.

(24) At the time of issue, the Director General may attach to a water use permit conditions to the permit including the maximum volume of water that may be used, the dates and times when it may be used, and all other matters as the Director General deems necessary.

(25) When a water use permit is issued, the permit area shall be recorded in the Cadastral Maps, and the date of issuance shall be recorded in the Water Use Permit Register.

(26) When an applicant fails to appear and pay the non-refundable Annual Service Fee within thirty (30) calendar days from the date of being notified under subsection (22) of this Regulation, the application shall be deemed to be null and void, and the date upon which the application became null and void shall be recorded in the General Register.
(27) (a) When a water use permit application is denied by the Director General an appeal may be taken to the Minister by the applicant any such appeal shall be lodged within thirty (30) calendar days of receipt of notification under subsection (20) of this Regulation.

(b) The applicant for the water use permit if not satisfied with the outcome of the appeal to the Minister, may approach the Federal High Court.

(28) In any case appealed to the Federal High Court under subsection (27) of this Regulation, where the Federal High Court has determined that a water use permit is to be granted, the Director General shall grant the permit within seven (7) calendar days.

(29) When it becomes known to the Mining Cadastre Office that a false attestation was made in Form 6A or 6B in schedule 3, any resultant water use permit shall be null and void.

RESTRICTIONS ON THE GRANT OF WATER USE PERMIT

77. (1) A water use permit may only be granted in available areas.

(2) For the purposes of the subsection (1) of this Regulation, all areas within the land borders, territorial waters, the continental shelf and in the exclusive economic zone of Nigeria are available areas except areas that are:

(a) subject to any of the following mineral titles held by a party other than the water use permit applicant:

(i) small-scale mining lease,

(ii) mining lease,

(iii) quarry lease,

(iv) water use permit, or

(v) exploration licence.

(b) closed to mining operations under this or any other law.

FORM OF WATER USE PERMIT

78. (1) A water use permit shall be in Form 25 in schedule 3.

(2) A water use permit licence shall have appended to it, by the Mining Cadastre Office, a map with the position of the granted water use permit area marked upon it, and any directly adjacent mineral titles, with the exception of reconnaissance permits, shall also be identified clearly on the map.
DURATION OF WATER USE PERMIT

79. (1) A water use permit shall remain in force as long as the small-scale mining lease, mining lease, quarry lease or exploration licence for which use it was granted remains valid.

(2) The permit shall expire subject to Regulation 83, upon the revocation, or expiry of the small-scale mining lease, mining lease, quarry lease or exploration licence for which use it was granted.

APPLICATION FOR MODIFICATION OF WATER USE PERMIT

80. (1) Subject to subsection (2) of this Regulation, a water use permit titleholder may submit an application, in triplicate, in Form 26 in schedule 3, to modify the water usage allowed under the permit.

(2) When a change in the use of water granted by a water use permit is of a substantial nature that will have a negative impact on the environment or where persons are likely to be adversely affected by the modified water usage, the holder of the water use permit shall apply for a new water use permit pursuant to Regulation 76 of these Regulations, otherwise the permit holder may apply under this Regulation for a modification to the water usage granted under the holder's permit.

(3) An applicant for a water use permit usage modification shall pay the nonrefundable Water Use Permit Usage Modification Application Processing Fee specified in Schedule 1, and upon such payment, the Mining Cadastre Office shall issue to the applicant a Receipt for Payment of Water Use Permit Usage Modification Application Processing Fee.

(4) A water use permit usage modification application shall include the following information:

(a) the complete identification and contact information of the applicant (if the applicant is a corporation, the address of its headquarters, the identity and address of any legal representative(s), and the identity and address of its commercial representative in Nigeria, if any);

(b) the identifying code of the applicant's water use permit;
(c) the identifying code of the applicant's small-scale mining lease, mining lease, quarry lease or exploration licence where the water use permit water is used; and shall have attached.

(d) a general description of the proposed modified Water Use Operations, the scheme to achieve those operations, including sufficient detail to indicate the scale of operation, and the possible location of all water use facilities, wells, springs, water storage facilities, dams, pipelines, ducts, flumes, furrows, pumping facilities and water quality facilities;

(e) description of the infrastructure necessary for the modified water usage, and the planned commencement date of construction of any new water use infrastructure;

(f) the planned commencement date of modified water usage;

(g) the modified amount of water to be used, when and how;

(h) identification of any new pollution sources, environmental impacts, and restoration and rehabilitation needs that may result because of the modified usage;

(i) identification of any new safety and health risks for the personnel involved in the Water Use Operations and the general public, and proposals for the control and elimination of any such risks;

(j) a list of the names of all persons and parties likely to be affected by the modified water usage, and

(k) Water Use Permit Usage Modification Application Processing Fee Receipt.

(5) An application containing all information required under subsection (4) of this Regulation is complete.

(6) At the time that a water use permit usage modification application is received by the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall immediately verify whether the application is complete.

(7) An application that is found to be incomplete under subsection (6) of this Regulation shall be rejected and not registered.

(8) When an application is verified to be complete under subsection (6) of this Regulation:
(a) the Mining Cadastre officer making such verification shall assign an identifying code to the application and shall register its date of submission in the General Register;

(b) the General Register shall be signed by both the officer verifying the application and the applicant or the applicant’s authorised representative;

(c) the identifying code and date of application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre Officer, and

(d) one copy of the application shall be given to the applicant.

(9) The Director General shall deny approval to a water use permit usage modification application when he is of the opinion that the usage modification is of a substantial nature that will have a changed and negative impact on the environment or that persons are likely to be adversely affected by the modified purpose.

(10) When a water use permit usage modification application is denied approval under subsection (9) of this Regulation, the applicant may apply for a new water use permit pursuant to Regulation 76 of these Regulations.

(11) Subject to subsection (9) of this Regulation, the Director General shall grant approval to a water use permit usage modification application within sixty (60) calendar days from the registration date of the application if:

(a) the conditions of the permit have been met;

(b) the permit titleholder is not in default under the Act, and these Regulations; and

(c) the permit titleholder can demonstrate the need for the modification applied for in the application.

(12) The Mining Cadastre Office shall, in writing, notify an applicant whose water use permit usage modification is granted approval that:

(a) the application is granted approval;

(b) the Mining Cadastre Office at which the permit can be endorsed with the modification; and shall have the date that the notice was sent recorded in the General Register.
(13) The Director General shall not deny a water use permit usage modification application without first having given the applicant prior notice of the intention to deny the modification including the reasons for denial and inviting the applicant, within a specified time period, to present a documented statement describing why the usage modification:
   (a) is needed;
   (b) is not of a substantial nature that will have a changed and negative impact on the environment, and
   (c) that persons are not likely to be adversely affected by the modified usage.

(14) Where the Director General denies approval to a water use permit usage modification application, he shall, by a written notice, inform the permit titleholder of such denial stating the reasons for denial therein.

(15) (a) A water use permit titleholder denied a usage modification by the Director General under this Regulation, may within thirty (30) calendar days of being notified of such denial, appeal in writing to the Minister.
   (b) The applicant for the water use permit modification if not satisfied with the outcome of the appeal to the Minister, may approach the Federal High Court.

(16) In any case appealed under subsection (15) of this Regulation to the Federal High Court when the Federal High Court has determined that a water use permit usage modification is to be granted, the Director General shall grant the modification within seven (7) calendar days.

(17) When a water use permit usage modification application is approved, such approval shall take effect upon the endorsement of the water use permit with the approved modification and payment of the non-refundable Water Use Permit Modification Endorsement Fee specified in Schedule 1.

(18) When the applicant for a water use permit usage modification fails to pay the fee required in subsection (17) of this Regulation within thirty (30) calendar days after being notified of the Director General’s approval, such modification shall be deemed null and void.
TERM OF VALIDITY OF A WATER USE PERMIT

81. (1) Subject to subsection (2) of this Regulation, a water use permit will remain valid during:
   a) the initial period fixed in the permit measured from the date on which the permit is issued by the Mining Cadastre Office, and
   b) any renewal period granted in conformity with the renewal period of the small-scale mining lease, mining lease or quarry lease to which the water use applies.

   (2) Unless terminated earlier by revocation, a water use permit shall terminate upon expiration of the term provided therein or upon the expiry or revocation of the small-scale mining lease, mining lease, or quarry lease to which the water use applies, whichever shall occur first in time.

RELINQUISHMENT OF WATER USE PERMIT AREA

82. (1) A water use permit titleholder may, at any time during the term of the water use permit, apply, in Form 27 in schedule 3, to the Mining Cadastre Office to relinquish part or all of the water use permit area.

   (2) There shall be no area relinquishment under this Regulation of any water use permit area attached by the Court so long as such attachment remains in force.

   (3) There shall be no area relinquishment under this Regulation unless the written consent to the same of all persons having interests registered against the water use permit shall have been delivered to the Mining Cadastre Office.

   (4) When the entire water use permit area is to be relinquished, upon the Director General granting the application approval, the Mining Cadastre Office shall:
      (a) revoke the permit;
      (b) in writing, notify the water use titleholder of the date on which the permit was revoked;
      (c) record the revocation in the Water Use Permit Register;
      (d) update the Cadastral Maps.

   (5) When only part of the water use permit area is to be relinquished, upon the Director General granting the application approval, the Mining Cadastre office shall:
(a) in writing, notify the titleholder of the area approved for relinquishment and on what day the area was relinquished;
(b) record the area relinquishment in the water use permit;
(c) record the area relinquishment in the Water Use Permit Register and Cadastral Maps.

(6) A titleholder receiving a notice under subsection (5) of this Regulation shall within fourteen (14) calendar days of receiving such notice adjust the water use permit boundary demarcation markers, in compliance with Regulation 106 of these Regulations, to mark the new boundaries of the permit area.

(7) When a water use permit titleholder relinquishes area pursuant to this Regulation the liability of the holder:
(a) to pay any tax, fee, rental, penalty or other compensation that is payable before the date of relinquishment;
(b) to fulfill all requirements for environmental matters;
(c) to perform any obligation required by law to be performed on or before that date;
(d) for any act done or default made on or before that date, that is payable under, in respect of, or arises out of or in relation to such permit under this or any other law then in force is not affected.

**ENLARGEMENT OF WATER USE PERMIT AREA**

83. (1) A water use permit titleholder may apply to enlarge the permit area.
(2) An application for water use permit area enlargement, in Form 28 in schedule 3 of these Regulations shall be submitted, in triplicate, by the applicant to the Mining Cadastre Office for registration and processing.
(3) An application to enlarge the area under a water use permit shall:
(a) specify the complete identification and contact information of the applicant (if the applicant is a corporation, the address of its headquarters, the identity and address of any legal representative(s), and the identity and address of its commercial representative in Nigeria, if any);
(b) provide the identifying code of the applicant's water use permit;
(c) provide the identifying code of the applicant's small-scale mining lease, mining lease, quarry lease or exploration licence, if such lease is already granted, or the identifying code of the application for such lease or licence;
(d) describe the desired water use permit enlargement area, its size and configuration, outlined on a topographical map of the area (the overall area shall not exceed the area reasonably necessary to carry out the Water Use Operations);
(e) identify, in accordance with the method specified in Schedule 2, the contiguous requested enlargement area;
(f) identify the water resources located in the area being applied for;
(g) describe the Water Use Operations, and quantities of water to be used on the water use permit area including the enlargement area;
(h) be completed and signed by the applicant or an authorized representative of the applicant; and shall have annexed the following:
(i) a water use plan which shall include:
   - a general description of the proposed Water Use Operations on the water use permit area and the enlargement area, the scheme to achieve those operations, including sufficient detail to indicate the scale of operation, and the possible location of all water use facilities, wells, springs, water storage facilities, dams, pipelines, ducts, flumes, furrows, pumping facilities and water quality facilities;
   - description of the infrastructures necessary for water usage, and the planned commencement date of construction of the water use infrastructure;
   - the amount of water to be used, when and how;
   - proposals for anti-pollution measures, protection of the environment and restoration and rehabilitation (as the case may be) of the terrain including the vegetation;
identification of any safety and health risks for the personnel involved in the Water Use Operations and the general public, and proposals for the control and elimination of any such risks;

(ii) a list of the names of all persons and parties likely to be affected by the grant of the water use permit enlargement, their contact information, and a description explaining how they may potentially be affected;

(i) subject to subsection (3) (j) of this Regulation, the written consent of all persons likely to be adversely affected by the grant of a water use permit enlargement area;

(j) where the written consent of any persons likely to be adversely affected by the grant of a water use permit enlargement area is not obtained, a written statement by the applicant providing the following information; the name of the potentially affected party, and the efforts by the applicant to obtain that party’s written consent, and why such effort was not successful, and

(k) such other information as the applicant desires to include.

(4) An application containing all information required under subsection (3) of this Regulation is complete.

(5) At the time that a water use permit area enlargement application is received by the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall immediately verify whether the application is complete.

(6) An application that is found to be incomplete under subsection (5) of this Regulation shall be rejected and not registered.

(7) When an application is verified to be complete under subsection (5) of this Regulation:

(a) the Mining Cadastre officer making such verification shall assign an identifying code to the application and shall register its date, hour and minute of submission in the General Register;

(b) the General Register shall be signed by both the officer verifying the application and the applicant or the applicant’s authorized representative;
(c) the identifying code, date, hour and minute of application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre Officer, and
d) one copy of the application shall be given to the applicant.

(8) When a water use permit enlargement area application is registered, the area applied for shall be recorded in the Cadastral Maps.

(9) A registered water use permit enlargement area application shall be officially accepted for consideration of approval unless the water use permit area applied for is fully within an area:
   (a) currently held under an exploration licence, mining lease, small-scale mining lease, quarry lease, or water use permit held by someone other than the applicant, or
   (b) closed to mining operations under the Act, these Regulations or any other law in which case the application shall be null and void; the Mining Cadastre Office Director General shall, in writing, notify the applicant that the application is null and void within seven (7) calendar days of the application registration date, and the date of such notification shall be recorded in the General Register.

(10) Where there is any overlap between the area applied for in a water use permit enlargement area application and any area which:
   (a) is subject to a current exploration licence, small-scale mining lease, mining lease, quarry lease, or water use permit not held by the applicant;
   (b) is closed to mining operations;
   (c) has been applied for by any applicant for any mineral title, other than a reconnaissance permit, and such application is not yet decided and was registered earlier in time than the water use permit application;
   the area of such overlap shall be excluded from the water use permit enlargement area application, and the Mining Cadastre Office shall, in writing, notify the water use permit enlargement area applicant, within seven (7) calendar days from the application registration date, requesting that the water use permit enlargement area applicant amend the area applied for in the application.
(11) Upon receipt of a notice under subsection (10) of this Regulation, an applicant shall modify the application to redefine the water use permit enlargement area application in such a way as to avoid the overlap.

(12) When a water use permit enlargement area application is modified to redefine the application area, the redefined application area shall be recorded in the Cadastral Maps.

(13) In the review of water use permits enlargement area application, the Director General may:
(a) request the applicant to correct any defects or omissions;
(b) confirm the information provided in the application;
(c) consult with other specialists as necessary;
(d) consult other relevant government entities;
(e) propose a smaller permit area than applied for where such area exceeds the area reasonably required for the purposes of the Permit;
(f) propose alterations in the application.

(14) The failure of an applicant to provide any of the information requested pursuant to subsection (13)(a) of this Regulation within seven (7) calendar days, or the lack of clarity in the provision of such information, shall render the application null and void, and the Mining Cadastre Office shall in such a case:
(a) in writing, notify the applicant that the application is null and void, and
(b) record the date of such notification in the General Register.

(15) Upon receipt of a water use permit enlargement area application, the Mining Cadastre Office shall publish notice of the application in the Gazette and post the application, in a conspicuous place, at the Central and respective Zonal Mining Cadastre Office, and the notice shall:
(a) announce the submission of the application giving the details of the proposed water use area, and;
(b) advise that any party who might be prejudiced by the grant of the application that they shall register any protest at the Central or Zonal Mining Cadastre Office within a period of thirty (30) calendar days from the date of the notice.
(16) The Director General shall not approve a water use permit enlargement area application until after the expiration of one month from the date the notice required under subsection (15) of this Regulation appeared in the Gazette or Newspaper and by notice posted in the Central Mining Cadastre Office and the respective Zonal Mining Cadastre Offices.

(17) Where the written consent required under subsection (3)(j) of this Regulation is unreasonably withheld, the Mining Cadastre Office shall enter into consultation with all persons withholding consent and likely to be affected by approval of the water use permit enlargement area application and shall reach such necessary agreement with such persons as may be just and proper; the Director General shall not issue a water use permit until all such written consents have been obtained.

(18) Any person who otherwise qualifies to apply for a water use permit enlargement area shall be ineligible to apply for a water use permit if:

(a) it is shown that any of the members or directors of the applicant or a shareholder holding a controlling share of the applicant has been convicted of a felony or an offence under the Act, or

(b) the applicant, in the ninety (90) calendar days preceding the application registration date, had a prior water use permit enlargement area application that applied for part or all of the area currently being applied for, which was deemed null and void under subsection (28) of this Regulation, or

(c) the applicant is a former water use permit titleholder whose water use permit has been revoked for the same water use permit enlargement area or any part therein applied for if such application is made within twelve (12) months from the date of such revocation.

(19) The Director General shall deny approval to a water use permit enlargement area applicant if:

(a) that applicant is ineligible, under subsection (18) of this Regulation, to apply for a water use permit enlargement area application.

(b) it is shown to the satisfaction of the Director General that the exercise of the right under the water use permit enlargement area shall prejudicially affect any existing right in or over the water supply to which it relates.
(c) the area applied for exceeds the area reasonably required for the purposes of the permit.

(20) The Mining Cadastre Office shall, in writing, notify a water use permit enlargement area applicant whose application is denied approval, and shall have the date that the notice was sent recorded in the General Register.

(21) Subject to subsections (16), (18) and (19) of this Regulation, the Director General shall grant approval to a water use permit enlargement area application.

(22) The Mining Cadastre Office shall, in writing, notify an applicant whose water use permit enlargement area application is granted approval, within sixty (60) calendar days of the application registration date:
   (a) that the application is approved;
   (b) the Mining Cadastre Office at which the water use permit may be brought to have the area enlargement endorsed on the permit;
   (c) that the applicant, or its representative, shall appear and present the permit for endorsement within seven (7) calendar days from the date of notification, and shall have the date that the notice was sent recorded in the General Register.

(23) The Area approved under this Regulation to be added to a water use permit shall become part of the permit area at the time the water use permit titleholder pays the nonrefundable Annual Service Fee specified in Schedule 1 for the added area, and the Mining Cadastre Office shall upon such payment:
   (a) endorse upon the water use permit the area enlargement granted approval by the Director General, and
   (b) record the date of such endorsement in the Water Use Permit Register.

(24) At the time of endorsement, the Mining Cadastre Office shall attach to a water use permit conditions to the permit including the maximum volume of water that may be used, the dates and times when it may be used, and all other matters as the Director General deems necessary.

(25) When a water use permit is endorsed to include an enlarged water use permit area, the enlarged quarry lease area shall be recorded on the Cadastral Maps pursuant to Regulation 105.
(26) (a) When a water use permit area enlargement application is denied by the Director General, or is not acted on by the Director General within the sixty (60) calendar day application processing period, an appeal may be taken to the minister; any such appeal shall be lodged within thirty (30) calendar days of receipt of notification under subsection (20) of this Regulation, or when the Director General has failed to act, after the sixty (60) calendar day processing period has ended but before ninety (90) calendar days from the application registration date.

(b) The applicant for the water use permit area enlargement, if not satisfied with the outcome of the appeal to the Minister, may approach the Federal High Court.

(27) In any case appealed to the Federal High Court under subsection (26) of this Regulation, where the Federal High Court has determined that a water use permit area enlargement is to be granted, the Director General shall grant the application within seven (7) calendar days of such determination.

(28) When an applicant fails to appear and pay the non-refundable Annual Service Fee within fourteen (14) calendar days from the date of being notified under subsection (22) of this Regulation, the application shall be deemed to be null and void, and the date upon which the application became null and void shall be recorded in the General Register.

**WATER USE PERMIT REPORTS**

84. (1) A water use permit titleholder shall meet the prescribed reporting requirements in line with schedule 5.

(2) Upon receipt of a notice from the Mines Inspectorate Department that a water use permit titleholder has failed to meet the prescribed reporting requirement, the Mining Cadastre Office shall proceed to revoke the permit.

**EFFECT OF MINERAL TITLE GRANT ON OTHER MINERAL TITLES AND AUTHORIZATIONS**

85. (1) When an exploration licence, mining lease, small-scale mining lease, quarry lease, or water use permit is granted, the area under such licence, lease, or permit shall be deemed excluded from all reconnaissance permits.
(2) When a mining lease, small-scale mining lease, quarry lease, or water use permit is granted for an area subject to an exploration licence held by the mining lease, small-scale mining lease, quarry lease, or water use permit applicant, that portion of the Exploration licence that overlaps the mining lease, small-scale mining lease, quarry lease, or water use permit area, as the case may be, shall be deemed automatically relinquished from the exploration licence.

(3) When a mining lease, quarry lease, or water use permit is granted for an area subject to a small-scale mining lease held by the mining lease, quarry lease, or water use permit applicant, that portion of the small-scale mining lease area that overlaps the mining lease, quarrying lease licence area or water use permit area, as the case may be, shall be deemed automatically relinquished from the small-scale mining lease area, and where the mining lease area, quarry lease area, or water use permit area includes the entirety of the small-scale mining lease area, the small-scale mining lease shall be deemed automatically revoked.

**DISCOVERY AND AUTHORIZATION TO MINE ADDITIONAL MINERALS**

86. (1) When the titleholder of a Small-Scale Mining Lease, Mining Lease, or Quarry Lease discovers any mineral not specified in his lease, other than Mineral Water, he shall, within thirty (30) calendar days of the discovery, notify the Mining Cadastre Office, in writing, about the discovery.

(2) The holder of a small-scale mining lease or mining lease who has filed a notice as per subsection (1) of this Regulation may apply to have the lease amended to include any non-security mineral, except Mineral Water, by submitting an application to the Mining Cadastre Office for registration and processing.

(3) The holder of a quarry lease who has filed a notice as per subsection (1) of this Regulation may apply to have the lease amended to include any mineral for construction not containing a 0.05% uranium or thorium or combination of both by weight (security minerals) by submitting an application to the Mining Cadastre Office.
(4) An application for authorization to mine new minerals shall be registered in the
General Register on the day in which the applicant submits the application and
pays the non-refundable Application to Mine Newly Discovered Mineral
Processing Fee amount specified in Schedule 1.

(5) Where the Director General is satisfied with the applicant’s proposed program
for the orderly and timely exploitation of the newly discovered minerals for
which mining authorization is sought, he shall grant the application approval
within thirty (30) calendar days of the application registration date.

(6) The Mining Cadastre Office shall, in writing, notify an applicant whose application
is denied approval within thirty (30) calendar days of the date on which the
application was registered, and such notification shall include the specific
reasons for denial.

(7) (a) When an application to mine newly discovered minerals is denied by the
Director General, or not acted on by the Minister within the time period
prescribed in subsection (6) of this Regulation, the applicant may appeal to the
Minister.

(b) The applicant to mine newly discovered minerals, for the water use permit if
not satisfied with the outcome of the appeal to the Minister, may approach the
Federal High Court

(8) in any case appealed to the Federal High Court where the Federal High Court
has determined that the application is to be approved, the Director General
shall grant the application within seven (7) calendar days.

(9) The Mining Cadastre Office shall, in writing, notify an applicant whose
application to mine newly discovered minerals is approved within fourteen (14)
calendar days from the date of approval:

(a) that the application is approved;

(b) the Mining Cadastre Office at which the lease can be endorsed with the
right of the holder to mine the new mineral, and shall record the date that the
notice was sent in the General Register.

(10) The Mining Cadastre Office shall record any approval made under subsection (5)
of this Regulation to mine a new mineral in the respective mineral title register.
CONSOLIDATION OF MINERAL TITLES

87. (1) A titleholder of exploration licences, small-scale mining leases, mining leases, quarry leases, or water use permits whose mineral title areas are contiguous may apply to consolidate such separate mineral titles of a like kind into a single mineral title of a like kind.

(2) A titleholder of exploration licences, small-scale mining leases, mining leases, quarry leases, or water use permits, before submitting an application to consolidate like types of mineral titles, shall submit to the Mines Environmental Compliance Department:

(a) an environmental impact assessment statement approved by the Federal Ministry of the Environment in respect of Mining Operations to be conducted within the consolidated mineral title area; and

(b) an updated Environmental Protection and Rehabilitation Program.

(3) An application to consolidate like types of mineral titles shall be submitted, in triplicate, to the Mining Cadastre Office and such application shall be registered in the General Register at such time as the non-refundable Application to Consolidate Mineral Titles Processing Fee specified in Schedule (1) of this Regulation is paid.

(4) The Director General shall not consolidate two or more mineral titles if:

(a) the resultant area of the consolidated mineral title would exceed the maximum area allowable for that type of mineral title;

(b) the applicant has failed to comply with subsection (2) of this Regulation.

(5) The Director General shall, in writing, notify an applicant within thirty (30) calendar days from the registration date whether the application to consolidate mineral titles is approved or denied.

(6) When the Director General approves a mineral title consolidation application, he shall record the consolidation in the appropriate mineral title register and in the Cadastral Maps, and the resulting mineral title shall be deemed to have been issued, for the purposes of determining the consolidated mineral title's term and all time related obligations under the consolidated mineral title, on the issue date of the oldest mineral title subject to the consolidation.
CONVERSION OF ONE LEASE TYPE TO ANOTHER

88. (1) A titleholder of a small-scale mining lease or quarry lease may apply to the Mining Cadastre Office to convert the holder’s lease to a mining lease.

(2) A titleholder of a small-scale mining lease or quarry lease applying to convert the holder’s lease to a mining lease shall meet the qualification requirements of the Act for such lease type, and follow the procedures to apply for such lease type as defined in these Regulations.

(3) The term of a mining lease emergent from a small-scale mining lease or quarry lease, shall be the term requested or the maximum period allowed for a mining lease, whichever is shorter, as measured from the date that the mining lease was issued by the Mining Cadastre Office.

TRANSFER AND ASSIGNMENT

89. (1) The procedure for transfer of a mineral title in the event of the death or mental incapacity of an individual mineral titleholder is regulated under Regulation 90; all other mineral title transfers are regulated by this Regulation.

(2) A titleholder of an exploration licence, mining lease, quarry lease, small-scale mining lease, or a water use permit may apply to transfer or assign the ownership of that mineral title.

(3) A reconnaissance permit titleholder may not transfer or assign such permit to any party.

(4) A written application to transfer or assign a mineral title other than a reconnaissance permit shall be submitted, in triplicate, by the applicant to the Mining Cadastre Office, for registration and processing; and such application shall have appended to it the terms and conditions of the assignment or transfer and include an authenticated copy of the proposed instrument of assignment or transfer.

(5) An applicant for a mineral title transfer shall pay the respective non-refundable Mineral Title Transfer/Assignment Application Processing Fee specified in Schedule 1 of these Regulations, and upon such payment, the Mining Cadastre Office shall:

(a) issue to the applicant a receipt, and

(b) record the application registration in the respective mineral title register.
(6) Subject to this Regulations, the Minister shall approve an application to transfer or assign a mineral title if the transferee or assignee, within fifteen (15) calendar days of the application registration date, satisfies the following requirements:

(a) is a qualified person to hold that type of mineral title;
(b) submits an acceptance of transfer or assignment attestation to the Minister and completes all information required in such form; and
(c) pays the Mineral Title Transfer Fee specified in Schedule 1 of these Regulations.

(7) When an application to transfer a mineral title request is denied by the Director General, the Mining Cadastre Office shall within fifteen (15) calendar days of his decision, but in no case more than thirty (30) calendar days from the mineral title transfer application registration date, notify the transfer applicant in writing of such denial.

(8) (a) Any person aggrieved by the decision of the Director General may, within sixty (60) calendar days of such notification, appeal in writing to the Minister.

(b) The aggrieved party if not satisfied with the outcome of the appeal to the Minister, may approach the Federal High Court.

(9) In any case appealed to the Federal High Court under subsection(8) of this Regulation, where the Federal High Court has determined that a mineral title transfer is to be granted, the Director General shall grant the transfer within seven (7) calendar days.

(10) An application to transfer a mineral title, provided that the applicant is a qualified person, shall be deemed automatically approved when not acted upon by the Director General within thirty (30) calendar days from application registration date, and the Mining Cadastre Office shall record the transfer in the respective mineral title register.

(11) Upon the approval of a mineral title transfer or assignment, the transfer or assignment, including the date on which such transfer or assignment was made, shall be recorded in the mineral title and in the respective register pursuant to Regulation 103.
12. Any act or transaction which violates the provisions of this Regulation shall be null and void.

TRANSFER IN THE EVENT OF DEATH OR MENTAL INCAPACITY

90. (1) In the event of the death or mental incapacity of an individual mineral titleholder, the holder’s:
   (a) exploration licence, mining lease, small-scale mining lease, quarry lease, or water use permit may be transferred or assigned subject to this Regulation.
   (b) reconnaissance permit shall be revoked.

(2) An application to assign or otherwise transfer a mineral title shall be submitted, in triplicate, to the Director General and shall specify the terms and conditions of the assignment or transfer and shall be accompanied by an authenticated copy of the proposed instrument of assignment or transfer.

(3) The Director General shall transfer a mineral title when the heir or assignee, as established through the laws of succession or mental incapacity, satisfies the following requirements:
   (a) is a qualified person to hold that type of mineral title;
   (b) submits an application to the Director General;
   (c) submits an acceptance of transfer or assignment to the Director General;
   (d) provides, in the case of death, a copy of the death certificate and a copy of the testamentary instrument or other document verifying the rights of succession, or in the case of mental incapacity, a copy of the official document confirming mental incapacity; and
   e) pays the Mineral Title Transfer Fee specified in Schedule 1 of this Regulation.

(4) Where there is more than one heir or assignee and the licence, lease or permit area, as the case may be, is not divisible, the heirs shall establish a corporation or other form of association and shall, within ninety (90) calendar days of the date of the devise, submit an application to the Director General for the transfer of the mineral title to the said corporation or association.
(5) Where a transfer of mineral title is denied by the Director General, the Director General shall, within thirty (30) calendar days of the transfer application being made, notify the transfer applicant in writing of such denial.

(6) Any person aggrieved by a decision of the Director General under this Regulation may, within sixty (60) calendar days of such notification, appeal in writing to the Minister.

(7) Where the provisions of subsection (3) of this Regulation, and, if applicable, subsection (4) of this Regulation, are not complied with within six (6) months from the date of death or date that the titleholder was found to be legally incompetent, the Director General shall revoke the mineral title.

(8) Upon acceptance by the applicant of the terms and conditions of the approval of a mineral title transfer, the transfer shall be recorded in the respective mineral title and in the register pursuant to Section (94) of these Regulations.

(9) A mineral title transfer under Regulation shall not be effective until the nonrefundable Mineral Title Transfer Fee specified in Schedule 1 of these Regulations are paid.

(10) Any act or transaction which violates the provisions of this Section shall be null and void.

**ENCUMBRANCE OR LIEN**

91. (1) No encumbrance or lien may be placed upon an exploration licence, mining lease, small-scale mining lease, quarry lease, or water use permit or upon the facilities, installations and other fixtures which are part of the mining operations unless it is to secure financing for said activities and the status of the mineral title have been confirmed by Mining Cadastre Office.

(2) Where any rights arising from a mineral title or permit that are transferable under the Act are wholly or partially assigned, subleased, pledged, mortgaged, charged, hypothecated or subject to any security interest, the holder of the title shall notify the Mining Cadastre Office within thirty (30) calendar days of the Notice of Encumbrance.

(3) The Mining Cadastre Office shall record any notification received under subsection (2) of this Regulation in the respective mineral title register.
(4) Any act or transaction which violates the provisions of subsection (1) of this Regulation shall be null and void.

**SUSPENSION OF MINERAL TITLE**

92. (1) The Mining Cadastre Office may suspend a mineral title for any reason under the Act that requires or allows mineral title suspension.

(2) When the Mining Cadastre Office intends to suspend any mineral title, it shall give notice to the mineral title holder of such intention and such notice shall contain, in detail, the grounds for suspension.

(3) When a mineral titleholder fails within the time period specified in the Act, or thirty (30) calendar days if no time period is specified, of receiving a notice under subsection (2) of this Regulation, to remedy the breach or remove the grounds for suspension, the Mining Cadastre shall send to the Minister, a request for permission to suspend the mineral title.

(4) Upon receipt of the Minister’s written permission or instructions to suspend a mineral title, the Mining Cadastre Office shall suspend the title within seven (7) calendar days, and record such suspension in the appropriate mineral title register.

(5) Notwithstanding the suspension of a mineral title in accordance with the Act, the mineral title or permit holder shall remain liable during the period of suspension for the performance of any obligations arising out of the mineral title, including safety, environmental, social, fee and reporting obligations, except any obligation to explore or produce mineral resources, as well as for any claims for damages or injuries by bona fide third parties.

**INTENT TO ABANDON OR PERMANENTLY CEASE MINERAL PRODUCTION**

93. (1) A titleholder of a small-scale mining lease, mining lease, and quarry lease intending to abandon or permanently cease production from the lease area shall provide a written notice three months before such intended abandonment or cessation of production, to the:

(a) Mining Cadastre Office,

(b) Mines Inspectorate Department, and

(c) Environmental Compliance Department.
(2) The Mining Cadastre Office shall record any notification to abandon or permanently cease production received under subsection(1) of this Regulation in the respective mineral title register.

**SURRENDER OF MINERAL TITLE**

94. (1) A holder of a mineral title may apply to the Mining Cadastre Office to surrender the title.

(2) The Mining Cadastre Office shall approve an application made under subsection (1) of this Regulation, when satisfied that:

(a) the application for surrender is complete;

(b) the surrender will not affect any liability incurred by the mineral title holder before the surrender of the mineral title, including environmental obligations;

(c) all rents due and fees prescribed, if any, have been paid by the holder of the mineral title, and shall, in writing, notify an applicant whether the application is granted approval or denied.

(3) An applicant shall within thirty (30) calendar days of receiving a notice under subsection (3) of this Regulation surrender the original title document to the Mining Cadastre Office; failure to submit the document within the thirty (30) day period shall render the application null and void.

(4) The Mining Cadastre Office shall proceed to revoke a mineral title when an application for surrender of that title is approved and the original title document has been surrendered.

**REVOCATION OF MINERAL TITLE**

95. (1) The Mining Cadastre Office may revoke a mineral title for any reason under the Act that requires revocation.

(2) When the Mining Cadastre office intends to revoke any mineral title, except when revocation results from surrender of the title pursuant to Regulation(84) , it shall give notice to the mineral title holder of such intent and such notice shall contain, in detail, the grounds for revocation.

(3) The Mining Cadastre shall send to the Minister, a request for permission to revoke a mineral title:
(a) when a mineral titleholder fails within thirty (30) calendar days of receiving a notice under subsection (2) of this Regulation to remedy the breach or remove the grounds for revocation, or
(b) when an application for surrender of the title is approved pursuant to Regulation(84).

(4) Upon receipt of the Minister’s written permission to revoke a mineral title, the Mining Cadastre Office shall revoke the title within seven (7) calendar days, and record such revocation in the appropriate mineral title register and Cadastral maps.

(5) The Mining Cadastre Office shall, within seven (7) calendar days from the date of revocation of a mineral title, in writing, notify the holder of the mineral title that the title is revoked.

(6) Any person aggrieved by the decision by the Mining Cadastre Office to revoke a mineral title may, within thirty (30) calendar days of such notification, appeal in writing to the Federal High Court.

(7) Upon revocation of a mineral title, the Mining Cadastre Office shall send to the mineral title holder a notice requesting the delivery of:
(a) all records which the holder is obliged to submit under the provisions of the Act and these Regulations.
(b) all plans or maps of the area covered by the mineral title prepared by the holder or at his instructions; and
(c) such other documents relating to the mineral title as may be requested in the notice.

(8) Upon receipt of a notice under subsection (7) of this Regulation, the notice recipient shall provide all information requested in the notice to the Mining Cadastre Office within thirty (30) calendar days.

**FISCAL ANNUAL SERVICE FEE**

96. (1) The holder of a mineral title, other than the holder of a reconnaissance permit, shall pay an annual service fee to the Mining Cadastre Office equal to the number of Cadastral Units that comprise the title area multiplied by the fee per Cadastral Unit for that type of title as set out in Schedule 1 of these Regulations.
(2) The number of Cadastral Units to be used for the purposes of the annual service fee calculation under subsection (1) of this Regulation shall be:

(i) in the year that the mineral title is issued, the number of Cadastral Units that comprise the title area on the date the title is issued.

(ii) in all other years, the number of Cadastral Units that comprise the title area on anniversary day of the year for which the annual service fee payment is being made.

(3) Annual service fee shall become due for payment every 12 month from the date of grant of the mineral title.

(4) Upon receipt of a payment by a mineral titleholder of the annual service fee, the Mining Cadastre Office shall immediately issue a receipt to the payer and record the payment in the respective mineral title register.

(5) In case of default of payment of the annual service fee due to the Mining Cadastre Office, the Mining Cadastre Office shall give a thirty (30) day written default notice to the defaulting party and, when payment is not effected during that period, the Mining Cadastre Office shall record the default in the respective mineral title register and proceed to revoke the mineral title.

(6) Any amount of annual service fee payable pursuant to these Regulations and unpaid may be recovered by the Mining Cadastre Office on behalf of the Federal Government of Nigeria by action as for a debt due to the Federal Government of Nigeria in the Federal High Court.

(7) All annual service fees and any other fee paid to the Mining Cadastre Office under these Regulations shall accrue to a specially designated Fee Receipts Account to be maintained by the Mining Cadastre Office.

ROYALTY

97. (1) A mineral titleholder, other than the holder of a reconnaissance permit or water use permit, shall pay royalty as prescribed in schedule 4 pursuant to Regulation 111.

(2) Upon receipt of a notice from the Mines Inspectorate Department that a mineral titleholder has failed to meet prescribed royalty reporting and payment requirements, the Mining Cadastre Office shall proceed to revoke such title in line with Regulation 95.
ANNUAL SURFACE RENT

98 (1) A holder of a small-scale mining lease, mining lease, quarry lease, or water use permit shall annually pay surface rent to the owner or occupier of the land the subject of the lease in such amount, at such place, in such form, and at such time as shall be determined by the Minister in line with the provisions of the Act.

INFORMATION, RECORDS AND BOUNDARIES

SUBMISSION OF INFORMATION

99. (1) Any person obligated by the Act or these Regulations to submit a report, data or other information, shall submit such report, data or information to the Mining Cadastre office unless another place or person is specified in the provision giving rise to the obligation.

(2) Any report, data or other information submitted pursuant to the Act or this Regulations shall be become state property upon the date of submission of such report, data or other information.

CONFIDENTIALITY

100. (1) Subject to subsection 3 of this Regulations, no information in reports submitted by a mineral titleholder to meet requirements as may be specified in the Act, or these Regulations, and other Guidelines and rules made pursuant thereto shall be disclosed for a period of six months from the expiry or revocation of the mineral title, except with the prior written consent of the mineral titleholder.

(2) Subject to these Regulations, all information submitted in support of an application for a mining lease, small-scale mining lease, quarry lease, or water use permit, or a renewal thereof shall be kept confidential.

(3) Nothing in subsections (1) or (2) of this Regulation operates to prevent the disclosure of information where the disclosure is made:

(a) as may be strictly necessary in connection with the execution of the provisions of the Act and these Regulations;
(b) to the Minister or other governmental entity in the exercise of their governmental duties or in order to comply with an obligation imposed by law;
(c) in connection with any judicial or arbitration proceeding;
(d) for the purpose of any investigation or inquiry conducted under the Act or these Regulations;
(e) to any consultant to the Government, or to any officer, who is approved in writing by the Minister as a proper person to receive the information;
(f) in connection with the preparation by the Government of statistical data relative to mining activities;
(g) in connection with the determination of the obligations and liability of a titleholder in respect of payments due the Government;
(h) in connection with any subject or for any purpose defined by contract.

4 It shall not be considered disclosure of confidential information whenever it can be proven that the information disclosed or divulged was already in the public domain prior to the disclosure being made.

PROHIBITION ON ABUSE OF INFORMATION OBTAINED IN OFFICIAL CAPACITY

101 Any officer responsible for the administration of this Regulations who has any confidential information which if generally known might reasonably be expected to affect materially an exploration, mining or quarrying operation which:
(a) such officer acquired by virtue of his official capacity or former official capacity; and
(b) it would be reasonable to expect a person in his official capacity or former official capacity not to disclose except for the proper performance of the functions attached to that official capacity, shall not make improper use of such information to gain, directly or indirectly, an advantage for himself or for any other person.
NOTICE OF LOCAL RESIDENCE

102 (1) On or before the issuance of a mineral title, the applicant for the mineral title shall have informed the Mining Cadastre Office of its representative's postal address in Nigeria, and notice shall be immediately given by an applicant for, or the titleholder of, a mineral title of any change in the postal address, email address or identity of its representative.

(2) Any notice which is required to be given to a mineral titleholder shall be effective when made or given at the address provided pursuant to subsection (1) of this Regulation.

RECORDS AND REGISTERS

103 (1) All mineral titles issued under the Act shall be prepared in duplicate, one copy being issued to the mineral titleholder, and the other retained by the Mining Cadastre Office to be included in the appropriate register and serially numbered therein.

(2) The Mining Cadastre Office shall:

(a) keep a complete, up-to-date Priority Register of applications for exploration licences, small-scale mining leases, mining lease and quarry leases; the register shall include the following information:

(i) the licence or lease application;

(ii) the date and time the application registration receipt was issued;

(iii) the date on which the Director General notified the applicant that the application was granted or denied;

(iv) the date on which the licence or lease was issued, or the application denied or found null and void;

(v) any other information required by these Guidelines to be made part of the Priority Register;

(b) keep a complete, up-to-date General Register of applications for reconnaissance permits and water use permits; the registers shall include the following information:

(i) the permit application;

(ii) the date the application registration receipt was issued;

(iii) the date on which the Director General notified the applicant that the application was granted or denied;
(iv) the date on which the permit was issued, or the application denied or found null and void;

(v) any other information required by these Regulations to be made part of the General Register;

(c) keep separate, complete and up-to-date mineral title registers for each of the following types of mineral titles:
    (i) reconnaissance permits;
    (ii) exploration licences;
    (iii) mining leases;
    (iv) small-scale mining leases;
    (v) quarry leases;
    (vi) water use permits;

(d) enter a record for each licence, lease or permit issued in the respective mineral title register, and such record shall include:
    (i) the duplicate licence, lease, or permit;
    (ii) the licence, lease, or permit number;
    (iii) the date of issuance;
    (iv) the term and expiry date of the licence, lease, or permit;
    (v) name and address of the licence, lease or permit titleholder;
    (vi) a description of the licence, lease, or permit area;
    (vii) for any mineral title, the date on which the mineral title was found to be null and void;
    (viii) for a small-scale mining lease, mining lease, quarry lease, or water use permit, the Cadastral Unit(s) in which the licence, lease or permit area lies, and for an exploration licence, the area description, in accordance with the methods specified in Schedule 3 of these Regulations;
    (ix) for a small-scale mining lease, mining lease, or quarry lease the minerals which are authorized for mining in the lease;
    (x) for a small-scale mining lease, mining lease, or quarry lease the newly discovered minerals which are authorized for mining in the lease;
(x) for a small-scale mining lease, mining lease, or quarry lease
the date on which any Community Development Agreements, the subject of
the lease, became effective, and such agreements;
(xi) for a small-scale mining lease, mining lease, or quarry lease
the date any notification to abandon or permanently cease production was
received by the Director General;
(xii) for a small-scale mining lease, mining lease, or quarry lease
the date on which it verified that work on the lease had been
abandoned or had permanently ceased production;
(xiii) for a mining lease, any notice served by the Mines Environmental
Compliance Department pursuant to the Act;
(xiv) dates on which annual service fee was paid;
(xv) date of revocation, or other form of termination;
(xvi) any consolidation of like types of mineral title;
(xvii) any assignment or transfers including legal succession;
(xviii) any other modification including renewal, area
    relinquishment, area enlargement, and any charge or
    encumbrance in respect thereof;
(e) keep a complete and up-to-date confidential file of all confidential reports
    submitted by mineral titleholders;
(f) keep a complete and up-to-date open file of all reports submitted by mineral
    titleholders that are not confidential.

(3) On payment of the fee set out in Schedule 1 of these Guidelines, an applicant for
a reconnaissance permit, exploration licence, mining lease, small-scale mining
lease, quarry lease, or water use permit may obtain a certified copy of the
records kept under subsections 2(a) or 2(b) of this Regulation pertaining to the his
application.

(4) On payment of the fee set out in Schedule 1 of these Regulations, a mineral
titleholder may obtain a certified copy of his licence, lease, or permit and any
report submitted by the titleholder to fulfill the obligations of the licence, lease, or
permit.
(5) The registers listed in subsection 2(c) of this Regulation and the open file reports described in subsection 2(f) of this Regulation shall be readily and freely accessible to the Public during normal office hours at the Mining Cadastre Office.

(6) On payment of the fee set out in Schedule 1 of these Regulations, a member of the Public may obtain a certified copy of any document or record contained in the registers listed in subsection 2(c) of this Regulation or any open file report described in subsection 2(f) of this Regulation.

**CONSTITUTION OF CADAstral UNIT**

104 (1) For the purposes of the operations of the mining cadastre, the surface area of Nigeria is divided into Cadastral Units in pseudo-squares of 15” x 15”, in conformity with the grid defined by the geographic sexagismal co-ordinates in degrees, minutes and seconds represented at the edge of the Cadastral Maps.

(2) The system for identifying Cadastral Units is defined in Schedule 2.

**CADAstral MAPS**

105 (1) The Mining Cadastre Office shall organize and maintain current Cadastral Maps.

(2) Cadastral maps are to be based on the official topographic map of the Federal Republic of Nigeria at 1:50,000 scale based on the ellipsoid of Clarke - 1880, referred to as the Minna Datum.

(3) The Mining Cadastre Office shall have marked on the Cadastral Maps:

(a) all lands for where mineral title applications are pending, except for reconnaissance permit application lands;

(b) all lands for where mineral titles, except for reconnaissance permits, are currently in force;

(c) all lands closed to mining operations under the Minerals and Mining Act, if known;

(d) all areas closed to mining operations declared under any law other than the Act, if known;

(e) all lands requiring special approvals, terms and conditions to be met prior to approval being given to conduct mining activity, if known.
(4) The Cadastral Maps shall be readily and freely accessible by the Public during normal office hours at Mining Cadastre Office.

**DEMARcation of small-scale lease area, mining lease area, quarry lease area or water use permit area**

106 (1) The boundaries of a mining lease area, small-scale mining lease area, quarry lease area, or water use permit area shall consist of vertical planes extending downwards from straight lines connecting surface demarcation points.

(2) The horizontal surface demarcation points of a mining lease area, small-scale mining lease area, quarry lease area, or water use permit area shall be identified by markers set in or on the ground, which shall be positioned using the cadastral coordinates which define the inflection points of the polygon consisting of the Cadastral Units that comprise the lease or permit area.

(3) Unless a survey is requested by the Director General, surface demarcation points may be established using global positioning system (GPS) coordinates based on the transformation of cadastral coordinates and GPS coordinates, and the Mining Cadastre Office shall provide, for free, the parameters for the transformation between cadastral unit coordinates and GPS coordinates.

(4) The titleholder of a small-scale mining lease, mining lease, quarry lease or water use permit, or some person authorized on his behalf, shall:

(a) at every demarcation point described in subsection (2) of this Regulation:

(i) where physically possible, insert a round post which shall be not less than 10 centimeters in diameter or a square post each side of which shall be not less than 10 centimeters in width, standing at least one meter above the surface and sunk not less than 50 centimeters in the ground. That part of the post above the surface shall be painted white. Where posts are of timber construction they shall be barked and dried of sap before use. There shall be engraved, or in some way durably marked, on each post the holder’s name and lease or permit number.
(ii) where it not possible to insert a post as per subsection 4.a(i), there shall be erected a cairn of stones, or a concrete cone, at least 50 centimeters high in the place where the post should have been inserted. Stones, comprising the cairn, or the cone shall be painted white. There shall be engraved, or in some way durably marked on a stone, or on the cone, the holders name and lease or permit number.

(b) maintain all demarcation point markers during the term of the lease or permit;

(c) remove all demarcation point markers upon revocation or expiry of the lease or permit.

(5) The field demarcation carried out under subsection 4 of this Regulation will be done at the expense of the mineral titleholder.

(6) A small-scale mining lease, mining lease, quarry lease or water use permit titleholder shall:

(a) complete the placement of all demarcation point markers in accordance with subsection 4 of this Regulations within thirty (30) calendar days from the date of issue of the lease or permit, and

(b) submit an attestation to the Mining Cadastre Office, of the Boundary Marker Placement Attestation signed by the mineral titleholder (or his duly authorized representative).

(7) A small-scale mining lease, mining lease, quarry lease or water use permit titleholder shall not undertake any mining operations or water use in the lease or permit area until the requirements of subsections 4 and 6 of this Section have been satisfied.

(8) If there is a contradiction between a field demarcation point established under subsection (2) of this Regulation and cadastral coordinates defining that point, in relation to the cadastral unit comprising a part, or all, of the lease or permit area, the cadastral coordinates shall take priority.

(9) Any person may challenge the validity of the location of any demarcation marker by, in writing, requesting the Director General to order a survey of that marker's location.
(10) Upon the request of the Director General given at any time, the applicant for or the holder of a small-scale mining lease, mining lease, quarry lease or water use permit shall:

(a) have the land the subject thereof, or any part thereof specified by the Director General, surveyed or further surveyed to establish the positioning of demarcation points and boundaries, and

(b) shall cause to be removed any miss-located demarcation point markers, and

(c) shall place demarcation point markers at such locations as are determined by such survey.

(11) For the purposes of subsection 10 of this Section, demarcation point marker locations shall be surveyed by a licensed surveyor within the meaning of the Surveyors Registration Council of Nigeria Act No. 44 of 1989.

(12) Liability at law shall not attach to the Ministry of Mines and Steel Development, the Mining Cadastre Office, Director General, or any officer of the department for time being administering the Act or these Regulations for any error or inaccuracy in a survey carried out by a licensed surveyor for the purpose of this Regulation or for anything done or omitted to be done on the assumption that the survey was accurate.

(13) The applicant or holder to whom a request is made under subsection (10) of this Regulation shall incur and be liable to pay all costs associated with the work carried out by a licensed surveyor under this Regulation.

(14) A licensed surveyor who holds or is entitled (directly or indirectly) to the benefits of any share or interest in a small-scale mining lease, mining lease, quarry lease, or water use permit or in an application for the grant of any of them, shall not carry out a survey of the land the subject thereof for the purposes of these Regulations.

**BOUNDARY DISPUTES**

107 (1) The Mining Cadastre office shall resolve any disputes resulting from the definition and demarcation of markers and boundary lines of areas subject to mineral titles, and, in writing, notify the mineral titleholders of its resolution.
(2) Any party in interest may appeal a resolution made by the Director General under subsection (1) of this Regulation to the minister within a period of thirty (30) calendar days from the date of the receipt of the notice of the resolution.

(3) Mining Operations and Water Operations shall not commence in any land that is subject to an unresolved boundary dispute.
PART III    MINES OPERATIONS
MI NES I NSPECTORATE DEPARTMENT

OBLIGATION OF MINERAL TITLE HOLDERS

OBLIGATIONS OF RECONNAISSANCE PERMIT HOLDER

108  (1) A reconnaissance permit holder shall comply with all conditions and perform all obligations contained in the Act and these Regulations.

OBLIGATIONS OF AN EXPLORATION LICENCE HOLDER

(2) An Exploration Licence holder shall comply with all conditions and perform all obligations contained in the Act and these Regulations.

MINIMUM WORK OBLIGATIONS OF EXPLORATION LICENCE HOLDER

(3) (a) The Mines Inspectorate Department shall from time to time prescribe the minimum annual working obligations for Exploration Licence holders and cause same to be published in the Gazette or any widely read national newspaper.

(b) Every exploration licence holder shall before commencement of work submit for the approval of the Mines Inspectorate Department the details of the work to be undertaken or a programme for carrying out any minimum work obligations imposed by the Ministry.

(c) The holder shall expend on exploration in the licence area an amount which shall not be less than such amount to be determined by the Minister.

(d) The content of the work programme shall include:
   (i) research and analysis;
   (ii) boundary and control surveys and topographical mapping;
   (iii) geological, geophysical and geochemical surveys;
   (iv) general prospecting;
   (v) prefeasibility and feasibility studies;
   (vi) preparation of reports in compliance with the Act and these regulations;
(vii) such other work as the Minister may prescribe.

(e) All works are to be done under the supervision of qualified and experienced professionals

**OBLIGATIONS OF SMALL SCALE MINING LEASE HOLDER**

(4) A Small Scale Mining Lease holder shall comply with all conditions and perform all obligations contained in the Act and these Regulations.

(5) A Small Scale Mining Lease holder shall submit to the Mines Inspectorate Department before the commencement of mining operations, a plan of small scale mining operations, and thereafter, annually before or on the 15th of March.

**PLAN OF MINING OPERATIONS**

(6) (a) A mining lease, quarry lease or small-scale mining lease titleholder shall before commencement of Mining Operations, prepare a plan of Mining Operations and thereafter:

(i) Amend the plan of Mining Operations to reflect current operations; and shall inform the Mines Inspectorate Department within 30 calendar days

(ii) keep records of every mineral found and ore reserve calculated on the area of the holder’s lease.

(b) A mining lease titleholder shall submit a plan of mining operations to the Mining Cadastre Office, Mines Inspectorate Department, and Environmental Compliance Department:

(a) before commencement of Mining Operations;

(b) When the mining operation is amended.

(c) A plan of mining operations shall be in line with the template 4 in schedule 5.

(d) A mining lease titleholder, or his agent, shall not commence any development work or mining on the land in respect of which the mining lease is given until after submission of a plan of mining operations to the Mining Cadastre Office, Mines Inspectorate Department, and Environmental Compliance Department.
OBLIGATIONS OF MINING LEASE AND QUARRY LEASE HOLDER

(7) Every holder of a mining lease or quarry lease shall:

(a) comply with all conditions and provisions of the Act and these regulations;

(b) perform all obligations imposed on holders under the Act and these regulations.

(c) comply with all environmental and payment obligations and such other obligations which may be contained in any Community Development Agreement signed by the holder.

MINIMUM WORK OBLIGATIONS

(8) (a) The Mines Inspectorate Department shall from time to time prescribe the minimum annual work obligations for Mining Lease and quarry lease holders and cause same to be published in the Gazette or any widely read national newspaper.

(b) Every mining lease or quarry lease holder shall before commencement of work submit for the approval of the Mines Inspectorate Department the details of the work to be undertaken or a programme for carrying out any minimum work obligations.

(c) The holder shall expend on mining in the leased area an amount which shall not be less than such amount to be determined by the Minister.

(d) The content of the work programme referred to in subsection (9)(b) shall include:

(a) research and analysis;

(b) boundary and control surveys and topographical mapping;

(c) geological, geophysical and geochemical surveys;

(d) general prospecting;

(e) prefeasibility and feasibility studies;

(f) environmental impact assessment studies;

(g) preparation of reports in compliance with the Act and these regulations;

(h) such other work as the Ministry may approve.
(e) All works are to be done under the supervision of qualified and experienced professionals.

(f) The holder shall submit reports and obtain approval when necessary on the level (quantity) and means of production.

(9) A Mining Lease or quarry lease titleholder shall submit to the Mines Inspectorate Department:

(a) before the commencement of mining operations a plan of mining operations; and
(b) thereafter, annually before or on the 15th of March;
(c) Keep record of minerals found and ore reserves; and
(d) before the commencement of work in the mining area submit to the Mines Inspectorate Department:
   (i) a notice of date of commencement of mine development;
   (ii) a notice of proposed date of commencement of mineral production;
(e) a notice of proposed date of mine design capacity and each time there is to be a significant change in capacity.
(f) any notice received by the Mines Inspectorate Department under subsection (10)(d) of this Regulation, shall be recorded in the appropriate register.

WATER USE PERMIT

(10) A Water Use Permit title holder shall submit a plan of Water Use operations to the Mines Inspectorate and Mines Environmental Compliance Departments:

(a) before commencement of water use operations; and
(b) thereafter annually, before or on March 15,

PRE- CONDITIONS FOR COMMENCEMENT OF MINING OPERATIONS

109 (1) The holder of an exploration licence, mining lease or quarry lease or small-scale mining lease or water use permit shall commence mining or water use operations in the mineral title area only upon fulfillment of the following pre-conditions:

(a) Submission of:
(i) Copy of an approved Environmental Impact Assessment studies and mitigation plans to Mines Environmental Compliance Department.

(ii) Detailed work programme to be undertaken in the mineral title area to Mines Inspectorate Department for approval.

(iii) Copy of Community Development Agreement approved by Mines Environmental Compliance Department;

(iv) Documentary evidence that mineral title holder has notified, compensated or offered compensation to the land owner/occupiers;

(v) Plan of mining operations prepared in accordance with the provisions of subsection (6) of Regulation 108.

(b) Completion of placement of all demarcation point markers defining the boundary of the mineral title area in accordance with the provisions of Regulation 106.

(c) Pursuant to subsection (3) of Regulation 107, the mineral title area is free of any unresolved boundary dispute.

(2) Upon fulfillment of the conditions set out in subsection (1) of this Regulation, a mineral title holder shall commence mining operations in the mineral title area in the case of:

(a) Mining lease within 36 calendar months;
(b) Exploration licence within 12 calendar months;
(c) Quarry lease within 6 calendar months and
(d) Small-scale Mining lease within 3 calendar months of issuance of the mineral title.

**NOTICE OF COMMENCEMENT OF MINING OPERATION**

(3) A mineral title holder shall subject to subsection (1) and (2) of this Regulation provide the Mines Inspectorate Department with a written notice:

(a) Upon commencing mine development work on the mineral title area.
(b) Within thirty (30) calendar days from the start of mineral production
Within thirty (30) calendars each time that there is a significant change in capacity, stating the design capacity of the mines, or where the mining area is used solely for mineral processing the design capacity of the processing plant.

**INSPECTION OF MINING OPERATIONS BY INSPECTORS OF MINES**

1. An inspector of mines or authorized officer may, at all times and upon production of an identity card with or without any notice enter upon any land, exploration or mining area or mine, or any factory or premises where minerals are kept or processed whether it is a subject of a mineral title or not for the purpose of:
   (a) generally inspecting any such land or area, premises, workings or factory and examining, exploration or mining operations or the treatment of minerals being performed or carried on there;
   (b) taking soil samples or specimen of rocks, ore concentrates, tailings or minerals situated upon such land or area, premises, workings or factory for the purpose of examination;
   (c) breaking up the surface of any such land to ascertain the rocks or minerals within or under the land;
   (d) digging up any land and fixing any post, stone, mark or object to be used in the survey of such land;
   (e) examining books of accounts, vouchers, documents or records of any kind required to be kept under this Act or the regulations, or the terms and conditions of any mineral title, and taking copies of such books of account, vouchers, documents or records; or
   (f) obtaining such other information or doing any other thing as he or she may deem necessary.

**ROUTINE INSPECTION**

2. In discharging its supervisory functions, the Mines Inspectorate Department shall on routine basis inspect mining operations and exploration activities the subject of a mineral title for the purpose of:
(a) ensuring that mines operations or exploration activities are conducted in a safe and efficient manner.

(b) enforcing the provisions of the Act and these Regulations to ensure that mineral title holders comply with the provisions.

(c) ensuring that mineral title holders comply with minimum work obligation that may be imposed on them by the ministry from time to time to be administered by the Mines Inspectorate Department.

(d) monitoring and evaluating mineral production to determine mineral royalty payable to the Government.

(3) In carrying out the routine inspection, the inspector of mines or any other officer empowered to do so may at any time with or without any prior notice and upon production of an identity card:

(a) enter, inspect and examine any land and site which is the subject of any mineral title;

(b) enter any area, structure, vehicle, or building that, in his or her opinion, has been or is to be used for or in connection with exploration, mining or mineral processing operations;

(c) examine and inquire into the condition and ventilation of any mine or any building used in or connected with exploration, mining or mineral processing operations and all matters relating to safety, welfare and health of persons employed in any such mine or building;

(d) inspect and test any machinery, plant or equipment that, in his or her opinion, has been, is being or is to be used in connection with exploration, mining or mineral processing operations; or

(e) inspect the storage of explosives and any explosives that, in his or her opinion, have been, are being or are to be used in connection with exploration or mining operations; and

(f) inspect what arrangements have been made to protect the host community and the public against the hazards associated with mining operations and storage of tailing;

(g) examine the arrangements for treatment of mine waste before it is finally disposed off, to minimize air and water pollution;
(h) examine the plans for dumping operation and the safety precautions to be taken to avoid pollution of the environment or to minimize it;

(i) Request the assistance of officer(s) of the Nigerian Police Force, or any other persons, to provide him or her with necessary security and protection or otherwise needed for the lawful discharge and exercising or performing his or powers, duties or functions under the Act or these Regulations.

(j) to do any other thing which will give effect to the provisions of the Act and these regulations.

(4) The notice of inspection shall be in form 29 in schedule 3.

MINERAL PRODUCTION RETURN AND ROYALTY PAYMENT

111 The holder of a Mining lease, Quarrying lease, Small scale Mining lease shall:

(a) render monthly mineral production returns to the Mines Inspectorate Department in the prescribed form 30 in Schedule 3.

(b) Declare the true and correct quantity of mineral won, sold or used, left on hand, amount of royalty payable, labour used and such other information required in the form.

(c) Pay the correct royalty due to the Government on the Minerals sold or used at the prescribed rate in schedule 4.

(d) ensure the submission of mineral returns and payment of royalty on mineral won or sold before the 20th day of the succeeding month for which the return is made.

DEPOSIT OF TAILINGS

112 (1) An application to deposit tailing shall be in form 31 in schedule 3.

(2) A permit to deposit tailing shall be in form 32 in schedule 3 and shall specify the maximum amount of tailing which may be deposited in a natural watercourse by the holder of the permit.
DISPOSAL OF TAILINGS AND DUMPS

(3) Every title holder or mine operator shall:

(a) provide an effective management system for their tailings throughout the period of operation;
(b) make adequate arrangements to protect the general public, particularly the host community from the risks associated with tailing storage;
(c) ensure that tailings are properly treated before they are discharged into the watercourse;
(d) ensure proper treatment of mine waste before final disposal to prevent air and water pollution and contamination;
(e) provide adequate measures to minimize the effect of air pollution.

PROCEDURE BEFORE DUMPING

(4) A title holder or mine operator shall at least thirty (30) days before commencement of any dumping operations notify and obtain the approval of the Ministry through Mines Inspectorate Department in writing.

(5) The notice shall:

(a) specify the material to be dumped;
(b) give a description of the site;
(c) state whether the dump shall be a classified dump or not;
(d) state the manner in which the dumping operations are to be carried out;
(e) explain the safety precautions to be taken to avoid polluting the environment and how the pollution to the environment shall be monitored and minimized.

(6) It is prohibited for a mine operator to dump any material which is wholly or partly in solution or suspension, or any solid material which may turn into a solution or suspension, over an area vertically above any mine workings, whether abandoned or not, or is within a horizontal distance of one hundred (100) meters from the line of break from which the mine workings intersects the surface.
DRAINAGE OF DUMPS

(7) A title holder or mine operator shall:
(a) ensure that a dump is properly drained;
(b) avoid carrying out any dumping operations that may cause accumulation of water in, under or near a dump, making the dump insecure or dangerous;
(c) ensure that the drainage from any dumping operation shall not enter any mine opening or subsiding ground over any mine workings, whether abandoned or not.

INTENTIONS TO ABANDON OR CEASE PRODUCTION

113 (1) The holder of a Mining Lease, Small Scale Mining Lease and Quarry Lease intending to abandon or permanently cease production shall serve on the Mines Inspectorate Department, a notice in form 33 in schedule 3, three (3) months before the intended abandonment.

(2) The notice shall be accompanied by a report stating the details and reason(s) for the abandonment.

(3) The Minister shall, on receiving the notices promptly order an investigation into the matter.

(4) The Minister may approve the cessation if:
(a) the reason(s) for the abandonment or cessation is beyond the control of the holder such as where it relates to weather or labour matters.
(b) the cessation is in the circumstance not considered unreasonable.

(5) The notice of approval of abandonment or cessation of work shall be in form 34 in schedule 3.

DISCOVERY OF RADIOACTIVE MINERALS

114 (1) A holder of mineral title or mine operator who discovers a radioactive mineral or any material suspected to have radioactive elements shall within twenty-four (24) hours, report the discovery to the:
(a) Minister;
(b) the Mines Officer and the Ministry in charge of Science in the State where the suspected radioactive mineral is discovered;
(c) the State Mineral Resources and Environmental Management Committee.

(2) The Minister shall give necessary directives in relation to the said mineral and shall notify other relevant Ministries.

INQUIRY INTO ACCIDENTS

115 (1) If an accident occurs in any mine or in connection with mining operations resulting in death or serious injury to any person, the holder of the mineral title or his agent shall:
(a) take such steps as may be necessary to ensure that the place where the accident occurred is not disturbed or in any way tampered with;
(b) take photographic or video recording of the scene of the accident;
(c) if necessary, order stoppage of work or operations;
(d) report the accident to the police immediately.

(2) Within twenty-four (24) hours of the occurrence of the accident, a report shall be made to the following persons or bodies:
(a) the Minister;
(b) the Mines Inspectorate Department in the State;
(c) the nearest Police Station.

(3) A report of an accident shall state:
(a) the description of the mining area or site of the accident;
(b) the time and nature of the accident and how it happened;
(c) the nature or type of injury;
(d) the Police Station where the accident was reported;
(e) where death is recorded, the names of such deceased persons.

(4) The report of accident shall be in form 35 in schedule 3.
PERMIT TO EXPORT MINERALS

FOR COMMERCIAL PURPOSES

(1) (a) A qualified person for the issuance of a permit to export minerals for commercial purpose shall be a person who holds an extant Mineral title or licence to possess and purchase minerals.

(b) An application for the issuance of permit to export minerals for commercial purpose shall be made to the Mines Inspectorate Department in the prescribed Form 36 in Schedule 3.

(c) The Director of Mines Inspectorate shall issue permit to export minerals for commercial purpose in Form 37 in Schedule 3 to a qualified applicant who has provided the following documents:

(i) Certificate of Incorporation

(ii) Three (3) years Tax Clearance Certificate of the company.

(iii) Evidence of Registration with Nigerian Export Promotion Council.

(iv) Evidence of source of supply.

(v) Evidence of the payment of royalties on the minerals to be exported.

(vi) Reason for exportation or contractual agreement with a foreign buyer.

PERMIT TO EXPORT MINERAL SAMPLES FOR ANALYSIS

(2) (a) An application for the issuance of a permit to export minerals solely for the purpose of analysis or experiment or as a scientific specimen shall be made in form 38 in Schedule 3 to the Mines Inspectorate Department.

(b) The Director of Mines Inspectorate shall grant a permit to export minerals for analysis in Form 39 in schedule 3 to the applicant who has provided the following documents:

(i) Certificate of Incorporation if a body corporate or letter of introduction if a student or a Government Agency.

(ii) Evidence of correspondence with the foreign laboratory where the analysis is to be carried out.
(iii) Evidence of the payment of prescribed fee.
(iv) Evidence of source of supply.

(3) The custom officer in-charge of a port (sea, air or land) shall seize any Mineral Commodity for export at the port if the owner fails to present to the custom officer an export permit for sale or permit to export mineral for analysis issued under the Act and this Regulation.

(4) The Minerals so seized by the custom officer in charge of a port shall be conveyed to the Mines Inspectorate Department within 72 hours of the seizure.

**POSSESSION AND PURCHASE OF MINERALS**

117 (1) In pursuance of Section(94) of the Act, the Director of Mines Inspectorate shall issue to a qualified person a licence to purchase and possess Minerals in form 40 in schedule 3.

(2) The qualified applicant for the issuance of a licence to purchase and possess minerals shall be a body corporate duly incorporated under the Companies and Allied Matter Act.

(3) An application for the issuance of a Licence to purchase and possess Minerals shall be in Form 41 in schedule 3 and shall be accompanied by the following documents:

(a) Certificate of Incorporation.
(b) Three (3) years Tax Clearance Certificate.
(c) An attestation of non conviction of a criminal offence.
(d) Banker’s Guarantee as provided in Form 42 in schedule 3.
(e) Source of supply.
(f) Evidence of technical competent person.
(g) Payment of prescribed fee.

(4) Obligation of holders of Licence to purchase and possess minerals shall include:

(a) Maintenance of registers and books of accounts of minerals purchased and sale transactions books which shall be made available for inspection on demand.
(b) Rendering of monthly returns in Form 30 in schedule 3 to the Mines Inspectorate Department.

(c) Payment of prescribed monthly royalty on mineral sold / used.

(5) The Licence to purchase and possess Minerals shall be for a period of twelve (12) calendar months and shall be subject to yearly renewal upon payment of prescribed fee and fulfillment of obligations set out in subsection (1)(d) of this Regulation.

(6) The Director, Mines Inspectorate shall suspend or revoke any licence to purchase Minerals at any time if it is discovered that the holder has contravened any of the provision(s) of the Act or these Regulations or the conditions upon which the Licence is issued.

REGISTRATION OF AGENTS FOR MOVEMENT OF MINERALS

118 (1) The Mines Inspectorate Department shall register a qualified person as an accredited agent of a company and issue such person with a letter of identity as accredited agent in Form 43 Schedule 3 to possess minerals on behalf of a lessee or Licencee or holder of a licence to purchase and possess mineral.

(2) The application for registration as an accredited agent shall be in Form 44 of Schedule 3 and shall be made by the holder of a mineral title or licence to purchase and possess minerals on behalf of the Agent to Mines Inspectorate Department.

(3) The requirements for registration as an accredited agent shall include the following:

(a) Letter of appointment and authorization issued to the person by the leasee/licence holder

(b) The person’s letter of acceptance of the offer.

(c) Two (2) recent passport photographs of the person.

(d) Copy of the Mineral title or licence to possession and purchase mineral.

(e) An attestation of non conviction of the person of criminal offence.

(f) Payment of the prescribed fee.

(4) The registration of an accredited agent and the identity letter issued to him shall remain in force except when:
(a) Notice is received by Mines Inspectorate Department that the accredited agent has resigned his appointment or the holder of the Mineral title or licence has disengaged the accredited agent from its service.

(b) The accredited agent or the Mineral title or licence holder or both have contravened any provisions of the Act and these Regulations or convicted of a criminal offence by a court of law or the licence has been, revoked, surrendered cancelled or expired.

**MINERAL PROCESSORS**

119 (1) A mineral processors shall before commencement of operation in any area which is not the subject of a mineral title held by the mineral processor obtain permit from the Mines Inspectorate Department subject to the following conditions:

(i) Submit approved Environmental Impact Assessment

(ii) Processing plant design

**OBLIGATION OF MINERAL PROCESSORS**

(2) A mineral processor shall:

(i) render monthly returns in the prescribed form in schedule 3.

(ii) ensure that toxic materials are stored in safe and secure manner.

(iii) ensure proper monitoring and disposal of wastes

**DISPOSAL OF MINERALS WON UNDER AN EXPLORATION LICENCE**

120(1) Application to retain or dispose of any minerals obtained in the course of an exploration shall be made in writing by the Licence holder to the Director of Mines Inspectorate, and the applicant shall:

(a) State the type and quantity of minerals in respect of which the application is made.

(b) Pay corresponding royalty.

(2) The Mines Inspectorate Department’s consent to retain or dispose mineral shall be subject to confirmation by site inspection that the minerals were obtained in the course of exploration.
REPORTS

121  (1) A mineral title holder shall render half yearly report in line with the prescribed in schedule 5.

(2) The report shall be accompanied by such plans or graphics as may be necessary.

APPOINTMENT OF MINE MANAGERS

122  A mineral title holder shall:

(a) in case of a mining Lease, appoint and at all times have an experienced mining engineer registrable with Council for Mining Engineers and Geoscientists as manager.

(b) in case of exploration licence or reconnaissance permit, appoint a prospector or a geologist.

(c) inform the Mines Inspectorate Department in the State where the exploration or mine is located in writing of:

   (i) the opening or re-opening of a mine by virtue of any Mineral Title
   (ii) the appointment of a manager or prospector in terms of sub-regulation (a) & (b)
   (iii) the termination of any appointment referred to in subsection (c)(ii) of this Regulation.
   (iv) the change of ownership or name of such mineral title holder, within a period of 30 days or such longer period as the Mining Cadastre Office may allow after such opening, re-opening, appointment, termination or change.
PART IV MINE HEALTH AND SAFETY

ACCIDENTS, DANGEROUS OCCURRENCES AND DISEASES

Records of accidents, dangerous occurrences and diseases

123 (1) The mine manager shall cause:
(a) a register to be kept and maintained of any accident, dangerous occurrences and diseases.
(b) incident report to be prepared by the Health, Safety Environment (HSE) manager.
(c) an extract from such register to be submitted to the Mines Inspectorate Department at the end of each quarter.

Notices of diseases

(2) A list of notifiable diseases are contained in Chapter....... of the Labour Act ... Assignment of the provisions of the Regulations relating to the health and safety of employees at work.

(3) The Minister in collaboration with the Minister of Health may by notice in the Gazette determine any other diseases to be notifiable.

(4) The mine manager shall notify the Mines Inspectorate Department immediately of the outbreak of any contagious disease in a mine or mine settlement when any person employed in or at the mine contracts or die of such disease.

(5) Such notification shall contain the particulars of the persons and of the illness so contracted.

Occupational health services

(6) The Minister shall request the mining company to submit in its Mine plan, potential cases of health hazards to be encountered in its mining or exploration activities and the proposed mitigation plans.
SURFACE MINE WORKINGS

124 (1) In surface mine workings the mine manager shall ensure that:

(a) the overall pit slope formed by mining operations does not exceed an angle which could cause a failure of the wall or benches by sliding or collapsing;

(b) where benching is necessary, the height and width of benches shall be suitable for the type of equipment used;

(c) any object on the surface shall be cleared to a distance of at least three meters from the edge of such surface mine workings or such other distance therefore as may be determined by the mines Inspectorate Department and specified generally or in any particular case by notice;

(d) the ground conditions of the workings which create a hazard to persons be taken down, trimmed, scaled or supported before other work or travel is permitted in the area in which such hazard is created;

(e) until loose objects or the hazard referred to in paragraph (c) or (d) is cleared, the area be barricaded and sign posted at appropriate places at or near the place where such debris, loose material, stones or other objects or hazard are being cleared.

(2) No person shall:

(a) without the permission in writing of the Mines Inspectorate Department and on such conditions, if any, as may be determined by it, undercut any face so as to create any overhanging;

(b) work or travel between machinery or equipment and the face where machinery or equipment may hinder escape from falls or slides of ground;

(c) enter or be deployed in the determined hazard zone of any machinery or equipment unless either the machinery or equipment is effectively immobilized or the person is permitted to do so by the operator of the machinery or equipment.
(3) No blasting shall be performed in surface mine workings which have approached within 100 meters, measured in any direction, of any underground workings other than abandoned or discontinued workings without the permission in writing of the Mines Inspectorate Department and subject to such conditions as may be determined.

**UNDERGROUND MINE WORKINGS**

125 (1) In underground mine workings the mine manager shall ensure that:

(a) the dimensions of pillars created or left in any ore body shall be such as to ensure stability of workings during mining operations;

(b) the dimensions of headings provide adequate clearance for any equipment used;

(c) no extraction or reduction of pillars or blocks of minerals shall be commenced or carried on except with the permission in writing by the Mines Inspectorate Department and subject to such conditions as may be determined;

(d) adequate steps be taken to isolate, control or remedy any premature or unplanned collapse of workings;

(e) any workings which are in use shall be kept safe and that no person, except for the purpose of examining, repairing or making safe, travels or works in any part of such workings until it is made safe.

(2) The mine manager shall take necessary measures to ensure:

**support of roofs, hanging walls, footwall etc.**

(a) That Mine roofs, hanging walls, footwalls and sides of road way travelling ways and work places are adequately supported to guarantee safe operation.

(b) That all excavation and loading operations at mine sites are carried out in safe manner.

(c) The stability of all excavations

(d) That fences and gates are provided to secure any excavation or any other place that constitutes a danger so as to prevent any person or livestock from inadvertently entering or falling therein.
(e) That handrails, guards or fences of substantial constitution are provided and maintained in good order and safe condition on any elevation around the sheaves of head frames and platform around vats, bins or similar vessels containing liquids, poisonous or dangerous solutions or any submerged moving machinery. Use of lifeline or lifejackets.

(f) Necessary steps are taken to prevent any person from entering an accumulation of water or mud in the working of a mine unless he or she is secured by a lifeline or wears a life jacket.

**Steeply inclined workings.**

(g) That adequate precaution is taken to prevent danger to persons from falling objects.

**Surge stockpile**

(h) That no person works or climbs on top of any active surge stockpile of broken rock, or unconsolidated material to which such rock or material is fed from above and withdrawn from below unless the person is wearing safety apparel and is duly authorized to fix fault in the system.

**Chute loading installation**

(i) Only competent person is allowed to perform any action to free a blockage in a chute loading installation or a rock pass in underground workings.

**Surface protection from flooding**

(j) Adequate storm water drains and or embankments are established and maintained in good order on surface for protection against flooding of the mine where persons are employed.

**Working under or in vicinity of a body of water**

(k) Necessary measures and precautions are taken to prevent an inrush of water or other liquid matter into the working of a mine proposed to be carried out under or in the vicinity of the sea or any lake, river, or other body of water.
Abnormal seepage of water

(I) That as soon as any seepage of water which is not normal to the mine occurs at any place in any working, cause such working to be stopped immediately and report the occurrence of the seepage to the Mines Inspectorate Department.

Drains

(m) That drains are constructed, positioned and maintained so as to prevent water inadvertently entering a rock pass or forming dangerous accumulation in the working.

Waiting places

(3) The mine manager shall provide sufficient and conveniently located waiting places at the mine for the use of persons employed in or at such mine prior to them entering their workplaces and shall cause such waiting places to be kept in a clean and safe condition.

Workings near mine boundaries

(4) No workings shall be made within a horizontal distance of 10 meters from the boundary of a mineral title area, except with the permission in writing of the Mines Inspectorate Department.

VENTILATION, GASES AND DUST

VENTILATION

126 (1) The mine manager shall ensure that all accessible parts of the mine are ventilated in a manner adequate to:

(a) clear away smoke, steam and dust;
(b) dilute gases that are flammable or noxious so as to render them harmless;
(c) keep such accessible parts in a fit state for persons to work in or pass through

(2) Any accessible part of a mine shall not be deemed to be adequately ventilated and fit for persons to work in or pass through, if:

(a) the air contains:

(i) less than 19 per cent by volume of oxygen;
(ii) more than 5000 parts per million by volume of carbon dioxide;
(iii) more than 100 parts per million by volume of carbon monoxide;
(iv) more than 5 parts per million by volume of oxides of nitrogen;
(v) more than 20 parts per million by volume of hydrogen sulphide;
(vi) more than 2 parts per million by volume of sulphur dioxide;
(vii) more than 25 parts per million by volume of ammonia;
(viii) more than 5 parts per million by volume of aldehydes (as formaldehyde), or such other percentages or parts as may from time to time be determined by the Mines Inspectorate Department and made known by notice in writing to the mine manager.

(b) the concentration of airborne dust exceeds such standards as may from time to time be determined by the Mines Inspectorate Department and made known by notice in writing to the mine manager.

**Heat and humidity**

(3) (a) The mine manager shall cause such steps to be taken as are necessary, in the case of underground workings, to prevent excessive rise of temperature or humidity which may be harmful to the health of persons at work and, in the case of surface workings, to protect such persons from adverse temperature and weather conditions.

(b) In treatment or processing plants, having regard to the operation or process carried on thereat, a reasonable temperature and movement of air shall be maintained and persons at work protected from direct exposure to sources of heat.

**Quantity and velocity of air in underground workings**

(4) (a) The mine manager shall ensure that the ventilating current from a main intake airway shall be suitably split to provide each ventilating district at all times with a quantity of fresh air of not less than two cubic meters per minute per person employed in the ventilating district.

(b) The quantity of air:

(i) supplied at the working face of any development end, raise or winze which is being advanced and at the bottom of any shaft in the course of being sunk shall not be less than 9 cubic meters per minute for each square meter of average cross-sectional area of excavation;
(ii) required to dilute the exhaust gases from diesel engines shall not be less than 3.8 cubic meters per minute per kilowatt engine output based on the maximum rating of the engine.

(c) The velocity of air along the working face of a stope shall on average not be less than 15 meters per minute.

**Main ventilating fans**

(5) Unless, in all parts of a mine required to be constantly ventilated, there is provided, by natural means, ventilation to the standards required by these regulations, the mine manager shall cause such mine to be provided with one or more main ventilating fans, and shall maintain such fan or fans in good working order.

**Scheme for control and operation of ventilation fans**

(6) In a mine where a main mechanical ventilator is installed, the mine manager shall formulate a scheme for the control and operation of such fan.

**Auxiliary fans in underground workings**

(7)(a) The mine manager shall, before an auxiliary fan is installed in underground workings, be satisfied that a sufficient quantity of air is reaching the fan to prevent recirculation of air.

(b) No person other than a person duly authorized by the mine manager shall stop, start or otherwise control the operation of auxiliary fans.

(c) The switchgear necessary to operate a fan shall be positioned in fresh air so that the switch can be operated from a position of safety.

(d) Where a place is provided with an auxiliary fan, no person shall remain in that place when the fan is stopped, unless duly authorized by the mine manager to do so.

**Unventilated areas to be barricaded (Need for ventilation equipment)**

(8) The mine manager shall cause any part of the workings which is not ventilated up to the standards prescribed in these regulations to be barricaded so as to prevent persons from inadvertently entering such part.
Entry to pits, tanks, manholes, vessels or chamber

(9) Before any person enters any pit, tank, manhole, vessel, chamber or other place specified by the mine manager to contain or likely to contain any noxious or flammable fumes or gases, an atmosphere deficient in oxygen or radiating excessive heat, such pit, tank, manhole, vessel, chamber or place shall be examined by a competent person duly trained to conduct such an examination, and no person shall enter or remain in any such pit, tank, manhole, vessel, chamber or place, unless it is safe to do so.

Provision of flues

(10) The mine manager shall cause any fire or furnace in a room or building to be provided with an efficient flue discharging to the outside atmosphere.

Prevention of air pollution

(11) The mine manager shall ensure that no dust, fumes or smoke from any dust or fume extraction system or from any other operation at the mine is discharged into the atmosphere unless adequate provision and suitable air quality monitoring arrangements have been made so as to ensure as far as is practicable that such discharge is harmless to the health of persons.

Detection of flammable gas

(12) When the presence of flammable gas is detected in any mine workings or any part of such workings, the mine manager shall immediately:
   (a) suspend all work in such workings or part;
   (b) withdraw all persons from the ventilating district in which such gas is detected and erect barricades so as to prevent persons from inadvertently entering such ventilating district;
   (c) notify the Mines Inspectorate and Mines Environmental Compliance Departments of the presence of such gas; and
   (d) take such precautions as the Mines Inspectorate Department or Mines Environmental Compliance Department may determine to deal with the presence of such gas.

Scheme for control of airborne dust

(13) The mine manager shall formulate a scheme for the control of airborne dust at the mine and in its vicinity.
**Dust control**

(14) The mine manager shall make suitable arrangements so as to control airborne dust at all workplaces, loading and dumping points, transfer points, crushing stations and haulage roadways where hazards to persons may be created as a result of impaired visibility.

**Air monitoring**

(15) The mine manager shall cause at any workings:

(a) measurements to be made of:
   (i) the quantity and quality of air circulating in any ventilating district;
   (ii) heat and humidity;
   (iii) the amount of respirable dust in the air at places fixed in the main airways and at the workplaces.

(b) The measurements referred to in paragraph (a) shall be made during the main working shift at intervals not exceeding three months or at such shorter periods as may be determined by the mine in writing Mines Inspectorate Department.

(c) a record of the measurements taken and samples analyzed shall be kept.

(d) the Mines Inspectorate Department may verify the measurements.

**Ventilation plan**

(16) (a) In every mine having underground workings, the mine manager shall cause a plan, and where necessary, sections be drawn in accordance with such conventions as may be determined by the mines Inspectorate Department which shall be indicated in a legend and to any convenient standard natural scale, showing the system of ventilation in the mine, and in particular:
   (i) the direction and distribution of the air currents;
   (ii) every location where air measurements are taken; and
   (iii) every device for the regulation and distribution of air.

(b) The ventilation plan and sections referred to in subsection regulation (16)(a) of this Regulation shall be maintained up-to-date within three months.
(c) A true copy of any plan or section required to be kept under these regulations shall be deposited at the office of Mines Inspectorate Department.

(d) The mine manager shall ensure that at intervals not exceeding 6 (six) months the copies referred to in subsection regulation (3) are updated and redeposited at Mines Inspectorate Department.

**LIFTING MACHINE AND LIFTING TACKLE**

**USE OF LIFTING MACHINES OR LIFTING TACKLE**

127 (1) No lifting machine or tackle shall be used unless:

(a) it is of good construction, sound material, adequate strength and free from any visible defect;

(b) it is so used that the safety of persons is not endangered;

(c) it is provided, where practicable, with a brake or other device which automatically prevent inadvertent downward movement of the load when the raising effort is removed;

(d) it is provided, where practicable, with a limiting device which will cut off automatically the power when the load reaches its highest safe working position; and

(e) the maximum load it is designed to carry is marked conspicuously and clearly on it; when the load varies with the conditions of use such as the varying angle of the jib, a table showing the maximum load for each condition shall be posted up in a conspicuous place easily visible to the operator.

**Factors of Safety**

(2) Any rope or chain forming part of a lifting machine shall have a factor of safety of at least 10 for fibre ropes and at least 6 for steel wire ropes and for chains, calculated its static load. When the load is shared equally by two or more ropes or chains the factor of safety may be calculated on the sum of their breaking loads.
Steel rope not to be used

(3) A steel wire rope shall not be used on any lifting machine unless the diameter and construction of such rope is suited to the diameter of drum, pulley or sheave on which it is used.

Hand operated devices

(4) Every windlass, crab, or winch operated by hand shall be fitted with a proper crank-handle for applying power. Where persons are being raised or lowered, two such crank-handles shall be provided and at least one person shall manipulate each handle.

Lifting hooks

(5) Every hook used for lifting of loads shall be designed and proportioned, or shall be provided with a device so that no accidental disconnection of the load can take place.

Attachment of slings, ropes or chains to loads

(6) No person shall attach, cause or permit the attachment of any sling, rope or chain to any load, lifting machine or lifting tackle unless:

(i) it is so attached that no accidental disconnection can take place; and
(ii) the stability of the load and that of the lifting machine during lifting or transportation is ensured and maintained.

No persons to be raised, lowered, transported or supported

(7) No person shall be raised, lowered, transported or supported by means of a lifting machine except with the written permission of the Mines Inspectorate Department and subject to such conditions as may be specified.

WINDING

WINDING ENGINES AND INSTALLATIONS

128 (1) Before any winding installation is installed, the mine manager shall submit to Mines Inspectorate Department:

(a) a plan showing the location of the shaft together with the general layout of the proposal;
(b) details, including the factors of safety, of winding machinery and any shaft conveyance;
(c) particulars of any rope and any attachments to any shaft conveyance with its factors of safety;
(d) details of the design of the headframe, associated bins and the provision to be made in the headframe to deal with overwinds.

(2) The mine manager shall ensure that:

**General requirements of winding installations**

(a) any part of a winding installation, including the headframe, is of sound construction and adequate strength;
(b) such installation is maintained in safe working order;
(c) the engine of the winding installation is firmly connected to a rigid foundation and so designed, constructed and maintained that, with the power provided, the raising and lowering of persons, material or rock is carried out easily, regularly and safely.

**Availability of winders**

(3) where the usual means of exit from underground workings is by winding:

(a) the winder is kept ready for use and, except in the case of an automatic winder, a winding engine driver remains in control of such winder while any person is underground;
(b) the source of power to the engine of such winder is not cut off unless and until it is safe to do so.

**Depth indicators**

(4) any winder is, in addition to any marks on the rope, provided with reliable depth indicators.

**Speed indicator and tachograph**

(5) (a) any winder is fitted with a speed indicator and a tachograph, and is used and maintained in working order;
(b) the maximum speed at which the winder shall run safely is fixed, as approved by Mines Inspectorate Department

**Speed control**

(6) any winder is provided with an automatic contrivance so as to prevent overwinding and over speeding.
**Overwind preventer**

(7) in the shaft headframe or tower a device is provided which shall cut off the power from the winding engine and bring the winding drum or driving sheave to rest by automatic application of the brakes before any shaft conveyance, counterweight or attachments reaches any permanent obstruction to its passage.

**Winder brakes**

(8) each drum of any double drum winder is provided with one or more brakes or, in the case of a single drum winder, the drum of such single drum winder and the driving sheave of any friction winder is provided with two or more brakes.

**Emergency stop switch**

(9) any winder is provided with a conveniently located emergency stop switch for the purpose of stopping the engine and applying the brakes;

**Acceleration control**

(10) a shaft conveyance in which persons are travelling shall not be accelerated or decelerated by the winding engine at a rate greater than 1.5 meters per second per second, except in the case of an emergency, when deceleration shall not be more than 5 meters per second per second.

**Backing out devices**

(11) any device provided to permit backing out from an overwound position responds to manual control only and permits withdrawal from the overwind position.

**Flanges or horns**

(12) any winding drum has flanges or horns, and if conical or spiral, such other appliances so as to prevent the rope from slipping off or coiling unevenly.

**Driving sheave**

13 (a) the diameter of the driving sheave of a friction winder, when measured at the bottom of the rope groove, is not less than:

   (i) 100 times the diameter of the winding rope when locked coil ropes are used;
(ii) 90 times the diameter of the winding rope when flattened strands are used;

(b) the grooves of a multigrooved sheave are of substantially the same root diameter.

**Deflection sheave**

(14) (a) the diameter of any deflecting sheave in a friction winding system is not less than 0.9 times the diameter of the corresponding driving sheave;

(b) the angle of contact of the rope on a deflecting sheave is of such a nature so as to prevent the rope slipping on the sheave.

**Slip and direction indicator**

(15) any friction winder is provided with:

(a) a device which shall indicate slip of the rope relative to the driving sheave and stop the winder if a predetermined rate of slip is exceeded; and

(b) a device for indicating in which direction the driving sheave is turning.

**Operating levers**

(16) any winding drum at the driver's right hand side shall have overlay rope; where only one drum is used, it shall have overlay rope;

**Locking devices**

(17) the operating mechanism of a clutch of any winding drum is provided with a locking arrangement.

**Ropes, bars, links, chains or other connections**

(18) (a) no rope, bar, link, chain or other connection is used for winding purposes, unless it is of good quality and adequate strength;

(b) only steel wire rope is used for winding purposes and the gauge of the wires used in the construction of such ropes is suited to the diameter of the sheaves and drums.

(c) no rope which has been joined in any manner is used.

**Shaft conveyances**

(19) at any shaft which is used for the raising and lowering of persons, a shaft conveyance is provided for the conveyance of persons in a safe manner.
Attachments between ropes and shaft conveyances

(20) (a) the attachments between any winding rope and the shaft conveyance or counterweight; any balance rope or tail rope and the shaft conveyance or counterweight; any connecting rope and the shaft conveyance and any other attached shaft conveyance, are of such a nature that no accidental disconnection can take place.

(b) means of securing a winding rope to a shaft conveyance or counterweight shall be of a proven design.

Spring keps or jack catches

(21) where winding is carried on in a shaft there are fitted above the bank, spring keps or jack catches or some other contrivance to support any shaft conveyance detached from the winding rope as a result of an overwind.

Retarding device

(22) in a winding system in respect of which the winding rope is not fastened to the winding drum:

(a) the headgear is carried sufficiently high to allow a clearance of at least 7.5 meters in which the shaft conveyance can travel above or beyond the highest station for persons;

(b) the shaft is carried sufficiently deep to allow an overrun space of at least 7.5 meters in which the shaft conveyance can travel below or beyond the lowest station for person;

Conveyance of persons and material

(23) (a) no person shall travel in or on a shaft conveyance, unless he or she is duly authorized to do so.

(b) a notice showing the maximum number of persons permitted to travel in a shaft conveyance at any one time to be prominently displayed on the outside of the shaft conveyance, at the bank and at any station from which winding is carried on;

(c) where the conveyance of persons is not permitted in any shaft, a notice to that effect to be prominently displayed at the bank and at any station from which winding is carried on.
(d) no person shall travel in a shaft conveyance if such conveyance is loaded or partially loaded with rock; used simultaneously for the winding of rock; in or contains timber, pipes, rails, explosives, or any other material or substance likely to endanger the safety of persons;

**Shaft conveyances, embarking and disembarking facilities**

(24) proper provision is made at the bank and at any station for persons to embark and disembark from a shaft conveyance safely.

**Restriction on the conveyance of persons with one drum out of gear**

(25) (a) where a winder is provided with two drums no person, except in an emergency, shall be raised or lowered in a shaft conveyance while one of the drums is out of gear and loose on the drum shaft on which it operates.

(b) in the case of a double drum winder with one drum out of gear the mine manager shall ensure that such drum is prevented from revolving whilst out of gear.

**Ratio of person or material load to rock load**

(26) the total mass attached to the winding rope when persons or material are conveyed does not exceed 0.9 times the mass attached to the winding rope when rock is conveyed.

**Loading limitation**

(27) a friction winder is not loaded to the extent that will require more than 70 per cent of the available friction torque.

**Trial run after repairs to winding installation**

(28) a shaft conveyance is not used for the raising or lowering of persons until it has made at least one complete trip up and down the working portion of the shaft following any repairs to the winding installation.

**Driver's logbook**

(29) a driver's logbook is kept in the winding engine room in which shall be recorded:

(a) any special instructions involving the safety of persons given to the winding engine driver and the time such instructions were given;
(b) the contents of the shaft conveyance and the last signals received by the winding engine driver when his or her relief is about to take over, and such report shall be countersigned by the winding engine driver by whom he or she is relieved.

**Winding during repairs in shafts**

(30) no winding operation is carried on in any shaft or a headgear while persons are engaged in effecting repairs, conducting an examination or doing other work in such shaft or headgear, except when it is considered safe.

**Shaft signaling systems**

(31) any shaft in which winding is carried on other than a shaft in the course of being sunk is provided with an efficient and safe signaling system in respect of each winder.

**Rope testing and examination**

(32) The mine manager shall cause a rope used on a drum winder to be recapped at intervals not exceeding six months or at such shorter intervals as Mines Inspectorate Department may determine.

**Guide ropes**

(33) (a) Any shaft other than a shaft in the course of being sunk, shall be provided with guides.

(b) A guide rope shall not be used if the breaking force at any point in such ropes is less than 6 times the effective combined weight of the rope and its tensioning weight.

**Application of brakes**

(34) (a) Except in an emergency no person, material or rock shall be lowered by means of the brake alone.

(b) The winding engine driver shall ensure that while persons are embarking or disembarking from a shaft conveyance, the brake is fully applied.

**Use of shaft conveyances**

(35) No person shall enter or have access to, continue to travel in, leave, a shaft conveyance, unless and until the appropriate signals have been exchanged.
Radio communication devices

(36) Where a winder is capable of operation under push button control, the mine manager shall cause a radio communication device to be provided inside any shaft conveyance used for the conveyance of persons for purposes of communication from within the shaft conveyance to surface.

Entry in winding engine rooms

(37) No person shall:

(a) enter or be permitted to enter any winding engine room unless he or she is authorized to do so by the mine manager;

(b) in any way distract the attention of the person operating a winder while it is in motion.

Duties of Banksmen and Onsetters

(38) (a) No unauthorized person shall give any signal other than an accident signal, or shall in any manner whatsoever interfere with the signaling arrangement provided for winding operations.

(b) No person shall be permitted to carry out the duties of a banksman or onsetter unless he or she is trained and is competent to do so.

(c) No person, other than the banksman or onsetter on duty, shall give or shall be caused or permitted to give any signals for the raising or lowering of persons, material and minerals.

Winding Engine Drivers

(39) (a) Nobody shall drive a winding plant, for which a prescribed permit has been issued unless he or she is a certificated winding engine driver.

(b) No person shall speak to or distract the attention of the person operating a winding-engine while in motion, except a person in authority, and only in cases of emergency.

(c) The driver of a winding engine shall operate the engine in a safe manner:

Haulage and transport

The mine manager shall:

129 (1) formulate a scheme to regulate the safe movement of any vehicle in use on any road in or at the mine.
(2) The scheme referred to in subsection (1) shall include provisions regarding the:

(a) maximum speed at which any vehicle may run;
(b) maximum load to be conveyed by each vehicle;
(c) operating procedures to be followed;
(d) types and kinds of lights, including headlights, tail lights or clearance lights, with which trackless vehicles shall be equipped;
(e) special precautions to be taken at specified points on the haulage system;
(f) conditions under which conveyance of persons may be permitted.

SCHEME FOR EXAMINING AND MAINTAINING HAULAGE SYSTEMS

130 (1)(a) formulate a scheme for the systematic examination and maintenance of vehicles, tracks and all other equipment used in the operation of haulage systems;
(b) ensure that the results of such examinations and tests are recorded.

Locomotives

(2) ensure that any locomotive is equipped with the following devices and systems, namely:

(a) effective headlights and rear lights;
(b) at least two braking systems;
(c) an effective audible warning device;
(d) a sand box;
(e) a speedometer;
(f) controls so placed that the driver can simultaneously operate them and see ahead without leaning out of the locomotive;
(g) a suitable dead-man control;
(h) a fixed seat for the driver.

(3) a locomotive shall:

(a) not be used on any track where the gradient exceeds eight per cent;
(b) not be left unattended unless brakes of sufficient strength to hold the whole train stationary have been applied;
(4) (a) stopblocks, derail devices or other adequate means shall be installed where necessary to protect persons from runaway or moving trains;

(b) that rails, joints, switches and other elements of any rail track as well as bridges, culverts and other structures supporting are designed, installed and maintained in a safe manner consistent with the speed and type of haulage.

**Trackless vehicles**

(5) (a) any self-propelled trackless vehicle is equipped with the following devices and systems:

(i) effective lights, both front and rear;

(ii) at least two braking systems;

(iii) an effective audible warning device;

(iv) a speedometer;

(v) a fixed seat for the driver;

(b) the braking system is capable of effectively stopping and holding the vehicle stationary when fully loaded, under any condition of operation when driven correctly;

(c) the design and layout of the operator's cab is, as far as is practicable, such as to give protection to the driver against environmental hazards including inclement weather, heat, cold, noise and airborne dust;

(d) the operator's cab of any vehicle used for rock haulage is constructed so or reinforced so as to resist damage by spillage;

(e) the cab windows consist of safety glass.

(6) a vehicle shall not be left unattended, unless all operating controls are in the neutral position and the brakes are set or other equivalent precautions are taken to guard against rolling.

**Mine roads**

(5) (a) that the gradient and radius of any part of a road on a mine shall be such that vehicles can negotiate the road safely;

(b) where persons are permitted to work or travel on roads used by vehicles and mobile equipment which may endanger the safety of such persons, refuge bays of appropriate dimensions are provided at suitable intervals for them to take shelter;

(c) any single-lane road is, where appropriate, provided with:
(i) passing places, the whole of which shall be visible from both ends, or
(ii) adequate means of regulating the movement of vehicles.
(d) the safe travelling width of a road in opencast workings between any bench
   face and edge of that bench is clearly demarcated;
(e) such signs as may be necessary to control the speed and movement of
   vehicles making use of the roads are erected at suitable places;
(f) any road with a planned gradient exceeding five per cent is, where practicable
   provided with:
   (i) emergency escape roads, which shall be spaced throughout the length of
       such road and will ensure that a runaway vehicle entering an emergency
       escape road can be safely brought to rest;
   (ii) in the case of a road on the surface or in opencast workings, a shoulder
        barrier.

Driving or operation of mine vehicles

(6) (1) No person shall drive or operate any mine vehicle:
   (i) on a road in or at a mine, unless he or she has been duly authorized to do
       so and has received adequate instruction and training for the duties he or
       she has to perform;
   (ii) in such a manner as to endanger the safety of persons and or private
        property.

(2) A driver or an operator of a mine vehicle shall:
   (a) ensure that the brakes; the warning devices and the lights, when used
       between the hours of sunset and sunrise on surface or at any other time
       whenever necessary, and at all times when used in underground workings,
       are in good working order.
   (b) not leave the controls of his or her vehicle unattended while:
       (i) the bucket of the front-end loader, backhoe or other excavating
           machine;
       (ii) the blade of a bulldozer;
       (iii) the platform or forks of a fork lift truck;
       (iv) the load on a crane or other hoisting machinery, is in a raised position,
           unless it is safely supported by a suitable prop or props or the area is
           safely guarded or fenced.
(3) The mine manager shall ensure that:

(a) no ropeway and no vehicle running on rails which uses a ropeway system is used for the purpose of conveying persons to and from their workplaces, unless such system has been specially designed for the conveyance of persons;

(b) any vehicle running on rails which is used for the conveyance of persons is provided with such safety devices as are necessary to prevent accidents likely to cause bodily injury to persons and that such devices are properly maintained;

(c) where a track leads up to a shaft, a sufficiently strong stop block or other suitable device is installed on the track to prevent a tub, mine car or locomotive from accidentally entering the shaft.

(d) No person shall ride in or on any vehicle, unless suitable and adequate provision has been made for the purpose.

(e) No person shall board or alight from a moving vehicle.

**Scheme for safe conduct of haulage operations**

(7) Where haulage is effected manually the mine manager shall formulate a scheme for the safe conduct of the operations.

**Conveyors**

(8) (1) At any mine where a conveyor is used, the mine manager shall formulate a scheme for the installation, operation and maintenance of the conveyor system.

(2) The mine manager shall ensure that:

(a) any conveyor belt which is installed or used in underground workings is, as far as is practicable, of incombustible or fire resistant material;

(b) any belt conveyor is provided with:

   (i) an audible warning device which shall be sounded before starting the belt;

   (ii) effective means within reach of persons to stop the belt from any point along its entire length but which shall not be capable of re-starting the belt;

   (iii) that suitable and adequate means for extinguishing fire are available for immediate use along any belt conveyor.
(3) where two or more conveyors are used in series, sequence interlocking is provided which will automatically:
   (i) stop all belts feeding a belt that has stopped;
   (ii) prevent a belt from starting until the belt on to which it feeds is moving;
(4) where practicable, walkways fitted with suitable safety rails are provided at all elevated parts of conveyors for the safe passage of persons engaged in making examinations and repairs;
(5) moving conveyors are not crossed except at designated places where cross-over or cross-under bridges are to be provided;
(6) where the inclination of a conveyor is such as to give rise to danger from sliding objects, suitable devices are used to provide adequate protection against such danger.

(9) No person shall:
   (a) enter any space underneath a conveyor, unless adequate precautions have been taken to ensure the safety of any person entering such space;
   (b) ride on a conveyor belt unless specifically designed for that purpose
   (c) carry out any work on any part of a conveyor whilst that conveyor is in motion, unless authorized to do so.

**MACHINERY**

**DESIGN, USE, OPERATION, SUPERVISION AND CONTROL OF MACHINERY**

The mine manager shall ensure that:

131 (1) (a) machinery used in connection with the working of a mine is of good design, sound construction, suitable material, adequate strength, free from defects, properly maintained and operated in a safe manner;
(b) no person uses, operates, supervises or controls any machinery unless he or she has received adequate instruction and training for the duties he or she has to perform and has been duly authorized to do so by the mine manager;
(c) person, employed in close proximity to moving machinery wears or is permitted to wear protective clothing so as not to endanger himself or herself.

(d) any reasonable precaution is taken in connection with the use of machinery so as to ensure that the safety of persons employed on or about such machinery is not endangered.

(2) A person authorized to use, operate, supervise or control any machinery shall not absent himself or herself from, or cease to have effective supervision or control of such machinery while it is required to be used, unless relieved by another duly authorized person.

**Fencing and guards**

(3) (a) any exposed machinery which, when in motion, may be dangerous to any person is securely fenced off;

(b) efficient guards are provided to such parts of any machinery as may be a source of danger to any person.

(c) no person shall willfully or negligently damage or, without proper authority, remove or render useless any fence, guard, structure or any other safety provision or enter such fenced off area.

**Engines to be used in underground workings**

(4) compression-ignition diesel and electrically operated engines shall be used in underground workings

**Scheme for examination and testing of machinery**

(5) The mine manager shall formulate a scheme for the systematic examination and, where required, maintenance of machinery so as to ensure the safe operation thereof

**Starting and stopping of machinery**

(6) (i) No person shall set any machinery in motion unless he or she has taken all reasonable precautions to ensure that no person can be endangered thereby.

(ii) The mine manager shall ensure that any machinery used in the working of the mine is provided with a suitably located starting and stopping appliance.
Safety measures during repairs, maintenance or cleaning of machinery

(7) (a) The mine manager shall take such steps as may be necessary to ensure:
(i) that when any machinery is stopped for repair, maintenance or cleaning purposes the power supply to such machinery is isolated and locked out;
(ii) that suitable warning signs or notices are posted at the switch and signed by the persons who are undertaking such repairs, maintenance or cleaning;
(iii) that such locks, signs or notices are removed only by the person who posted such signs or notices.

(b) The mine manager shall ensure that:
(i) automatic devices for lubricating machinery whilst in motion are provided wherever practicable;
(ii) where it is impracticable to stop any machinery, the repairing, adjusting, testing, examining, cleaning or lubricating of any such machinery in motion is undertaken by a competent person.

General duties of operators

(8) Any person authorized to use, operate, supervise or control any machinery shall:
(a) before commencing work ensure that such machinery is in safe working condition;
(b) should any machinery during use appear in any way to be or to have become dangerous, immediately stop such machinery;
(c) until such time as the defect has been rectified, not use such machinery.

ELECTRICITY

SELECTION AND INSTALLATION OF ELECTRICAL APPARATUS

(1) The mine manager shall take such steps as may be necessary to ensure that any:
(a) electrical apparatus used in connection with the working of a mine is of suitable design, sound construction, suitable material, free from any defects, properly maintained and protected in such a manner that no person can be injured by inadvertent contact with any live portion;
(b) place where electrical apparatus is installed and which may constitute
danger to persons is adequately fenced off or effectively enclosed.

(2) The mine manager shall ensure that:

**Electrical control gear**

(a) any electrical installation and power line is provided with adequate
protective devices and controlling apparatus which shall, as far as is
practicable, automatically isolate the power supply in the event of a fault
developing on such installation or power line;

(b) switchgear is designed that it cannot be closed accidentally by gravity,
impact or any other cause and is provided with a cover to prevent
accidental contact with live parts;

(c) any controlling apparatus is marked or labeled prominently so as to identify
the system or part of the system or the electrical machinery which it
controls.

(d) whenever work is to be carried out on electrical apparatus which has been
isolated from all sources of supply and locked out, effective precautions are
taken to electrically discharge such apparatus and any other electrical
apparatus which may be interlinked by earthing or other means before it is
handled to prevent any conductor or apparatus from being made live
accidentally or inadvertently while any person is working thereon.

(e) no person interfere with or render ineffective any protective device.

**Diagrams of electrical equipment**

(3) schematic diagrams showing the up-to-date position of all permanent high
tension electrical equipment are kept.

**Posting of notices**

(4) (a) at places where electrical apparatus is installed which may constitute a danger
to persons, notices are prominently displayed:

(i) prohibiting any unauthorized person from entering, handling or interfering
with apparatus;

(ii) containing directions as to the procedure to be followed in case of fire;
(iii) containing directions on the rescue and first aid treatment of persons suffering from electric shock or burns.

(b) Any person working with electrical equipment shall acquaint himself or herself with the notices posted under subsection (1) and shall act in accordance with the directions therein.

**Switch and transformer premises**

(5) (a) any enclosed premises housing switchgear and transformers are:

(i) of adequate size so as to provide safe working space for operating and maintenance staff;

(ii) constructed in such a manner that persons cannot reach in and touch bare conductors or exposed live parts of the electrical machinery;

(iii) sufficiently ventilated to maintain the equipment at a safe working temperature;

(iv) where necessary, provided with lighting that will enable all equipment, thoroughfares and working areas to be clearly distinguished and all instruments, labels and notices to be easily read;

(v) provided with an unobstructed doors or gates which open outwards;

(vi) as far as is practicable, constructed so as to be proof against rodents, leakage, seepage and flooding.

(b) no person other than an authorized person enters premises housing switchgear of transformers.

**Scheme for installation and use of electrical apparatus**

(6) (a) The mine manager shall formulate a scheme with respect to the installation, re-installation and use of electrical apparatus at the mine.

(b) The scheme referred to in subsection (a) shall include provisions concerning the:

(i) examination and testing of all electrical equipment before it is energized after installation or re-installation;

(ii) systematic examination and testing of all electrical apparatus to ensure proper maintenance thereof;

(iii) nature of the examination and testing to be carried out;
(iv) procedure to be followed and precautions to be taken to ensure the safety of persons working on electrical apparatus; and
(v) identification of installations and the recording of the results of examinations and tests.

**Earthing**

(7) (a) any accessible metallic portion of electric plant or apparatus which, though not normally forming part of an electrical circuit, may accidentally become live, is either protected by insulating material or is connected to earth by a conductor of adequate cross-sectional area so as to prevent danger to persons;
(b) the cross-sectional area of any earthing conductor is calculated to be capable of withstanding the maximum possible earth fault current condition.

**Earth leakage protection**

(8) (a) a suitable method of earth leakage protection is, as far as is practicable, provided for all alternating current circuits operating above extra low voltage;
(b) earth leakage protection equipment is provided with means by which tests of its operation may be made;
(c) earth leakage protection equipment is rated for operation at not more than 300 Mega ampere.

**Lightning and surge protection**

(9) suitable equipment is provided to protect any electrical installation from abnormal voltage due to atmospheric electric discharges and switching surges.

**Cable installation**

The mine manager shall ensure that:

(10) (a) any cable is properly placed, attached, connected and supported;
(b) the covering of an electric cable is:
   (i) in the form of tape or tube enclosing one or more conductors to provide adequate mechanical protection;
   (ii) continuous throughout;
   (iii) securely attached to the apparatus to which such cable is connected;
   (iv) suitably bonded at junctions.
**Flexible cable or trailing cable**

(11) (a) only a flexible cable or trailing cable shall be used in connection with the operation of:
   (i) any self-propelled mobile machine;
   (ii) movable electrical apparatus;
   (iii) portable electrical apparatus;
(b) that any flexible cable or trailing cable is screened, where necessary, and such screens are earthed;
(c) that, when blasting is to be carried out, cables are suitably protected from damage or be removed from the site prior to blasting;
(d) that at any point where any flexible cable is joined to a main cable, a switch is provided to cut off the current from the flexible cable.

**Signal and telephone cables**

(12) signal and telephone cables are not allowed to come into electrical contact with each other or with any other electrical conductor.

**Operation of electrical apparatus**

(13) no person operates any electrical apparatus, unless he or she has been instructed on its use and has been duly authorized to do so.

(14) A person who operates a portable electrical machine shall:
   (a) carefully inspect the machine and the flexible cable attached thereto prior to operating the machine;
   (b) on observing any defect shall not start the machine until the defect has been rectified; and
   (c) satisfy himself or herself that the electric current is cut off from the flexible cable and machine before leaving the workplace.

(15) The mine manager shall take such steps as may be necessary to ensure that:
   (a) current is switched off from all conductors and apparatus which are not in use;
(b) no work is undertaken on any live conductor or live part of apparatus provided that where the apparatus must be live for the purpose of examination, adjustment, testing, repair or other work, such work may only be undertaken by a person duly authorized to do so;
(c) any insulating material is suitable for the purpose for which it is used;
(d) provision is made to confine safely any oil or other fluid which may escape from electrical apparatus;
(e) as far as is practicable, no metal ladder or ladder with metal reinforced tiles may be used for examination, repair or other work necessitating dangerous approach to or work on electrical apparatus.
(f) no object is brought closer to a live power line than the distance specified in the following table

**Voltage of power line Minimum clearance**

<table>
<thead>
<tr>
<th>Voltage of power line</th>
<th>Minimum clearance</th>
</tr>
</thead>
<tbody>
<tr>
<td>up to 250 kilovolts</td>
<td>2 meters</td>
</tr>
<tr>
<td>251 to 400 kilovolts</td>
<td>3 meters</td>
</tr>
<tr>
<td>above 400 kilovolts</td>
<td>4 meters</td>
</tr>
</tbody>
</table>

(16) Any person employed in or at a mine shall immediately report overheating, arcing, electrical shock or damage relating to any electrical installation or apparatus which may come to his or her knowledge.

**Precautions in explosive or flammable atmosphere**

(17) The mine manager shall, where explosive or flammable atmosphere is encountered, adopt such precautions, apparatus and methods of installation as may be specified by the Mines Inspectorate Department.

**PROTECTIVE EQUIPMENT, CLOTHING AND DEVICES**

133 (1) The mine manager shall ensure that:

**Scheme to identify hazards**

(a) a scheme is formulated for the identification of any harmful physical and chemical agents or other hazards present in the working environment.
(b) any area identified as hazardous is properly sign posted by which means persons employed or otherwise present in or at a mine are warned of the possible hazards.
**Protective equipment**

(2) persons employed or otherwise present in or at a mine are provided with:

(a) suitable protective equipment, clothing and face shields or goggles when engaged in welding or grinding or cutting or working with molten metal or when other hazards exist;
(b) suitable protective clothing to cover the whole body when handling corrosive or toxic substances or other materials which may cause injury to skin;
(c) protective gloves when handling materials or performing work which may cause injury to hands;
(d) safety helmets where falling objects may create a hazard;
(e) suitable steel toe safety boot for either dry or wet application;
(f) safety harness and/or belts where there is danger of falling from a height;
(g) life jackets or lifelines where there is danger of falling into water;
(h) closely fitting clothing when working around moving machinery;
(i) waterproof work garments when working under wet conditions;
(j) fluorescent strips for safety helmets and highly visible clothing, where necessary; and
(k) special protective equipment, clothing or devices when, in the opinion of the mine manager, they require such equipment, clothing or devices.

(3) Any person employed or otherwise present in or at a mine shall not use any protective equipment, clothing or devices other than such equipment, clothing or devices as are approved by the mine manager.

**Noise**

(4)(a) no person employed in or at a mine while at work shall be exposed to a daily noise dose or peak noise level that is in excess of 90 decibels.
(b) Where at any place in a mine it is not practicable to comply with the standards specified under subsection (a), the mine manager shall ensure that persons at such place are provided with hearing protection equipment and such equipment is constantly used.
**Dust**

(5) Where at any place in a mine it is not practicable to comply with the standards specified in these Regulations, the mine manager shall supply to and cause to be constantly used such appliances as will prevent the dust from being breathed by persons.

**Protection against ionizing radiation**

(6) (a) The mine manager shall establish a code of practice to ensure that exposures of radiation will not give rise to unacceptable levels of risk and that sources of such exposures are identified, quantified, controlled and minimized.

(b) The code of practice will be based on the recommendations of the International Commission on Radiological Protection (ICRP) and the International Atomic Energy Agency (IAEA)

**Vibration**

(7) The mine manager shall, as far as is practicable, take such measures as may be necessary to minimize the adverse effects of vibration on the health of persons employed in or at a mine.

(8) The mine manager shall ensure that:

**Hot and molten material**

(a) where molten material is handled care is taken to minimize the possibility of spillage or explosion which could create a hazard to the safety of persons;

(b) adequate precautions is taken at all ash pits, ash heaps and other places where there are hot or molten material to ensure that no person is endangered by such material;

(c) notices are posted at conspicuous places warning persons of the danger.

**Keeping of antidotes, washes and devices**

(10) at any place in a mine where poisonous, toxic or hazardous substances are used or produced:

(a) there is kept available for use in a conspicuous place, a sufficient supply of satisfactory antidotes, washes and showers as near such substances as is practicable;

(b) such antidotes and washes are properly labelled with instructions for their use;
(c) persons at such places are informed of the possible hazards that may arise there and the precautions to be taken to guard against the same.

**Restriction of Access to Poisonous and Toxic Substances**

(11) access to any poisonous, toxic or hazardous substance be restricted to duly authorized persons employed or otherwise present in or at a mine, and such substances be kept under lock and key.

**Insufficient or inadequate protective equipment, clothing or devices**

(12) If in the opinion of the Mines Inspectorate Department any protective equipment, clothing or device provided by the mine manager is insufficient or inadequate, Mines Inspectorate Department shall require that additional or more suitable equipment, clothing or device be provided.

**Sanitation**

(13) The mine manager shall:

(a) on the surface and in the underground workings of the mine, ensure that sufficient and suitable latrine facilities of a high hygienic standard are provided and maintained for both sexes;

(b) ensure that such latrines are adequately ventilated, illuminated and disinfected and kept in a clean condition.

(c) ensure that no person pollute the workings with faeces or urine.

(14) The mine manager shall ensure that:

**Eating places**

(a) suitable places be provided in a dry and well ventilated area which is maintained free from dust, vermin and any hazardous substance where persons employed in or at a mine may eat their meals;

(b) water for washing be made available within a reasonable distance of such eating places;

(c) an impervious receptacle with a lid be provided at the eating place and all waste food, paper and other rubbish shall be deposited in that receptacle which shall be emptied and cleaned at regular intervals, and be consistent with the accepted standards of hygiene.
Potable

(15) (a) sufficient supplies of safe drinking water must be provided in or at a mine, at points reasonably accessible from workplaces.
(b) all taps or pipes containing water which is not fit for human consumption are clearly marked.

Change houses

(16) The mine manager shall provide suitably designed change houses commensurate with the number and gender of employees at any mine under his or her supervision and control where underground workings are undertaken and, if considered necessary by the Mines Inspectorate Department, at other workings for persons employed in or at such mine to wash themselves and change their clothes before leaving the mine.

Intoxicating drugs and drinks

(17) (a) No person shall or be permitted to bring any intoxicating drink or drug onto the mine sites or into the workings of a mine.
(b) No person employed or otherwise present in or at a mine while at work shall consume any intoxicating drink or drug or be in a state of intoxication or drunkenness.
(c) Regular medical examination in consultation with Mines Inspectorate Department shall be conducted to ensure compliance with sub section paragraph (b).

MINE FIRES

FIRE FIGHTING

134 (1) The mine manager shall plan, equip and work the mine so as to minimize the risk of fire and establish an effective organization for the conduct of fire fighting work.

(2) The mine manager shall ensure that:

Precautions against fire

(a) any place where any flammable or combustible substance is stored or used is suitably signposted;
(b) any surface structure and support within a horizontal distance of 15 meters from all entrances to underground workings is, where reasonably practicable, constructed of incombustible material;

(c) no oil, grease or other flammable substances are stored in a mine except in a closed, leak proof and labelled fireproof receptacle;

(d) fuel oil and lubricants are conveyed only in suitable leakproof containers;

(e) fuel storage placed underground is located away from workshops, service stations or other places where persons are engaged in work and is not used for any other purpose;

(f) greasy and oily waste in underground workings is regularly removed to the surface in suitable containers and disposed of in a safe and environmentally sound manner;

(g) winding engine rooms, engine rooms, transformer rooms, workshops and any room where flammable substances are stored are constructed in a fireproof manner and are provided, where practicable, with a second outlet;

(h) any filling station has an impervious floor with arrangements for the collection of spillage oil;

(i) the refueling of any vehicle is not carried out while the engine is running;

(j) gas bottles are stored, handled and used in accordance with the instructions issued by the manufacturer or supplier.

(3) No person shall at any mine:

(a) place, throw or leave or cause or permit to be placed, thrown or left any naked light or flame or any burning lighting torch, match, cigarette, tobacco, paper or other burning material on or near any combustible material or flammable substance where it may cause danger of fire or explosion;

(b) smoke or carry an open light or other burning material in any shaft conveyance or in any battery charging station or filling station;

(c) light a fire in any underground workings or on surface within a distance of 15 m from any entrance to the underground workings unless he or she has been duly authorized to do so.
Storage of flammable or combustible substances

(4) The mine manager shall ensure that:

(a) no flammable or combustible substance is stored or kept in the immediate vicinity of a place where any transformer, switchgear or other electrical apparatus or heating appliance is situated;

(b) stocks of flammable or combustible substances are not kept in the vicinity of any shaft or outlet from underground workings;

(c) at all places underground where a flammable or combustible substance is kept, the ventilation is arranged such that, in the event of a fire, as far as is practicable, the products of combustion are exhausted directly into the return airway;

(d) any storage tanks for flammable or combustible liquid are:
   (i) designed and constructed so as to be capable of resisting the maximum working pressures and stresses and made of suitable material for any projected contents;
   (ii) maintained in such a manner that leakage is prevented;
   (iii) contained within structures capable of holding 110 per cent of the contents of the tanks;
   (iv) isolated or separated from ignition sources and combustible substances;
   (v) vented or otherwise constructed to prevent development of pressure or vacuum as a result of filling, emptying or atmospheric temperature changes;
   (vi) provided with piping, valves and fittings capable of withstanding working pressures and stresses;
   (vii) provided with suitable earthing devices or arrangements.

Fire-fighting equipment

(5) The mine manager shall ensure that:

(a) the mine is equipped with a water mains circuit capable of delivering to all workplaces an adequate quantity of water at sufficient flow pressure for the purpose of fire-fighting, unless exempted by the Mines Inspectorate Department on grounds of natural conditions or size;
(b) where an outside fire-fighting organization is relied upon, uniform fittings or readily available adapters are provided for hydrants;
(c) special places of risk duly identified by the mine manager are provided with suitable fire extinguishers, sand or incombustible substance.
(d) fire extinguishers are examined and discharged and refilled as often as may be necessary to ensure that they are kept in good working order;
(e) a record is kept of each examination and refilling referred to in paragraph (d);
(f) fire extinguishers containing chemicals which are liable, when operated, to give off poisonous or noxious gases, with the exception of carbon dioxide, are not provided or used in underground workings;
(g) soda-acid or foam type extinguishers or water are not used for fighting fires caused by an electrical fault, except when the electrical apparatus causing the fault has been switched off or otherwise rendered safe;
(h) soda-acid type extinguishers or water are not used for fighting oil fires.
(i) Any places referred to in subsection (5)(c) shall include any:
   (i) parts of a mine where flammable or combustible substances are stored;
   (ii) driving unit of conveyors;
   (iii) electrical sub-stations and places having electrical switchgear and machinery;
   (iv) vehicles;
   (v) battery charging stations, workshops and filling stations, on surface, at any entrance to underground workings and, in underground workings, at any station.

Procedure in case of fire

(5) (a) Any person who notices a fire in or at a mine shall, if possible, extinguish any such fire or otherwise raise an alarm without delay and cause such steps to be taken that the occurrence of the fire is brought to the attention of the mine manager without delay.
(b) Any person, except any person directed by the mine manager to stay for the purpose of dealing with any emergency in consequence of such fire, shall be withdrawn without delay from all places likely to be affected by fire or smoke, and only persons duly authorized thereto by the mine manager shall enter such places.

(c) The mine manager shall ensure that suitable precautions are taken to prevent danger to persons from any noxious or asphyxiating gases or smoke emanating from any fire.

**Fire-fighting plan**

(6) The mine manager shall:

(a) prepare a fire-fighting plan showing all locations at a mine where a fire hazard exists, the nature of the hazard and location and type of fire-fighting equipment provided;

(b) ensure that adequate refuge chambers are provided which shall be suitably pressurized and equipped with water and first aid supplies;

(c) have systematic examinations made of the fire fighting equipment provided and record the results of such examinations;

(d) establish a fire alarm system to give prompt and adequate warning to persons who may be endangered by fire;

(e) provide for a team or teams of trained persons, compatible with the size of the mine and the number of persons employed, to deal with the situation in case of fire.

**FIRST AID**

**FIRST AID CENTER**

135 (1) The mine manager shall ensure that the mine is provided with a first aid center on surface, or access to such facility; which shall be maintained in good order.

(2) The first aid center referred to in subsection (1) shall be:

(a) used only for first aid, medical examinations and ambulance work;

(b) adequately ventilated, illuminated and kept clean;
(c) equipped with stretchers, medical and surgical appliances and remedies for treating persons suffering from noxious gases, fumes, burn, shock and other injuries;
(d) under the control of a qualified nurse or a person who has undergone an approved course of training in first aid and life saving techniques who shall at all times be available thereat and who shall have access to a medical practitioner in cases of emergency.

(3) An ambulance or other suitable vehicle for transportation of injured or ill persons to hospital shall be readily available at the first aid center.

First aid stations

(4) The mine manager shall ensure that first aid stations, in addition to a first aid center on surface, are provided at suitable locations on the surface, where the operations are spread over a large area or are otherwise considered necessary by the Mines Inspectorate Department and in underground workings.

(5) A first aid station shall be under the charge of a person qualified in first aid and life saving techniques who shall be readily available during working hours.

(6) A first aid station shall contain at least the following items, namely:
(a) one stretcher with at least two clean blankets;
(b) one first aid box containing splints and tourniquets, triangular bandages, small, medium and large sterile packed dressings, cotton wool, safety pins, bottle of antiseptic, eye drops and a small pair of scissors;
(c) where practicable, a telephone so that the mine manager can be informed without delay of an accident which may need the attention of a doctor or nurse.

First aiders

(7) The mine manager shall ensure that:
(a) a sufficient number of persons employed in exploration activities on surface, in surface mine workings and in underground workings undergo a course of training in first aid and hold first aid certificates issued by a competent authority or possess equivalent qualifications;
(b) a list of persons qualified in first aid is displayed at the first aid center and first aid stations.

**Reporting and recording of injuries**

(8) (a) Any person who suffers an injury or has been exposed to smoke, blasting fumes or other noxious gases shall report for examination or treatment at the first aid center before leaving the mine, even if the injury or suspected gassing has been attended to at a first aid station.

(b) The mine manager shall ensure that a record of all injuries reported is maintained at the first aid center.

**Scheme for obtaining assistance**

(9) The mine manager shall, having regard to the operations conducted at the mine, formulate a scheme for obtaining medical and other assistance in the event of an emergency at the mine requiring such assistance.
**PART V MINES ENVIRONMENTAL MANAGEMENT**

**MINES ENVIRONMENTAL COMPLIANCE DEPARTMENT**

**ENVIRONMENTAL OBLIGATIONS OF MINERAL TITLE HOLDER**

136 An exploration licence, mining lease, quarrying lease, and Small Scale Mining Lease holder shall comply with all conditions and perform all environmental obligations contained in the Act and these regulations so long as the mineral title subsists. These include:

(a) Submission of approved Environmental Impact Assessment Statement (EIAS).

(b) Submission of approved Environmental Protection and Rehabilitation Program (EP&RP).

**POWERS OF ENVIRONMENTAL OFFICERS**

137 The Ministry shall through the Mines Environmental Compliance Department:

(a) issue such directives to mineral title holders and take such steps as may be necessary to enforce compliance with all laws and regulations relating to the protection, reclamation and rehabilitation of any mining environment affected by mining operation;

(b) Inspect or supervise any mining operation and to conduct such inquiries to ensure that the provisions of the Act and these regulations as to the environmental and social obligations of the holder are being complied with.

**INSPECTION OF MINE ENVIRONMENT**

138 (1) An authorized mines environmental officer of the Ministry or any other person empowered to do so may, at any time with or without any prior information and upon production of notice of inspection.

(a) enter, inspect and examine any land and environment which is the subject of any mineral title;

(b) enter any area, structure, vehicle, or building that, in his or her opinion, has been or is to be used for or in connection with exploration, mining or mineral processing operations;
(c) inspect what arrangements have been made to protect the host community and the public against any environmental hazards associated with mining operations and storage of tailing;

(d) examine the arrangements for the management and treatment of mine waste before it is finally disposed off, to avoid pollution;

(e) examine the plans for dumping operation and the safety precautions to be taken to avoid pollution of the environment or to minimize it;

(f) examine whether all Environmental Impact Assessment and Environmental Rehabilitation Plan Programmes have been complied with;

(g) examine and inspect any book, document, file or thing concerning the environmental obligation of the mine operation;

(h) to do any other thing which will give effect to the provisions of the Act and these regulations.

(2) The notice of inspection shall be in form 29 in schedule 3.

COMMUNITY DEVELOPMENT AGREEMENT

139 (1) Holders of Quarry lease, Mining lease and Small Scale Mining Lease shall:

(a) before commencement of operation, conclude with the host community an agreement known as Community Development Agreement (CDA) that will ensure the transfer of social and economic benefits to the community, as contained in section 116 (3) of the Act.

(b) hold public consultations with the host communities in implementing the community development agreement.

(c) Dispute or complain arising from community development agreement implementation shall be referred to the minister for amicable settlement.

(2) For the purposes of the Community Development Agreement under Section 116 of the Act, “the host community” shall in relation to any mineral title be:

(a) The community where the mineral title area is located or the community closest to it;
(b) Where the host community is for any reason not easily ascertainable, a report shall be made to the Minister who shall in consultation with the State Government, the State Mineral Resources and Environmental Management Committee and other relevant State or Federal Government Agencies determine which community is the host community;

(c) The Minister may, not withstanding the provisions of this part determine the host Community in any other manner.

(2) The signatories to the Community Development Agreement shall be persons freely chosen by the generality of the Community to represent them.

(3) The head of the community shall, prior to the signing of the agreement, submit to the Ministry the full names and addresses of the representatives of the Community who shall not be less than three (3) or more than seven (7).

(4) The list shall be verified by the Ministry through any of its agencies or departments and in consultation with the State Mineral Resources and Environment Management Committee and the chairman of the local government.

(5) The Community Development Agreement shall address the following issues:
   (a) programmes for the development of the community in the areas specified in Section 116(3) of the Act, based on the needs of the Community.
   (b) the modalities for the monitoring and implementation of the programmes contained in the agreement;
   (c) environmental protection;
   (e) compensation for damages and pollution
   (f) conflict management or resolution;
   (h) rights of the holder in relation to the mining area;
   (i) such other relevant issues.

(6) Every Community Development Agreement must be duly signed by the mineral title holder and the authorized representatives of the Community.
(7) If the Community and the holder are unable to agree on any aspect of the Community Development Agreement, the matter shall be referred to the Minister for resolution.

(8) The agreement shall be reviewed by the parties every five (5) years.

ENVIRONMENTAL IMPACT ASSESSMENT AND ENVIRONMENTAL REHABILITATION PLAN

140 (1) Every holder of a mineral title other than a Reconnaissance Permit shall submit to the Ministry a copy each of an approved Environmental Impact Assessment Statement and Environmental Protection and Rehabilitation Programme as required under section 119 of the Act.

(2) The Environmental Impact Assessment shall be carried out by experienced and qualified multi-disciplinary personnel and must be done in accordance with the provisions of the Environmental Impact Act No. 86 of 1992, and the sectoral guidelines for mining of solid minerals.

(3) The Environmental Impact Assessment report must contain information on the following matters:

   (i) a brief description of the project or the process which should include the following:

       (a) project and development objectives, targets and indicators;
       (b) exploration and prospecting methods;
       (c) selection of mine and spoil disposal sites;
       (d) mine infrastructure;
       (e) mining operations, viz drilling, blasting, crushing, milling, sorting, loading etc;
       (f) energy and material balance;
       (g) water supply needs;
       (h) transportation;
       (i) mineral processing techniques;
       (j) spoil disposal;
       (k) effluent (air and water) discharge;
       (l) health, safety and environmental issues;
(m) socio-economic concerns;
(n) community relations;
(o) mine closure and de-commissioning.

(ii) **Project justification** - the project proponent shall briefly state the socio-economic and other benefits of the project.

(iii) **Regulatory framework** - a review of local and international laws relevant to the environmental status of the project should be made.

(iv) description of the baseline environmental condition of the project area shall involve field mapping, sampling and laboratory analysis aimed at producing biological and physico-chemical data on the current status of the environment in the project area. It shall cover subjects such as:

(a) climatic conditions;
(b) soil studies;
(c) hydrology;
(d) hydrogeology;
(e) soil chemistry;
(f) geology/geochemistry;
(g) ecology;
(h) flora;
(i) terrestrial fauna and wildlife;
(j) aquatic studies;
(k) air quality study;
(l) noise;
(m) socio-economic, health and cultural aspects;
(n) project potential environmental impacts.

(v) **Risk Assessment** - the project proponent should have the risk associated with the project properly evaluated so that mitigation measures can be suggested in the Environmental Management Plan.

(4) The holder shall submit together with the Environmental Impact Assessment, an Environmental Management Rehabilitation Plan aimed at achieving sustainable operation and management of the mining project. The report shall include the following:
(a) an identification of the exploration or mining area concerned, its current uses and productivity prior to exploration or mining operations;

(b) mitigation measures to minimize the risks associated with the project;

(c) quantity of waste to be generated from any exploration or mining operation and the method of its final disposal.

(d) the reinstatement, re-leveling, re-vegetation, re-forestation and contouring of the affected land;

(e) the filling in, sealing, or fencing off of excavations, shafts and tunnels.

(f) the use to which the land is to be put following restoration, including a statement of the utility and capacity of the restored land to support a variety of alternative uses.

**RECLAMATION**

(5) (a) A mining operation shall be conducted in a manner that prevents unnecessary and undue degradation of land and water resources, and the site shall be reclaimed as much as possible to leave the site in a stable condition.

**REQUIREMENT FOR ENVIRONMENTAL PROTECTION & REHABILITATION PROGRAMME**

(b) Prior to the commencement of mining operations, all title holders except reconnaissance permit holder shall submit a proposed Environmental Protection & Rehabilitation Programme to the Mines Environmental Compliance Department showing:

(i) the design and methods to be adopted

(c) The proposed plan shall contain the following:

(i) The Name, address, and telephone numbers of operator or other person who will serve as agent to receive any notice that is required.

(ii) Topographic map or survey plan of proposed mining area.

(iii) A copy of mine work programme as approved by Mines Inspectorate Department.

(iv) A description of the type of reclamation and restoration measures to be taken by the mineral title holder.
ENVIRONMENTAL PROTECTION & REHABILITATION PROGRAMM APPROVAL

(6)  (a) At least 45 days before the commencement of mining activities, an operator shall submit to the Mines Environmental Compliance Department, a proposed environmental protection and rehabilitation program.

(b) If the Mines Environmental Compliance Department determines that a proposed reclamation plan is complete, the Department shall commence the process of approval shall take no longer than 30 days.

(c) If the Mines Environmental Compliance Department determines that the plan is incomplete, it shall notify the mineral title holder to supply any additional information required and call for a review of the plan within 30 calendar days from the date of notification.

(d) Failure to supply the necessary information within 30 days after notification constitutes a withdrawal of the proposed plan.

(e) Mines Environmental Compliance Department shall decide on the Environmental Protection and Rehabilitation Plan within 30 Calendar days and notify the title holders accordingly.

(f) Every mineral title holder with approved Environmental Protection and Rehabilitation plan programme shall commence contribution to the Environmental Protection and Rehabilitation fund in line with the provisions of the Act.

ENVIRONMENTAL PROTECTION AND REHABILITATION FUND

141 (1) Every holder of a mineral title shall contribute to the Environmental Protection and Rehabilitation Fund created under the Act;

(2) Based on the estimate in the Environmental Protection & Rehabilitation program submitted by the title holder, the Mines Environmental Compliance Department shall in collaboration with the mineral titleholder determine the appropriate amount to be contributed by the mineral title holder to the fund.

(3) An operator who is aggrieved by the assessment of the contribution to be made to the fund may appeal to the Minister for a review.
ENVIRONMENTAL AUDITING

(a) Mining lease holder shall employ a qualified environmental officer to ensure compliance with environmental standards.

(b) Mines environmental audit shall be carried out every six months of mining operation and report, submitted to Mines Environmental Compliance Department.

(c) Mines Environmental Auditing shall be carried out by a qualified and accredited environmental consultant.

(d) Final copies (2) of the audit report to Mines Environmental Compliance Department and the Federal Ministry of Environment.

MINE CLOSURE AND ABANDONMENT PLAN

The mine closure and abandonment plan shall address crucial issues including:

(a) details of abandonment plan for the mine;

(b) abandonment and closure problems and mitigation measures;

(c) waste rock piles and tailings;

(d) environmental audit of closed mines;

(e) post closure management and monitoring;

(f) mine closure plan aimed at reducing the potential or long term environmental risk;

(g) ensure a post closure care and bonding for reclaimed mines;

(h) details of the abandonment and closure problems and mitigation measures;
PART VI  ARTISANAL AND SMALL SCALE MINING OPERATION

ARTISANAL AND SMALL SCALE MINING DEPARTMENT

PROVISION OF EXTENSION SERVICES FOR MINING COOPERATIVES AND SMALL-SCALE MINERS

FORMALIZATION OF ARTISANAL MINERS

144 (1) A cooperative society wishing to register as Artisanal and Small-Scale Miner shall apply to the Artisanal and Small Scale Mining Department.

(2) The applicant shall provide the following:

(a) the name and address of the Cooperative Society;
(b) Certified true copy of registration as a cooperative society;
(c) the names and addresses of its principal trustees and officers which must not be less than 10;
(d) the particulars of the mineral title held by the cooperative society (where applicable);
(e) copy of the bye laws;
(f) payment of prescribed registration fees;

(3) The application for registration will be granted if the applicant has fulfilled its obligations under the Act and these Regulations.

PROVISION OF EXTENSION SERVICES TO ARTISANAL AND SMALL SCALE MINERS

145 (1) The Ministry through the Artisanal and Small Scale Mining Department shall provide extension services for Mining Cooperatives and small-scale miners as provided under section 91 of the act by:

(a) organizing, Supporting and Assisting Artisanal & Small-Scale Miners on exploration, exploitation, mineral processing, and entrepreneurial training.
(b) In compliance with section 34(2)(d) of the Act, the Artisanal & Small Scale operators to access the Solid Mineral Development Fund or any other fund.

(2) A Mining Cooperative and Small-Scale Miner wishing to participate in the Extension Services shall apply to the Ministry.
(3) The applicant shall provide the following:
   (a) A copy of certificate of registration with Artisanal and Small Scale Mining Department.
   (b) A copy of license from the Mining Cadastre Office.

**REQUIREMENTS FOR REGISTRATION AS A MINERALS BUYING CENTRE**

The requirements for registration as a Minerals Buying Centre shall include:

(a) A body corporate duly incorporated under the companies and allied Matters Act.
(b) 3 years current Tax Clearance Certificate.
(c) Article & Memorandum of Association
(d) The buying centre shall appoint a manager who shall oversee the centre.
(e) Secured Office with Burglary proof
(f) Strong Room (Bounded Warehouse)
(g) Minerals Testing Equipments
(h) Fire Extinguisher
(i) Registers
(j) Payment of prescribed fees
# SCHEDULE 1

## FEES

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7. **APPLICATION TO ABANDON WORK OR CEASE PRODUCTION**
   a) Exploration Licence 15,000
   b) Small Scale Mining Lease 10,000
   c) Mining Lease 20,000
   d) Quarry Lease 10,000

8. **APPLICATION FOR ENLARGEMENT**
   a) Exploration Licence
   b) Small Scale Mining Lease 10,000
   c) Mining Lease 10,000
   d) Quarry Lease 10,000

9. **APPLICATION FOR RELINQUISHMENT**
   a) Small Scale Mining Lease 10,000
   b) Mining Lease 15,000
   c) Quarry Lease 10,000

10. **APPLICATION FOR TRANSFER**
    a) Exploration Licence 20,000
    b) Small Scale Mining Lease 15,000
    c) Mining Lease 20,000
    d) Quarry Lease 15,000

11. **APPLICATION FOR SURRENDER**
    a) Exploration Licence 10,000
    b) Small Scale Mining Lease 10,000
    c) Mining Lease 10,000
    d) Quarry Lease 10,000

12. **APPLICATION FOR CONSOLIDATION**
    a) Small Scale Mining Lease 15,000
    b) Mining Lease 20,000
    c) Quarry Lease 15,000

13. **APPLICATION TO MINE ADDITIONAL MINERAL**
    a) Small Scale Mining Lease 10,000
    b) Mining Lease 20,000
    c) Quarry Lease 10,000

14. **APPLICATION FOR CERTIFIED TRUE COPY OF LOST CERTIFICATE** 10,000 =

15. **ON APPEAL TO THE MINISTER** 2,000 =

16. **APPLICATION FOR AMENDMENT OF DOCUMENTS** 5,000 =

17. **SEARCH FEE** 5,000 =

18. **CADASTRE MAP INFORMATION**
    **APPLICATION FOR CERTIFIED TRUE COPY OF OTHER DOCUMENTS OTHER THAN TITLE DOCUMENTS** 2,000 =
19. **PERMIT TO EXPORT MINERALS**
   a) Permit to Export Minerals for Commercial purpose 10,000 =
   b) Permit to Export Minerals & Samples for Analysis 1,000 =

20. **LICENCE TO POSSESS AND PURCHASE MINERALS**
   a) Non-Metallic Minerals 5,000 = per Mineral
   b) Metallic Minerals 10,000 = per Mineral
   c) Gemstones 10,000 = per Mineral
   d) Precious Metals 5,000 = Lumpsum
   e) Registration of accredited Agent for movement of Minerals 10,000 =
   f) Permit for Registration as Mineral Processor 10,000 =

21. **ARTISANAL AND SMALL SCALE MINING**
   a) Application for ASM Registration 5,000: 00
   b) Application for registration of mineral buying center 50,000:00
   c) Application for renewal of buying center centre 50,000:00

**NB. All Fees and Payments in the Schedule are Non Refundable**
SCHEDULE 2
DESIGNATION OF MINERAL TITLE AREA

1. Specifications for identifying a Cadastral Unit (which corner or centre point identifies the cadastral unit). Note this needs to fix the CU in relation to the map.

2. Specifications for identifying an exploration licence area
   (a) apex points of a polygon consisting of cadastral units, or a list of cadastral units
   (b) No holes in the polygon
   (c) All the co-ordinate values shall be exact multiples of 15 seconds and the perimeters not adjusting itself to such exact division of the cadastral grid shall not be accepted.
   (d) Any polygon included in the application for a mining right shall be integrated by an exact number of cadastral units which shall be indivisible and contiguous at least by one side.
   (e) Two or more isolated polygons, or polygons in contact by only one vertex, cannot be included together in one single mining right.

3. Specifications for identifying a small-scale mining lease, mining lease, quarry lease, water use permit:
   (a) Individual cadastral units to be listed (or apex points)
   (b) No holes in area
MINISTER’S NOTICE TO DELEGATE AUTHORITY

NOTICE IS HEREBY GIVEN that pursuant to the power conferred by the Act, the Hon. Minister of Mines and Steel Development has authorized …………………………….(name of the officer) of the …………………………….(department) to …………………………….(description of authority to be exercised) for the period of ………………….(Months/Years) commencing from ……………………

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

Signed:---------------------
Hon. Minister
SUMMONS TO WITNESS

TO: (1) .............................................................................................................................
    (2) .............................................................................................................................
You are hereby summoned to appear before the panel of inquiry sitting at
...........................................................................................................................................
on the ....................day of .........................20...........and to give
evidence at an inquiry/investigation being held into an accident which
occurred at .................(place of accident) on the...............day of
.................20........ You are required to produce at the hearing the following
documents/records/materials.

1.

2.

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

Chairman
FEDERAL REPUBLIC OF NIGERIA
MINISTRY OF MINES AND STEEL DEVELOPMENT
The Nigerian Mineral and Mining Act 2007
Regulation 22 (3) (b)
Form 3
BIDDING APPLICATION FORM FOR ………………… (EXPLORATION LICENCE OR MINING LEASE)

1. Name of Company:……………………………………………………………………………………………………
2. Date of Registration Registration No.
3. Head Office or Principal Place of Business in Nigeria

……………………………………………………………………………………………………………………………………
……………………………………………………………………………………………………………………………………
4. Address for Notices:…………………………………………………………………………………………………… Fax No.

…………………………………………………………………………………………………………………………………… Telephone No:

…………………………………………………………………………………………………………………………………… Telephone No:

…………………………………………………………………………………………………………………………………… E-mail:
5. Period for which Lease is required:……………………………………………………………………………………
6. Area Applied for in Square Metres/Kilometres:……………………………………………………………………
7. Minerals applied for:……………………………………………………………………………………………………
8. State the particulars of any other mineral titles held:………………………………………………………………
9. The particulars of applicant’s technical partners,……………………………………………………………………
10. Capital available to the applicant for operation under the Lease.
11. State qualification and experience in mining operations,……
12. Describe the proposed mining operations scheme (to be annexed to the application)

Attach supporting documents specified in the Regulations/Advertisement

I declare that all the foregoing information and particulars are true and correct.
Dated the ………………… day of ………………………………. 20………………..

…………………………………………
Signature of Applicant or Representative of the Applicant

Application registration particulars
Date: Time
Number
Applicant (or representative)
Received by:
Signature and stamp:
APPLICATION FORM FOR RECONNAISSANCE PERMIT

1. Name of Applicant:.................................................................

2. If Applicant is a Company or Mining Cooperative state -
   ......................................................................................
   Date of Registration  Registration No.

3. If Applicant is an Individual state
   ..........................................................................................
   Nationality          Age          Occupation

4. Head Office or Principal Place of Business in Nigeria
   ..........................................................................................

5. Address for Notices:.............................................................. Fax No.
   ..........................................................................................
   Email:................................................................. Telephone No:

6. Period for which Permit is required:........................................

7. Area applied for in square meters/kilometers:.................................

8. Capital available to the applicant for operation under the Permit.

   Attach supporting documents specified in the Regulations.

I declare that all the foregoing information and particulars are true and correct.

Dated the .................. day of ........................................... 20.................

.............................................................
Signature of Applicant or Representative of the Applicant

Application registration particulars
Date: Time
Number
Applicant (or representative)
Received by:
Signature and stamp:
FEDERAL REPUBLIC OF NIGERIA
MINISTRY OF MINES AND STEEL DEVELOPMENT

REGULATION 30(3)(b)(i) FORM 6A

Date: ……………………..

ATTESTATION THAT INDIVIDUAL IS LEGALLY CAPABLE AND HAS NO CRIMINAL CONVICTION OR OFFENCE UNDER THE MINERALS AND MINING ACT, 2007

Name of the Legal Practitioner or Legal Firm .........................................................

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

Address ................................................................................................................................

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

Telephone No. (office /Mobile)......................................................................................

Fax .................................................................................................................................

E-mail............................................................................................................................

The above named and addressed legal practitioner/legal firm do hereby attest that Mr/Mrs/Miss ..............................................................
of ........................................................................................................................................
is legally capable and has no criminal conviction or offence under the Minerals and Mining Act, 2007.

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

Signature and seal of
Legal Practitioner / Legal Firm
FEDERAL REPUBLIC OF NIGERIA
MINISTRY OF MINES AND STEEL DEVELOPMENT

REGULATION 30(3)(b) FORM 6A

REGULATION 30(b)(ii) FORM 6B

Date: ........................

ATTESTATION OF NO MINERALS AND MINING ACT OFFENCE OR CRIMINAL OR FELONY CONVICTION

Name of the Legal Practitioner or Legal Firm ...........................................................

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

Address ............................................................................................................................

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

Telephone No. (office /Mobile)..................................................................................

Fax .................................................................................................................................

E-mail............................................................................................................................

The above named and addressed legal practitioner/legal firm do hereby attest that Messrs .................................................................

of .................................................................................................................................

has no criminal or felony conviction or offence under the minerals and mining Act, 2007 including all its members or directors and any shareholder holding a controlling share of the company.

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

Signature and seal of
Legal Practitioner/ Legal Firm
FEDERAL REPUBLIC OF NIGERIA
MINISTRY OF MINES AND STEEL DEVELOPMENT
The Nigerian Mineral and Mining Act 2007
Regulation 31 (1)
Form 7

RECONNAISSANCE PERMIT

This RECONNAISSANCE PERMIT is hereby granted to

.................................................................................................................. of .................................................................for a term of one (1) year commencing from the ...................................... day ........................................ to search for mineral resources on a non exclusive basis within the Federal Republic of Nigeria in accordance with the provisions of the Minerals and Mining Act, 2007 and subject to the conditions and obligations contained therein and in the regulations made there under.

Expiry date .................................................................

Dated the .......... day of ............ 20.............

The permit is not transferable

Signed:..........................

Director General

The Director General reserves the right to revoke any permit issued based on false or inaccurate information or for breach of the Act or the regulation(s) by the holder.
APPLICATION IS HEREBY MADE FOR AN EXPLORATION LICENCE

1. Name of Applicant: .................................................................

2. If Applicant is a Company or Mining Cooperative state-

   Date of Registration  Registration No.

3. If Applicant is an Individual state

   Nationality  Age  Occupation

4. Head Office or Principal Place of Business in Nigeria

5. Address for Notices: .................................................................

   Fax No.  mail: .................................................................

   Telephone No: .................................................................

6. Period for which Licence is required: .................................................................

7. Area applied for in squaremetres/kilometres: .................................................................

8. State working capital available to the applicant: .................................................................

9. State qualification and experience in mining operations, if any: .................................................................

10. The particulars of applicant’s technical partners, if any: .................................................................

11. State the particulars of any other mineral titles held: .................................................................

   (Attach supporting documents specified in the Regulations)

I declare that all the foregoing information and particulars are true and correct.

Dated the .......... day of ............................. 20.............

Signature of Applicant or Representative of the Applicant

Application registration particulars
Date:  Time
Number
Applicant (or representative)
Received by:
Signature and stamp
The Nigerian Mineral and Mining Act 2007

Regulation 34 (1)

Form 9

EXPLORATION LICENCE

This **EXPLORATION LICENCE** is hereby granted to
..................................................................................................................................................of................
..................................................................................................................................................over land at (village or town) in ...................................................... Local Government Area of
............................................................................... State covering an area of ...............square meters/kilometers and more particularly described in the schedule attached hereto and delineated .......(colour) in the plan attached for a term of ........... years (or less) commencing from the .......... day of ........20......For the purpose of carrying out exploration for the following mineral(s).

1

2

**In accordance** with the provisions of the Minerals and Mining Act, 2007 and subject to the conditions and obligations contained therein and in the regulations made thereunder.

This licence is renewable.

Expiry date

Dated the ............. day of ..................... 20.......... 

Signed: __________________________

**Director General**

The Director General reserves the right to revoke any licence issued based on false or inaccurate information or for breach of any statutory regulation(s) by the holder.
TO:

APPLICATION FOR MODIFICATION OF MINERAL TITLE

1. Name of Applicant
2. Address
3. Particulars of Mineral title held
   (a) Type
   (b) Registration No.
   (c) Date issued
   (d) Expiry date
4. Total area covered by mineral title
5. Area sought to be relinquished (describe and exhibit map or plan)
6. Period of relinquishment

Dated the ..........day of ................. 20

The above information and particulars are true and correct.

Signature of Applicant (or Representative of the Applicant)

Application registration particulars
Date:    Time
Number
Applicant (or representative)
Received by:
Signature and stamp:
APPLICATION FORM FOR SMALL SCALE MINING LEASE

APPLICATION IS HEREBY MADE FOR A SMALL SCALE MINING LEASE

1. Name of Applicant: ..........................................................................................................

2. If Applicant is a Company or Mining Cooperative state -
   .................................................................................................................................
   Date of Registration ............................................................................................
   Registration No. .................................................................................................

3. If Applicant is an Individual state
   .................................................................................................................................
   Nationality ...........................................................................................................
   Age ......................................................................................................................
   Occupation ........................................................................................................

4. Head Office or Principal Place of Business in Nigeria
   .................................................................................................................................
   .................................................................................................................................

5. Address for Notices: ..............................................................................................

   Fax No. .................................................. Email: ..................................................
   Telephone No: ..................................................................................................

6. Period for which Lease is required: .........................................................................

7. Area applied for in square metres/kilometers: ......................................................

8. State working capital available to the applicant ....................................................

9. State qualification and experience in mining operations, if any.............................

10. State the particulars of any other mineral titles held ............................................

(Attach supporting documents specified in the Regulations)

I declare that all the foregoing information and particulars are true and correct.

Dated the ................. day of .........................20............... 

....................................................
Signature of Applicant or
Representative of the Applicant

Application registration particulars
Date: .................. Time
Number
Applicant (or representative)
Received by: 
Signature and stamp:

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FEDERAL REPUBLIC OF NIGERIA
MINISTRY OF MINES AND STEEL DEVELOPMENT
The Nigerian Mineral and Mining Act 2007
Regulation 47 (1)
Form 12
SMALL SCALE MINING LEASE

This SMALL SCALE MINING LEASE is hereby granted to
………………………………………………………………………………………………………………………………………………
of………………………………………………………………………………………………………………………………………..for the
purpose of mining the following minerals
(1) ...........
(2) ...........
in, under or on the land at……………………………………………………... (village or town) in the
………………………… Local Government Area of ............ State covering an area of
…………… squaremeters/kilometers and more particularly described in the schedule
attached hereto for a term of .................. years (or less) commencing from the
........... day of ....................... 20........

In accordance with the provisions of the Minerals and Mining Act, 2007 and
subject to the conditions and obligations contained therein and in the regulations
made there under.
This lease is renewable.
Expiry date

Dated the ............ day of ...................... 20...........

Signed: ____________________
Director General

The Director General reserves the right to revoke any lease issued based on false or
inaccurate information or for breach of the Act or regulation(s) by the holder.
APPLICATION FOR ENLARGEMENT OF MINERAL TITLE AREA

1. Name of Titleholder
2. Address
3. Postal Address - P.O. Box or PMB
4. Particulars of Title Held
   Title ..........    Holder .......    Date issued ........
   Reg. No. ..........    Expiry Date ..........    Mining Area ........
5. Describe present lease area
6. Describe enlarged lease area showing additional area sought
7. Give reasons for the enlargement

Dated the ..........    day of ............ 20..........
APPLY A  KATION FORM FOR MINING LEASE

APPLICATION IS HEREBY MADE FOR A MINING LEASE

1. Name of Applicant: ........................................................................................................

2. If Applicant is a Company or Mining Cooperative state –
   .................................................................................................................................
   Date of Registration                                                  Registration No.

3. Head Office or Principal Place of Business in Nigeria
   ........................................................................................................................................
   ........................................................................................................................................

4. Address for Notices: ..................................................................................................
   Fax No. ..................................................................................................................
   Email: .................................................................................................
   Telephone No: ..........................................................................................

5. Period for which Lease is required: ..............................................................

6. Area applied for in squaremetres/kilometres: ........................................

7. Minerals applied for: .........................................................................................

8. State the particulars of any other mineral titles held: .................................

9. The particulars of applicant’s technical partners, if any............................

10. State working capital available to the applicant for operation under the Lease.

11. State qualification and experience in mining operations, if any..............

12. Describe the proposed mining operations scheme stating the commercial
    quantity of mineral resources available in the area
    (to be annexed to the application)

(Attach supporting documents specified in the Regulations)

I declare that all the foregoing information and particulars are true and correct.

Dated the ..................... day of ......................................... 20..............

........................................................
Signature of Applicant or
Representative of the Applicant

<table>
<thead>
<tr>
<th>Application registration particulars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date:</td>
</tr>
<tr>
<td>Number</td>
</tr>
<tr>
<td>Applicant (or representative)</td>
</tr>
<tr>
<td>Received by:</td>
</tr>
<tr>
<td>Signature and stamp:</td>
</tr>
</tbody>
</table>

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FEDERAL REPUBLIC OF NIGERIA
MINISTRY OF MINES AND STEEL DEVELOPMENT
The Nigerian Mineral and Mining Act 2007
Regulation 57 (1)
Form 16
MINING LEASE

This MINING LEASE is hereby granted to .......... of............. for the purpose of mining the following minerals (1) ........... (2)............. in, under or on the land at (village or town) in the ........ Local Government Area of ............ State covering an area of ............ square metres/kilometers and more particularly described in the schedule attached hereto for a term of ................ years (or less) commencing from the ........ day of ....................... 20........

In accordance with the provisions of the Minerals and Mining Act, 2007 and subject to the conditions and obligations contained therein and in the regulations made there under.
This lease is renewable.

Expiry date
Dated the ............ day of ....................... 20.............

Signed:________________
Hon. Minister

The Minister reserves the right to revoke any lease issued based on false or inaccurate information or for breach of the Act or regulation(s) by the holder.
APPLICATION FORM FOR QUARRY LEASE

1. Name of Applicant:……………………………………………………………………..

2. If Applicant is a Company or Mining Cooperative state -
   ………………………………………… ………………………
   Date of Registration            Registration No.

3. If Applicant is an Individual state
   ………………………………………… ………………………
   Nationality       Age         Occupation

4. Head Office or Principal Place of Business in Nigeria
   ………………………………………………………………………………………………
   ……………………………………………………………………………………………..

5. Address for Notices:…………………………………………………………………
   Fax No. ………………………………….. E-mail:………………………………….
   Telephone No:………………………………………………………………………..

6. Period for which Lease is required:……………………………………………

7. Area applied for in square metres/kilometers

8. State working capital available to the applicant.
   (Attach supporting documents specified in the Regulations)

I declare that all the foregoing information and particulars are true and correct.

Dated the ……………….. day of ………………………………. 20………………..
……………………………………
Signature of Applicant or
Representative of the Applicant

Application registration particulars
Date:                     Time
Number
Applicant (or representative)
Received by:
Signature and stamp:
QUARRY LEASE

This QUARRY LEASE is hereby granted to .......... of ........... for the following minerals (1)............... (2)........................... in, under or on the land, contiguous, continental shelf, river or water course at ............ (village of town) in the ........ Local Government Area of ............ State covering an area of .......... square meters/kilometers and more particularly described in the schedule attached hereto for a term of .......... years (or less) commencing from the ...... day ...................... 20.........

In accordance with the provisions of the Minerals and Mining Act, 2007 and subject to the conditions and obligations contained therein and in the regulations made there under.

This lease is renewable.

Expiry date

Dated the ............. day of ..................... 20.............

Signed: ____________________
DIRECTOR GENERAL

The Minister reserves the right to revoke any lease issued based on false or inaccurate information or for breach of the Act or regulation(s) by the holder.
APPLICATION FORM FOR WATER USE PERMIT

APPLICATION IS HEREBY MADE FOR A WATER USE PERMIT

1. Name of Applicant:………………………………………………………………

2. If Applicant is a Company or Mining Cooperative state –

………………………………..………………………………..
Date of Registration Registration No.

3. If Applicant is an Individual state

………………………………..………………………………..
Nationality Age Occupation

4. Head Office or Principal Place of Business in Nigeria

………………………………………………………………………………………
………………………………………………………………………………………

5. Address for Notices:……………………………………………………………
Fax No. ………………………………. E-mail:……………………………...
Telephone No:………………………………………………………………

6. Particulars of mineral title(s) held:………………………………………

7. Describe the water use permit area sought (to be annexed)

8. Describe the preliminary water use plan (to be annexed)

9. State the Communities and Areas that are likely to be affected by the Water use scheme.

(Attach supporting documents specified in the Regulations)

I declare that all the foregoing information and particulars are true and correct.

Dated the ……………….. day of ………………………………. 20…………

…………………………………………
Signature of Applicant or Representative of the Applicant

Application registration particulars
Date: Time
Number
Applicant (or representative)
Received by:
Signature and stamp:
FEDERAL REPUBLIC OF NIGERIA
MINISTRY OF MINES AND STEEL DEVELOPMENT
The Nigerian Mineral and Mining Act 2007
Regulation 78 (1)
Form 25

WATER USE PERMIT

This WATER USE PERMIT is hereby granted to ...................of.................... subject to the existing rights, in respect of water from the River or Stream known as ................ at or near ................................. in the Local Government Area of .................. State for the period of ............... the right to impound or divert water from the river or stream as shown on the plan annexed to this permit and to convey water not exceeding ................ to be used in lease(s) No ........................ for the term of the said lease(s).

Expiry date
Dated the .............. day of .............. 20...........

This permit is issued in accordance with the provisions of the Minerals and Mining Act, 2007 and subject to the conditions and obligations contained therein and in the regulations made there under.

Signed:........................
DIRECTOR GENERAL

The Director General reserves the right to revoke any permit issued based on false on inaccurate information or for breach of the Act or regulation(s) by the holder.
NOTICE OF INSPECTION OF MINE/ QUARRY

Pursuant to the Minerals and Mining Act, 2007 and the regulations
NOTICE is hereby given for mine inspection as follows:

(a) Title Holder...................
(b) Location of Mine..................
(c) Date and Time....................

You are required to cooperate fully and to produce and show to the
inspector(s) on demand all relevant books, records, documents, and
materials.

Signed:...........................
for: Minister
APPLICATION FOR PERMIT TO DEPOSIT TAILING

Mineral title held ............
Mineral Area ............
Application is hereby made for permit to deposit tailing from ............ (insert mineral title area) in the ............ River or stream up to a maximum of ............ subject to the provisions of the Minerals and Mining Act, 2007 and the regulations made under it.

Dated the ............ day of ............ 20..............

-----------------------------------
Applicant or Representative of the Applicant
TO:

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

PERMIT TO DEPOSIT TAILINGS

Title held ..................

Mineral Area..................

By virtue of the powers conferred by the Minerals and Mining Act, 2007, permission is hereby granted to ..........(Name of Holder) of.................(Address of Holder) to deposit tailing from ............ (mineral title area) in the ...............(Name of river or stream). river or stream up to a maximum of ............... subject to the provisions of the Act and the regulations and the following condition(s).

(Insert any other conditions).

Dated the .......... day of ............ 20.............

Signed:.....................

Hon. Minister
NOTICE OF INTENTION TO SUSPEND WORK OR CEASE PRODUCTION

NOTICE is hereby given that..............of .............. the holder of .............. No............ intends to abandon or permanently cease mineral production at ..............(Mineral Area) for a period of .............. commencing from..............20.............

Dated the .............. day of .............. 20.............

Signed: .........................

Signed: .........................
FEDERAL REPUBLIC OF NIGERIA
MINISTRY OF MINES AND STEEL DEVELOPMENT
The Nigerian Mineral and Mining Act 2007
Regulation 113 (5)
Form 34
CERTIFICATE OF APPROVAL OF CESSATION OF MINERAL PRODUCTION

By virtue of the powers conferred by the Minerals and Mining Act, 2007 approval is hereby given to ............... of ................ the holder of .................
No............... to suspend work or cease production at .................. for a period of ........... (months/ year) with effect from the .......... day of ........ 20 .............

Dated the .............. day of .............. 20................

Signed:_______________________
Hon. Minister
REPORT OF SERIOUS OR FATAL ACCIDENT

From:
Date:
To:

The Minister,
Federal Ministry of Mines and Steel Development,

1. Name and Address of Holder
2. Date of Accident
3. Place of Accident
   (a) Location
   (b) Local Government Area
   (c) State
4. Nature of Accident
5. How accident occurred
6. No. of fatalities
7. Name of deceased person(s)
8. Name of injured person(s)
9. Place where injured person may be interviewed
10. State whether any report was made to the Police and if so attached police report.
11. State action taken by the Police, if any
12. Names of eye witnesses, if any, and copies of any statement taken at the time of or immediately after the incident under report
13. State whether in your opinion there was any degree of serious or willful misconduct involved.
14. Date and signature and mine manager.
# APPLICATION FORM FOR PERMIT TO EXPORT MINERALS FOR COMMERCIAL PURPOSE

1. **Name of Applicant:**
   
   ...

2. **Particulars of Company’s Registration with CAC:**
   
   ...
   
   Date of Registration  Registration No.

3. **Particulars of Company’s Registration with NEPC:**
   
   ...
   
   Date of Registration  Registration No.

4. **Address at which Notices can be Served:**
   
   ...
   
   Fax No.:  E-Mail:  Telephone No.: ...

5. **Source of Supply:**
   (a) **If a Lessee State:**

   Mining Lease or Quarrying lease No.  Date of Grant  Expiry Date

   (b) **If a Permit to Possess and Purchase Minerals holder State:**

   Permit No.  Date of Grant  Expiry Date

6. **Types of Minerals to be Exported:**
   (Attach separate Sheet if space is not sufficient):
   
   (i)  
   Mineral Type  Weight

   (ii)  
   Mineral Type  Weight

   (iii)  
   Mineral Type  Weight
7. Amount due as Royalty .................................................................

8. Contact Address of the Buyer of Minerals:

...........................................................................................................
Fax No.: .............................................. E-Mail: .......................  
Telephone No.: .............................................................................

**Attach supporting documents as specified in the Regulations.**

I, declare that all the foregoing information and particulars are true and correct.

Dated the .........................day of .........................20...............  

----------------------------------------------------------
Signature of Applicant or Representative of the Applicant
PERMIT TO EXPORT MINERALS FOR COMMERCIAL PURPOSE NO.

Permit is hereby granted to Messrs ..............................................................
to export (2) ........................................................................................................
to ..........................................................................................................................
in accordance with the provisions of the Nigerian Minerals and Mining Act, 2007 and ancillary Regulations
Payment Schedule:
RCR No:......................................................of..............................................
For...........................................................

Date of Issue ...........................................

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

Director, Mines Inspectorate
For: Honourable Minister

CC:
Area Controller of Customs

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

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

Above for your information and necessary action, please.

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

Director, Mines Inspectorate
For: Honourable Minister

Date:.................................

N.B. (1) Name of Mineral Exporter

(2) List of Mineral type and Respective quantities to be exported.

(3) Destination where Mineral Exported
APPLICATION FORM FOR PERMIT TO EXPORT MINERALS SAMPLE FOR ANALYSIS

1. Name of Applicant: ……………………………………………………

2. If Applicant is a Company State:

<table>
<thead>
<tr>
<th>Date of Registration</th>
<th>Registration No</th>
</tr>
</thead>
</table>

3. If Applicant is an Individual State:

<table>
<thead>
<tr>
<th>Nationality</th>
<th>Age</th>
<th>Occupation</th>
</tr>
</thead>
</table>

4. Head Office Address of Principal Place of Business in Nigeria:
……………………………………………………………………………………
……………………………………………………………………………………

5. Address for Notices:
……………………………………………………………………………………
……………………………………………………………………………………

<table>
<thead>
<tr>
<th>Fax No.</th>
<th>E-Mail</th>
<th>Telephone No.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6. Source of Supply:
……………………………………………………………………………………

7. Types of Mineral to be Exported (Attach separate Sheet if space is not sufficient):

(i) ……………    ………………
Mineral Type     Weight

(ii) ………………   ……………
Mineral Type     Weight

(iii) ……………..     ……………..
Mineral Type               Weight
8. Contact Address of Foreign Laboratory:

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

Fax No.: ............................................ E-Mail: ..................................
Telephone No.:.........................................................................................

I, declare that all the foregoing information and particulars are true and correct.
Dated the ..............................day of ......................20....................

----------------------------------------------------------
Signature of Applicant or Representative of the Applicant
PERMIT TO EXPORT MINERAL SAMPLES FOR ANALYSIS

In accordance with the powers under section 144(1) of the Minerals and Mining Act and delegated to me by Public notice No. 188 of 1948, I certify that

.................................................. is/are hereby permitted to export by air/sea/freight

.......................................................... to

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

(State/Country)

Subject to the conditions stated below:

1. An authenticated certificate of the result of this analysis shall be forwarded to Mines Inspectorate Department within seven (7) months of the date of this letter).
2. The submission of the certificate referred to above shall be a pre-requisite for the issuance of future permit.
3. Your attention is particularly drawn to section 144 (2) of the Nigerian Mineral and Mining Act, 2007 regarding offences and penalties in exploration of minerals for analysis or experiment.
4. This permit must be presented to Customs Officer in-charge of the port.

Payment Schedule:

RCR NO. ..................................... of ........................................
for.............................................

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

Director, Mines Inspectorate

Date: ............................................
FEDERAL REPUBLIC OF NIGERIA
MINISTRY OF MINES AND STEEL DEVELOPMENT
THE NIGERIAN MINERALS AND MINING ACT, 2007

Regulation 117 (1)
Form 40

LIENCE TO POSSESS (OR PURCHASE) MINERALS

NO. LPM .............................................

Licence is hereby granted to .........................................................................................................................................................

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

to purchase and possess the following minerals....................................................................................................................................

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

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

From .......................................................................................................................................................... with ............

Mineral title No ..............................................................................................................................................................................

Amount paid N........................................ vide Revenue Collector’s Receipt

No............................................................ of

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

Date Issued ................................................................. Expiry

Date..................................................................................................

N:B: THIS IS NOT AN EXPORT CLEARANCE, ROYALTY IS PAYABLE ON EVERY MINERAL CONSIGNMENT PURCHASED AS FOLLOWS:-

1) 

2) 

3) 

....................................................
DIRECTOR, MINES INSPECTORATE
FEDERAL REPUBLIC OF NIGERIA

MINISTRY OF MINES AND STEEL DEVELOPMENT

THE NIGERIAN MINERALS AND MINING ACT, 2007

Regulation 117 (3)

Form 41

APPLICATION FORM FOR LICENCE TO POSSESS AND PURCHASE MINERALS

To the

1. Full Name of Applicant: ..............................................................

2. Date of Registration: ...................... Registration Number: ........

3. Address at which Notice may be Served: .................................

4. Minerals for which Licence is Sought:...........................................

5. Source(s) of Minerals: ..............................................................

6. Full Name of Technically Competent Person: ............................

7. Qualifications of Technically Competent Person: ........................

   Attach Supporting Documents Specified in the Regulations.

I declare that all the foregoing information and particulars are true and correct.

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

--------------------------------------

Signature of Applicant or Representative of the Applicant
BANKER’S GUARANTEE

WHEREAS (1) …………………………………………………… have/has applied to the …………………………………………………………… for the grant of a …………

AND WHEREAS (2) ……………………………………… of ……………………………

Have undertaken to provide the said (3) …………………………………………………… with Sufficient money to ensure the payment to……………………………………… of ……………………………………………………………………………… or any other sum which may become due to them as a result of the exercise of the rights under a …………

NOW THEREFORE I HEREBY GUARANTEE …………………………………………………………………………………

that I will at any time on the request of the ………………………………………………… deposit with ………………… the money required to make such payments, provided always that the sum shall not exceed the sum of …………………………………………………………… and provided further that this Guarantee shall be irrevocable by me except with the prior consent of the ……………………………………………………………………………

Dated this ………………………… day of ……………………… 20 …………………

Signed: ……………………………..

(4) …………………………………………………………………………………

In the presence of ……………………………………………………………………………

(5) …………………………………………………………………………………

To the …………………………………………………………………………………

Stamp duty: ……………………………………………………………………………

1. Name, address and occupation of person guaranteed.
2. Name, address and occupation of guarantor.
3. Name of person guaranteed.
4. Signature of guarantor.
5. Signature of witness.
REGISTRATION OF AGENTS FOR MOVEMENT OF MINERALS

LETTER OF IDENTIFICATION NO…………………………………………………..

This is to identify (1) ………………………………………………………. as the registered accredited
agent to be responsible for the movement of
(2)……………………………………………………………………………………………………………………
…………………………………………………………………………………………………………………………
Won within (3) …………………………………….. or possessed and purchased under licence
No………………...on behalf of (5) the mineral title holder of licence to purchase and
possess minerals) from the mining site area located at
(6)……………………………………………………………………………………………………………………
……………………………………………………….to (7)…………………………………………………………

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

Zonal/ Federal Mines

NB
1. State name of bearer
2. List minerals authorized to be mined in the lease area.
4. Licence to purchase and possess minerals No.
5. Name of mineral title holder or Holder of licence to purchase or possess
minerals.
6. Name of area, Local Government and State were the lease is located.
7. Destination where minerals are to be moved.
APPLICATION FORM FOR REGISTRATION OF ACCREDITED AGENT FOR MOVEMENT OF MINERALS

1. Name of Applicant: ………………………………………………………………
2. Address of Applicant: ……………………………………………………………
   Fax No.: ………… E-Mail: ………………….Telephone No:………
3. Name of Accredited Agent: ……………………………………………………
4. Address of Accredited Agent: …………………………………………………
   Fax No.: ………… E-Mail: ………………….Telephone No:………
5. If Applicant is a Lessee State:………………………………………………..
   Type of Mineral Title…………………… Mineral Title No.: ……………
   Mineral (s) Mined: ………………………………………………………….
   Date of Grant: ………………………… ………………. Expiry Date: ……..
6. If Applicant is a Holder of Permit to Possess and Purchase State:
   Types of Mineral (s) to be possessed or purchased: ………………………
   Permit No: …………………………………………………………………
   Date of Grant: …………………..Expiry Date: ……………………………
7. Attach supporting documents as specified in the Regulations.

I, declare that all the foregoing information and particulars are true and correct.

Dated the ………………day of …………….20………………………..

----------------------------------------------------------

Signature of Applicant or Representative of the Applicant
FEDERAL REPUBLIC OF NIGERIA

MINISTRY OF MINES AND STEEL DEVELOPMENT
THE NIGERIAN MINERALS AND MINING ACT, 2007

Regulation 144 (3)
Form 45

REGISTRATION FORM FOR MINING COOPERATIVES, QUARRYING ASSOCIATION AND SMALL-SCALE MINING OPERATORS

1. Name of Cooperative/Association/Organization: …………………………………
2. Date Registered: …………………………………………………………………………………
3. Registration Number: ………………………………………………………………………
4. Business Address: …………………………………………………………………………..
5. Number of Members: …………………….(Attach list of Members)
6. Mineral (s) being mined/quarried: …………………………………………………………
7. Mining/Quarrying Site (s): …………………………………………………………………..
   (State location to the nearest Village)
8. State years of operation in Location: …………………………………………………

......................................................
(Signature of Chairman with Stamp)

DOCUMENTS TO BE ATTACHED
i. Certificate of Registration
ii. Copy of the Bye-Laws
iii. List of Members stating position held
iv. Licence over area of Operation (if any)
v. Proof of Payment

(For Official Use Only)

i. Date of Receipt:
   ………………………………………………………

ii. All Attachments checked by:
   ………………………………………………………

iii. Application Form Checked by:
   ………………………………………………………

......................................................
(Signature of MMSD Official)
To: Director of Artisanal and Small-Scale Mining

1. Name of Company: ……………………………………………………………………………………
2. Address in Nigeria, where notices may be served (Street No., Post Office Box
   address/E-Mail): …………………………………………………………………………………………………………
3. Full Name of Company Representative: ……………………………………………………………
4. Qualification and Experience of Representative: …………………………………………………
5. Position in Company: ……………………………………………………………………………………………
6. Mineral(s) for which application is submitted: …………………………………………………
7. Location of the proposed Mineral Buying Centre (Not P.O. Box): ……………………………
   Local Govt. Areas: …………………………… State: ……………………………
8. Any previous experience in minerals transaction: …………………………………………………
   If yes, specify: ………………………………………………………………………………………………………
9. Evidence of Royalties paid in 8 above, if any: ……………………………………………………………
   ……………………………………………………………………………………………………………………………
10. List of equipment owned by Company for adding value to the mineral(s): …………………
    ……………………………………………………………………………………………………………………………
11. Details of Professional Staff in the Company’s employment and their experience
    (Attach extra page, if necessary) …………………………………………………………………………………
12. I hereby declare that the statements made by me in this document and the attachments
    are, to the best of my knowledge, correct and true.

Date: …………………

Signature of Company’s Representative
Company Seal or Stamp

FOR OFFICIAL USE ONLY

Date application received: ……………………………………………………………
Payment of Registration Fee(s): ……………………………………………………………
Recommendation: ………………………………………………………………………………………………………
…………………………………………………………………………………………………………………………
MINISTRY OF MINES AND STEEL DEVELOPMENT
ARTISANAL AND SMALL-SCALE MINING DEPARTMENT

Certificate of Mineral Buying Centre

MBC NO: 00014

This is to certify that

1. ………………………………………………………………………………………………………
   Name of Company
   of

2. ………………………………………………………………………………………………………
   Address of Company

3. Has been duly registered to operate a mineral Buying Centre for
   ………………………………………………………………………………………………………
   Minerals

4. With effect from……………………………………………………………………………… 20

5. Expiring Date ………………………………………………………………………………… 20

N.B THIS CERTIFICATE IS NOT A MINING PERMIT.

....................................................................................................................
Director (Artisanal & Small-Scale Mining Department

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### SCHEDULE 4

**FEDERAL REPUBLIC OF NIGERIA**  
**MINISTRY OF MINES AND STEEL DEVELOPMENT**  
**THE NIGERIAN MINERALS AND MINING ACT, 2007**  
**Regulation 111 (c)**  
**Form …………**  

**RRATE OF MINERALS ROYALTY**

**ROYALTY RATES FOR SELECTED MINERALS**

<table>
<thead>
<tr>
<th>S/N</th>
<th>MINERALS</th>
<th>AD VALOREM %</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Baryte</td>
<td>5</td>
</tr>
<tr>
<td>2</td>
<td>Columbite</td>
<td>3</td>
</tr>
<tr>
<td>3</td>
<td>Feldspar</td>
<td>5</td>
</tr>
<tr>
<td>4</td>
<td>Gold</td>
<td>3</td>
</tr>
<tr>
<td>5</td>
<td>Gypsum</td>
<td>5</td>
</tr>
<tr>
<td>6</td>
<td>Iron Ore</td>
<td>3</td>
</tr>
<tr>
<td>7</td>
<td>Laterite</td>
<td>5</td>
</tr>
<tr>
<td>8</td>
<td>Lead/Zinc</td>
<td>3</td>
</tr>
<tr>
<td>9</td>
<td>Limestone</td>
<td>5</td>
</tr>
<tr>
<td>10</td>
<td>Marble Aggregates</td>
<td>5</td>
</tr>
<tr>
<td>11</td>
<td>Sand</td>
<td>5</td>
</tr>
<tr>
<td>12</td>
<td>Stone Aggregates</td>
<td>5</td>
</tr>
<tr>
<td>13</td>
<td>Tantalite</td>
<td>3</td>
</tr>
<tr>
<td>14</td>
<td>Tourmaline (Red)</td>
<td>5</td>
</tr>
<tr>
<td>15</td>
<td>Tourmaline (Green)</td>
<td>5</td>
</tr>
<tr>
<td>16</td>
<td>Tourmaline (blue)</td>
<td>5</td>
</tr>
<tr>
<td>17</td>
<td>Tourmaline (others)</td>
<td>5</td>
</tr>
<tr>
<td>18</td>
<td>Aquamarine</td>
<td>5</td>
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<tr>
<td>19</td>
<td>Wolframite</td>
<td>3</td>
</tr>
<tr>
<td>20</td>
<td>Kaoline</td>
<td>5</td>
</tr>
<tr>
<td>21</td>
<td>Ilmenite</td>
<td>3</td>
</tr>
<tr>
<td>22</td>
<td>Topaz</td>
<td>3</td>
</tr>
<tr>
<td>23</td>
<td>Zircon Sand</td>
<td>5</td>
</tr>
<tr>
<td>24</td>
<td>Sapphire</td>
<td>5</td>
</tr>
<tr>
<td>25</td>
<td>Phosphate</td>
<td>5</td>
</tr>
<tr>
<td>26</td>
<td>Anthyisy</td>
<td>5</td>
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<tr>
<td>27</td>
<td>Clay</td>
<td>5</td>
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<tr>
<td>28</td>
<td>Cassiterite</td>
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<td>29</td>
<td>Shale</td>
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<td>30</td>
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<td>31</td>
<td>Bentonite</td>
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<td>32</td>
<td>Bitumen/Tar sand</td>
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<td>33</td>
<td>Coal</td>
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<tr>
<td>34</td>
<td>Corundum</td>
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<tr>
<td>35</td>
<td>Crystal Quartz</td>
<td>5</td>
</tr>
<tr>
<td>36</td>
<td>Diatomite</td>
<td>5</td>
</tr>
<tr>
<td>37</td>
<td>Dolomite</td>
<td>5</td>
</tr>
<tr>
<td>38</td>
<td>Emerald</td>
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<td>39</td>
<td>Garnet</td>
<td>5</td>
</tr>
<tr>
<td>40</td>
<td>Granite Blocks</td>
<td>5</td>
</tr>
<tr>
<td>41</td>
<td>Industrial Quartz</td>
<td>5</td>
</tr>
<tr>
<td>42</td>
<td>Magnesite</td>
<td>3</td>
</tr>
<tr>
<td>43</td>
<td>Marble blocks</td>
<td>5</td>
</tr>
<tr>
<td>44</td>
<td>Mica</td>
<td>5</td>
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<tr>
<td>45</td>
<td>Pyrite</td>
<td>3</td>
</tr>
<tr>
<td>46</td>
<td>Ruby</td>
<td>5</td>
</tr>
<tr>
<td>47</td>
<td>Rutile</td>
<td>3</td>
</tr>
<tr>
<td>48</td>
<td>Salt</td>
<td>5</td>
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<tr>
<td>49</td>
<td>Silica Sand</td>
<td>5</td>
</tr>
<tr>
<td>50</td>
<td>Soda Ash/Trona</td>
<td>5</td>
</tr>
<tr>
<td>51</td>
<td>Talc</td>
<td>5</td>
</tr>
<tr>
<td>52</td>
<td>Tin Ore</td>
<td>3</td>
</tr>
</tbody>
</table>
HALF YEARLY TECHNICAL REPORT ON EXPLORATION ACTIVITIES

Pursuant to Regulations 32 and 42, the holder of an exploration licence or reconnaissance permit is under obligation render to Mines Inspectorate Department, Mines Environment Compliance Department and Mining Cadastre Office a half yearly report of technical work carried out on every exploration licence area held by it. The report may contain such details as set out herein below in this template.

1. Title (to include name of mineral title holder, licence no. date
2. Table of contents
3. List of figure/tables (if any)
4. Index map (1:5,000)
5. Executive summary of work performed
6. Licence and report information
   (a) Area covered by the Report
   (b) Licence date of issue and expiry
   (c) Name of person(s) submitting technical data and analysis.
7. Report of work performed:
   (a) Prospecting, photogrammetric, remote sensing and other reconnaissance interpretations
   (b) Geological Surveys
   (c) Geochemical (soil, silt, water, rock) surveys
   (d) Geophysical (airborne ground) surveys
   (e) Drilling operations (specify type, equipment, average hole depth and diameter)
   (f) Restoration of any excavated area
   (g) Mineralogical/metallurgical analysis
   h) Interpretation of geological investigation
   (i) Other information (specify)
8. **Expenditure incurred:**
   (a) Field charges
   (i) For surveys carried out per unit of survey per day
   (ii) For analysis per sample per number of analysis
   (iii) For drilling per meterage per set up
   (iv) For other documented technical operations
   (b) **Overhead charges:**
   (i) Secretarial services
   (ii) Drafting services
   (iii) General office expenses
   (iv) Purchase of equipment
   (v) Legal expenses and other fees
   (vi) Compensation paid to land owners/occupier for damages to land and other valuables
   (vii) Transportation charges
   (viii) Others specify
10. **Plans and Maps:**
   (a) Site plan showing topographical features in the licence area
   (b) Prospecting plan showing number and location of drilled holes/samples with depth and value of mineral indicated against each hole.
   (c) Geological survey map
   (d) Geochemical map
   (e) Location and access
11. **Appendices:**
   (a) Assays and analytical results
   (b) Analytical sample test location sites
   (c) Analytical methods, detection, limits, certified laboratory report
   (d) Drill logs and assays
   (e) Geophysical logs instrumentation data
   (f) Detailed maps, plans, sections where necessary to clarify text.
FEDERAL REPUBLIC OF NIGERIA
MINISTRY OF MINES AND STEEL DEVELOPMENT
THE NIGERIAN MINERALS AND MINING ACT, 2007

REGULATION 63(1) & 74 (1) TEMPLATE 2
HALF YEARLY TECHNICAL REPORT ON MINING OPERATION

Pursuant to Regulation 63(1) 74 (1) the holder of mining lease or a quarry lease is under obligation render to Mines Inspectorate Department, Mines Environment Compliance Department and Mining Cadastre Office, a half yearly report of technical work carried out on every mining lease or a quarry lease area.

The report shall contain such details as set out herein below in this template.

1. Title (to include name of mineral title holder, lease no. date)
2. Table of content
3. List of figure/table
4. Index map (1:50,000)
5. Executive summary of programme of mining operations completed during the period under review.
6. **Administration:**
   (a) Total no. of employees:
      (i) No. of expatriates and positions, (ii) No. of Nigerians and positions
   (b) Total No. of operating days
   (c) Mine accident statistics
   (d) Changes in financial and ownership controls
   (e) Other relevant administrative information (specify)
7. **Updated plan of mining operations including:**
   (a) Mine plan
   (b) Processing plan
   (c) Environmental management Plan
   (d) Reclamation and rehabilitation plan
   (e) Site plan showing mine plants and facilities
   (f) Marketing and sales plan
   (g) Employment and training of citizen
(h) Mine health and safety scheme
(i) Procurement of equipment and services

8. **Mining operation and sales statistics:**
   (a) Description of mining operation carried out
   (b) Mineral won and treated
   (c) Mineral and mineral product disposed/left on hand

9. **Expenditure incurred on the mining operations**

10. Summary of mineral/mining product sales and royalty payment.
The report shall contain:

1. Title (include licence no., data, author)

2. Index map (1:50,000 series or equivalent)

3. **ADMINISTRATION**
   (a) Total no. of employees
   (b) Total number of operating days
   (c) Mine accident statistics
   (d) Changes in ownership controls
   (e) Other relevant administration information

4. **UPDATED PLANS:**
   (a) Site plan showing plant and other mine facilities
   (b) Mining plan
   (c) Reclamation and rehabilitation plan

5. **PRODUCTION AND SALES STATISTICS**
   (a) Source of ore
   (b) Ore removed and treated
   (c) Mineral and mineral products disposed of

6. Expenditure incurred on the mining operation
7. Total sales and exports
8. Total royalties paid
FEDERAL REPUBLIC OF NIGERIA
MINISTRY OF MINES AND STEEL DEVELOPMENT
The Nigerian Mineral and Mining Act 2007
REGULATION 108 (6) (c)

TEMPLATE 4

MINING OPERATION PLAN

1. Name of Mineral title Holder
2. Number of Mineral Title
3. Location of title
4. Address of Mineral Title Holder
5. Name and Qualification(s) of Technical manager
6. Establishment of acceptable stripping ratio and definition of shape of the excavation and limits of surface mining
7. Development and Maintenance of Access for equipment
8. Opening up working faces to ensure quality deposits that can furnish required grades at all times
9. Determination of Sidewall slope angle
10. Location and gradient of access roads
11. Height of working faces
12. Surface and Groundwater Control
13. Mine design
14. Mine development plan
15. Mineral production plan
16. Mineral beneficiation plan
17. Mine restoration, reclamation and Rehabilitation Plan
18. Mine Health and Safety Scheme
19. Mine tailing and waste disposal plan
20. Mine closure plan
GUIDELINES ON OBLIGATION FOR EXPLORATION ACTIVITIES

1. Name of Mineral title Holder
2. Number of Mineral Title
3. Location of title
4. Address of Mineral Title Holder
5. Name and Qualification(s) of prospector
6. Preliminary Geological Survey Plan
7. Baseline study of the area
8. Conduct Environmental Impact Assessment Study (E.I.A)
9. Statement of Environmental Protection and Rehabilitation Programme
10. Proposed Exploration Programme
11. Annual Programme Update
12. Discovery of Minerals
13. Final Mine Feasibility Study
GUIDELINES ON WORK OBLIGATION ON MINING OPERATIONS

1. Name of Mineral title Holder
2. Number of Mineral Title
3. Location of title
4. Address of Mineral Title Holder
5. Name and Qualification(s) of Technical Manager
6. Baseline Study
8. Restoration, Reclamation and Rehabilitation Plan
9. Community development Agreement (CDA)
10. Mine Development Plan & Report
11. Notice of Commencement of Production of Production
12. Annual Mining Operation Report
13. Programme for Tailings Disposal Report
14. Mines Closure Plan