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MINERALS ORDINANCE, 2004

MINERALS REGULATIONS, 2012

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MINERALS ORDINANCE, 2004

MINERALS REGULATIONS, 2012

(Made under section 165)

In exercise of the powers conferred by section 165 of the Minerals Ordinance, 2004 [*Cap. 56*], the Majlis Mesyuarat Kerajaan Negeri has made the following Regulations:

Citation and commencement

1. These Regulations may be cited as the **Minerals Regulations, 2012**, and shall be deemed to have come into force on 2nd January, 2012.

Interpretation

2. In these Regulations, the expressions “Authority”, “Chief Inspector” and “Superintendent” shall have the meanings assigned to them in the Minerals Ordinance, 2004 [*Cap. 56*] (which in these Regulations is referred to as “the Ordinance”).

Application for mineral tenement

3.—(1) An application for a mineral tenement under Part III of the Ordinance shall be in such form as may be prescribed by the Authority from time to time and shall include the following information:

- (a) the description of the land (its locality, approximate area and boundary) applied for;
- (b) the type of mineral which it is proposed to mine or to prospect;
- (c) an appropriate map (hereinafter referred to as “the application map”) with details including:
 - (i) the area applied for, which must be clearly marked;
 - (ii) sufficient topographical and geographical information for ease of identification of the area;
 - (iii) a plan with appropriate bar scale;
 - (iv) coordinates (longitudes and latitudes) shown on the map;

- (v) a locality map of appropriate scale to be placed as an inset on the application map or as an appendix thereto identifying the location of the area;
 - (vi) size of the area applied for in hectares; and
 - (vii) the official stamp or seal of the applicant affixed on each copy of the maps;
- (d) documentary proof of technical expertise and financial resources;
- (e) an administrative, financial and technical proposal of the scheme; and
- (f) a detailed work programme and financial commitment proposed for carrying out the exploration works if the application is for a prospecting licence.
- (2) In the case of an application by a company, the application shall contain the following additional information:
- (i) a copy of the Memorandum and Articles of Association;
 - (ii) the particulars of the directors and shareholders of the company including the shares held by the shareholders as contained in such form as may be prescribed and required to be lodged under the relevant law relating to companies; and
 - (iii) equity structure of the company, including ratio of shares held by Malaysians or foreigners and bumiputeras or non-bumiputeras.
- (3)(a) An application for a mining lease shall be accompanied with the following:
- (i) a feasibility study report of the proposed mining scheme; and
 - (ii) a detailed and final exploration report.

(b) Without prejudice to paragraphs (3)(a), the Superintendent may require the applicant to furnish to him such other information, particulars or details as he may deem necessary for the purpose of processing the application including the following:

(i) a copy each of the report on the environmental impact assessment and environmental protection as required under Article 3 of the Natural Resources and Environment (Prescribed Activities) Order, 1994 [Swk. L.N. 45/94]; and

(ii) a mine rehabilitation plan.

(4) The Superintendent may refuse processing the application which does not fulfill the requirements under this regulation.

Fees

4. All applications to be made under the Ordinance or these Regulations shall be subject to payment of such fees as prescribed in the Schedule and such fees shall not be refundable.

Rents

5.—(1) The holder of a mining certificate or the lessee of a mining lease shall pay to the Government an annual rent at the rate of ten ringgit per hectare or part thereof of land covered by such certificate or lease.

Provided that in respect of a mining certificate or a mining lease over an area containing alluvial or gold deposits or an area for deep mining, the rent payable shall be such amount as may be determined by the Authority at the time of the granting of such certificate or lease.

(2) Rent payable in each year on any mining lease or mining certificate shall be a first charge on the land comprised therein and shall fall due on the date on which the lease or certificate was registered.

(3) When any rent becomes in arrears, the holder of the mining certificate or the lessee of the mining lease, shall pay as a penalty equivalent to ten per cent of the amount in arrears for every month it remains unpaid.

(4) Nothing in paragraph (3) shall prejudice the power of the Authority to forfeit the mining certificate or mining lease pursuant to section 58.

Royalty

6.—(1) Subject to paragraph (2), royalty shall be paid to the Government on any minerals obtained in Sarawak at the rate of five per cent *ad valorem* or as may be determined by the Majlis Mesyuarat Kerajaan Negeri:

Provided that no royalty shall be payable in respect of gold won by the holder of a proprietary mining licence or mining certificate or the lessee of a mining lease, issued on or after the 26th day of August, 1955, until such time as may be determined by the Majlis Mesyuarat Kerajaan Negeri.

(2) The royalty shall be paid by the holder of a proprietary mining licence or mining certificate or the lessee of a mining lease, as the case may be, within one month of the minerals being obtained.

Land area

7.—(1) The area of land applied for shall, in so far as may be possible, be rectangular in shape, bounded by North-South and East-West lines and the length shall not exceed four times its width.

(2) All corners of the area of land shall be located by longitudes and latitudes to the nearest ten seconds.

(3) A final map showing the area of land approved in the mining certificate, mining lease or prospecting licence, as the case may be, shall be prepared by the Superintendent.

Land excluded from Prospecting or Mining

8. Subject to section 14 of the Ordinance, the following types of land may not be prospected or mined without the consent in writing of the Authority acting in its discretion:

(a) land dedicated or set apart for any public purposes (other than mining), or for burial ground or within one hundred metres of such places;

(b) any area within any town, village or residential areas;

(c) any street, road or highway, or any road reserve or any right of way or land reserved for any railway or within one hundred metres of such places; or

(d) any area used for, or within one hundred metres of any buildings, works, reservoir or dam owned or occupied by the Government or by a public authority or operated by a company under concession with the Government.

Report on prospecting works

9.—(1) Every holder of a prospecting licence shall submit a half-yearly report to the Chief Inspector of the results of the prospecting carried out in the licensed area during the previous six months and a final report of such prospecting at the expiration of the licence.

(2) Every holder of an exclusive prospecting licence shall submit a half-yearly report detailing plans of works carried out in the licensed area, and the nature and quantity of minerals found, and a final report of such prospecting at the expiration of the licence.

Report on mining works

10.—(1) Every holder of a mining certificate or lessee of a mining lease for minerals shall submit a monthly report to the Chief Inspector on the mining works carried out in the licensed area during the month.

(2) Every holder of a mining certificate or lessee of a mining lease shall submit an annual report to the Chief Inspector detailing the mining works carried out in the licensed area during the year.

(3) Every holder of a mining certificate or lessee of a mining lease shall submit a final report to the Chief Inspector incorporating a summary of the details of the annual reports so as to give a comprehensive and coherent analysis and assessment of the mining works carried out during the period of the mining certificate or mining lease.

Format and preparation of report

11.—(1) Every report required to be submitted under regulations 9 and 10 shall:

(a) conform to such format and guidelines and shall contain such particulars as may be prescribed by the Chief Inspector from time to time; and

(b) be prepared by a technically competent person approved by the Chief Inspector.

Revocation and Saving

12.—(1) The Mining Rules, 1995 [*Swk. L.N. 13/95*] are hereby revoked.

(2) Notwithstanding the revocation of the Mining Rules 1995 [*Swk. L.N. 13/95*], every prospecting licence, mining certificate or mining lease granted or issued under the Ordinance prior to the commencement of these Regulations shall be deemed to have been granted or issued under the Ordinance in compliance with these Regulations and any monies which have been paid in respect of any period still current when these Regulations come into force shall be deemed to have been paid under these Regulations.

Sarawak Lawnet

SCHEDULE

(Regulation 4)

FEEs

PROCESSING FEE

	Subject	Amount
(a)	Application for General Prospecting Licence (section 22(6) of the Ordinance)	RM300.00
(b)	Application for Exclusive Prospecting Licence (section 22 of the Ordinance)	RM300.00
(c)	Application for Mining Certificate (section 47 of the Ordinance)	RM500.00
(d)	Application of Mining Lease (section 44 of the Ordinance)	RM500.00
(e)	Application for Proprietary Mining Licence (section 63 of the Ordinance)	RM200.00
(f)	Application for Renewal of General Prospecting Licence (section 27 of the Ordinance)	RM300.00
(g)	Application for Renewal of Exclusive Prospecting Licence (section 27 of the Ordinance)	RM200.00
(h)	Application for Renewal of Mining Lease (section 48 of the Ordinance)	RM1000.00
(i)	Application for Renewal of Proprietary Mining Licence (section 64 of the Ordinance)	RM500.00

LATE FILING FEE

(j)	Application for the Renewal of Mining Lease (section 48(10) of the Ordinance)	RM50,000.00
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VARIATION FEE

(k)	Reduction of Mining Lease area (section 62 of the Ordinance)	RM100.00
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ANNUAL LICENCE FEE

(l)	Panning licence (section 16(5) of the Ordinance)	RM25.00
(m)	General Prospecting Licence (section 76(1) of the Ordinance)	RM1.00 per hectare or part thereof per year
(n)	Exclusive Prospecting Licence (section 76(1) of the Ordinance)	RM2.00 per hectare or part thereof per year
(o)	Proprietary Mining Licence (section 63(8) of the Ordinance)	RM10.00 per hectare or part thereof per year

TRANSFER FEE

(p)	Transfer Fee for Mining Lease / Mining Certificate (section 49 of the Ordinance)	RM500.00
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Made by the Majlis Mesyuarat Kerajaan Negeri this 19th day of April, 2012.

HAJAH SUTIN BINTI SAHMAT,
Clerk to Majlis Mesyuarat Kerajaan Negeri

60/KPPS/T/6-8/1E



DICETAK OLEH PERCETAKAN NASIONAL MALAYSIA BERHAD, KUCHING, SARAWAK
BAGI PIHAK DAN DENGAN KUASA PERINTAH KERAJAAN SARAWAK