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Arrangement of Sections

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No. 32 of 2025

MINING ACT, 2025

AN ACT TO REGULATE MINERAL PROSPECTING, MINING AND RELATED MATTERS

[Date of Assent 26th June, 2025]

Enacted by the Parliament of The Bahamas

PART I - PRELIMINARY

1. Short title and commencement.

(1) This Act may be cited as the Mining Act, 2025.

(2) This Act shall come into force on such date as the Minister may appoint by notice published in the *Gazette*.

2. Interpretation.

In this Act, unless the context otherwise requires —

"authorised officer" means a person designated under section 8;

"body corporate" includes a company or corporation ;

"continental shelf" means that part of the seabed and subsoil of the submarine area adjacent to the coast of The Bahamas but outside territorial waters over which the Commonwealth of The Bahamas is entitled by law to exercise sovereign rights for the purpose of exploring and exploiting natural resources;

"Director" means the Director of Mining referred to under section 6;

"discovery" means a discovery of a mineral or group of minerals occurring in quantities or circumstances that indicate the presence of a mineral deposit;

"Environmental Impact Assessment" has the meaning ascribed in the Environmental Planning and Protection Act, 2019 (*No. 40 of 2019*);

"Environmental Management Plan" has the meaning ascribed in the Environmental Planning and Protection Act, 2019 (*No. 40 of 2019*);

"environmentally sensitive area" means an area designated as an environmentally sensitive area under section 23 of the Environmental Planning and Protection Act, 2019 (*No. 40 of 2019*);

"land" includes land beneath water, the seabed and sub-soil;

"mine" when used —

(a) as a noun, means any place at which any operation connected with mining is carried on, above or below the ground, for the purpose of extracting or obtaining any minerals; and

(b) as a verb, means intentionally to mine minerals and includes any operations directly or indirectly necessary for or incidental to mining operations;

"mineral" means any substance, whether in solid, liquid or gaseous form, occurring naturally in or on land and includes any metalliferous ore, building materials, and having been formed by or subjected to a geological process but does not include water or hydrocarbons;

"mining area" means an area that is subject to a mining licence;

"mining licence" means a licence granted in accordance with this Act;

"mining operations" means an operation carried out in connection with a mine to —

(a) obtain a mineral from where it occurs;

(b) extract a mineral from its natural state;

(c) process and refine a mineral, including, in the case of aragonite sand, all in-country processing of the mineral; or

(d) dispose of a mineral or waste substances resulting from mining or extraction;

"mining permit" means a permit granted in accordance with this Act that authorises small scale mining operations;

"mining permit area" means an area that is subject to a mining permit;

"mineral product" means a substance derived from an ore by mining or processing;

"mineral right" means a reconnaissance licence, mining permit, a prospecting licence or a mining licence;

"**mineral right area**" means the area which is subject to a mineral right;

"**Mining Cadastre Register**" means the register established under section 32;

"Minister" means the Minister responsible for the Protection, Conservation and Management of the Environment;

"prospecting licence" means a licence granted in accordance with this Act;

"prospecting area" means an area that is subject to a prospecting licence;

"prospecting operations" means operations to search for minerals and mineral deposits or to test the mineral potential of land, or both, and includes geophysical surveys, geo-chemical surveys and photo geological or other like surveys;

"**public officer"** means a person holding or acting in a public office as defined by Article 137 of the Constitution;

"radioactive mineral" means a mineral which contains by weight at least one-twentieth of one per cent (0.05 per cent) of uranium or thorium or any combination thereof, including, but not limited to, monazite sand and other ores containing thorium and carnotite, pitchblende and other ores containing thorium;

"reconnaissance area" means an area subject to a reconnaissance licence;

"reconnaissance licence" means a licence granted in accordance with this Act;

"reconnaissance operations" means preliminary operations for the search for minerals and mineral deposits and includes initial field inspections and surveys;

"small scale mining" means non-mechanised mining operations.

PART II – ADMINISTRATION OF ACT

3. Application of Act.

(1) This Act shall apply to the islands of the Commonwealth of The Bahamas inclusive of the island of Grand Bahama and Port Area as defined in —

(a) the agreement set out in the Schedule to the Hawksbill Creek Grand Bahama (Deep Water Harbour and Industrial Area) Act (*Ch. 261*); and

(b) section 2 of the Freeport Bye-laws Act (*Ch.29*)

(2) Where any extraction of a mineral is —

(a) used directly in construction works authorised under heads of agreement with the Government; and

(b) not intended for commercial exploitation the following provisions of the Act shall apply —

(i) sections 13, 17, 19, and 27 of Part III;

(ii) sections 37 to 40, 48, 49, and 51 of Part V; and

(iii) Part VIII.

4. Minister to implement national mining policy.

(1) The Minister shall in consultation with relevant stakeholders develop and cause to be implemented, a national mining policy which applies to offshore and onshore mining operations in order to —

(a) protect the marine and terrestrial environment from the adverse impacts of mining;

(b) ensure all mine sites are rehabilitated to an acceptable standard;

(c) provide an avenue for foreign and domestic investment; and

(d) prevent illegal mining.

(2) The national mining policy shall take into consideration the National Environmental Policy Framework referred to in section 15 of the Environmental Planning and Protection Act, 2019 (*No. 40 of 2019*).

5. Overall responsibility for administration of Act.

The Minister, taking into consideration the National Environmental Policy Framework shall —

(a) have overall responsibility for the administration of this Act; and

(b) ensure that the mineral resources of The Bahamas are explored and exploited in the most efficient and effective manner.

6. Establishment of Department of Mining.

There shall be established a Department of Mining which shall consist of a Director of Mining and other officers as may be necessary for the efficient working of the Department.

7. Duties of Director of Mining.

The Director shall —

(a) oversee exploration, mining, processing and other operations authorised by the grant of a mineral right under the Act;

(b) enforce regulations and monitor operations of mining, processing and other mining related activities under the Act, to ensure compliance with the terms and conditions of the mineral right and the provisions of the Act and its regulations;

(c) carry out, as as he sees fit, inspections on surface or underground works of any mineral right;

(d) identify and verify the boundaries and the landmarks on the ground of any mining operation;

(e) evaluate the commercial availability of mineral resources;

(g) protect the hygiene and safety of persons working in and around mining operations;

(h) conduct annual audits on holders of mineral rights for the purpose of —

(i) verifying fees, royalties and annual surface rental fees; and

(ii) collecting production data;

(i) examine and take copies of any relevant books, records and other documents which are required to be maintained by a holder of a mineral right under this Act or its regulations;

(j) terminate illegal mining and illegal mining related activities on any lands;

(k) oversee and manage the Mining Cadastre Office established pursuant to section 32; and

(l) do all other things as required or necessary to give effect to the Act and its regulations.

8. Authorised officers.

The Director may with the approval of the Minister, delegate his functions and duties to authorised officers of the Department.

PART III – PROVISIONS GOVERNING MINERALS AND MINING

OWNERSHIP OF, AND GENERAL PROHIBITION AGAINST PROSPECTING FOR MINERALS

9. Ownership of minerals.

All rights of ownership in and control of minerals in, under or upon any land in the Commonwealth of The Bahamas and its continental shelf are vested in the Treasurer notwithstanding any right of ownership or otherwise that any person may possess in and to the land on, in or under which minerals are found or situated.

10. Prohibition against prospecting for minerals without authority.

(1) No person shall prospect for minerals or carry on mining operations except under the authority of a mineral right granted under this Act.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction —

(a) in the case of an individual, to a fine of not less than one hundred thousand dollars or to imprisonment for a period not exceeding two years, or to both; or

(b) in the case of a body corporate, to a fine of not less than one hundred and fifty thousand dollars.

11. Power of Minister regarding mining.

(1) The Minister may by Order published in the *Gazette* designate an area —

(a) reserved exclusively for small scale mining;

(b) as a new mining area; or

(c) where mining is prohibited.

(2) Where the Minister makes an Order under subsection (1) he shall adhere to the national mining policy.

(3) The Minister shall have a public consultation with relevant stakeholders where he proposes to make an Order in respect of the matters noted under subsection (1)(b) and (c).

12. Prohibition against conducting scientific or educational research without approval.

No person shall undertake investigations or surveys on minerals for scientific or educational research without the prior approval of the Director.

CONDITIONS AND RESTRICTIONS FOR GRANTING A MINING RIGHT

13. Conditions for granting a mineral right.

A mineral right shall not be granted to an applicant unless the Minister is satisfied that —

(a) the proposals of the applicant would ensure the most efficient and optimal use of the mineral resources concerned;

(b) the applicant has adequate financial resources and technical and industrial competence and experience to carry on effective mining operations;

(c) the applicant is able and willing to comply with the conditions on which the mineral right is granted;

(d) in the case of a mining licence, the applicant's plan and proposals for the employment and training of citizens of The Bahamas and procurement of goods, works and services from within The Bahamas are satisfactory; and

(e) the prospecting operations, reconnaissance operations or mining operations would not be against the public interest, taking into account but not limited to —

(i) the preservation of the character of the environment including the flora and fauna;

(ii) any effect on the water table or surface drainage pattern;

(iii) the nature and location of other land uses that could be affected by the operations being applied for;

(iv) the danger of pollution to the environment;

(v) any other factors which in the opinion of the Minister would be against the public interest and contrary to the National Environmental Policy pursuant to section 15 of the Environmental Planning and Protection Act, 2019 (*No. 40 of 2019*); and

(f) the applicant has complied with all applicable laws in force.

14. Eligibility to apply for a mineral right.

(1) A —

(a) citizen of The Bahamas who is twenty one years or older; or

(b) legal entity,

shall subject to subsection (2) and any regulations made under this Act, be eligible to apply for a mineral right in accordance with section 17.

(2) A legal entity referred to in subsection (1)(b), shall not be eligible to apply for a —

(a) mining permit; or

(b) reconnaissance licence, prospecting licence or mining licence unless the legal entity is a company —

(i) incorporated in The Bahamas under the provisions of the Companies Act (*Ch. 308*); or

(ii) incorporated outside of The Bahamas and has been duly registered in The Bahamas under the provisions of the Companies Act (*Ch. 308*);

and is authorised to carry on business in The Bahamas.

15. Restrictions on granting a mineral right.

(1) No mineral right shall be granted in respect of an area of land covered by an existing prospecting licence or mining licence.

(2) The Director, an authorised officer or any other public officer who is responsible for the administration of this Act shall not —

(a) directly or indirectly acquire a right or interest in a mineral right;

(b) acquire or retain a share in a company carrying on prospecting operations or mining operations.

(3) When granting a mineral right in any area —

(a) in which a mineral has been discovered through prospecting operations carried out by the Government;

(b) with known mining potential based on past prospecting operations or mining operations,

the Minister shall utilize a competitive bidding process pursuant to the Public Procurement Act, 2023 (*No. 3 of 2023*).

16. Minister may enter into agreements related to the grant of a mining licence.

(1) The Minister shall on behalf of the Government, enter into an agreement with the holder of a mining licence with respect to —

(a) the grant of a mining licence on the conditions specified in the agreement;

(b) the implementation of a profit sharing arrangement between the holder of the mining licence and the Government;

(c) the obligations and duties of the holder of the mining licence; or

(d) any matter incidental to or connected to the grant of a mining licence.

(2) The Minister may include in the agreement additional fiscal impositions for the holder of a mining licence.

(3) The Government may acquire an equity interest in the holder of a mining licence in accordance with section 43.

APPLICATION, DURATION AND RENEWAL OF A MINERAL RIGHT

17. Application for mineral rights.

(1) An application for the grant of a mineral right shall be made to the Minister.

(2) An application shall be —

(a) in a prescribed form; and

(b) submitted with the —

(i) prescribed fee;

(ii) Environmental Impact Assessment in accordance with section 37(3);

(iii) Environmental Management Plan in accordance with section 37(5);

(v) closure of mine and rehabilitation plan in accordance with section 38; and

(v) employment and training plan in accordance with section 51.

(3) An application may be withdrawn by the applicant by submitting a notice of withdrawal to the Minister.

(4) The Minister may direct the applicant to publish details of the application in a newspaper circulating in The Bahamas.

18. Priority of applications over same or overlapping area.

Where two or more persons make separate applications for the grant of a mineral right over the same area or an overlapping area, the person whose application was first registered in the register of mineral rights applications shall be considered for the grant of a mineral right in priority to the other applicants.

19. Information and investigations concerning applications.

(1) The Minister may by notice require the applicant for a mineral right to provide —

(a) additional information relevant to the application; or

(b) amended proposals or plans submitted with the application.

(3) The notice shall specify the time period in which the applicant shall provide the additional information or amended proposals and plans to the Minister.

(4) If the applicant is a company, the Minister may require details to enable him to determine to what extent the control of the company is vested in a company incorporated outside The Bahamas or an individual resident outside The Bahamas.

20. Minister to notify applicant of decision on application.

(1) The Minister shall, in writing, notify the applicant of the decision to grant or refuse to grant a mineral right.

(2) Where an application is rejected, the Minister shall provide reasons for the rejection to the applicant in writing.

21. Duration of licence for a mineral right.

(1) A reconnaissance licence shall be valid for a period not exceeding one year and shall not be renewable.

(2) A mining permit shall be valid for a period not exceeding two years and may be renewed once for a period not exceeding one year.

(3) A prospecting licence shall be valid for a period not exceeding four years and may be renewed twice for a period not exceeding two years each.

(4) A mining licence —

(a) shall be valid for a period not exceeding twenty-five years or the estimated life of the mineral proposed to be mined, whichever is shorter; and

(b) may be renewed for a period not exceeding ten years.

22. Application for renewal of a mining permit.

An application for the renewal of a mining permit shall —

(a) be submitted to the Minister in the prescribed form accompanied with payment of the prescribed fee;

(b) include —

(i) a detailed report on the mining operations containing results, data and an analysis of the mining operations carried out during the period of the mining permit;

(ii) associated costs of the mining operations carried out as of the date of the application for renewal;

(iii) a proposed programme of mining operations to be carried out during the period of renewal of the mining permit and its estimated cost; and

(iv) a plan identifying the part of the licence area for which renewal is applied for.

23. Application for renewal of a prospecting licence.

(1) An application for the renewal of a prospecting licence shall —

(a) be submitted to the Minister in the prescribed form accompanied with payment of the prescribed fee;

(b) include —

(i) a detailed report on the prospecting operations which include results, data and analysis of the prospecting operations carried out during the period of the prospecting licence;

(ii) associated costs of the prospecting operations carried out as during the period of the prospecting licence;

(iii) a proposed programme of prospecting operations to be carried out during the period of the renewal of the prospecting licence and its estimated cost; and

(iv) a plan identifying the part of the licence area for which renewal is applied for.

(2) Upon applying for renewal of a prospecting licence, the holder of a prospecting licence shall be required to relinquish fifty per centum of the area granted.

(3) The holder of the prospecting licence shall submit a map of the area being relinquished to the Minister.

(4) The Minister may in writing specify a time period for the holder of a prospecting licence to comply with the provisions of this section.

24. Application for renewal of a mining licence.

(1) An application for the renewal of a mining licence shall —

(a) be submitted to the Minister in the prescribed form accompanied with payment of the prescribed fee;

(b) include —

(i) a detailed report on the mining operations which include results, data and analysis of the mining operations carried out during the period of the mining licence;

(ii) associated costs of the mining operations carried out during the period of the mining licence;

(iii) a proposed programme of mining operations to be carried out during the period of the renewal of the mining licence and its estimated cost; and

(iv) a plan identifying the part of the licence area for which renewal is applied for.

(2) Upon applying for renewal, the holder of a mining licence shall submit a statement giving details of —

(a) the latest proved, estimated or inferred mineral ore reserves verified by an independent consultant approved by the Minister;

(b) the annual capital investment to be made in each year in respect of the period of renewal;

(c) annual production costs and annual revenue forecasts for each year in respect of the period of renewal;

(d) mining operations proposed to be carried out in the period of renewal;

(e) any expected changes in the method of extraction and processing of mining products; and

(f) the social and environmental impacts of the mining operations and the proposed mitigation and compensation measures.

(3) Any cost incurred in preparing the statement in subsection (2) shall be paid by the holder of the mining licence.

25. Minister to notify applicant of decision to renew mineral right.

(1) The Minister may renew a mineral right where an application is consistent with the provisions of this Act and the terms and conditions of the initial mineral right.

(2) The Minister may vary the terms and conditions of the initial mineral right upon renewal.

(3) The applicant for the renewal of a mineral right shall be notified in writing within sixty days of the decision of the Minister.

(4) If a renewal application is denied, the Minister shall inform the applicant of the reasons for refusal.

26. Application for transfer of a mineral right.

(1) An application for the transfer of a mineral right shall be submitted to the Minister in the prescribed form.

(2) The holder of a mineral right shall not transfer a mineral right after the date of the grant of the mineral right without —

(a) the prior written approval of the Minister; and

(b) the prior payment of any —

(i) profit share amount which is due and payable under an agreement entered into pursuant to section 16; or

(ii) value added tax on revenue from the transfer of rights.

(3) A company, which is the holder of a mineral right shall not after the date of the grant of the mineral right, without the prior written approval of the Minister —

(a) register the transfer of any share or shares in the company to any person or that person's nominee if the effect of doing so would give that person control of the company; or

(b) enter into an agreement with any person, if the effect of doing so would be to give that person control of the company.

(4) The Minister may on an application for approval for a transfer under this section request any information necessary for purposes of the application.

(5) The Minister shall approve or reject an application for approval within sixty days of receipt of the application.

27. Excavation permits.

No holder of a mineral right shall excavate any watercourse, creek, pond, lake, wetland or waters of the continental shelf without a permit granted in accordance with the Conservation and Protection of the Physical Landscape Act (Ch. 260) and Regulations made under that Act.

SUSPENSION AND CANCELLATION OF A MINERAL RIGHT

28. Minister may suspend or cancel a mineral right.

(1) The Minister may suspend or cancel a mineral right if the holder —

(a) fails to make any of the payments required under this Act on the date due;

(b) fails without cause to start reconnaissance operations, prospecting operations or mining operations by the due date;

(c) fails without cause to meet any minimum work or expenditure obligations mandated under the terms of the mineral right or an agreement made pursuant to section 16 of this Act;

(d) violates environment protection obligations under this Act, or an agreement made pursuant to section 16 or other applicable law;

(e) violates health or safety obligations under this Act, or an agreement made pursuant to section 16 or other applicable law;

(f) fails to submit reports required by this Act;

(g) contravenes any of the provisions of this Act or the conditions of a mineral right or an agreement made pursuant to section 16 of this Act; or

(h) for any reason, becomes ineligible for a mineral right under this Act.

(2) The Minister shall cancel a mineral right when mining operations have been terminated or suspended for a continuous period without resumption.

29. Notice of suspension or cancellation of a mineral right.

The Minister shall before suspending or cancelling any mineral right give thirty days written notice to the holder of the mineral right to remedy within the time period specified in the notice —

(a) any breach of the conditions of the mineral right;

(b) any breach of an agreement made pursuant to section 16; or

(c) any violations of the provisions of this Act or other applicable laws.

30. Liabilities and obligations on cancellation of a mineral right.

(1) Upon the cancellation of a mineral right pursuant to section 28 —

(a) the rights of the holder of a mineral right shall cease but without prejudice to any liabilities or obligations incurred in relation to the mineral right prior to the date of cancellation; and

(b) the holder of a mineral right shall —

(i) deliver to the Minister all records which the holder is required under this Act to maintain including full and detailed reports as prescribed containing all information, results, interpretation, data and other related information pertaining to the mining operations; and

(ii) provide to the Minister a full register of assets which the holder of the mineral right intends to remove or to leave in the mineral right area.

31. Interpretation.

For the purposes of Part III, a person is deemed to have control of a company if the person —

(a) or that person's nominee holds, or the person and that person's nominee together hold, a total of fifty percent or more of the equity shares of the company; or

(b) if the person is entitled to appoint, or to prevent the appointment of, half or more than half of the number of directors of the company.

PART IV – MAINTENANCE OF REGISTERS, ETC.

32. Establishment of Mining Cadastre Register.

The Director shall maintain a Mining Cadastre Register of mineral rights which shall be accessible to the public.

33. Mining Cadastre Register.

(1) The Mining Cadastre Register shall contain —

(a) the name of the holder of the mineral right and in the case of a company, the names of the principal owners and shareholders;

(b) the type of mineral right granted;

(c) the area to be subject to the mineral right; and

(d) the date and time the mineral right was granted.

(2) The Director shall keep a record of —

(a) all applications, renewals, changes to the area the subject of a mineral right, relinquishments, transfers, revocations, and attachments;

(b) all fees paid;

(c) all reports submitted;

(d) any change of address;

(e) any change of name; and

(f) all other matters materially affecting the status of, or any interest in, any mineral right registered under this Act.

34. Director to correct mistakes in register.

(1) Where the Director is satisfied that there is an error, mistake or incorrect entry in the Mining Cadastre Register he shall rectify the register by correcting that error, mistake or incorrect entry.

(2) The Director shall enter into the Mining Cadastre Register a record of any correction and the date the correction was entered.

35. Director to cause cadastral survey map to be maintained.

(1) The Director shall create and maintain a cadastral survey map which contains any area —

(a) which a mineral right has been granted;

(b) which an application for a mineral right is pending a decision;

(c) restricted from mining operations under this Act; or

(d) designated as a national mining zone.

(2) The cadastral survey map may be in the form of physical maps or maps contained in an electronic format or both.

36. National mining zones.

(1) The Minister shall by Order published in the *Gazette* establish national mining zones specifying the areas where mining operations are permitted and those areas where it is prohibited.

PART V – GENERAL RIGHTS AND OBLIGATIONS OF HOLDERS OF A MINERAL RIGHT

OBLIGATION TO PROTECT THE ENVIRONMENT

37. Compliance with laws related to environment.

(1) A holder of a mineral right shall carry on its mining operations in a manner so as to —

(a) preserve the natural environment of The Bahamas;

(b) minimize, manage and mitigate any environmental impact to surrounding areas;

(c) minimize and mitigate pollution resulting from the mining operations; and

(c) minimize and control any loss of or damage to the natural and biological resources of The Bahamas.

(2) The holder of a mineral right shall comply with the Environmental Planning and Protection Act, 2019 (*No. 40 of 2019*). and the Environmental Impact Assessment Regulations, 2020 (*S.I. No. 150 of 2020*).

(3) Where application is made for a —

(a) mining licence;

(b) mining permit where mining operations are conducted in an environmentally sensitive area; or

(c) prospecting licence where prospecting operations are conducted in an environmentally sensitive area;

the application shall be accompanied with an Environmental Impact Assessment prepared in accordance with the Environmental Planning and Protection Act, 2019 (*No. 40 of 2019*). and the Environmental Impact Assessment Regulations, 2020 (*S.I. No. 150 of 2020*)

(4) The Environmental Impact Assessment shall —

(a) be based on environmental baseline assessment work;

(b) contain the types of information and analysis reflecting international mining best practice;

(c) include detailed documentation on the status of the environment of the area prior to any commencement of mining operations proposed to be contained in the grant of the mineral right;

(d) provide a detailed description of the project describing all phases of development, operations, reclamations and closure and shall include —

(i) identification of the likely major environmental impacts;

(ii) detailed measures to minimize or mitigate each environmental impact and timetables for implementation of the mitigation measures;

(iii) projected budget and budget timetable to achieve environmental protection objectives;

(iv) identification of the major social impacts;

(v) mitigation measures for each major negative social impact.

(5) An Environmental Impact Assessment submitted to the Minister shall be accompanied by an Environmental Management Plan.

(6) An updated Environmental Management Plan shall be submitted to the Minister for approval prior to any change in the prospecting operations or mining operations.

(7) The Minister may impose any conditions on an updated Environmental Management Plan referred to in subsection (5) and (6).

38. Mine closure and rehabilitation plan.

Every applicant for a mineral right shall submit a plan for the closure of a mine and rehabilitation of the area for which the mineral right is being applied prior to the grant of a mineral right.

39. Financial guarantee for mine closure.

(1) The Minister may require the holder of a mining licence to provide a form of financial guarantee to secure its obligations for the closure of a mine and rehabilitation of the mining area pursuant to section 38.

(3) The requirements and conditions for —

(a) a mine closure and rehabilitation plan pursuant to section 38; and

(b) the financial guarantee pursuant to subsection (1),

shall be set out in the agreement entered into pursuant to section 16.

(4) Where the holder of a mining licence fails to provide financial guarantee, the Minister shall serve on the holder of the mining licence, a notice indicating a deadline to provide the financial guarantee.

(5) Where the deadline specified in the notice expires and the holder of the mining licence fails to provide the financial guarantee, the Minister may cancel the mining licence.

40. Bond for rehabilitation of damaged areas.

(1) An applicant for a mineral right shall deposit with the Minister a bond in such amount and form and subject to any conditions as may be prescribed

by the Minister to cover the costs of rehabilitation of any part of the mineral right area that may be damaged by reconnaissance operations, prospecting operations or mining operations.

(2) The amount of the bond referred to in subsection (1) shall be determined by the potential environmental impact that is likely to be caused by the reconnaissance operations, prospecting operations or mining operations.

(3) Where rehabilitation is not carried out in accordance with the requirements of this Act or the terms and conditions of the mineral right, the Minister may—

(a) order the forfeiture of the bond deposited under subsection (1); and

(b) authorise any person to enter the mineral right area and perform the work necessary to rehabilitate the mineral right area.

(4) Any cost incurred in excess of the amount on the bond forfeited in accordance with subsection (3) shall be recoverable as a debt due from the holder of the mineral right to the Government.

(5) Where an applicant for a mineral right fails to deposit the bond required under subsection (1), the Minister shall refuse to grant the mineral right.

41. Security for compliance.

The Minister may require financial guarantees from the holder of the mineral right to ensure compliance with its obligations under this Act.

FINANCIAL OBLIGATIONS

42. Fees.

The holder of a mineral right —

(a) shall be subject to prescribed fees, and other payment obligations in accordance with relevant laws of The Bahamas and an agreement entered into pursuant to section 16 of this Act;

(b) may be subject to profit sharing arrangements under which the Government shall be entitled to a minimum of a twenty-five per centum of the profits of the mining operations.

43. Government participation.

(1) A holder of a mining licence may be subject to government participation arrangements under the terms of an agreement entered into pursuant to section 16 under which the Government shall be entitled to acquire a minimum ten per centum equity interest in the holder of a mining licence.

(2) The Minister may make regulations to provide for government participation arrangements.

44. Royalty.

(1) The holder of a mining licence shall, in accordance with this Act, the mining licence and an agreement entered into under section 16, pay to the Government a royalty in respect of minerals produced in the mining area that is subject to the mining licence.

(2) Any royalty payable pursuant to subsection (1) shall be levied on the gross sale value of minerals produced from mining operations, calculated at the rate prescribed.

45. Deferment of royalty.

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

(2) The Minister shall, on or before the 30th day of June in each year, lay in both Houses of Parliament a report consisting of the —

(a) names of the holders of mining licences in respect of whom royalty was deferred during the preceding calendar year;

(b) amount of royalty deferred;

(c) reasons payment of royalty was deferred;

(d) conditions prescribed by the Minister in respect of the deferral; and

(e) details of how the prescribed conditions were complied with.

(3) Where the holder of a mining licence fails to pay any royalty when it falls due, the Minister may, by notice prohibit the disposal or sale of any mineral from any mining area held by the holder of the mining licence, until all outstanding royalty has been paid or until an arrangement acceptable to the Minister has been made.

46. Annual surface rental fee.

(1) The holder of a mineral right shall pay an annual surface rental fee as may be prescribed to the Government for the surface area covered by the mineral right.

(2) The annual surface rental fee payable pursuant to subsection (1) is payable on the grant of a mineral right and thereafter annually on the anniversary of the grant until the termination of the mineral right.

(3) Where the annual surface rental fee pursuant to subsection (1) remains unpaid for more than sixty days, interest shall be payable to the Government by the holder of the mineral right at the prescribed rate.

47. Recovery of fees, royalty and annual surface rental fees.

(1) Fees payable under section 42, royalty payable under section 44, and annual surface rental fees payable under section 46 are debts due to the Government and may be recovered through a court of competent jurisdiction.

(2) In proceedings pursuant to subsection (l), a certificate of the Director certifying that a specified amount of fees, royalty or annual surface rental fees is payable by the holder of a mining licence shall be received as evidence of that fact; but without prejudice to the right to adduce evidence in rebuttal.

(3) Where two or more persons constitute the holder of a mining licence when fees, royalty and annual surface rental fees becomes payable, those persons are jointly and severally liable for the payment of fees, royalty and annual surface rental fees but without prejudice to any right to contribution existing between them.

48. Independent audit rights by the Minister.

(1) The Minister may, upon giving five days' prior written notice to the holder of a mineral right, audit at the cost of the holder of the mineral right directly or through an independent auditor, any accounts and records in relation to the mining operations and related operations.

(2) The audit under subsection (1) may relate to any financial year of the holder of the mineral right occurring within seven years from the close of the subject year's accounts.

(3) For purposes of auditing, the Minister may examine and verify at reasonable times all charges and credits relating to the mineral right and all related operations such as books of account, accounting entries, material records and inventories, vouchers, payrolls, invoices and any other documents, correspondence and records necessary to audit and verify the charges and credits.

(4) The holder of a mineral right shall make available the original of all books, records, accounts and other documents and information to the auditor.

(5) The auditors , may at all reasonable times in connection with their audit to enter any premises and inspect at reasonable times all sites, plants, facilities, warehouses and offices of the holder of a mineral right that are directly or indirectly serving the mining operations and related operations.

(6) Where the Minister desires verification of charges from affiliated companies of the holder of a mineral right, the Minister may request the

holder of the mineral right to take all measures to facilitate the Minister's request.

(7) Where the Minister has made a request in accordance with subsection (6) the Minister may require the holder of a mineral right to obtain an audit certificate from the auditors of the affiliated company attesting that such charges do not include a profit element and have been consistently and reasonably applied.

49. Power of entry and inspection.

The Director or any authorised officer may at all reasonable times enter any mineral right area for the purpose of —

(a) examining the mineral right area and taking any samples of anything which in his opinion, contravenes or is related to contravention of any provision of this Act or its regulations;

(b) determining whether any contravention of the provisions of this Act or its regulations has occurred;

(c) determining whether circumstances exist which would authorise or require the Director to take any action, or execute any work under this Act;

(d) taking any action, performing any function or executing any thing authorised or required to be done under this Act or its regulations ;

(e) performing any function conferred on the Minister or delegated to the Director or any authorised officer; or

(f) generally examining and inspecting the premises mineral right area.

50. Sums payable to sub-fund under National Investment Fund Act.

Any sums payable to the Government under this Act, may be paid into a sub -fund established for this purpose under the National Investment Funds Act, 2022 (*No. 4 of 2022*).

OBLIGATION TO GIVE PRIORITY TO LOCAL CONTENT AND VALUE ADDITION

51. Employment and training of employees.

(1) The holder of a mineral right shall —

(a) prepare and submit a plan in respect of the employment and training of Bahamian citizens as part of the application; and

(b) give priority in employment to citizens of The Bahamas.

(2) A plan referred to in subsection (1)(a) may be revised periodically, subject to approval by the Minister.

(3) The holder of a mineral right shall submit an employment report to the Minister no later than thirty days after the end of its financial year, showing the positions held by by citizens and non-citizens of The Bahamas.

52. Procurement of local goods and services.

The holder of a mineral right shall —

(a) give priority to Bahamian citizens for contracts for services, to the extent the terms and conditions of those contracts are competitive to contracts for services offered to non-citizens;

(b) give priority to goods produced in The Bahamas, to the extent they are comparable in quality, quantity, price and delivery to goods produced outside of The Bahamas; and

(c) provide reports on the procurement of local goods and services to the Minister quarterly regarding its compliance with the requirements of this section.

53. Value addition and transformation.

The grant of a mining licence may include a condition requiring the holder of the mining licence to establish facilities within The Bahamas for —

(a) the processing and refining of mineral products; or

(b) any other operations that would add value to or transform the mineral products

derived from the applicable mining licence area.

OTHER RIGHTS AND OBLIGATIONS

54. Health and safety of workers.

(1) A holder of a mineral right shall —

(a) comply with the Health and Safety of Work Act, 2002 (*Ch. 321C*).

(b) ensure that —

(i) the mine is commissioned, operated, maintained and closed in such a way that employees are able to perform their work without endangering their health and safety or that of any other person;

(ii) persons who are not employees, but who may be directly affected by the activities at the mine are not exposed to any hazards to their health and safety; and

(iii) employees, contract workers or independent contractors have the necessary skills, competence and resources to undertake their work safely and to ensure the safety of others.

55. Powers of authorised officers.

(1) Where an authorised officer considers any mining operation to be dangerous or defective or likely to cause bodily injury to any person, the authorised officer shall give prompt notice in writing to the holder of the mineral right requiring the holder of the mineral right to remedy or to remove the danger or defect within the time specified in the notice.

(2) Where the danger or defect specified in the notice under subsection (1) is not remedied or removed within the time specified, the authorised officer shall suspend the mining operations until the danger or defect is remedied or removed in accordance with the notice.

(3) A holder of a mineral right who wishes to appeal any decision of an authorised officer under subsection (2), shall —

(a) cease the mining operations or that part of the mining operations affected by the notice; and

(b) appeal to the Minister in writing within thirty days of receipt of the notice.

(4) Any decision by the Minister shall not be subject to appeal or review in any court.

56. Responsibilities relating to the mining of radioactive minerals.

(1) A holder of a mineral right who discovers any radioactive mineral in a mineral right area shall notify the Minister within three days of the discovery.

(2) No person shall treat or possess or export or import or otherwise dispose of any radioactive mineral except under and in accordance with the terms and conditions determined by the Minister.

(3) A person who contravenes subsections (1) or (2) commits an offence and shall be liable on conviction, to imprisonment for a period not exceeding two years or to a fine not exceeding one hundred thousand dollars or both.

57. Surrender of a mineral right area.

(1) The holder of a mineral right who wishes to surrender a mineral right area or part of a mineral right area shall —

(a) give to the Minister, not less than ninety calendar days' notice;

(b) comply with relevant conditions as may be prescribed or stated in the grant of the mineral right;

(c) provide a map with coordinates of the area to be surrendered; and

(d) submit detailed technical reports as prescribed containing all information relating to the area to be surrendered from the commencement of a mineral right.

(2) The holder of a mineral right shall within twenty-one days after surrender of a mineral right area —

(a) submit written evidence issued by the relevant authority of any fees, royalties or other dues in respect of the mineral right area;

(b) submit a report certifying that there are no debts owed to employees; and

(c) submit a certificate of compliance with the Environmental Management Plan issued by relevant authorities.

(3) The surrender of a mineral right area shall take place without prejudice to any —

(a) liabilities or obligations incurred by the holder of the mineral right prior to the date of surrender; and

(b) obligations imposed under subsection (2).

PART VI - SPECIFIC RIGHTS AND OBLIGATIONS OF HOLDERS OF A MINERAL RIGHT

58. Rights and obligations of holders of a reconnaissance licence.

(1) The holder of a reconnaissance licence shall have the non-exclusive right to carry out reconnaissance operations in the reconnaissance area and may for that purpose —

(a) collect from the reconnaissance area, mineral ore specimens and samples within the limits prescribed by regulations for the purpose of having them analysed; and

(b) erect temporary camps and buildings.

(2) The holder of a reconnaissance licence shall —

(a) commence reconnaissance operations within thirty days of the date of the grant of the reconnaissance licence or any other period directed by the Minister in writing;

(b) carry out reconnaissance operations in accordance with a plan approved by the Minister and an Environmental Management Plan approved by the Director of Environmental Planning and Protection;

(c) carry out any directives relating to its reconnaissance operations which may be given by the Minister for the purposes of ensuring safety or good mining practices;

(d) submit to the Minister within three months after the grant of the reconnaissance licence and at any other interval the Minister may determine, geological and financial reports and any other information relating to the reconnaissance operations;

(e) notify the Minister in writing within seven days of any archaeological discovery in accordance with the provisions of the Antiquities Monuments and Museums Act (*Ch. 51*);

(f) repair any damage to the environment caused by activities in the reconnaissance area;

(g) remove within sixty days of the expiration of the reconnaissance licence, any camps, temporary buildings or machinery erected or installed within the reconnaissance area; and

(h) repair or rehabilitate any damage to the surface of the ground caused by the removal of camps, temporary buildings or machinery erected or installed within the reconnaissance area.

59. Rights and obligations of holders of a mining permit.

(1) The holder of a mining permit shall have the exclusive right to carry out small scale mining operations in the mining permit area and may —

(a) mine minerals in the area to which the permit relates;

(b) subject to the payment of fees, levies and royalties, sell any mineral products recovered.

(2) The holder of mining permit shall —

(a) commence mining operations within thirty days of the date of the grant of the mining permit or other period approved by the Minister in writing;

(b) carry out its mining operations in accordance with a plan approved by the Minister and an Environmental Management Plan approved by the Director of Environmental Planning and Protection;

(c) carry out any directives relating to its operations given by the Minister for the purposes of ensuring safety or good mining practices;

(d) notify the Minister of the intention to commence or cease operations;

(e) dump any mineral, product or waste product in a manner approved by the health and environmental authorities and in accordance with the provisions of this Act;

(f) demarcate and keep demarcated the mining permit area;

(g) keep accurate records of minerals mined under the mining permit area for inspection on demand by a duly authorised officer;

(h) submit to the Director monthly, a report noting the rate of extraction of any minerals to which a permit relates;

(i) submit all reports within the specified time period; and

(j) upon cessation of operations, rehabilitate the mining permit area and repair any damage caused by its operations.

60. Rights and obligations of holders of a prospecting licence.

(1) The holder of a prospecting licence shall have the exclusive right to carry out prospecting operations in the prospecting area and may for that purpose —

(a) prospect for all mineral specified in the licence;

(b) drill boreholes and make such excavations as may be necessary;

(c) collect from the prospecting area mineral specimens and samples for the purpose of having them analysed and valued without exceeding the limit prescribed by regulations for prospecting purposes; and

(d) erect temporary camps and buildings.

(2) Subject to the provisions of this Act, the holder of a prospecting licence shall have the exclusive right to apply for a mining licence over any portion of the prospecting area where an commercially exploitable mineral is discovered.

(3) The application under subsection (2) shall be made within ninety days before the expiry of the prospecting licence.

(4) When a prospecting licence expires pending a response on a mining licence application, the prospecting licence shall remain valid until the response is provided in accordance with this Act.

(5) The holder of a prospecting licence shall —

(a) commence prospecting operations within ninety days from the date of issue of the prospecting licence;

(b) carry out prospecting operations in accordance with a programme of prospecting operations approved by the Minister and Environmental Management Plan approved by the Director of Environmental Planning and Protection.

(c) carry out any directives relating to its prospecting operations which may be given to the holder by the Director for the purposes of ensuring safety or good mining practices;

(d) submit to the Director every six months in the prescribed form, a summary report on work progress of the approved programme of prospecting operations;

(e) submit to the Director audited statements of expenditure incurred pursuant to the prospecting licence, not later than ninety days after the end of each financial year of the holder of the prospecting licence;

(f) seek approval from the Director for any proposed amendments to the agreed programme of prospecting operations;

(g) notify the Director of the discovery of any mineral ore deposit of possible commercial value within a period of thirty days of the discovery;

(h) demarcate and keep demarcated the prospecting area;

(i) repair and rehabilitate any damage to the prospecting area and surrounding area caused by prospecting operations; and

(j) notify the Director, as soon as the holder commences, suspends or ceases prospecting operations.

61. Rights and obligations of holders of a mining licence.

(1) The holder of a mining licence shall have the exclusive right to carry on mining operations in the licensed area and may —

(a) mine the minerals to which the licence relates;

(b) erect the necessary equipment, plant, machinery and buildings for the purpose of mining operations;

(c) process, treat, smelt and refine the minerals or mineral products obtained during the mining operations;

(d) subject to the provisions of any applicable law and the payment of prescribed fees, levies and royalties, export and sell the mineral recovered or mineral products.

(2) If the holder of a mining licence finds a discovered mineral in the mining area, the holder of the mining licence —

(a) shall notify the Director, giving details of the discovered mineral within thirty days after the discovery; and

(b) may apply to the Minister to amend the existing mining licence or extend the mining area to include the discovered mineral within ninety days after the discovery.

(3) The application referred to in subsection 2(b) shall be accompanied with a proposed programme of mining operations in respect of the discovered mineral.

(4) The Minister may approve an application referred to in subsection 2(b) if he is satisfied that the approval shall ensure the most efficient and beneficial use of the mineral resources of The Bahamas.

(5) Where the Minister has approved the amendment of a mining licence or extension of a mining area, the extended area shall not extend beyond the mining licence limitations provided for in this Act.

(6) The holder of a mining licence shall —

(a) commence mining operations within one hundred and eighty days from the issuance of the licence;

(b) develop and mine the minerals covered by the licence in accordance with a programme of mining operations approved by the Minister and an approved Environmental Management Plan;

(c) dump any mineral or waste product in a manner approved by the Director in accordance with the provisions of this Act;

(d) demarcate and keep demarcated the mining area in the prescribed manner;

(e) notify the Director of the commencement, suspension or cessation of mining operations;

(f) submit to the Director every six months, in the prescribed form, a summary report on work progress of the approved program;

(g) submit to the Director every year, not later than ninety days after the end of each financial year of the holder of the mining licence an audited statement of expenditure directly incurred under agreed mining activities;

(h) submit to the Director, monthly, a report noting the rate of extraction of any minerals to which a licence relates;

(i) seek approval from the Minister for any proposed amendments to the agreed program of mining operations;

(j) prepare and update a mine closure plan for cessation of mining operations;

(k) rehabilitate the mining area upon cessation of mining operations, in a manner as may be prescribed;

(l) notify the Director of the discovery of any mineral of possible economic value within a period of thirty days of the discovery; and

(m) maintain at an address in The Bahamas —

(i) complete and accurate technical records of the mining operations in the form prescribed by the Minister;

(ii) copies of all maps, geological reports, interpretation of geological reports, mineral analyses, aerial photographs, core

logs, analyses and test results and all other data available to the holder of the mining licence; and

(iii) accurate and systematic financial records of the mining and all related operations in the mining area and such other books of accounts and financial records.

(7) For the purposes of this section, "**discovered mineral**" means any mineral discovered by the holder of a mining licence and not included in the mining licence.

PART VII - RIGHTS OF LANDOWNERS

62. Rights of land owner on a mineral right area.

(1) The rights conferred by a mineral right shall be exercised reasonably so as to affect as little as possible the interests of any owner or lawful occupier of the land on which the mineral right is exercised.

(2) The holder of a mineral right shall ensure that the reconnaissance operations, prospecting operations or mining operations are conducted in a manner consistent with the reasonable and proper conduct of the reconnaissance operations, prospecting operations or mining operations

63. Compensation to land owners.

(1) The holder of a mineral right shall pay a fair and reasonable compensation to the owner or lawful occupier of land for any —

(a) disturbance of the rights of the owner or occupier; or

(b) damage done to the surface of the land;

by the operations of the holder of the mineral right.

(2) The holder of a mineral right and owner or lawful occupier of land shall negotiate fair and reasonable compensation for disturbance of the rights of the owner or occupier or damage done to the surface of the land.

(3) Where compensation is agreed in accordance with subsection (2) the holder of a mineral right shall pay the compensation to the owner or lawful occupier of land within thirty days from the conclusion of negotiations.

(4) The requirement to pay compensation shall not entitle the owner or lawful occupier to prevent or hinder the holder of a mineral right from exercising any rights granted under the mineral right pending the negotiation of compensation to be paid.

(5) Compensation may be determined by the Minister if the —

(a) holder of the mineral right and the owner or lawful occupier of the land are unable to agree on compensation; or

(b) holder of a mineral right fails to pay compensation under this section.

(6) A person aggrieved by the decision of the Minister made in subsection (5), may commence proceedings in the Supreme Court to recover compensation and shall give notice of the proceedings in writing to the Minister and to the other party.

64. Compulsory acquisition of private land.

(1) The Minister responsible for lands may in accordance with the Acquisition of Land Act (*Ch. 252*), compulsorily acquire private land or rights over private land for use by the holder of a mineral right if the acquisition of such land or right is necessary for mining operations.

(2) When land is acquired compulsorily under this section, any person having an interest in or rights over the land concerned shall be paid adequate compensation by the holder of the mineral right determined in accordance with the laws of The Bahamas concerning the compulsory acquisition of land for a public purpose.

65. Restrictions on exercise of rights under a mineral right.

(1) The holder of a mineral right shall not exercise his rights in respect of any land —

(a) dedicated for public purpose;

(b) dedicated as a place of burial, or a place of religious worship or cultural significance.

(c) which is within six hundred and fifty feet or such greater distance as may be prescribed by the Minister of any inhabited, unoccupied or temporarily unoccupied house or building except if authorised by the owner or lawful occupier;

(d) which is within one hundred and sixty feet of land which has been prepared or upon which there are agricultural crops;

(e) within three hundred and thirty feet of any watercourse, creek, pond, lake, wetland or other body of water.

(f) reserved for the purpose of any highway or waterway and its surroundings except if duly authorised by the Minister responsible for Construction, Maintenance and Upkeep of Public Infrastructure; or

(g) within any district and its surroundings, except if duly authorised by the Minister in consultation with local government.

(2) Any authorization given by the Minister responsible for Lands may be given unconditionally or subject to such conditions as he may specify.

PART VIII - MISCELLANEOUS

66. Offences.

(1) Any person who —

(a) in, or in connection with, any application under this Act or in response to any requirement of the Minister or of the Director under this Act, knowingly or recklessly gives information which is false or misleading in a material particular; or

(b) in any report, or return submitted in pursuance of any provision of this Act, knowingly or recklessly includes or permits to be included any information which is false or misleading in a material particular,

commits an offence and is liable on conviction —

(i) in the case of any individual, to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred thousand dollars or to both such fine and term of imprisonment; or

(ii) in the case of body corporate, to fine not exceeding one hundred and fifty thousand dollars.

(2) Any person who contravenes any of the provisions of this Act or its regulations commits an offence and where there is no specific penalty provided, is liable on conviction —

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

(b) in the case of a body corporate to a fine not exceeding one hundred and fifty thousand dollars; or

(c) in the case of a continuing offence, to a further fine of fifty thousand dollars for every day which the offence continues.

(3) Any person who assaults obstructs or hinders the Director or any authorised officer in the execution of their duty under this Act or regulations commits an offence and is liable on summary conviction to —

(a) a fine not exceeding three thousand dollars or to a term of imprisonment not exceeding six months or both; or

(b) in the case of second or further offence to a fine not exceeding five thousand dollars or to a term of imprisonment not exceeding nine months or both.

(4) Where an offence under this Act has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to neglect on the part of any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, that person as well as the body corporate shall be guilty of that offence.

67. Compliance notice.

(1) Where a holder of a mineral right has been charged with a offence under this Act and the infraction which has caused the offence continues, the Director may issue a compliance notice.

(2) The compliance notice shall —

(a) be made in writing;

(b) specify the requirement that the holder of the mineral right has failed to comply with;

(c) require the holder of the mineral right to comply with the notice;

(d) specify the period by which compliance is required; and

(e) specify any other conditions for compliance as the Director may consider necessary.

(3) The issuance of a compliance notice pursuant to this section shall not affect any liability of the holder of the mineral right under this Act or regulations thereunder.

(4) If after the expiration of the period specified in the compliance notice, the holder of a mineral right has failed or refused to comply with the requirements specified in the compliance notice, the holder of the mineral right shall be liable for additional penalties for every day during which the offence continues in accordance with section 66(2)(c).

68. Procedure for fixed penalties.

(1) An authorised officer who has reason to believe that a person ("the alleged offender") has committed a prescribed offence under this Act or regulations may serve the alleged offender a written fixed penalty notice charging him with the commission of the offence.

(2) At the time of service of the written fixed penalty notice, the authorised officer shall notify the alleged offender that if the alleged offender does not wish to have a complaint of the offence heard and determined by the Supreme Court, the amount specified in the notice may be paid to the

clerk of the Supreme Court specified in the notice within fourteen days after the penalty notice is served.

(3) If the alleged offender fails to pay any fine specified in the penalty notice, the Minister may institute proceedings against the alleged offender.

(4) The penalty notice shall —

(a) be in the form prescribed by regulations;

(b) contain a description of the offence;

(c) specify the fixed penalty fines for the offence as prescribed under the regulations;

(d) state that if the alleged offender wishes to waive an appearance before the court, the amount specified in the notice shall be paid into the Supreme Court, within fourteen days after the notice is served.

(5) No proceedings shall be taken against the alleged offender until the end of fourteen days following the date of the penalty notice.

(6) Where the alleged offender does not make payment of the fixed penalty, the notice issued under subsection (1) shall be deemed to be a summons issued by the Supreme Court as specified in the notice for the appearance of that person and the notice shall serve as a charge sheet for arraignment purposes.

(7) Any sums received by the Supreme Court under (4)(d) may be paid into the Environmental Administration Fund or any sub-fund of the National Investment Fund Act established under section 50 of this Act.

(8) Where a penalty notice has been withdrawn after payment of the penalty, the amount shall be refunded.

(9) For the purposes of this section "fixed penalty" means the fine specified in relation to an offence as may be prescribed in regulations."

69. Indemnity of officials.

(1) Subject to subsection (2), the Crown, the Minister, the Director or any authorised person shall not be liable for any loss or damage whatsoever suffered by any person through the exercise, in good faith of the powers conferred upon them by this Act.

(2) The Crown, the Minister, the Director or any authorised person shall be liable for any loss or damage which arises directly from the negligence of the Minister, the Director or any authorised person in the exercise of the powers conferred upon them by this Act.

70. Regulations.

The Minister may make regulations —

(a) relating to the fees, royalties, annual surface rental fee, and other charges that are payable under this Act or the manner in which they are to be calculated;

(b) prescribing the process for application for a mineral right or excavation permit;

(c) prescribing the manner in which an area referred to in a mineral right is to be demarcated;

(d) prescribing the manner in which records, accounts, books and other documents shall be kept, retained and made available for inspection;

(e) prescribing procedures to be followed in any procurement to be held under this Act;

(f) providing the measures and procedures to be observed for treating, possessing, exporting and importing radioactive minerals;

(g) prescribing the contents to be included in an approved programme for prospecting operations and mining operations;

(h) prescribing the procedures for termination of mining operations and closure of mines;

(i) prescribing measures to be observed to protect and rehabilitate the environment;

(j) prescribing the measures to be observed concerning health and safety connected to prospecting operations and mining operations;

(k) prescribing measures to be observed regarding the use of explosives for prospecting operations and mining operations;

(l) specifying areas that are excluded areas under this Act;

(m) prescribing the categories of mineral rights that are not to be granted in prescribed areas;

(n) prescribing the form of any licence, permit, forms, return or other document to be used for the purposes of this Act;

(o) prescribing the procedures for public consultation for designation of new mining areas;

(p) relating to financial guarantees and the manner in which they are to be calculated and paid;

(q) relating to the award of a mineral right;

(r) prescribing requirements and the procedure for approval to conduct scientific or educational surveys, research or investigations under this Act;

(s) limits on mineral ore specimens and samples; and

(t) regarding any other matter required for the implementation of this Act.

71. Savings and Transitional.

No licence for a mineral right prior to this Act coming into operation shall be saved except for —

(a) the term of the licence; and

(b) the financial obligations of the holder of the mineral right.

72. Act binds Crown.

This Act binds the Crown.