

## Government Notifications

L. D. - B. 3/92 II

### THE MINES AND MINERALS ACT, No. 33 OF 1992

REGULATION made by the Minister of Industrial Development under section 64 read with section 34 of the Mines and Minerals Act, No. 33 of 1992.

Minister of Industrial Development.

Colombo, 13.12.1996.

#### Regulation

The Mining (Licensing) Regulations, No. 1 of 1993 published in *Gazette Extraordinary* No. 794/23 of 26 November, 1993 are hereby amended as follows :—

(1) in regulation 3 :—

- (a) by the substitution in paragraph (5) of that regulation for the words "and export all minerals", of the words, "and with the special authorisation of the Director, export all minerals";
- (b) by the substitution in paragraph (6) of that regulation, for the words "be valid for one year and may be renewed for a like period", of the words "subject to renewal, be valid for not more than one year and be categorized as follows :

Category "A" - which shall include any one or more of the undermentioned conditions.—

- (i) the depth of bore holes to be less than 1.5 metres ;
- (ii) the production volume to be not less than 100 cubic metres and not more than 600 cubic metres per month ;
- (iii) no machinery to be used.

Category "B" - which shall include any one or more of the undermentioned conditions.—

- (i) the depth of bore holes to be less than 1.5 metres ;
- (ii) production volume to be not exceeding 100 cubic metres per month ;
- (iii) depth of excavation to be not exceeding 2 metres ;
- (iv) no machinery to be used."

(2) in regulation 5 :—

- (a) by the omission, in paragraph (c) of paragraph (1) of that regulation, of the words "or inheritance" ;
- (b) by the substitution in paragraph (6) of that regulation, for the words "export all minerals mined within the area specified in such licence.", of the words "with the special authorisation of the Director export all minerals mined within the area specified in such licence and be categorized as follows :—

Category "A" - which shall include any one or more of the undermentioned conditions.—

- (i) the blasting method - multibore hole using delay elements ;
- (ii) the depth of bore holes to be more than 3.0 metres ;
- (iii) the production volume to be more than 1500 cubic metres per month ;
- (iv) machinery to be used - track drills, jack hammers, rock breakers, front end loaders and other machinery.

Category "B" - which shall include any one or more of the undermentioned conditions.—

- (i) the blasting method - single bore hole ;
- (ii) the depth of bore hole to be not less than 1.5 metres and not more than 3.0 metres ;
- (iii) the production volume to be not less than 600 cubic metres and not more than 1500 cubic metres per month ;
- (iv) only jack hammers to be used ;

Category "C" - which shall include any one or more of the undermentioned conditions.—

- (i) the blasting method - single shot hole ;
- (ii) the depth of bore hole to be less than 1.5 metres ;
- (iii) the production volume to be less than 600 cubic metres per month ;
- (iv) only jack hammers to be used."

(c) by the addition after paragraph (7) of that regulation, of the following paragraph :—

"(8) Notwithstanding anything to the contrary in this regulation, the Bureau may, in its discretion dispense with the Exploration licence requirement referred to in sub-paragraph (a) of paragraph (1), and paragraph (2)."

(3) in paragraph (4) of regulation 6, by the substitution for the words "licence is issued.", of the words "licence is issued and shall be categorized as :—

- Category "A" — to trade in minerals for export ;
- Category "B" — to trade in minerals locally ;
- Category "C" - to trade in bricks and limekilns produced manually."

(4) in paragraph (a) of regulation 19, by the substitution for the words "a Site Restoration Bond", of the words "an Acceptable Bond and a Site Restoration Bond or either of them." ;

(5) in regulation 20 :—

- (a) by the substitution for the words "an Artisanal Mining Licence", of the words "an Artisanal Mining Licence or a Reserved Mineral Licence" ; and

(b) by the insertion immediately after paragraph (a) of that regulation, of the following new paragraph :—

“(aa) where the Bureau deems it necessary, execute an Acceptable Bond and a Site Restoration Bond or either of them, guaranteeing that finances will be available for the purpose of the restoration or rehabilitation of the land to which such licence relates ;” ;

(6) in regulation 21, by the insertion, immediately after paragraph (a) of that regulation, of following new paragraph :—

“(aa) where the Bureau deems it necessary, execute an Acceptable Bond and a Site Restoration Bond or either of them, guaranteeing that finances will be available for the purpose of the restoration or rehabilitation of the land to which such licence relates” ;

(7) paragraph (1) of regulation 32 :—

(a) by the substitution in sub-paragraph (c) of that paragraph for the word “programme”, of the word “programme” ; and  
(b) by the addition at the end of that paragraph of the following proviso :—

“Provided however that royalties shall not apply in respect of edible salt used in national consumption.”

(8) in regulation 33:—

(a) by the insertion in paragraph (3) of that regulation after the word “shall”, of the words “unless otherwise specified in the Mineral Investment Agreement” ;  
(b) by the repeal of paragraph (4) of that regulation and the substitution therefore, of the following paragraph :—

“(4) The Secretary may in consultation with the Bureau determine the market value of mine output, percentage of royalty, allowable deductions and royalty payment arrangements within the framework of Investment Agreement.” ;

(9) in regulation 34:—

(a) (i) by the substitution in paragraph (1) of that regulation for the item.—

“Issuance and annual renewal of an Artisanal Mining Licence ..... 1000/ha”, of the item  
“Issuance and renewal of an Artisanal Mining Licence :

Category “A” ..... 1,000/ha  
Category “B” ..... 250/ha” ;

(ii) by the substitution for the item.—

“Issuance and renewal of Industrial Mining Licence ..... 2,000 per/ha”, of the item “Issuance and renewal of Industrial Mining Licence :

Category “A” ..... 5,000 per ha.  
Category “B” ..... 2,000 per ha.  
Category “C” ..... 1,000 per ha.” ;

(iii) by the substitution for the item.—

“Issuance and renewal of Trading Licence 5000/year”, of the item,

“Issuance and renewal of Trading Licence :

Category “A” ..... 7,500 per year  
Category “B” ..... 5,000 per year  
Category “C” ..... 1,000 per year” ;

(b) in paragraph (2) of that regulation.—

(i) by the substitution for the words “respective applications.” of the words “respective applications :” ;

(ii) by the addition at the end of that paragraph of the following proviso :—

“Provided however that registration fee shall not apply to applications in respect of edible salt used in national consumption.” ;

(10) in regulation 35 :—

(a) in paragraph (1) of that regulation.—

(i) by the substitution for the item “Rental on Industrial Mining Licence area ..... 3,000/ha/year”, of the item

“Rental on Industrial Mining Licence area :

Category “A” ..... 5,000/ha/year  
Category “B” ..... 3,000/ha/year  
Category “C” ..... 1,500/ha/year” ;

(ii) by the substitution for the item “Rental on Artisanal Mining Licence area ..... 1,000/ha/year”, of the item “Rental on Artisanal Mining Licence area :” ;

Category “A” ..... 1,000/ha/year  
Category “B” ..... 250/ha/year” ;

(b) in paragraph (2) of that regulation, by the substitution for the words “paid annually”, of the words “paid annually :” ;

(c) by the addition at the end of paragraph (2) of the following proviso :—

“Provided however that area rentals shall not apply to areas under cultivation of edible salt used in national consumption.” ;

(11) in regulation 42 :—

(a) by the insertion immediately before the definition “Act”, of the following definition :—

“Acceptable bond” includes cash, a letter of credit from an internationally accredited bank, a surety or other negotiable bond or other approved security ;” ;

(b) by the insertion immediately after the definition "Bureau", of the following definition :—

"Detailed Mine Restoration Plan" means plan for the restoration of mine setting out the procedures, schedules and estimated cost of management monitoring and progressive control and correction of all adverse effects of mining operations with respect to water pollution, air pollution, soil contamination, noise, explosives and other factors that may tend to degrade or endanger the environment, together with a time frame for the completion of the restoration work ;

(c) by the insertion immediately after the definition "industrial minerals", of the following definition :—

"Industrial mining" means placer operations performed in loose unconsolidated material whereby earth, soil, sand, gravel or stones removed, washed, shifted or otherwise dealt with by mainly power driven equipment, or surficial pits and quarries arising out of excavation either loose unconsolidated material or consolidated bedrock with equipment such as jack hammers, track drills, excavators, front end loaders and rock breakers and other major or heavy mining machinery for the purpose of obtaining minerals or mineral concentration ; and

(d) by the repeal of the definition "Restoration Plan" ;

(12) in Form I :—

(a) by the substitution for the heading "Artisanal Mining Licence", of the following heading :—

"Artisanal Mining Licence Category \*A/B"

(b) by the renumbering of paragraphs 2, 3, 4, 5, 6, 7 and 8 of Form as paragraphs 4, 5, 6, 7, 8, 11 and 12 respectively of that Form ;

(c) by the insertion immediately after paragraph 1 of that Form, of the following paragraphs :—

"2. National Identity Card No./Company Registration No. :  
3. Profession/employment/nature of prime business :— " ;

(d) by the addition at the end of the renumbered paragraph 5 of that Form of the following sub-paragraph :—

"(c) Administrative District :— " ;

(e) by the addition, immediately after sub-paragraph (c) of renumbered paragraph 6, of the following sub-paragraphs :—

"(d) Blasting Method :— (e) Depth of bore hole :—  
(f) Production Volume :— (g) Machinery to be used :— " ;

(f) by the insertion immediately after the renumbered paragraph 8 of that Form, of the following paragraphs :—

"9. Detailed Mine Restoration Plan :—  
10. Nature and Amount of Bond (if any) :— " ;

(13) in Form 2.1 :—

(a) by the relettering of sub-paragraphs (b), (c), (d) and (e) of paragraph 1 of that Form as sub-paragraphs, (c), (d), (e) and (f) respectively, of that paragraph ;

(b) by the insertion immediately after sub-paragraph (a) of paragraph 1 of the following sub-paragraph :—

"(b) National Identity Card No. :— " ;  
(14) in Form 3.1 :—

(a) by the substitution for the heading "Industrial Mining Licence" of the following heading :—

"Industrial Mining Licence Category \*A"/"B"/"C". " ;

(b) by the relettering of sub-paragraphs (b), (c), (d) and (e) of paragraph 2 of that Form as sub-paragraphs (c), (d), (e) and (f) respectively of that paragraph ;

(c) by the insertion immediately after sub-paragraph (a) of paragraph 2 of that Form of the following sub-paragraph :—

"(b) National Identity Card No. :— " ;

(d) by the renumbering of paragraph 5 of that Form as paragraph 10 of that Form ;

(e) by the insertion immediately after paragraph 4 of that Form, of the following paragraphs :—

"5. Type of Industrial Mining operation :—

(a) Blasting Method :—  
(b) Depth of bore holes :—  
(c) Production Volume :—  
(d) Machinery to be used :—

6. Licensed area location map :—  
(attach acceptable description of area requested and location boundaries along with details)

(a) Grama Niladhari Division :—  
(b) Divisional Secretary's Division :—  
(c) Administrative District :—

7. Detailed Mine Restoration Plan (attach) :—

8. Nature and amount of bond (if any) :—

9. Names of mineral/minerals to be mined :— " ;

(15) in Form 3.3, by the repeal of Part (II) under the heading "application for Inheritance" ;

(16) in Form 4.1 :—

(a) by the substitution for the heading "Trading Licence", of the heading "Trading Licence Category A/B/C" ;

(b) by the addition immediately after sub-paragraph (g) of paragraph 2 of that Form, of the following new sub-paragraph :—

“(h) Type of trading activity :—”.

(17) in Form 4.2 by the substitution for paragraph 1 of that Form, of the following paragraph :—

“1. Licence No. and Category :—”;

(18) in Form 5 :—

(a) by the renumbering of paragraphs 9 and 10 of that Form as paragraphs 11 and 12 respectively of that Form ;

(b) by the addition at the end of paragraph 8 of that Form, of the following paragraphs :—

“9. Detailed Mine Restoration Plan (attach) :—

10. Nature and Amount of Bond (if any) :—”;

(19) in Form 9 by the addition, immediately after paragraph (8) of that Form, of the following paragraphs :—

“(9) Detailed Mined Restoration Plan (attach) :—

(10) Nature and Amount of Bond (if any) :—”.

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## Miscellaneous Departmental Notices

### PEOPLE'S BANK

#### Resolution under Section 29D of the People's Bank Act No.29 of 1961 as amended by the Act No. 32 of 1986

IT is hereby notified that the following resolution was unanimously passed by the Board of Directors of the People's Bank under Section 29D of the People's Bank Act No. 29 of 1961 as amended by the Act No. 32 of 1986 at their meeting held on 19.04.1996 :

Whereas Nangallage Terance Emmanuwel Christie Fernando, Girtrut Blanch Rajapakse alias Girtrut Blanch Fernando, Nangallage Shirani Mariyan Dilrukshi Fernnado, Directors of St. Anne's Apparel's (pvt) Limited incorporated by N(pvs) 9337 dated 17.06.1992 of No.610, Colombo Road, Kurana, Negombo have made default in payment due on the Bond No.4797 dated 14.12.1992 attested by Mrs. P.K.D.M.I.P. Gunaratne, Notary Public of Gampaha in favour of the People's Bank and there is now due and owing to the People's Bank a sum of Rupees Twenty Nine Hundred Thousand and Thirty Four and Cents Forty Seven (Rs.2,900,034.47) on the said Bond. The Board of Directors of the People's Bank, under the powers vested on them by the People's Bank Act No. 29 of 1961 as amended by the Act No. 32 of 1986 do hereby resolve that the property and premises mortgaged to the said Bank by the said Bond No. 4797 be sold by Public Auction by Mr.W.P.C. Perera, Licensed Auctioneer of Negombo for recovery of the said sum of Rupees Twenty Nine Hundred Thousand and Thirty Four and Cents Forty Seven (Rs.2,900,034.47) with further interest on Rupees twenty Eight Hundred and Ninety Nine Thousand Nine Hundred and Nineteen and Cents Forty Seven (Rs. 2,899,919.47) at 24% per annum from 08.03.1994 to date of sale and costs of sale less payments (if any) since received.

#### DESCRIPTION OF THE PROPERTY MORTGAGED

All that divided and defined allotment of land marked Lot A depicted in Plan No. 1580 dated 01.10.1974 made by S. Lokanathan, Licensed Surveyor of the land called Riloluwa Estate alias Meraya Estate together with the plantations, buildings and everything else standing thereon situated at Riloluwa in the

Dambadeni Hatpattuwe of Dambadeni Udukaha Korale in the District of Kurunegala North Western Province and bounded on the North by Kuda Oya, paddy field of Hendrick Appuhamy, East by Kuda Oya, South by Kuda Oya, West by Paddy Field of Hendrick Appuhamy and A.M.W. Appuhamy and containing in extent Thirty Three Acres Three Roods and Twenty Perches (33A. 3R. 20P.) and registered at the Land Registry of Kurunegala under F 756/267.

(2) All that divided and defined allotment of land marked Lot B depicted in Plan No. 1580 aforesaid and the land called Riloluwa Estate alias Meraya Estate together with the plantations, buildings and everything else standing thereon situated at Riloluwa aforesaid and bounded on the North by Lot A, East by Kuda Oya, South by Kuda Oya, West by land of A.M.W. Appuhamy and containing in extent Ten Acres (10A. 0R. 0P.) and registered at the land Registry of Kurunegala under F 756/25.

Also together with the right of way over land called Riloluwa Estate alias Meraya Estate situated at Riloluwa aforesaid and containing in extent Twenty Two Decimal Five perches (0A. 0R. 22.5P.) and registered at the Land Registry of Kurunegala under F 1026/158.

By order of the Board of Directors,

P. AMARATUNGA,  
Regional Manager,  
Gampaha.

People's Bank,  
Regional Head Office,  
1/40, Baudhaloka Mawatha,  
Gampaha.