

STATUTORY INSTRUMENT

Supplement to the Sierra Leone Extraordinary Gazette Vol. CLXIV, No. 64

dated 18th October, 2023

THE MINES AND MINERALS DEVELOPMENT REGULATIONS, 2023.

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STATUTORY INSTRUMENT 9 of 2023

Published 18th day of October , 2023

The Mines and Minerals Development Act, 2023
(ACT No. 16 OF 2023)

Short title

THE MINES AND MINERALS DEVELOPMENT
REGULATIONS, 2023.

In exercise of the powers conferred upon the Minister responsible for mines and mineral resources under subsection (1) of section 193 of the Mines and Minerals Development Act 2023, the Minister hereby makes the following Regulations -

PART I—PRELIMINARY

1. These Regulations shall apply to a person subject to the Application. Mines and Minerals Development Act, 2023.

2. In this Act, unless the context otherwise requires - Definitions.

"Act" means The Mines and Minerals Development Act, 2023 (Act No. 16 of 2023);

"accident" means an unfortunate incident that happens unexpectedly and unintentionally at the site of a holder or in the course of carrying out licence activities that results in injury to a natural person or fatality;

"affected community" means that group of people resident in an area that is or may reasonably be expected to be impacted by mineral activities and may, in respect of a licence activity, be more than one community;

"affiliate" means a person, individual, subcontractor, business associate or other legal entity directly or indirectly controlling, controlled by or working with a holder;

"Agency" means the National Minerals Agency established under subsection (1) of section 2 of the National Minerals Agency Act, 2022 (Act No. 4 of 2022);

"applicable law" means a law or regulations enacted or adopted in Sierra Leone that apply to a particular activity, procedure, process, or requirement;

"arms-length sales" means a business deal in which buyers and sellers act independently, without one party influencing the other party;

"authorised medical practitioner" means a medical practitioner that has authority under applicable laws of Sierra Leone to determine the mental or physical health or infirmity of a natural person;

"authorised officer" means a government staff member, civil servant or public servant who is authorised by the Minister to conduct a prescribed activity under the Act and in these Regulations;

"Board" means the Minerals Advisory Board established under subsection (1) of section 10 of the Act;

"beneficial interest" means the right to receive income or use of assets on land owned by another person or held by another person on trust, lease or mortgage or the right to receive income from payments made to shareholders in a company granted a licence under the Act or the right to use assets of a company granted a licence under the Act;

"Chairman" means the Chairman of the Minerals Advisory Board appointed under subsection (3) of section 10 of the Act;

"Chairman, Community Development Committee" means the Chairperson of the Community Development Committee established under paragraph (c) of sub regulation (16) of Regulation 48;

"Chiefdom Council Committee" means the Paramount Chiefdom, Chiefdom Speaker, Section Chiefs, Members of Parliament, Ward Councillors and persons of note drawn from the chiefdom in accordance with customary law and tradition;

"Community Development Agreement" means an agreement that is entered by a holder and a primary host community and is intended to assist in the development of mining communities affected by mining and mine-related activities;

"Community Development Fund" means a fund established as part of a Community Development Agreement provided for in Act and in these Regulations;

"community land" means land that is owned or managed by a community or is made available for use by a Chiefdom Council Committee or land owners subject to customary law or the terms of the grant subject to customary law and includes cemeteries, playground, market area and sacred sites;

"compensation" means financial payment or provision of services or goods for deprivation of land use or change in status of land as agreed with owners, lawful occupants, persons with beneficial interests, affected communities or other parties in respect of land on or under which licence activities shall be or are conducted and may include cash payment, deferred payment, a bond, an insurance policy, stipend, grants of alternative land, business, trade or commercial facilities, allowances, payments in kind such as goods or services provided as payment instead of cash, rendition of services, grant of privileges, entitlement to special treatment, social or cultural amenities etc. that may be due or extended to landowners, persons with beneficial interests in land or affected persons. For the purposes of these Regulations, surface rent payment shall be considered a compensation;

"compensation payment plan" means a plan that outlines payment schedule under a lease or an approved resettlement action plan;

"constituency" means a constituency prescribed by the Electoral Commission, acting with the approval of Parliament, under subsection (1) of section 38 of the Constitution of Sierra Leone, 1991;

"co-opted members" means persons who are invited by the Board to perform specific functions described in their terms of reference, may participate in Board meetings but do not have voting right;

"dealer's licence" means licence issued under the Act for the holder to trade in precious minerals in Sierra Leone but without the right to trade in precious minerals outside Sierra Leone;

"day" means calendar day;

"designated area" means an area declared by the Minister for licencing of artisanal mining as prescribed under the Act and in these Regulations;

"Director General" means the Director General of the National Minerals Agency;

"Director of Geological Survey" means the Director of Geological Survey of the Agency;

"Director of Mines" means the Director of Mines of the Agency;

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

"documentary evidence" means a paper, electronic or pictorial document that establishes a fact or that a required action has been taken;

"economic displacement" means the permanent or temporary, full or partial loss of assets, income streams or means of livelihood, or the obstruction, interruption or elimination of access to resources, economic opportunities, public or private facilities, and cultural or social services resulting from the carrying out of licence activities and can occur without physical displacement;

"emergency suspension" means suspension of the operations of a licence by the Director General that is triggered by the occurring of an activity, event, or incident, that has caused or may reasonably be deemed to cause fatality or other adverse effect on the health, safety, environment including land and landed property, rivers, streams or other surface or underground water bodies, biodiversity, or that has caused disruption to a part or all of the exploration or mining operations of the licence, or when something so dangerous or serious occurs on the licence area of a holder, such as an accident that requires fast action to avoid harmful results;

"environmental impact assessment" means a prior scientific foreseeable analysis of potential effects of an activity that would affect the environment and social conditions, including health and safety and which addresses certain issues through active and time-based mitigation and alleviation measures approved in accordance with the laws of Sierra Leone;

"exporters licence" means a licence issued under the Act for the holder to trade in precious minerals in Sierra Leone and export precious minerals out of Sierra Leone in accordance with the Laws of Sierra Leone;

"family land" means land vested in and owned by a family as a unit under customary law and administered by a family head;

"fatality" means the occurrence of death of a natural person due to accident on the site of a holder or in the course of carrying out licence activity;

"holder" means the person (natural or legal) in whose name a licence is granted under this Act and registered with the Agency;

"holder in default" means a holder who commits an offence under the Act or in these Regulations;

"injury" means harm to the body of a natural person that occurred on the site of a holder or in the course of carrying out licence activity and caused by accidents, explosives, falls, hits, machinery, weapons;

"land" means surface area, area above and beneath water, riverbed and sub-soil and shall include all categories of land under the laws of Sierra Leone;

"landowner" means a person or group of persons who own or have beneficial interest in family land or community land or a person who owns a private land and for the purpose of these Regulations, include Paramount Chief as trustee of communal land;

"land use agreement" means an agreement between an applicant for a licence and an owner of land that is proposed to be subject to a licence if granted under the Act that gives the right to the applicant of a licence to use the land of the landowner subject to the terms and conditions contained in the agreement and for a period not up to 3 years;

"large-scale mining" means the intentional extraction of minerals in mechanised open cast operations exceeding 20 metres in depth or involving the sinking of shafts, drilling of adits or other underground opening exceeding 20 metres in width on an area exceeding 200 hectares and includes underground mining operations;

"large-scale mining area" means the area that is subject to a large-scale mining licence;

"large-scale mining licence" means a large-scale mining licence granted under the Act;

"lawful occupant" means a person who has legal authority to occupy a residential, commercial or other structure or have the right to use land owned by another person (natural or legal) under a lease or other permission from the landowner;

"lease" means an agreement entered by a landowner as lessor and holder as lessee for the grant produced in writing, of a specifically defined area of land, for a term of 3 or more years, and containing an obligation to give consideration and compensation to the landowner, lawful occupant or persons with beneficial interests;

"licence" means a certified, detailed description issued by the Minister or Director General as applicable, to the holder that includes a description of the rights and obligations of the holder, map(s) of the licence area, licence duration and other descriptions;

"licence activity" means any authorised activity conducted under a licence;

"licence area" means the area including the surface, below and above ground including water ways in which licence activities may be conducted;

"licence operations" means activities conducted by the holder to explore for and extract minerals on or below the surface of land under a licence issued pursuant to the Act for that purpose;

"material change" means any alteration made by a holder to a licence granted under the Act or to approved work programme or licence operations that substantially alters the boundaries of a licence area, expands or reduces the scale, scope and depth of an approved work programme or production operation, or causes changes to the approved environmental impact assessment licence activities or adversely affects communities in ways that are not covered under the environmental impact assessment licence of the holder;

"mining cadastre office" means the mining cadastre office established by the Agency;

"mining cadastre system" means the digital platform that integrates the regulatory, institutional, and technological aspects of application and licence administration and includes the cadastral maps and registries;

"Minister" means the Minister responsible for mines and mineral resources;

"Ministry" means the Ministry responsible for mines and mineral resources;

"misconduct" means a dereliction of duty; unlawful, dishonesty, or improper behaviour by someone in a position of authority or trust;

"National Public Procurement Authority" means the National Public Procurement Authority established by the National Public Procurement Authority Act, 2016 (Act No. 1 of 2016);

"ore" means a natural aggregate of one or more minerals which may be mined and sold or from which some part may be extracted;

"Permanent Secretary" means the Permanent Secretary of the ministry responsible for mines and mineral resources;

"person" means a natural person or a legal person, individual, cooperative, enterprise, company or anybody of persons, corporate or not;

"police" means the Sierra Leone Police;

"precious mineral" includes-

- (a) precious stones, namely diamond, emerald, ruby, sapphire, and all other substances of a similar nature to any of them; and
- (b) precious metals, namely gold, silver, platinum group metals, or ores containing any of these metals provided that they are commercially recoverable or economically viable;
- (c) other minerals and aggregates minerals as the Minister may from time to time declare by notice published in the Gazette to be development minerals;

"primary host community" means the authorised signatory community to a community development agreement as agreed by the affected communities that may include the Chiefdom Council or Local Council as prescribed under this Act;

"qualified medical practitioner" means a person certified as a medical practitioner in Sierra Leone or any other country and whose licence to practice medicine has not been suspended or revoked by the appropriate regulatory body;

"registered land" means land in respect of which information relevant to its ownership and description is recorded in the Land Registry in Sierra Leone;

"reserved area" means an area on public land based on government survey data designated for exploration or mining, the licence for which shall be granted by public tender;

"resettlement action plan" means a document prepared based on assessment prepared by the holder or its affiliate in consultation with affected communities of mineral activities and include adequate financing to cover social impacts including but not limited to costs of resettlement and compensation for resettled individuals, training programmes and other social support;

"serious injury" means injury that will likely incapacitate the injured person for at least 14 calendar days.

"serious offence" means act or omission by a holder that will have adverse effect on the operations or obligations of the licence or production of minerals under the licence which will ultimately impact revenues that can accrue to Government from licence operations or communities impacted by mining operations;

"Sierra Leone Mines and Minerals Development and Management Corporation" means the Sierra Leone Mines and Minerals Development and Management Corporation established by the Sierra Leone Mines and Minerals Development and Management Corporation Act, 2023;

"State" means the Republic of Sierra Leone;

"strategic minerals" means minerals declared by the Government as strategic for the purposes of national security or the protection or well-being of the people of Sierra Leone;

"surface rent" means the monetary payment that a holder makes to the owner of land on which the holder intends to conduct or conducts exploration or mining activities;

"unregistered land" means land in respect of which information relevant to its ownership and description is not recorded in the Land Registry;

Protection of mineral rights.

3. The Government shall, subject to its ownership rights to minerals under subsection (1) of section 4 of the Act, acting through the Ministry responsible for mines and mineral resources, recognise and protect all rights and interests that a person may have in land found to contain minerals.

Strategic minerals.

4. (1) Notwithstanding subsection (1) of section 5 of the Act, Cabinet shall not approve the declaration of a mineral as strategic until it is satisfied that there is strong geological data supporting mineral reserves in sufficient quantity that makes business sense for exploitation and backed by comprehensive environmental and social cost-benefit analysis.

(2) The Minister shall not submit a Cabinet Paper for Cabinet to authorise him to declare a mineral as strategic under section 5 of the Act unless he has the written concurrence of the Ministers responsible for Finance, the Environment, and Planning and Economic Development.

PART II - ADMINISTRATION

Ministry of
Mines and
Mineral
Resources.

5. The Ministry is the recognised Government institution responsible to govern and manage the mines and minerals sector in Sierra Leone and shall oversee the implementation of these regulations; provided that the Ministry shall collaborate with other Ministries, Departments, Agencies and local authorities as specified herein, in the discharge of its mandate.

6. (1) The Agency shall, in accordance with section 7 of the Act, be responsible for the day-to-day implementation of these Regulations, in collaboration with other Government regulatory institutions as specified in these Regulations. National Minerals Agency.

(2) The Agency shall, in the exercise of its functions under section 7 of the Act and section 11 of the National Minerals Act, 2022 (Act No. 4 of 2022), be subject to the general direction of the Minister.

7. (1) The Agency shall, in accordance with section 8 and section 9 of the Act, establish, operate, manage, and maintain a mining cadastre system and shall ensure that all documents and data required to be registered with the Agency are recorded in the mining cadastre system. Mining Cadastre System.

(2) A licence issued under the Act shall, for the purposes of subparagraph (i) of paragraph (b) of subsection (1) of section 9 of the Act, be assigned a unique alphanumerical number consisting of an alphabetical prefix denoting the licence type, and a numerical suffix comprising a sequence number and year code, separated by a forward slash (solidus) as follows-

RL for a reconnaissance licence;

EL for an exploration licence;

AML for an artisanal mining licence;

SML for a small-scale mining licence;

ML for a large-scale mining licence;

DDL for Diamond Dealers licence;
 GDL for Gold Dealers Licence;
 DEL for Diamond Exporters Licence;
 GEL for Gold Exporters Licence

(3) The sequence number on a licence issued under the Act shall, -

- (a) in a year, commence with one for the first licence issued and registered, and shall increase by one integer as each licence is registered, regardless of whether the licence type is an RL, EL, SML, ML, DDL, GDL, DEL or GEL;
- (b) have a year code consisting of the last 2 digits of the year in which the licence was registered and as an illustration, an imaginary sequence of licences granted and registered in 2023 might be -

RL1/23; RL2/23; EL1/23; EL2/23;
 AML1/23; AML2/23 SML1/23;
 SML2/23; ML1/23; ML2/23;
 DDL1/23; DDL2/23 ;
 GDL1/23; GDL2/23 ;
 DEL1/23; DEL2/23 etc

(4) A cadastral survey map shall, for the purposes of paragraph (ii) of subsection (1) of section 9 of the Act, be based on the DOS 1:50,000 scale topographic map series of Sierra Leone drawn on the Universal Transverse Mercator projection:

Provided that the Universal Transverse Mercator 1 square kilometre grid plotted on these maps shall form the basis of a block system to delineate licence areas.

(5) The mining cadastre system shall, without prejudice to sub-regulation 4, also accommodate a coordinate polygon system for delineating areas subject to artisanal mining licence granted under the repealed Mines and Minerals Act, 2009.

(6) The block system for licences shall comprise macro-blocks, blocks, and sub-blocks, defined as follows -

- (a) a macro-block measures 10 kilometres by 10 kilometres (100 square kilometres);
- (b) a block measures one kilometre by one kilometre (one square kilometre); and
- (c) a sub-block measures 100 metres by 100 metres (10,000 square metres, or one hectare);

(7) Macro-blocks, blocks and sub-blocks covering Sierra Leone shall be uniquely identified according to a numbering system held within the mining cadastre system.

(8) An applicant for a licence may, in writing, request from the Mining Cadastre Office a copy of the relevant part of the cadastral survey map at a scale appropriate to the licence type, showing the block numbering system over the area of interest subject to the payment of a fee specified in Table 2 of the First Schedule of these regulations and as may be published on the website of the Agency.

(9) For the purposes of sub-regulation (8), a reconnaissance licence may be of any shape as defined by listing up to 100 contiguous macro-blocks, giving a maximum area of 10,000 square kilometres.

(10) An exploration licence may be of any shape as defined by listing up to 250 contiguous blocks giving a maximum area of 175 square kilometres.

(11) An artisanal mining licence may be of any shape as defined by describing a polygon defined by up to eight corner Universal Transverse Mercator coordinates the licence area size shall not exceed 2.5 acres.

(12) A small-scale mining licence may be of any shape as defined by listing from one sub-block up to 100 contiguous sub-blocks, giving an area of between 50 hectares and 200 hectares (i.e. up to one square kilometres);

(13) A large-scale mining licence may be of any shape as defined by listing from one block up to 125 contiguous blocks giving an area of between one square kilometre and 125 square kilometres.

Functions of Agency.

8. (1) The Director General shall, pursuant to paragraph (d) of subsection (1) of section 11 of the Act, submit to the Permanent Secretary -

- (a) written quarterly reports on the operations of exploration licence, small-scale licence and large-scale licence holders in respect of the prior quarter;
- (b) information about new applications that are being processed by the Agency for the attention of the Board; and
- (c) information -about licence holders in compliance with the Act, these Regulations and applicable laws in Sierra Leone, for the purpose of the modification, transfer, suspension and cancellation of licence.

(2) The Permanent Secretary shall, pursuant to sub-regulation (1), brief the Chairman and the Minister on all matters contained in the quarterly report submitted to him by the Director General.

Meetings of Board.

9. (1) For the conduct of the business of the Board, meetings of the Board shall be attended by all members of the Board and the quorum for meetings of the Board shall be the Chairman and 8 members.

(2) In the absence of the Chairman, a quorum of the Board shall be 9 members and a Chairman for that meeting shall be selected among members in attendance.

(3) The Chairman shall determine the items on the agenda of the meetings of the Board and direct the Permanent Secretary to convene meetings of the Board at such place and time as he shall determine.

(4) The Permanent Secretary shall, for the purposes of sub-regulation (3) -

- (a) circulate to members of the Board, -
 - (i) the agenda of a meeting of the Board; and
 - (ii) all other documents relevant to the items for discussion on the said agenda, at least 7 working days prior to the meeting of the Board, except for extraordinary Board meetings that may be convened at short notice at the direction of the Chairman or on the written request of at least two-thirds members of the Board and the agenda of the said extraordinary meeting shall be made known at the time members are notified of its convening.
- (b) keep minutes of meetings of the Board including record of -
 - (i) date, time and place of meeting;
 - (ii) names of members present, members absent with excuse in writing, members absent without excuse in writing, persons invited by the Board to attend a meeting of the Board to discuss specific issues as the Board determines;

- (iii) disclosure of interests by a Board member in a matter to be deliberated on and decided by the Board;
- (iv) directives or recommendations given by the Board to a person and on an issue before the Board;
- (v) decisions of the Board;
- (c) submit recommendations of the Board to the Minister -
 - (i) on licence application, transfer, suspension and cancellation or any other recommendation required to be submitted to the Minister;
 - (ii) notices released by the Board;
- (d) accurately record discussions at Board meetings and such information as the Chairman or the Board shall direct.

Decision of Board.

10. A decision of the Board shall be by two thirds majority of members in attendance at the meeting during which the decision is to be made and in the event of a tie, the Chairman of the meeting shall have the casting vote.

Cessation of membership of Board.

11. (1) Without prejudice to Further to subsection (7) of section 10 of the Act, a person shall cease to be a member of the Board if, in the case of -

- (a) presidential appointees or institutional representatives, the President or the head of the institution replaces him with another person; and

- (b) statutory members, he ceases to hold the position by virtue of which he became a member of the Board.

(2) A member of the Board shall not, for the purposes of paragraph (a) of subsection (7) of section 10 of the Act, be declared unable to perform the functions as a member of the Board except on the basis of a medical report submitted to the Board by the authorised medical practitioner specialised in the area of medicine related to the mental or physical health or infirmity of the member of the Board and in strict compliance with rules and regulations of medical examination, procedure and ethics.

(3) A member of the Board shall not be, pursuant to paragraph (b) of subsection (7) of section 10 of the Act, deemed to have committed an act of proven misconduct unless he has been found liable, by a special investigative committee established by the Minister for that purpose.

(4) A member of the Board shall not, pursuant to paragraph (c) of subsection (7) of section 10 of the Act, cease to be a member of the Board except after a court of competent jurisdiction had ruled the member bankrupt or insolvent.

(5) A person who became a member of the Board as an institutional representative shall not appoint another person to attend a meeting of the Board on his behalf except with the written consent of the authority on whose behalf he sits on the Board and such written consent delivered to the Secretary of the Board prior to or during the meeting of the Board.

(6) A person who is a member of the Board because of his employment in Government service and representing a Government Ministry, Department or Agency, may appoint another person to attend a Board meeting on his behalf if he is unable to attend a Board meeting:

Provided that the appointed member meets the eligibility criteria for members of the Board in subsection (1) of section 10 of the Act.

Functions
of Board.

12. (1) The Board shall, in the performance of its functions undersubsection (1) of section 11 of the Act, be responsible to -

- (a) promote public interest in mineral resource exploration and production to optimise benefits that can accrue to Government and communities impacted by mining operations;
- (b) consider the corporate social investment proposals, extent of mining community development initiatives, environmental and social protection activities beyond legal and regulatory obligations imposed by applicable law that an applicant for a mining licence proposes to undertake;
- (c) ensure that the rights and interests that a person has in land that will be impacted by mining operations of an applicant for a mining licence are sufficiently protected in lease submitted by the applicant of a mining licence.

(2) The Board shall not, pursuant to paragraph (d) of subsection (1) of section 11 of the Act, send a recommendation for the grant of a licence unless it is sufficiently satisfied, by documentary evidence submitted to it by an applicant for a licence under the Act, that the applicant has complied with applicable laws of Sierra Leone.

(3) The Board may, in accordance with section 12 of the Act, appoint sub-committees that are entirely made up of its members or a combination of its members and co-opted members.

(4) The Board shall, in the appointment of sub-committees under subsection (3), while ensuring professional and other legal qualifications or requirements are met, ensure gender inclusivity in the composition of its membership.

13. (1) The Minister shall, pursuant to section 15 of the Act, appoint such members of staff of the Ministry or the Agency or both as authorised officers with the requisite qualification and skills to carry out specific mandate as the Minister may determine and stated in the appointment letters to the person or persons so appointed and their names published in the Gazette.

Authorised
Officer.

(2) An authorised officer shall not, in the exercise of the powers conferred under subsection (1) of section 16 of the Act, except in an emergency, enter land or property of a licence holder without giving at least 2 calendar days written notice to the licence holder.

(3) A written notice under sub-regulation (2) shall state -

- (a) the reason for the authorised officer to enter the land or property of the licence holder; and
- (b) any action required of the holder to assist the authorised officer achieve his objectives for entering the land or property of the licence holder.

(4) A licence holder who has been notified of the visit of an authorised officer sub-regulation (2), shall ensure that the authorised officer has unfettered access to the land or property to be visited on the date and time stated in the notice as well as access to any documents, items, or records that the authorised officer may wish to see, make copy of and retain.

(5) A licence holder who, having been duly served notice of a visit by an authorised officer, refuses entry of the authorised officer into the land or property of the holder without lawful excuse, commits an offence and is liable to payment of a fine prescribed in Table 3 of the First Schedule or as may be published on the website of the Agency.

PART III - EXPLORATION AND MINING LANDS

Reserved
area.

14. (1) Pursuant to subsection (3) of section 21 of the Act, notice of a Public tender shall be published in the Gazette and shall include such details and conditions as the Minister, on the advice of the Director General, may determine including -

- (a) a description of the type of licence under which mining operations can be conducted;
- (b) the geographical location, defined in terms of the block system provided for in these Regulations in accordance with the size of the reserved area;
- (c) the mineral or minerals discovered;
- (d) a summary of information, data and reports available and times for inspection; and
- (e) the date and time deadline for submission of applications.

(2) The Minister shall, for the purpose of sub-regulation (1), after consultation with the National Public Procurement Authority, formulate guidelines by which public tender will be made for the award of licence to conduct mining operations on a reserved area.

Designated
artisanal
mining area.

15. (1) Notwithstanding subsection (1) of section 22 of the Act, a family land or community land shall not be declared a designated artisanal mining area unless -

- (a) there is adequate geological data that shows the land intended to be designated an artisanal mining area contains minerals that can be mined through the exclusive application of artisanal mining methods as provided for in the Act and in these regulations and published by the Agency; and

- (b) the Ministry, as representative of the Government of Sierra Leone, enters into a lease with the owners or lawful occupiers of family land or community land that is intended to be declared a designated artisanal mining area and registers the said lease with the Government authority responsible for the registration of land instruments prior to the designation of family land or community land as artisanal mining area.

(2) The Director General shall, where sub-regulation (1) is complied with to the satisfaction of the Agency, prior to the declaration of the designated artisanal mining area by the Minister pursuant to subsection (1) of section 22 of the Act, hold consultations with owners of the private land or custodians of family land and community land intended to be declared a designated artisanal mining area to explain the types and volume of minerals, duration of mining activities on the land and environmental and livelihood protection safeguards that will be established and enforced during the duration of mining activities.

(3) Consultations under sub-regulation (2) shall comply with public consultation provisions in the Customary Land Rights Act, 2022 (Act No. 20 of 2022)

(4) The Ministry, in collaboration with the Agency, shall, pursuant to paragraph (b) of subsection (2) of section 22 of the Act, conduct public consultations in every section of a chiefdom where land intended to be designated as artisanal mining area are located.

(5) The Minister shall not declare an area a designated artisanal mining area under subsection (3) of section 22 of the Act until he is satisfied that sub-regulations (3) and (4) have been complied with.

Surface
right.

16. Pursuant to section 33 subsection (1) of the Act and notwithstanding sections 4 and 5 of the Act, a licence under this Act is held subject to any rights of ownership that a family, community, legal or natural person or persons may possess in, on or under land that minerals are found or situated.

Obligation of
holder to pay
surface rent.

17. (1) A lease entered by a holder and owner of land subject to theholder's licence shall provide for the payment of surface rent by the holder as lessee to the landowner or lawful occupier as lessor in the manner provided for in the lease and consistent with the distribution formula provided for in section 36 of the Act.

(2) Surface rent payments to beneficiaries other than landowners and Paramount Chiefs shall be subject to audit conducted by the Audit Service Sierra Leone in a manner consistent with its normal audit activities.

(3) A holder shall report all surface rent payments made pursuant to section 36 of the Act to the Agency and the Sierra Leone Extractives Industries Transparency Initiative Secretariat within 30 calendar days of making such payments.

(4) Surface rent payments to the Constituency Development Fund and the District Council are considered public funds and shall be utilised exclusively on community development activities provided for in the Local Development Plans of the locality in which the land subject to the licence is located. The Ministry responsible for Local Government and Community Affairs in collaboration with the Ministry shall formulate guidelines for the use of surface rent payments made to the Constituency Development Fund and District Council.

(5) Beneficiaries of surface rent payments other than landowners and Paramount Chiefs shall not apply surface rent funds to -

- (a) payment of salaries for workers;
- (b) purchase of vehicles for administrative work;
- (c) administrative expenses save for such expenses that are exclusively for the implementation of community development projects provided for in the Local Development Plans and after consultations with the Chiefdom Council Committee.

18. (1) An applicant for an exploration licence, a small-scale mining licence and a large-scale mining licence before submitting his application to the Agency, shall, in accordance with paragraphs (a) and (b) of subsection (3) of section 33 of the Act and section 31 of the Customary Land Rights Act, 2022, enter a lease with owners or lawful occupiers of land that may be subject to the proposed licence area and register the said lease with the Government institution responsible for the registration of land instruments. Lease.

(2) A lease under sub-regulation (1) shall include a compensation payment plan approved by the landowner, lawful occupier, or person with beneficial interest in the land subject to the licence if granted and sections 38 and 39 of the Customary Land Rights Act, 2022 shall apply.

(3) In addition to applicable provisions in the Act related to lease, a lease entered under the Act shall comply with sections 28, 29, and 32 of the Customary Land Rights Act, 2022 and the Second Schedule and subsection (4) of section 23 of the Customary Land Rights Act, 2022 shall form part of the terms of the lease but without prejudice to section 34 of the Act and the right of the lessee to extract and utilise construction materials within the land subject to the lease for the implementation of licence operations outside of the community of the lessor pursuant to section 113 paragraph (f) of the Act.

(4) Where a proposed licence area is on an unregistered land, an applicant for a licence required to enter a lease shall facilitate the registration of the land before executing a lease with the landowner or lawful occupant.

(5) Notwithstanding the registration of a lease submitted as part of an application for a category of licence under sub-regulation (1), a lease shall come into force only upon the grant of the licence to the lessee.

(6) An application for a licence under the Act other than reconnaissance licence, artisanal mining licence, dealers licence, or exporters licence shall not be received by the Agency without a duly executed and registered lease.

(7) A holder of a newly granted licence who is required to have a lease over land subject to his licence shall, before exercising his rights under his licence, comply with all payment obligations in the lease submitted as part of its licence application in accordance with subsection (1) of section 35 of the Act in a manner consistent with the compensation plan agreed between the holder as a lessee and the landowner or lawful occupant as lessor.

(8) A holder of a licence issued under the Mines and Minerals Act, 2009 and having a lease over land that is subject to his licence operations shall comply with all payment obligations in the lease in the manner provided for therein; provided that the lease shall be reviewed to be consistent with the Act and these Regulations.

(9) Without prejudice to the right of landowners or lawful occupiers to seek redress in a court of competent jurisdiction for the failure of a lessee to honour its payment obligations provided for in the lease after the due date for payment has elapsed, the Director General, on his own accord shall, within 7 calendar days after the due date prescribed for the holder to comply with all payment obligations in a lease, serve a written demand notice on the holder in default of payment of compensation.

(10) The Director General shall, where a holder fails to comply with a demand notice under Regulation 9 after 7 days of receipt of the said demand notice, immediately submit a written report to the Minister and a copy of the report sent to the holder in default.

(11) The Minister shall, upon receipt of the report under sub-regulation (10), direct the holder in default of payment of compensation under a lease to comply with all payment obligations in a lease including surface rent within 30 days failing which his licence will be suspended.

(12) The Minister shall, where the holder fails to comply with the directive of the Minister under sub-regulation (11), immediately suspend the licence of the holder in default pursuant to section 37 of the Act and the Director General shall cause the suspension to be entered in the mining cadastre system within 3 days of the suspension of the licence.

(13) A holder whose licence has been suspended under sub-regulation (12), but has complied with his compensation obligations under a lease after his licence had been suspended shall submit to the Agency electronic and paper documentary evidence of compliance with his payment obligations under the lease and the Director General shall, if satisfied that the holder has complied, will immediately notify the Minister in writing and the Minister shall, within 7 days of receipt of the notice, lift the suspension on the licence and direct the holder to resume licence operations.

19. (1) The Agency shall, pursuant to paragraph (d) of Resettlement subsection (6) of section 33 of the Act (Note the subsection is mistakenly stated as (6) in the Act), collaborate with the Ministry responsible for Resettlement Affairs to monitor implementation of the approved resettlement action plan and periodically evaluate compliance with its terms by the holder and resettled persons; provided that the Ministry responsible for Resettlement Affairs shall be primarily responsible for quality assurance and compliance of the holder with the resettlement action plan and all applicable resettlement laws in Sierra Leone including but not limited to the Development-Induced Resettlement Law and section 43 of the Customary Land Rights Act, 2022.

Compensation
for
economic
displacement.

20. (1) A holder of a licence other than a holder of an artisanal mining licence, a dealer's licence and an exporter's licence, shall, pursuant to paragraph (c) of subsection (6) of section 33 of the Act, after the grant of a licence and before exercising his rights under the licence, make in initial compensation payments to persons whose beneficial interests in the land subject to his licence will be affected by activities conducted under the licence in the manner provided for in the registered lease and subsequent payments shall be made as agreed in the lease.

(2) A holder of licence issued under the repealed Mines and Minerals Act, 2009 shall make compensation payments in accordance with the provisions of his lease related to land subject to their licence, provided that such leases shall be revised to comply with the provisions of leases in the Act and these Regulations.

(3) Payments under sub-regulations (1) and (2), 1 if made to -

- (a) a landowner or lawful occupier shall be in a manner as determined by the landowner or lawful occupier provided that the manner so determined can allow for proof of payment by the lessee that is authentic;
- (b) a public body such as village, town, section or chiefdom land committee, chiefdom committee, Local Council, or constituency authority, shall be into the bank account owned and operated by the said public body.

PART IV - LICENCES: RECONNAISSANCE, EXPLORATION, SMALL-SCALE MINING AND LARGE-SCALE MINING

Licence
categories.

21. The following licence categories under section 27 of the Act shall apply to this Part -

- (a) Reconnaissance Licence;
- (b) Exploration Licence;
- (c) Small-scale Mining Licence;
- (d) Large-Scale Mining Licence

22. (1) A person shall not apply for the grant of the category of licences referred to in Regulation 21, unless he is eligible, as a natural person, under subsection (1) or as a legal person, under subsection (2) of section 31 of the Act. Eligibility.

(2) A person whose conviction for an offence involving economic fraud or corruption has been overturned on appeal by a court of competent jurisdiction in Sierra Leone shall, pursuant to paragraph (d) of subsection (1) of section 31 of the Act, be eligible for the grant of a licence under this Act.

(3) A person holding directly or indirectly 5% or more shares in an applicant company and who has been convicted for an offence under the Act but whose such conviction has been overturned on appeal by a court of competent jurisdiction in Sierra Leone shall, for the purposes of paragraph (d) of subsection (2) of section 31 of the Act, be eligible for the grant of a licence under this Act.

(4) An applicant for a licence under the Act who fails to disclose that it has a direct or indirect beneficial interest holder among its shareholders who is or was an officer or employee of the Ministry, Agency, Board, or Board of the Agency at the time his licence was granted, in accordance with paragraph (e) of subsection (2) of section 31 commits an offence and is liable, after an investigation conducted by a committee constituted by the Minister, to have his licence cancelled immediately.

(5) A person shall not, in accordance with paragraphs (a) and (b) of subsection (1) of section 32 of the Act, be eligible to apply for the grant of the category of licences referred to in Regulation 21 if his name has been struck off the register of companies or co-operative societies at the time of the application.

Licence area.

23. The licence area of the category of licences referred to in Regulation 21 shall, in the case of -

- (a) a reconnaissance licence, not be granted for an area that exceeds 10,000sq.km;
- (b) an exploration licence, not more than 175 sq. km.;
- (c) a small-scale mining licence, not less than 50 hectares and not more than 200 hectares; and
- (d) a large-scale mining licence, not more than 125 sq. km.

Duration.

24. (1) The duration of the category of licences referred to in Regulation 21 shall, in the case of -

- (a) a reconnaissance licence, not be for more than one year for initial grant and renewals;
- (b) an exploration licence, for a period up to 3 years for initial grant and up to 2 years for first renewal and second renewal each;
- (c) a small-scale mining licence, for a period up to 4 years for the initial grant and a renewal application: and
- (d) a large-scale mining licence, for a period up to 25 years for the initial grant and up to 15 years for every renewal application.

(2) The applicant or holder (whichever is applicable) of a licence under subsection (1), shall be obligated to pay a non-refundable application fees to the Agency and a non-refundable annual licence fees to the National Revenue Authority as applicable and as specified in Table 1 of these Regulations and as may be published on the website of the Agency.

25. (1) An application for an exploration licence, a small-scale mining licence or a large-scale mining licence, shall not be made unless the proposed applicant has entered into a lease agreement with the landowners or lawful occupiers of land that will be subject to his licence if granted.

Application for reconnaissance, exploration, small-scale and large-scale mining licences.

(2) An application for a licence under sub-regulation (1) shall, pursuant to subsection (1) of section 62, subsection (1) of section 72, section 94, and subsection (1) of section 105 of the Act, be submitted to the Mining Cadastre Office on Form B1, B3, B15, B18 of the Second Schedule and as may be published on the website of the Agency together with all documents that satisfy the provisions of the Act that are relevant to the application of each category of licence applied for and evidence of payment to the Agency of a non-refundable application fee specified in Table 1 of the First Schedule and as may be published on the website of the Agency.

(3) The proposed programme of licence operations of each of the category of licences under sub-regulation (1) specified in the Act in paragraph (e) of subsection (2) of section 62 for reconnaissance licence, sub-paragraph (v) of paragraph (b) of subsection (1) of section 72 for exploration licence, sub-paragraph (i) of paragraph (b) of section 94 for small-scale mining licence and subparagraph (i) of subsection (1) of section 105 for large-scale mining licence shall be prepared in accordance with -

- (a) Guidelines E1 in the case of reconnaissance licence and exploration licence; and

- (b) Guidelines E2 for small-scale mining licence and large-scale mining licence, in the Fifth Schedule and as may be published on the website of the Agency.

(4) The Guidelines under sub-regulation (3) shall provide details of the equipment expected to be used and projected cost to be expended during implementation of the proposed programmes of licence operations if the licence is granted.

(5) The Mining Cadastre Office shall, upon receipt by the Agency, of any category of applications under sub-regulation (1), review the application to ensure it complies with sub-regulations (3) and (4).

(6) The Director General shall, subject to sub-regulation (5), within 3 business days of receipt of the said application from the mining cadastre office, forward the application together with all documents attached thereto to the Board.

Award of reconnaissance, exploration, small-scale and large-scale mining licences.

26. (1) The Chairman shall, within 14 days of receipt of application for a reconnaissance licence, an exploration licence, a mining licence or a large-scale mining licence, convene a meeting of the Board to small-scale review the application for the purpose of making its recommendations to the Minister.

(2) The Board may, in the execution of its function in relation to the review of an application under sub-regulation (1), by notice to the Director General, request such additional information from the applicant which the Board thinks may assist it to consider all issues relevant to the application before making its recommendations to the Minister.

(3) The Board may, in addition to the request for additional information under sub-regulation (2), co-opt subject-matter experts or such other persons as it may determine, to assist it review the application submitted to it but such co-opted persons shall not have a voting right.

(4) The Chairman shall, not later than 14 days of the first sitting of the Board to consider an application for any of the category of licences under Regulation 21 submitted to it, cause the recommendation of the Board to be submitted to the Minister in writing and the Director General shall, not later than 3 business days of the Board's recommendation being submitted to the Minister, cause the said recommendation to be recorded in the mining cadastre system.

(5) The Minister shall, for the purposes of subsection (2) of sections 65, subsection (2) of section 75, subsection (5) of section 97 and subsection (5) of section 108 of the Act, not later than 7 days of granting a licence or rejecting an application for the category of licence submitted to him, notify the applicant in writing of his decision, provided that where an application is rejected, the notice shall state the reasons for rejecting the application.

(6) Where the Minister grants the licence with or without imposing further conditions, the applicant shall comply with paragraph (b) of subsection (2) of section 65, subsection (4) of section 75, subsection (7) of section 97, and paragraph (b) of subsection (5) of section 108 of the Act as applicable to the category of licence granted or suffer the consequences provided therein for failing to comply.

(7) An application for a licence submitted to the Agency, the Board and the Minister shall be confidential information until disposed of by the Minister as provided for in the Act and in these Regulations, the custody of which the Agency, Board or Minister shall have the duty to safeguard and shall not be disclosed to the public.

27. (1) An application for renewal of a reconnaissance licence, an exploration licence, a small-scale mining licence or a large-scale mining licence shall, in no less than 90 days to the expiration of the licence intended to be renewed, be submitted by the holder or on behalf of him, to the Mining Cadastre Office on Form B2, B4, B5, B17, B20 of the second schedule mining together with evidence of payment to the Agency of a non-refundable application fee specified in Table 1 of the First Schedule and as may be published on the website of the Agency;

Renewal of reconnaissance, exploration, small-scale and large-scale licences.

Provided that, subject to compliance with prescribed provisions for the modification, surrender or transfer of licence in the Act or these Regulations, an application for renewal of a reconnaissance licence that makes any changes to the conditions, terms or operations of the licence shall not be accepted by the Mining Cadastre Office or submitted by the Director General to the Board for review.

(2) An application for the renewal of any category of licence referred to in Regulation 21 shall be accompanied by, in the case of -

- (a) a reconnaissance licence -
 - (i) detailed description of the airborne survey operations including equipment used;
 - (ii) weekly airborne survey report accompanied by Form C5 of the Third Schedule or as may be published on the website of the Agency;
 - (iii) Annual report on approved work programme for reconnaissance operations accompanied by Form C4 of the Third Schedule or as may be published on the website of the Agency;
 - (iv) flying permits issued by the Civil Aviation Authority of Sierra Leone and any other institution authorised to issue such permits;
 - (v) detailed information about a company specialised in conducting airborne geophysical survey hired to conduct the airborne survey if such a company has been hired;

- (vi) digital copies of full results, data and interpretation of any airborne survey conducted, in both digital to be submitted on USB and paper format, and accompanied by Form C6 of the Third Schedule or as may be published on the website of the Agency, provided that all technical reports and data submitted shall be regarded as confidential and section 188 of the Act shall apply.

- (b) an exploration licence for first renewal -
 - (i) a detailed technical report on exploration for the previous year prepared in accordance with Guidelines E1 of the Fifth Schedule or as may be published on the website of the Agency together with an annual financial report of allowable expenses for the previous year;
 - (ii) a detailed surrender report covering all work carried out over any ground to be surrendered since inception of the exploration licence including all results, data, information and interpretation prepared in accordance with Guidelines E1 of the Fifth Schedule;
 - (iii) a proposed programme of exploration operations to be carried out during the first year of the renewal period prepared according to the Guidelines E1 of the Fifth Schedule, together with the estimated cost thereof;

- (iv) a plan identifying the part of the exploration area for which renewal is sought drawn in such a manner and showing such particulars the mining cadastre office shall publish in the mining cadastre system;
 - (v) a description of the contiguous blocks comprising the reduced area for which renewal is sought, showing such particulars the mining cadastre office shall publish in the mining cadastre system;
 - (vi) a description of the blocks to be surrendered and identified according to the description the mining cadastre office shall publish in the mining cadastre system;
 - (vii) particulars of any changes to the matters stated in the application for the grant of the licence pursuant to section 72 subsection (1) paragraph (b) sub paragraph (v) of the Act;
 - (viii) credible documentary evidence of proof of funds available to the applicant for the execution of the terms and conditions of the renewed licence, if granted; and
 - (ix) a comprehensive environmental impact assessment report for the duration of the current licence;
- (c) an exploration licence second renewal -

- (i) an annual report for the previous year and statement of allowable expenditure for the same period;
- (ii) a detailed summary report covering all exploration operations carried out since inception prepared in accordance with Guidelines E1 of the Fifth Schedule together with a summary of allowable direct costs incurred;
- (iii) evidence that a mineral discovery of potential commercial value has been made and reported on Form C1 of the Third Schedule and as may be published on the website of the Agency;
- (iv) a proposed programme of feasibility studies and an environmental impact assessment covering the entire period of the second renewal, prepared in accordance with Guidelines E2 of the Fifth Schedule or as may be published on the website of the Agency and provisions of any other law and regulations related to the preparation of an environmental impact assessment, together with an estimate of direct costs to be incurred;
- (v) a plan identifying that part of the exploration licence area for which renewal is sought;
- (vi) a description of the blocks comprising the exploration licence area for which renewal is sought, showing such particulars the mining cadastre office shall publish in the mining cadastre system;

- (vii) a description of the blocks being surrendered (if any), identified in the manner as the mining cadastre office shall publish in the mining cadastre system;
 - (viii) where part of the licence area is being surrendered, a detailed surrender report covering all work carried out since inception over that part of the licence area, prepared in accordance with Guidelines E1 of the Fifth Schedule;
 - (ix) particulars of any alteration in the proposed programme of exploration operations stated in the application for the grant of an exploration licence pursuant to section 72 subsection (1) of the Act; and
 - (x) credible documentary evidence of proof of funds from a reputable financial institution available to the applicant for the execution of the terms and conditions of the renewed licence.
- (d) a small-scale mining licence, submit to the mining cadastre office the following documents before submitting his application for renewal of his licence documentary evidence of all monthly and annual reports he is obligated to comply with under the Act and in these Regulations before applying for renewal of his small-scale mining licence; provided that the preparation of the annual reports shall be guided by Form E2 of the Fifth Schedule and as may be published on the website of the Agency;

- (e) a small-scale mining licence renewal -
- (i) an updated mine plan, budget and programme of mining operations that describes intended operations and to accurately reflect the stage of development including any change in mining methodologies and maps;
 - (ii) updated environmental impact assessment licence, dredging permit where required, environmental and social impact management plans, leases and any other surface rights, agreements applicable, health and safety plan, mine closure plan, local content report for the previous grant and plan for subsequent renewals, insurance policies, compensation plan where required, and Resettlement Action plan where required.
- (f) a large-scale mining licence, submit to the mining cadastre office the following documents before submitting his application for renewal of his large-scale mining licence -
- (i) a report summarising the geological exploration, development and mining carried out hitherto in or over the licence area prepared in accordance with Guidelines E2 of the Fifth Schedule, including both technical and financial information on the operation, sufficient to demonstrate that the holder has carried out his obligations competently;

- (ii) evidence that the remaining mineral reserves that can be economically extracted in line with the period of renewal applied for;
- (iii) a proposed programme of mining operations to be carried out during the renewal period indicating any changes to the original plan under the substantive licence;
- (iv) where land has been surrendered, a plan identifying that part of the licence area for which renewal is sought together with a description of the contiguous blocks comprising both the reduced area for which renewal is sought and the blocks being surrendered;
- (v) in addition to sub paragraph (iv), where land has been surrendered, a surrender report, prepared according to Guidelines E2 of the Fifth Schedule for the area being given up;
- (vi) certified copies of audited accounts for the preceding 5 years of the holder of the large-scale mining licence;
- (vii) record of Sierra Leone citizens employed on full time and part time basis during the preceding 5 years accompanied by a training programme for them on Form C24 of the Third Schedule and as may published on the website of the Agency;
- (viii) a report summarising environmental protection, rehabilitation and reclamation measures undertaken to date;

- (ix) particulars of any changes to the matters stated in the application for the grant of the licence under sub paragraphs (i),(ii),(iii),(iv),(v),(vii), (ix) and (x) of paragraph (a) of subsection (1) of section 105 of the Act; and
 - (x) evidence that the appropriate non-refundable application fee and annual licence fees specified in Table 1 of the First Schedule or as may be published on the website of the Agency has been paid to the Agency and the National Revenue Authority respectively.
- (g) a large-scale mining licence renewal -
- (i) an updated mine plan, budget and programme of mining operations that describes intended operations and to accurately reflect the stage of development including any change in mining methodologies and maps;
 - (ii) updated environment impact assessment licence;
 - (iii) dredging permit where required;
 - (iv) environmental and social impact management plan;
 - (v) leases;
 - (vi) health and safety plan;
 - (vii) mine development and closure plan;
 - (viii) local content plan;
 - (ix) insurance policies;

- (x) compensation plan where required;
- (xi) resettlement action plan where required; and
- (xii) report on the implementation of Community Development Agreement.

(3) The procedures set out in Regulation 26 related to the initial award for the category of licences shall apply to the disposal of applications for renewal of reconnaissance licence, exploration licence, small-scale mining licence and large-scale mining licence.

Exercise of rights holder.

28. In the exercise of his rights under a reconnaissance licence or exploration licence, all surface minerals and geological samples acquired by the holder for the sole purpose of its reconnaissance or exploration operations under its approved reconnaissance and exploration work programme shall be accurately recorded and reported to the Director General who shall, after consultation with the Director of Geological Survey, determine the processes and procedures for the disposal of such surface minerals and geological samples.

Additional obligations of holder.

29. (1) An applicant shall, not later than 7 working days after receipt of a notice under sub-regulation (5) of Regulation 26, pay to the National Revenue Authority the non-refundable annual licence fee specified in Table 1 of the First Schedule and as may be published on the website of the Agency.

(2) A holder shall, where the conduct of an airborne survey is part of the approved reconnaissance or exploration work programme of the licence, submit to the Director General-

- (a) detailed description of the airborne survey operations including equipment used, flying permits issued by the Civil Aviation Authority and any other institution

authorised to issue such permits, detailed information about a company specialised in conducting airborne geophysical survey hired to conduct the airborne survey if such a company has been hired within 30 calendar days after the anniversary of the issuance of the licence by the Minister to be accompanied by completed Form C4 and weekly progress report on airborne survey on Form C5 of the Third Schedule of these regulations or as may be published on the website of the Agency;

- (b) full results, data and interpretation of any airborne survey conducted, in both digital and paper format, within 60 calendar days of acquisition accompanied by Form C6 of the Third Schedule or as may be published on the website of the Agency, provided that all technical reports and data submitted shall be regarded as confidential and section 188 of the Act shall apply.

(3) A holder of the category of licence under Regulation 21 shall or the purposes of paragraph (b) of section 70, paragraph (b) of section 80, section 102 and paragraph (b) of section 114 of the Act, conduct their approved programme of operations in strict compliance with environmental laws and regulations applicable to reconnaissance, exploration and mining activities in Sierra Leone.

(4) A holder of a reconnaissance and exploration licence is, pursuant to paragraph (d) of section 70 and paragraph (f) of section 80 of the Act, deemed to be non-licence holders so far as discovery of minerals on their licenced area is concerned.

(5) A holder of a reconnaissance licence and an exploration licence shall, pursuant to sub-regulation (4), notify the Minister and the Agency of any mineral discovery on Form C1 of the Third Schedule and as may be published on the website of the Agency, where the discovery is -

- (a) a precious mineral, within 72 hours of the discovery and paragraph (b) of subsection (2) of section 164 of the Act shall apply;
- (b) a mineral deposit of potential economic value, within 30 calendar days;
- (c) a radioactive mineral, within 5 calendar days.

(6) A holder of a licence other than a reconnaissance licence and an exploration licence shall, for the purposes of section 104 and section 116 of the Act, notify the Director General and the Minister, in writing supported by documentary evidence, of any additional discovery of minerals referred to in paragraphs (a) and (b) of subsection (1) of section 116 of the Act and shall accompany the said written notice by a completed Form C1 of the Third Schedule and as may be published on the website of the Agency.

(7) For the purposes of sections 71, 81, 103 and 115 of the Act, the registered address of the holder shall include locations of all licence operations sites.

Reports and records

30. (1) Annual Technical Report- A holder of a reconnaissance licence, exploration licence, small-scale mining licence or large-scale mining licence shall, not later than 90 calendar days after the first anniversary of the issuance of his licence, submit to the Director General a comprehensive annual technical report of all activities conducted under the approved programme of licence operations prepared in accordance with Form E1 in the case of reconnaissance licence and exploration licence and Form E2 in the case of small-scale mining licence and large-scale mining licence of the Fifth Schedule or as may be published on the website of the Agency, and accompanied by Form C4 in the case of reconnaissance licence, Form C3 in the case of exploration licence, Form C16 in the case of small-scale mining licence and Form C18 in the case of a large-scale mining licence of the Third Schedule and as may be published on the website of the Agency.

(2) Financial Report - A holder of -

- (a) an exploration licence shall, pursuant to paragraph (i) of section 80 of the Act, submit such monthly or annual financial and technical reports that the Agency shall in writing require; and
- (b) an exploration licence, small-scale mining licence or large-scale mining licence shall, for the purpose of paragraphs (e) and (f) of section 102 and paragraphs (e) and (f) of section 114 of the Act, within 90 days of the end of their respective financial years (applicable to financial reporting) and anniversary of the issuance of licence (applicable to operational and technical reporting), submit to the Director General audited financial statements together with reports on allowable expenditures on licence operations and annual technical reports of all activities conducted under the approved programme of licence operations.

(3) A report required to be submitted under sub-regulation (1) shall be, in the case of -

- (a) an exploration licence holder, guided in their preparation by Form E1 of the Fifth Schedule and accompanied by Form C2, C3 and C23 of the Third Schedule and as may be published on the website of the Agency;
- (b) a small-scale mining licence holder, guided in their preparation by Form E2 of the Fifth Schedule and accompanied by Form C15, Form C16, Form C19, Form C20, Form C23, Form C24 and Form C25 as applicable, of the Third Schedule and as may be published on the website of the Agency.

- (c) a large-scale mining licence holder, guided in their preparation by Form E2 of the Fifth Schedule and accompanied by Form C17, Form C18, Form C19, Form C20, Form C22, Form C23, Form C24 and Form C25 as applicable, of the Third Schedule and as may be published on the website of the Agency.

(4) Maintenance of drill cores and samples report - a holder of an exploration licence, small-scale mining licence or large-scale mining licence shall, pursuant to subsection (1) of section 43 of the Act, submit to the Agency, an annual report about the size, specifications, storage, maintenance and handling of all drill cores and drilling samples related to the licence.

(5) The due date for the submission of a report under sub-regulation (4) shall be 30 calendar days after the first anniversary of the issuance of the licence in the case of the initial report; and after 30 calendar days of subsequent anniversaries within the validity of the licence for subsequent annual reports.

(6) An authorised officer shall, for the purposes of subsection (3) of section 43 of the Act, give a minimum of 7 calendar days written notice to the holder referred to therein.

(7) Cancellation, Expiry or Termination of Licence report - A former holder shall, not later than 90 calendar days of the cancellation, expiry or termination of a licence under Regulation 39, deliver to the Director General -

- (a) records which the holder is obliged under the Act to maintain including full and detailed reports containing all information, results, interpretation, data, and other related information pertaining to the operations of the approved work programme under the cancelled, expired or terminated licence;

- (b) plans or maps of the area subject to the cancelled, expired or terminated licence prepared by the former holder or by a thirdparty at his instructions during the validity of the cancelled, expired or terminated licence;

- (c) a final report which shall be a summary of previous annual reports plus a detailed report containing all information, results, interpretation, and data relating to all activities carried out in the final period of the cancelled, expired or terminated licence since the previous annual report.

31. The holder of a reconnaissance licence, exploration licence, small-scale mining licence, or large-scale mining licence shall keep all records and reports he is obligated to produce and submit to relevant Government authorities at its registered address and where applicable, at its mine offices or locations, and should make such records and reports available for inspection, retrieval, copying or obtaining by an authorised officer: Duty to keep records and reports.

Provided that the authorised officer shall give at least 3 business days'notice to the holder for the inspection, retrieval, copying or obtaining of any records or reports him.

32. (1) A holder of a reconnaissance licence, exploration licence, small-scale mining licence or large-scale mining licence who wishes to amend or modify his licence shall, apply to the Director General, in writing, for permission to do so. Amendment and modification of licence.

(2) The Director General shall, after -

- (a) consultations with -
 - (i) the Director of Geological Survey, in the case of a reconnaissance licence and exploration licence; or

- (ii) the Director of Mines, in the case of a small-scale mining licence or large-scale mining licence; and
- (b) review of the application referred to in sub regulation (1), determines that the amendment or modification of licence applied for is -
 - (i) minimal and would not reasonably be considered to make a material change to the operations under the licence relevant to the application, approve the request subject to such condition(s) that he may impose and payment of such fees as specified in Table 2 of the First Schedule and as may be published on the website of the Agency; or
 - (ii) reasonably expected to substantially alter the terms and conditions of the licence or adversely affect the environment, community or have other such impact as to require additional review by the Board, he shall immediately notify the applicant holder in writing and forward the application to the Board for review and recommendation to the Minister within 14 days of receipt of the application.

(3) The Minister shall, within 14 days of receipt of the recommendation of the Board under sub-regulation (2), notify the holder, in writing, of his approval or rejection of the application to amend or modify the licence, provided that if the Minister rejects the application, he shall communicate the reasons for his rejection in the notice referred to herein.

33. (1) Where an application for amendment or modification is to an approved work programme of a category of a reconnaissance licence, exploration licence, small-scale mining licence, or large-scale mining licence, the holder shall, in his application to the Director General -

Amendment and modification of approved work programmes.

- (a) describe the scope of the modification or amendment;
- (b) state a justification for such modification or amendment; and
- (c) provide credible documentary evidence of funds available to the applicant for the implementation of the revised work programme if application is approved.

(2) An application to amend a reconnaissance licence and an exploration licence shall be accompanied by Form B22 of the Second Schedule and as may be published on the website of the Agency.

(3) The Director General shall respond to an application for modification or amendment of an approved work programme of a category of licence under Regulation 32 within 30 days of receipt of the said application after consultations with the Director of Geological Survey in the case of reconnaissance and exploration licences, and the Director of Mines, in the case of a small-scale mining or large-scale mining licences.

(4) Where, after review of an application for the amendment or modification of an approved work programme and consultations with the Director of Geological Survey in the case of a reconnaissance licence or exploration licence, and the Director of Mines in the case of a small-scale mining licence or large-scale mining licence, the Director General determines that -

- (a) the scope of modification or amendment to the approved work programme in the application does not substantially alter the terms and conditions of the licence, he shall approve the application and notify the applicant licence holder in writing of his approval with or without imposing further conditions;
- (b) the application, if approved, will result in material change to the approved work programme, he shall forward the application to the Board for its consideration and recommendation to the Minister to either approve or reject the application and notify the applicant licence holder in writing of the transfer of his application to the Board.

(5) The Board shall, upon receipt of the application referred to in Regulation 32, not later than 21 days, submit its recommendations to the Minister.

(6) The Minister shall, within 14 days of receipt of the recommendations of the Board under sub regulation (5), notify the applicant holder in writing whether his application for modification or amendment of a work programme has been approved or rejected:

Provided that the Minister shall give reasons in the notice referred to herein if he rejects the application and issue such directives that he shall require before a new application can be made.

(7) The Minister shall not approve an application under Regulation 32 until he is satisfied that the holder has access to adequate funds to finance the modified or amended work programme within the validity of the licence.

34. (1) The Minister shall, pursuant to section 47 subsection (1) of the Act, upon receipt of the written notice of the licence holder referred to therein, instruct the Board to examine the notice submitted to him and ensure that paragraphs (a), (b) and (c) of subsection (3) of section 47 the Act have been complied with.

Change of ownership or transfer of licence.

(2) The Board shall, immediately upon receipt of the instructions under sub regulation (1), direct the Director General to submit to it, within 7 days of receipt of such directive, a comprehensive report on the status of the operations of the licence subject to the notification under sub regulation (1).

(3) The Chairman shall, within 7 days of receipt of the report under sub-regulation (2) of Regulation 33, convene a meeting of the Board to examine the report submitted to it sub regulation (2) of Regulation 33:

Provided that the Board shall co-opt such subject-matter experts that it thinks may be helpful to its work.

(4) Where the Board concludes that paragraphs (a), (b) and (c) of subsection (3) of section 47 of the Act have been complied with, it shall immediately communicate its finding to the Minister and recommend that he approves the change of ownership or transfer of the licence affected by the notice referred to in subsection (1) of section 47 of the Act and issue a new licence in accordance with paragraph (d) of subsection (3) of section 47 of the Act.

(5) The Minister shall, within 7 days of receipt of the finding and recommendation referred to in sub-regulation (4), approve the change of ownership or transfer of the licence and accordingly issue a new licence which shall, automatically revoke and replace the licence under which the change of ownership or transfer application was submitted to the Board.

(6) Where the Board determines that paragraphs (a), (b) and (c) of subsection (3) of section 47 of the Act have not been complied with, it shall communicate its finding and recommendation to the Minister who shall immediately send a written notice to the holder that the change of ownership or transfer of the licence is rejected, stating the reasons for rejection of the application.

(7) A holder of a licence issued by the Minister under sub-regulation (5) of Regulation 33 shall, for the purposes of section 50 of the Act, register the licence with the Mining Cadastre Office within 10 days of receipt.

Surrender
of licence.

35. (1) A holder of a reconnaissance licence, exploration licence, small-scale mining licence or large-scale mining licence who wishes to surrender all or part of his licence may do so by giving a minimum of 90 calendar days' notice to the date the surrender is expected to become effective and apply for a certificate of surrender to the Agency on Form B8, B23 of the Second Schedule and as may be published on the website of the Agency.

(2) Where a notice of surrender under sub-regulation (1) is for the surrender of only part of the licence area, the application for certificate of surrender shall satisfy paragraphs (a), (b), (c), and (d) of subsection (1) of section 54 of the Act and shall include a mine closure certificate issued by the Environment Protection Agency.

(3) Where the Director General is satisfied that the licence holder has fully complied with sub-regulation (2), he shall immediately inform the Minister accordingly and submit to him the application for certificate of surrender together with all relevant documents and request the Minister's authorisation for him to issue the Certificate of Surrender to the licence holder.

(4) The Minister shall, within 7 days of receipt of the application and documents referred to in sub-regulation (3), authorise the Director General to issue a Certificate of Surrender to the licence holder.

(5) The Director General shall, within 3 days of receipt of the authorisation referred to in sub-regulation (4), issue a Certificate of Surrender to the licence holder:

Provided that the Director General shall cause the Certificate of Surrender to be registered in the Mining Cadastre System subject to the licence holder paying such fees as specified in Table 1 of the First Schedule of these regulations and as may be published on the website of the Agency.

(6) Where the Director General is not satisfied that the licence holder has fully complied with sub-regulation (2), he shall reject the application and inform the licence holder accordingly.

36. (1) A holder of an exploration licence who wishes to suspend its approved programme of exploration operations shall, pursuant to subsection (1) of section 55 of the Act, do so by giving a minimum of 30 days' notice to the Director General and then apply to the Mining Cadastre Office for a Suspension of Operations on Exploration Licence Certificate.

Suspension
of approved
work
programme
on
operations of
exploration
licence.

(2) An application for a Suspension of Operations on Exploration Licence Certificate under sub-regulation (1) shall include

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- (a) a comprehensive financial and operational analysis of the significant market interruption that the exploration licence holder relies on to make the application under sub-regulation (1); or
- (b) documentary evidence including pictorial and electronic, showing the health emergency or force majeure event that has occurred to trigger the application under sub-regulation (1); and
- (c) a detailed technical report containing all information, results, interpretation and data relating to the approved work programme including arrangements for the storage of drill cores and samples that the holder may have acquired;
- (e) documentary evidence that all conditions and obligations of the licence have been met by the applicant as of the date of submitting the application under sub-regulation (1);

(3) The Director General shall, within 7 days of receipt of the application under sub-regulation (1), direct the Director of Geological Survey to submit to him, within 7 days, a comprehensive report on the compliance of the licence holder with paragraphs (i), (ii), (iii) and (iv) of sub-regulation (2).

(4) The Director General shall, upon receipt of the report under sub-regulation (3), if satisfied that the licence holder has complied with sub-regulation (2), approve the suspension of the approved programme of exploration operations subject to subsection (1) of section 55 of the Act and any other condition(s) the Director General shall impose and issue a certificate of suspension of approved programme of exploration operations.

(5) Notwithstanding sub-regulation (4), -

- (a) nothing in these Regulations shall absolve the exploration licence holder whose approved programme of exploration operations has been suspended from contractual or financial obligations under a lease, or any other agreements under the licence and is in force; and
- (b) contracts including lease entered by the holder shall remain effective and in force despite the suspension of his approved work programme of exploration operations.

(6) A licence holder shall continue to be responsible for the safety and security of the licence area and all drill cores and samples acquired under the licence notwithstanding the suspension of its approved programme of exploration operations:

Provided that the Director of Geological Survey may require the licence holder to transfer to the custody of the Agency such drill cores and samples as he shall direct and before the Director General issues the certificate under sub-regulation (4).

Suspension of production.

37. (1) A holder of a small-scale mining licence or large-scale mining licence shall, pursuant to subsection (1) of section 56 of the Act, submit a suspension of production notice to the Minister and put the Director General in copy of such notice.

(2) A notice under sub-regulation (1) shall be accompanied by -

- (a) a detailed explanation of the factors responsible for the suspension of production including factors that may have occasioned due to investment decisions by the holder, market interruptions, changes to operating conditions etc.;
- (b) a detailed plan of the licence area relevant to which production is intended to be suspended;

- (c) a detailed technical and financial report containing all information, results, interpretation, and data relating to the area production is intended to be suspended;
- (d) an environmental and social impact plan and report;
- (e) an accurate and comprehensive report related to the holder's statutory contributions to the development of the community affected by its mining operations in the area intended to be suspended with documentary evidence attached thereto; and
- (f) duration of the suspension of production which shall not be more than 100 days;

(3) The Minister shall, upon receipt of the notice referred to in subsection (1) of section 56 of the Act together with the documents referred to in sub-regulation (2), direct the Director General to give an expert opinion, within 7 days, on the suspension notice.

(4) The Minister shall, where the reason for the suspension of production is occasioned by market or other economic factors, establish a committee comprising persons with proven knowledge of and experience in mineral sector finance, business management and law to commence good faith discussions with the licence holder to determine whether Government intervention could assist to address the said reasons given for the notice under sub-regulation (1) with the sole objective of preventing the suspension of production where possible.

(5) The committee referred to sub-regulation (4) shall, within 7 days of receipt of the directive submit its report including recommendations to the Minister.

(6) Where the Committee referred to in sub regulation (4) determines that Government interventions -

- (a) can assist the licence holder address the reasons for the suspension of production, the Minister shall take necessary actions to trigger Government's intervention to prevent the suspension of production by the holder; or
- (b) cannot address the reasons for suspension of production by the holder, the Minister shall direct the Director General to issue a Certificate of Suspension of Production for a period not more than 100 days and subject to such conditions that the Minister shall impose.

(7) A holder shall register the Certificate of Suspension of Production with the Mining Cadastre Office within 10 days of receipt subject to the payment of registration fees specified in Table 1 of the First Schedule and as may be published on the website of the Agency.

(8) Where the reasons given by the holder for the suspension of production notice are no longer tenable, the holder shall inform the Minister and resume production immediately.

(9) Without prejudice to sub-regulation (8), the Minister may direct the holder to resume production before the expiry of the duration of the Certificate of Suspension of Production under sub regulation (7) and within such timeframe he shall determine, if he is satisfied that the reasons given by the licence holder for the suspension of production are no longer tenable provided that in his directive, he shall show evidence that the conditions that triggered the suspension of production no longer exist.

(10) For the purposes of subsection (5) of section 56 of the Act, where the licence holder considers that the reasons for suspending production will persist beyond the validity of the Certificate of Suspension of Production under sub regulation (7), it shall, no later than 30 days to the expiration of the Certificate apply to the Minister for extension of the Certificate of Suspension of Production.

(11) The Minister shall, not later than 7 days of receipt of the application under sub-regulation (1), direct the Board to review the said application and make its recommendation to him within 10 days of receipt of the directive referred to herein.

(12) The Minister shall, not later than 7 days of receipt of the recommendation of the Board under sub-regulation (11), communicate to the licence holder his decision either to extend the validity of the Certificate or refuse to approve the application in which case, the Minister shall give reasons in writing for his refusal.

(13) Where an application for extension of a Certificate of Suspension of Production is refused, the licence holder shall immediately resume production on the expiration of the validity of the Certificate.

(14) Where the Minister extends the validity of the Certificate, the holder shall, within 10 days of receipt of the extension, register the extended period with the Mining Cadastre Office subject to the payment of such fees specified in Table 1 of the First Schedule and as may be published on the website of the Agency.

(15) Notwithstanding sub-regulation (14), -

- (a) nothing in these Regulations shall absolve the licence holder from all contractual or financial obligations under a lease or any other agreements in force;
- (b) contracts including community development agreements, lease entered by the holder and primary host communities and landowners and resettlement, or environmental and social management obligations of the holder shall remain effective and in force despite the suspension of production on his licence.

(16) A Certificate of Suspension of Production shall, notwithstanding the reasons given in the application for Suspension of Production under this Regulation, not be extended beyond a cumulative period of 2 years.

(17) An application for extension of Certificate of Suspension of Production for a cumulative period of 2 years shall constitute one of such acts referred to in paragraph (i) of subsection (1) of section 58 of the Act and shall trigger a reason for cancellation of the licence subject to procedures provided for cancellation of licences in the Act and in these regulations.

(1) This Regulation shall not apply to suspension of production for reasons of national health emergencies.

38. (1) A holder whose licence operations is suspended in part or in whole pursuant to paragraph (a) of subsection (1) of section 57 of the Act shall submit to the Director General adequate evidence to show that the time-based actions referred to in paragraph (b) of subsection (1) of section 57 of the Act have been completed and that the dangerous or serious situation that occasioned the emergency has been remedied. Emergency suspension.

(2) The Director General shall, after notifying the Minister about the emergency suspension, is -

- (a) satisfied that the emergency has been remedied, immediately lift the emergency suspension imposed pursuant to paragraph (a) of subsection (1) of section 57 of the Act;

- (b) not satisfied that the emergency that occasioned the emergency suspension has been remedied within the timeframe given in the time-based actions under sub-regulation (1), inform the Minister, and the Minister shall direct the Board to investigate the emergency and submit its report with recommendations to him within 7 calendar days.
- (3) Where the Board determines that the holder has -
- (a) complied with the time-based actions that the Director General imposed pursuant to paragraph (b) of subsection (1) of section 57 of the Act and that the dangerous or serious situation that occasioned the imposition of the emergency suspension has been remedied, it shall recommend to the Minister that the emergency suspension be rescinded and the Minister shall immediately rescind the emergency suspension; or
 - (b) has not complied with the time-based actions that the Director General imposed pursuant to paragraph (b) of subsection (1) of section 57 of the Act and that the dangerous or serious situation that occasioned the imposition of the emergency suspension exists, recommend to the Minister that the emergency suspension should be sustained and the Minister shall immediately direct the holder to comply with the time-based actions imposed by the Director General pursuant to paragraph (a) of subsection (1) of section 57 of the Act and any other conditions the Minister may impose.

(4) Where the Minister is satisfied that the licence holder has complied with sub-regulation (3) and remedied the emergency that occasioned the imposition of an emergency suspension by the Director General, he shall immediately rescind the emergency suspension and the holder shall resume operations accordingly.

(5) Failure by the holder to remedy the dangerous or serious situation that occasioned the imposition of an emergency suspension by the Director General within a period of 24 months shall constitute one of such acts referred to in paragraph (i) of subsection (1) of section 58 of the Act and shall trigger a reason for cancellation of the licence subject to compliance with procedures provided for cancellation of licences in the Act and in these regulations.

(6) For the purposes of subsection (2) of section 57 of the Act, the licence holder shall, in writing, notify the Director General within 24 hours of suspending licence activities for emergency reasons and within 48 hours of issuing such written notice, give time-based actions that he shall take to address or remedy the emergency and the Director General shall uphold the emergency suspension.

(7) A licence holder shall, when he has completed the time-based actions referred to in sub-regulation (6), immediately inform the Director General and where the Director General is satisfied that the emergency no longer exists, he shall immediately authorise the licence holder to resume licence operations.

(8) Failure by a licence holder to meet its reporting, employment, financial, or other economic related obligations under the Act and in these Regulations shall not constitute an emergency and section 57 of the Act shall not apply.

Cancellation
of licence.

39. (1) Pursuant to section 58 of the Act, where the Director General is satisfied that a holder other than a Dealer's Licence, Exporter's licence or Artisanal Mining licence is liable for an offence or adverse court ruling pursuant to paragraphs (a) to (h) of subsection (1) of section 58 or pursuant to paragraph (i) of subsection (1) of section 58, or is guilty of a serious offence under the Act or these Regulations, he shall notify the Board accordingly.

(2) A notice under sub-regulation (1) shall include-

- (a) detailed description of the offence or offences for which the holder of a licence is liable;
- (b) documentary evidence in support of the information in paragraph (a).

(3) The Board shall, within 14 days of the receipt of the notice under sub-regulation (2), investigate the information submitted by the Director General and submit a report of its findings and recommendations to the Minister within 30 days.

(4) Where the Minister is satisfied that the holder is liable for the offences referred to in section 58 subsection (1) paragraphs (a) to (h) of the Act or serious offence under these Regulations, he shall immediately notify the holder and require him to cure the proven breach within such time that the Minister shall determine, provided that such time shall not be less than 30 days.

(5) Where the licence holder fails to cure the proven breach within the timeframe stated in the notice under sub-regulation (4) or fails to show reasonable cause to the satisfaction of the Minister why the licence should not be cancelled, the Minister shall cancel the licence and inform the holder accordingly.

(6) On cancellation of a licence under sub-regulation (5), the rights of the former holder shall cease but without prejudice to any liabilities or obligations incurred prior to the date of cancellation including liabilities or obligations under a Community Development

Agreement, lease or contracts related to the supply of goods or services.

(7) The Director General shall, within 7 calendar days after cancellation of a licence, cause the cancelled licence to be recorded in the mining cadastre system.

40. (1) On cancellation, expiry or termination of a licence, the former holder shall, within 360 calendar days, comply with paragraphs (a) and (b) of subsection (1) of section 59 of the Act, and within 90 calendar days comply with subparagraphs (i), (ii), (iii) and (iv) of paragraph (c) of subsection (1) of section 59 of the Act. Assets on
cancellation,

(2) The Director General shall, immediately after cancellation, expiry, or termination of a licence, notify the Minister in writing, of all minerals, mineral products, and assets on the land area subject to the former licence holder.

(3) For the purposes of paragraph (a) of subsection (1) of section 59 of the Act, the former licence holder shall, within 30 calendar days of the cancellation, expiry, or termination of his licence, notify the Director General of those assets, including minerals or mineral products which he intends to remove and those which he intends to leave in the area covered by the cancelled, expired or terminated licence.

(4) The Director General may, on receipt of a notice under sub-regulation (3), require that potentially hazardous substances, erections, and excavations be removed or made safe in such manner as he may direct.

(5) Upon cancellation, expiry or termination of a licence, the lease over the land area covered by the licence shall terminate subject to the lessee complying with all outstanding obligations under the lease and the land area covered by the licence shall revert to the owner.

(6) Where the Director General determines that the land area covered by the licence of the former holder should be retained, it shall be retained by the Minister and the Government, represented by the Minister shall enter a lease with the landowner:

Provided that the surface rent and compensation in the lease shall not be of lower value in sum of money and other benefits provided by the former licence holder.

(7) Pursuant to section 61 of the Act, minerals, mineral products, or assets remaining on the land area subject to a cancelled, expired or terminated licence beyond 360 days after cancellation, expiry, or termination of the said licence, shall become property of the State.

(8) For the purposes of sub-regulation (7), the Minister shall, after 360 calendar days of the cancellation, expiration or termination of a licence, take such steps as necessary, to take possession or take into the custody of Government of the minerals, mineral products or assets remaining on the land area subject to the cancelled, expired or terminated licence that were mentioned in the notice referred to in sub-regulation (2).

(9) The Government shall not be liable to compensate a former holder for any minerals, mineral product or assets remaining on the land area covered by the cancelled, expired or terminated licence beyond the period under sub-regulation (7).

Right of the State to utilise or dispose of Assets, Minerals, Mineral Products

41. Pursuant to section 61 of the Act, where, by Cabinet decision, mineral products or assets that have become property of the State is or dispose of to be-

- (a) sold by the Government, it shall be sold only by public tender under the Laws of Sierra Leone;
- (b) managed, processed, disposed of in ways other than sale, Cabinet shall direct that such

management, processing or disposal of the minerals, mineral products or assets be done by the Sierra Leone Mines and Minerals Development and Management Corporation.

42. (1) For the purposes of section 84 of the Act, an artisanal mining licence shall not be granted to a citizen of Sierra Leone who is-

- (a) under 18 years old if a natural person; or
- (b) a cooperative, joint venture or body corporate whose membership or shareholders comprise a citizen of Sierra Leone who is under 18 years old.

(2) An applicant for an artisanal mining licence shall submit to the Mining Cadastre Office -

- (a) a copy of his National Identification Card issued by the National Civil Registration Authority or passport, if a natural person; or
- (b) copies of the National Identification Cards or passports of all citizens comprising its shareholders, if a joint venture, cooperative or body corporate.

(3) An application for an artisanal mining licence shall, pursuant to section 85 of the Act, be submitted to the Mining Cadastre Office of the region or district in which the land area that will be subject to the licence is located on Form B12, B14, in the case of a natural person, or Form B13, in the case of a joint venture, cooperative, or body corporate, of the Second Schedule and as may be published on the website of the Agency together with -

- (a) documents that satisfy the provisions of sub paragraphs (i) to (v) of paragraph (a) and sub paragraphs (i) to (v) of paragraph (b) of section 85 of the Act;

- (b) the proposed number of workers to be hired to work on the licence which said number shall not be more than 50 workers; and
- (c) evidence of payment to the Agency of a non-refundable application fee specified in Table 1 of the First Schedule and as may be published on the website of the Agency.

(4) The Director General shall, for the purposes of paragraph (e) of subsection (2) of section 86 of the Act, publish in a Gazette, at least 3 months to the end of a calendar year, any additional document he may wish an applicant for an artisanal mining licence to submit to the Mining Cadastre Office.

(5) Preparation of an application for an artisanal mining licence shall be guided by Form E3 of the Fifth Schedule or as may be published on the website of the Agency.

(6) Where an applicant for an artisanal mining licence indicates that an excavator, heavy earth moving machine or heavy-duty mineral processing machine may be used under the licence if granted, the application shall include a land use agreement between the applicant and the landowner or lawful occupier and registered with the Government institution responsible for the registration of land instruments:

Provided that the land use agreement shall only come into force upon the grant of the licence.

(7) In addition to any terms agreed between the applicant for an artisanal mining licence and landowners or lawful occupiers of land that will be subject to the artisanal mining licence if granted, the terms contained in the Second Schedule of the Customary Land Rights Act, 2022 shall form part of the land use agreement subject to such necessary modifications that the parties therein may determine.

(8) An artisanal mining licence shall be valid for one year subject to annual renewal in accordance with section 89 of the Act.

(9) For the purposes of paragraph (c) of subsection (1) of section 86, land which was subject to an expired artisanal mining licence is not considered a licence area.

(10) An artisanal mining licence shall be granted, pursuant to paragraph (a) of subsection (1) of section 86 of the Act, on an area of up to 2.5 acres which shall be contiguous provided that a person may hold up to 3 artisanal mining licences but not on land that is contiguous.

(11) A Mining Cadastre Office to which the application was submitted shall, upon receipt of an application for an artisanal mining licence, review the application to ensure it complies with sub-regulation (2) and if satisfied that the application for an artisanal mining licence does satisfy the aforementioned regulation, forward the application together with documents attached thereto to the Director General:

Provided that the Director General may authorise such staff of the Agency as he may determine to receive and process applications for artisanal mining licence on his behalf.

(12) The Director General or a person authorised by him shall, not later than 30 calendar days of receipt of an application for the grant of an artisanal mining licence, process the application and notify the applicant in writing of his decision to grant or reject the application.

(13) For the purposes of subsection (4) of section 87 of the Act, where the Director General refuses to grant an application for an artisanal mining licence, he shall state the reasons for his refusal in the notice under sub-regulation (12).

(14) Notwithstanding subsection (5) of section 87 of the Act, a person whose application for artisanal mining licence is rejected because of his failure to satisfy section 85 and subsection (2) of section 86 of the Act shall not appeal to the Minister.

(15) Where an application for an artisanal mining licence is rejected for reasons other than provided for in sub-regulation (14), the applicant may, within 30 days, submit an appeal to the Minister in writing.

(16) The Minister shall, within 30 days of receipt of an appeal to him for the refusal of a grant of an artisanal mining licence, determine the appeal and communicate his decision in writing to the applicant.

(17) Where the Minister upholds the appeal of the applicant, he shall direct the Director General to grant the artisanal mining licence and the Director General shall comply not later than 3 business days of receipt of such directive and shall cause the application to be recorded in the mining cadastre system.

(18) Pursuant to subsections (1) and (2) of section 90 of the Act, an application for renewal of an artisanal mining licence shall, not less than 60 calendar days to the expiration of the licence intended to be renewed, be submitted by the licence holder or on behalf of him, to the Mining Cadastre Office in the region or district in which the licence intended to be renewed exists on Form B12, B14, in the case of a natural person, or on Form B13, in the case of a joint venture, cooperative, or body corporate, of the Second Schedule and as may be published on the website of the Agency together with evidence of payment to the Agency of a non-refundable application fee specified in Table 1 of the First Schedule and as may be published on the website of the Agency.

(19) An application for renewal of an artisanal mining licence under sub-regulation (18) shall include -

- (a) a completed Form C7, Form C8, Form C11, Form C12, Form C13, and Form C14 of the Third Schedule or as may be published on the website of the Agency;
- (b) proof of rehabilitation of mined out land under the licence intended to be renewed to the satisfaction of the Director General.

(20) Where the Director General or a person authorised by him is satisfied that the application for renewal of an artisanal mining licence has satisfied paragraphs (a) and (b) of sub-regulation (19), he shall, within 30 days of receipt of the application grant the renewal of the artisanal mining licence.

(21) Where the Director General refuses to renew the application for an artisanal mining licence, he shall, within 30 days of receipt of the application, inform the applicant, in writing, of his reasons for so rejecting the application.

(22) A person whose application for renewal of an artisanal mining licence is rejected because of his failure to satisfy paragraphs (a) and (b) of sub-regulation (19), shall not appeal to the Minister.

(23) An applicant whose application for an artisanal mining licence is rejected for reasons other than for failure to satisfy paragraphs (a) and (b) of sub-regulation (19), shall within 30 days appeal to the Minister.

(24) The Minister shall, within 30 days of receipt of an appeal to him for the refusal by the Director General to renew an artisanal mining licence for reasons other than his failure to satisfy paragraphs (a) and (b) of sub-regulation (19), shall determine the appeal within 30 days and notify the appellant of his decision in writing.

(25) Where the Minister upholds the appeal of an application to renew an artisanal mining licence, he shall direct the Director General to renew the artisanal mining licence and the Director General shall comply not later than 3 calendar days of receipt of such directive and cause the renewal to be recorded in the mining cadastre system.

(26) For the purposes of paragraph (f) of section 91 of the Act, the holder of an artisanal mining licence shall sell minerals extracted under the licence only to dealers and exporters authorised under the Act and in these Regulations.

(27) For the purposes of section 92 of the Act, the holder of an artisanal mining licence shall -

- (a) within 7 working days of the grant of an artisanal mining licence, apply to the mining cadastre office in the region in which the licence was issued to register a mine manager who shall be primarily responsible for the supervision of the artisanal mining operations under the licence and the application shall be accompanied by Form B24 of the Second Schedule or as may be published on the website of the Agency:

Provided that nothing in this Regulation shall prohibit the holder of the artisanal mining licence, if a natural person, from registering himself as a mine manager;

- (b) carry out progressive rehabilitation, on an annual basis, of the licence area to as close as possible to the state of the land before the grant of the licence:

Provided that if the licence area is an abandoned mining area, as close as possible to a state that can be of economic or social benefit to the landowner.

(28) The Agency shall, for the purposes of paragraph (a) of sub-regulation (27), issue a certificate of registration of a mine manager subject to the payment of the fee specified in Table 1 of the First Schedule and as may be published on the website of the Agency.

(29) Pursuant to subsection (1) of section 93 of the Act, a holder of an artisanal mining licence shall not use an excavator, heavy earth moving machine or heavy duty processing machine in the licence area without a permit issued by the Environment Protection Agency and evidence of payment to the Agency a monitoring fee as specified in Table 1 of the First Schedule and as may be published on the website of the Agency.

(30) A holder of an artisanal mining licence with permit to use an excavator or a heavy-duty earth-moving or processing machine under his licence shall apply to register the excavator, heavy duty earth moving or processing machine he intends to use with the Agency on a Form set out in the Second Schedule and as may be published on the website of the Agency.

(31) The Director General shall, after consultation with the Executive Chairperson of the Environment Protection Agency, publish in the Gazette guidelines for the use of excavators, heavy duty earth moving or processing machines under an artisanal mining licence provided for in the Act and in these Regulations.

43. (1) The following category of dealer's licence shall be issued by the Agency- Dealer's licence.

- (a) Diamond Dealer's Licence;
- (b) Gold Dealer's Licence.

(2) A person shall not be eligible to apply for the grant of a dealer's licence unless he satisfies the requirements under paragraph (d) of subsection (1) of section 32 of the Act.

(3) An application for a dealer's licence shall, pursuant to section 121 of the Act, be submitted to the Mining Cadastre Office on Form B31, B32 of the Second Schedule and as may be published on the website of the Agency together with all documents that satisfy paragraphs (a) to (d) of subsection (1) of section 121 and subsection (2) of section 121 of the Act and evidence of payment to the Agency of a non-refundable application fee specified in Table 1 of the First Schedule and as may be published on the website of the Agency.

(4) An applicant for a dealer's licence shall submit to the Mining Cadastre Office -

- (a) a copy of his National Identification Card issued by the National Civil Registration Authority or passport, if a natural person; or
- (b) copies of the National Identification Cards or passports of all citizens comprising its shareholders, if cooperative or body corporate.

(5) The Mining Cadastre Office shall, upon receipt of an application for a dealer's licence, review the application to ensure it complies with sub-regulations (3) and (4) and if satisfied that the application does, it shall forward the application together with all documents attached to the Director General.

(6) The Director General shall, within 30 calendar days of receipt of an application for the grant of a dealer's licence, process the application and notify the applicant in writing of his decision to grant or reject the application.

(7) Where the Director General grants the licence, the applicant shall comply with subsection (3) of section 122 of the Act or be subject to the penalties provided for therein.

(8) Where the Director General refuses to grant a dealer's licence, he shall state the reasons for his refusal in the notice referred to in sub-regulation (6).

(9) Where an application for a dealer's licence is rejected, the applicant may, within 30 days, submit an appeal to the Minister in writing.

(10) The Minister shall, within 30 days of receipt of an appeal to him for the refusal of the Director General to grant a dealer's licence, determine the appeal and communicate his decision in writing to the applicant.

(11) Where the Minister upholds the appeal of the applicant, he shall direct the Director General to grant dealer's licence and the Director General shall comply not later than 3 days of receipt of such directive and shall cause the application to be recorded in the mining cadastre system.

(12) A holder of a dealer's licence may, Pursuant to subsection (1) of section 125 of the Act, apply annually for renewal of his licence and shall submit to the mining cadastre office the following documents before submitting an application for annual renewal of his dealer's licence -

- (a) a monthly record and report of precious minerals purchased and sold with documentary evidence of the volume and value thereof;
- (b) a monthly record and report of precious minerals in the possession of the dealer;
- (c) evidence of financial capital available to the dealer to implement the terms and conditions of the licence if renewed;

- (d) evidence that the licence fee for the substantive licence intended to be renewed as set out in Table 1 of the First Schedule or as may be published on the website of the Agency has been paid to the National Revenue Authority.

(13) For the purposes of subsection (2) of section 125 of the Act, an application for renewal of a dealer's licence shall, not less than 30 calendar days to the expiration of the substantive licence intended to be renewed, be submitted by the licence holder or on behalf of him, to the Mining Cadastre Office on Form B31, B32 of the Second Schedule and as may be published on the website of the Agency together with all documents that satisfy paragraphs (a) to (d) of subsection (1) of section 121, subsection (2) of section 121 and section 123 of the Act and evidence of payment to the Agency of a non-refundable application fee specified in Table 1 of the First Schedule and as may be published on the website of the Agency.

(14) The Mining Cadastre Office shall, upon receipt of an application for renewal of a dealer's licence, review the application to ensure it complies with sub regulations (3) and (4) and if satisfied, it shall forward the application together with all documents attached to the Director General within 14 days of receipt of the application under sub-regulation (13), the Director General shall grant a Certificate of Renewal of a dealer's licence with or without amendments to the terms and conditions of the initial grant of the dealer's licence or shall reject the application and notify the applicant in writing of his decision accordingly.

(15) Where the Director General refuses to grant a Certificate of Renewal of a dealer's licence, he shall state the reasons for his refusal in the written notice under sub-regulation (14).

(16) Where an application for renewal of a dealer's licence is rejected, the applicant may, within 30 days of receipt of the written notice under sub-regulation (14), appeal to the Minister in writing.

(17) The Minister shall, within 30 days of receipt of an appeal to him by an applicant for the refusal of a grant of a Certificate of Renewal of a dealer's licence, determine the appeal and communicate his decision in writing to the applicant.

(18) Where the Minister upholds the appeal of the applicant, he shall direct the Director General to grant the Certificate of Renewal of a dealer's licence and the Director General shall comply no later than 3 days of receipt of such directive and he shall cause the Certificate of Renewal to be recorded in the mining cadastre system, subject to the holder paying to the National Revenue Authority the dealer's licence fees specified in Table 1 of the First Schedule or as may be published on the website of the Agency.

(19) For the purposes of paragraph (a) of section 126 of the Act, a holder of a dealer's licence shall purchase precious minerals exclusively from a holder of an artisanal mining licence issued under the Act.

(20) For the purposes of paragraph (c) of section 126, a holder of a dealer's licence shall sell precious minerals exclusively to a holder of an exporters licence issued under the Act or to an agent authorised by a holder of an exporters licence.

(21) A holder of a dealer's licence who purchases precious minerals from a person (natural or legal) other than a holder of an artisanal mining licence issued under the Act, or sells precious minerals to a person (natural or legal) other than a holder of an exporters licence issued under the Act commits an offence and is liable on conviction to a fine not exceeding 5,000.00 United States Dollars or its equivalent in Leones or to imprisonment for a term of not less than 36 months or to both such fine and imprisonment.

(22) A holder of a dealer's licence shall be entitled to register with the Agency at least 5 Dealers Agent under his licence subject to the payment of an annual Agents fees specified in Table 1 and as may be published on the website of the Agency:

Provided that such Agents shall satisfy the eligibility requirements for the grant of a Dealer's licence issued under the Act.

(23) The Agency shall, upon registration of a Dealer's Agent under sub-regulation (22), issue a Dealer's Agent Certificate to the Agent subject to the payment to the National Revenue Authority of the fee for Dealers Agent Certificate specified in Table 1 of the First Schedule and as may be published on the website of the Agency.

(24) For the purposes of section 127 of the Act, the holder of a dealer's licence shall -

- (a) register his place of business with the Agency and the Ministry;
- (b) display his business certificate and dealer's licence in a prominent and conspicuous location at his place of business;
- (c) conduct activities allowed under the licence exclusively within the territory of Sierra Leone;
- (d) ensure that in the purchase, storage, transport or sale of precious minerals, the safety of workers or the public is at all times protected and there is no threat posed to health and safety of workers and the public or to the environment;
- (e) maintain a record book and keep accurate record of purchases and sale of precious minerals; ensure that the artisanal mining licence number under which a mineral is purchased is recorded for every precious mineral purchased and the exporter's licence number is recorded for every precious mineral

sold and volume and value of precious mineras in the custody of the holder.

- (f) make his record book available for inspection by an authorised officer appointed by the Agency or any other Government authority;
- (g) submit reports required under the Act and these Regulations;
- (h) take responsibility for the conduct of business of Dealer's Agents registered under his licence and ensure that a Dealer's Agent registered under his licence complies with the obligations of the holder of a Dealer's licence under the Act and in these Regulations.

44. (1) A person shall not be eligible to apply for the grant of an exporter's licence unless he satisfies the requirements under paragraph (e) of subsection (1) of section 32 of the Act.

(2) An application for an exporters licence shall, pursuant to section 128 of the Act, be submitted to the Mining Cadastre Office on Form B31, B32 of the second schedule and as may be published on the website of the Agency together with documents that satisfy paragraphs (a) to (f) of section 128 of the Act and evidence of payment to the Agency of a non-refundable application fee specified in Table 1 of the First Schedule and as may be published on the website of the Agency.

(3) An applicant for an exporter's licence shall submit to the mining cadastre office copies of the National Identification Cards or passports of all citizens comprising its shareholders.

(4) The Mining Cadastre Office shall, upon receipt of an application for an exporter's licence, review the application to ensure it complies with sub-regulation (2) and if satisfied, forward the application together with all documents attached to the Director General.

(5) Where the Director General is satisfied that the application for exporters licence and attached documents meet the requirements of paragraphs (a) to (f) of section 128 of the Act, he shall submit the application and documents attached thereto to the Minister for approval in accordance with paragraphs (a) to (f) of section 129 of the Act.

(6) The Minister shall, within 14 calendar days of receipt of the application under sub-regulation (5), grant the exporter's licence with or without amendments or reject the application and notify the applicant in writing of his decision accordingly.

(7) Where the Minister grants the exporter's licence with or without amendments, the applicant shall comply with subsection (4) of section 129 of the Act or be subject to such penalty imposed therein for failing to comply.

(8) For the purposes of subsection (5) of section 129 of the Act, where the Minister refuses to grant an exporter's licence, he shall state the reasons for his refusal in the written notice under sub-regulation (6).

(9) A holder of a exporters licence may, pursuant to subsection (2) of section 130 of the Act, apply annually for renewal of his licence and shall submit to the mining cadastre office the following documents before applying for renewal of his exporters licence -

- (a) a monthly record and report of precious minerals purchased and exported with documentary evidence of the volume and value thereof;
- (b) a monthly record and report of precious minerals in the possession of the dealer;
- (c) evidence of financial capital available to the dealer to implement the terms and conditions of the licence;

- (d) record of Kimberley Certificates used for every export of precious minerals as applicable;
- (e) evidence of royalty payments on all precious minerals exported out of Sierra Leone within the validity of the substantive licence intended to be renewed;
- (f) evidence that the licence fee for the substantive licence intended to be renewed as set out in Table 1 of the First Schedule or as may be published on the website of the Agency was paid to the National Revenue Authority.

(10) An application for renewal of an exporters licence shall, not less than 30 calendar days to the expiration of the substantive licence intended to be renewed, be submitted by the licence holder or on behalf of it, to the Mining Cadastre Office on Form B31, B32 of the second schedule and as may be published on the website of the Agency together with documents that satisfy paragraphs (a) to (f) of section 128 of the Act and evidence of payment to the Agency of a non-refundable application fee specified in Table 1 of the First Schedule and as may be published on the website of the Agency.

(11) The Mining Cadastre Office shall, upon receipt of an application for renewal of a exporters licence, review the application to ensure it complies with sub-regulation (9) herein and if satisfied, forward the application together with documents attached, to the Director General.

(12) Where the Director General is satisfied that the application for renewal exporters licence and attached documents meet the requirements of sub-regulation (9), he shall submit the application and documents attached thereto to the Minister for approval.

(13) The Minister shall, within 14 days of receipt of the application under sub-regulation (9), grant a Certificate of Renewal of an exporter's licence with or without amendments to the terms and conditions of the initial grant or shall reject the application and notify the applicant in writing of his decision accordingly.

(14) Where the Minister grants the renewal licence, he shall direct the Director General to issue a Certificate of Renewal to the holder and cause the Certificate of Renewal to be registered in the Mining Cadastre System subject to the payment of a fee specified in Table 1 of the First Schedule or as may be published on the website of the Agency.

(15) Where the Minister refuses to grant a Certificate of Renewal of an exporter's licence, he shall state the reasons for his refusal in the written notice under sub-regulation (13).

(16) A holder of an exporters licence shall, in accordance with paragraphs (a) and (b) of section 131 of the Act, purchase precious minerals exclusively from a holder of an artisanal miners licence or a dealer's licence issued under the Act or an agent authorised by a holder of a dealer's licence.

(17) For the purposes of paragraph (c) of section 126, a holder of an exporter's licence shall export precious minerals exclusively through the Directorate of Precious Minerals Trading of the Agency.

(18) A holder of a exporter's licence who purchases precious minerals from a person (natural or legal) other than a holder of an artisanal mining licence or a holder of a dealers licence issued under the Act commits an offence and is liable on conviction to a fine not exceeding 50,000.00 United States Dollars or its equivalent in Leones or to imprisonment for a term of not less than 5 years or to both such fine and imprisonment.

(19) A holder of an exporter's licence shall be entitled to register with the Agency, 5 Exporters Agents under his licence:

Provided that the holder may register any further number of exporter agents subject to the payment of exporters agents fees specified in Table 1 of the Frist Schedule and as may be published on the website of the Agency.

(20) The Agency shall not register a natural person for an artisanal mining licence unless he satisfies the eligibility requirements for the grant of an artisanal mining licence or as an exporters agent under this Act.

(21) The Agency shall, upon registration of an Exporter's Agent, pursuant to sub-regulation (9), issue an Exporters Agent Certificate in accordance with section 132 of the Act.

(22) A holder of an exporter's licence shall -

- (a) register his place of business with the Agency and the Ministry;
- (b) display his exporter's licence in a prominent and conspicuous location at his place of business;
- (c) conduct activities allowed under the licence in accordance with applicable Laws of Sierra Leone;
- (d) ensure that in the purchase, storage, transport or sale of precious minerals, the safety of workers or the public is at all times protected and there is no threat posed to health and safety of workers and the public or to the environment;
- (e) maintain a record book and keep accurate record of all purchases and sale of precious minerals; ensure that the artisanal mining licence number under which a mineral is

purchased is recorded for every precious mineral purchased and the exporters licence number is recorded for every precious mineral sold and the volume and value of precious minerals in the custody of the holder.

- (f) make his record book and electronic storage system available for inspection by an authorised officer;
- (g) submit reports required under the Act and these Regulations.
- (h) take responsibility for the conduct of business of any Exporter's Agent registered under his licence and shall ensure that all Exporter's Agents registered under his licence comply with the obligations of the holder of an Exporter's licence issued under the Act and in these Regulations.

PART VI - PROTECTION OF THE ENVIRONMENT, SOCIAL PROTECTION, HEALTH AND SAFETY

Environment protection.

45. (1) This Regulation shall apply to holders of the following category licences issued under the Act -

- (a) artisanal mining licence issued to a joint-venture, a cooperative or body corporate;
- (b) exploration licence;
- (c) small-scale mining licence; and
- (d) large-scale mining licence.

(2) A holder of a category of licence under sub-regulation (1) shall, -

- (a) as a general principle, have a duty to conduct licence operations in a manner that protects the environment and enhances sustainable development and take all necessary and reasonable actions in the conduct of his licence operations to minimise, mitigate and manage the environmental and social impact of licence operations on the licence area and communities located in and around the licence area;
- (b) not later than 90 days after the anniversary of issuance of his licence, submit to the Agency, hard and electronic copies of an annual environmental and social impact management report that includes a report on the implementation of the environmental and social management plans submitted as part of its licence reporting obligations under the Act and in these Regulations.

(3) The report under paragraph (b) of sub-regulation (2) shall be accompanied by Form C19 of the Third Schedule and as may be published on the website of the Agency.

(4) The mining cadastre office shall, in accordance with for the subsection (2) of section 134 of the Act, publish in the mining cadastre system the report paragraph (b) of sub-regulation (2) against the relevant licence holder within 30 days of receipt of the report.

(5) The Agency shall put the report under paragraph (b) of sub-regulation (2) in its offices around the country for public use.

(6) For the purposes of subsection (1) of section 135 of the Act, other Government agencies referred to therein shall be construed as institutions established under the Laws of Sierra Leone that has a mandate to grant authorisations, approvals, licences and permits that are relevant to the operations of the category of licence under sub-regulation (1).

(7) Public consultations required under subsection (2) of section 135 of the Act shall comply with Regulation 66 and applicable environment and social protection laws and regulations of the Environment Protection Agency.

(8) The holder of a category of licence referred to in sub-regulation (1) shall, for the purposes of subsection (5) of section 135 of the Act, procure a financial guaranteed bond from accredited financial institutions recognised by the Governor of the Bank of Sierra Leone.

(9) The value of the financial guaranteed bond to be procured under sub-regulation (8) shall be determined by the Board acting on the recommendation of the Environment Protection Agency during the vetting of an application for a licence.

(10) A holder shall, for the purposes of subsection (5) of section 135 of the Act, be guided by the financial assurance mechanism standards provided for in the Ninth and Sixteenth Schedules of the Environment Protection (Mines and Mineral) Regulations, 2013.

(11) The relevant Government authority referred to in section 136 of the Act shall determine the application made to it by the holder after consultations with the National Water Regulatory Authority and the Environment Protection Agency.

(12) A holder of a category of licence under sub-regulation (1) shall apply to the National Water Regulatory Agency for a permit to divert any water course that is required to be diverted in its approved work programme.

Social
protection.

46. (1) A holder of an exploration licence, small-scale mining licence, and large-scale mining licence shall, -

- (a) for the purposes of subsection (1) of section 151 of the Act, be guided by the Child Right's Act, 2007, the Gender Equality and Women's

Empowerment Policy 2020 and the Gender Equality and Women's Empowerment Act, 2022, in the formulation and implementation of the policy provided for therein.

- (b) within 30 calendar days of the anniversary of the issuance of his licence, submit to the Agency and the Ministry responsible for Gender and Children's Affairs, an annual report of its implementation of the Social Protection Policy referred to in subsections (1) and (2) of section (151) of the Act.

47. (1) A holder of an exploration licence, small-scale mining licence, and large-scale mining licence shall, - Health and safety.

- (a) not later than 6 months of the coming into force of these Regulations, submit to the Agency, a health and safety policy and regulations that capture the obligations prescribed in paragraphs (a) to (g) of section 145 of the Act;
- (b) be responsible to promote a safe and healthy work environment by -
 - (i) providing persons who work or visit sites where licence operations are going on with the appropriate protective clothing and safety briefing or training to ensure full awareness of the risks and procedures in case of an incident or emergency;
 - (ii) displaying signs and notice boards in and around the licence area to inform workers or visitors of potential hazards and required safety precautions;

(iii) developing and operationalising a health and safety response mechanism, defining procedures to follow in the event of an incident, including rescue, first aid, emergency preparedness and evacuation;

(c) take necessary precautions to ensure acceptable air quality, rock and mine stability, and the safe use of explosives where approved.

(2) A holder of an artisanal mining licence who is a natural person shall be required to comply with the obligations under paragraphs (a) to (g) of section 145 of the Act.

(3) For the purposes of section 147 of the Act and without prejudice to contractual terms between a holder and an employee or an affiliate, an employee or affiliate who reports health and safety risks in the work environment to his immediate supervisor and reasonably believes that no concrete steps have been taken to avert or mitigate the risk shall have the right to leave such risky area and report the health and safety risk condition to the Human Resource Office:

Provided that he shall take all reasonable steps to complete closing procedures related to his normal schedule of work.

(4) A holder of a category of licence under sub-regulation (1) shall, for the purposes of section 148 of the Act, (For the purposes of section 148 of the Act, (1) immediately submit a written report on the occurrence of an accident that results in serious injury or fatality to the Agency and a completed Form C21 of the Third Schedule and as may be published on the website of the Agency shall be attached to the said report.

(5) A holder that is required to report an accident under sub-regulation(1) but who fails to report such accident commits an

offence and is liable to fine as specified in Table 3 of the First Schedule or as may be published on the website of the Agency.

(6) A holder of a category of licence under sub-regulation (1) shall maintain records and reports of all accidents that result in a fatality or an injury resulting in a person incapacitated and unable to work for a single workday.

(7) A holder of a category of licence under sub-regulation (1) shall, as soon as possible but not later than 5 days in the event of a serious injury and not later than 24 hours in the event of a fatality, submit a report to the Agency of the accident or injury that result in serious injury or fatality using Form C21 of the Third Schedule or as may be published on the website of the Agency.

(8) A person who fails to report a serious injury or fatality as prescribed in the Act or in these Regulations commits an offence punishable by a fine as specified in Table 3 of the Third Schedule or as may be published on the website of the Agency.

(9) A holder of a category of licence under sub-regulation (1) shall maintain records related to health and safety including those not required to be submitted to the Agency for a minimum of 5 years after the cancellation, expiry, or termination of the licence.

PART VII-MINING DISTRICT AND COMMUNITY DEVELOPMENT

48. (1) A holder shall, pursuant to subsection (1) of section 141 of the Act, not later than 120 days of acquiring a small-scale mining licence or a large-scale mining licence, enter a Community Development Agreement with the primary host community.

Community
Development
Agreement.

(2) For the purposes of section 141 of the Act, the Development Plan referred to in subsection (1) of section 92 of the Local Government Act, 2022 (Act. No. 26 of 2022) which may include Chiefdom Development Needs Assessment Reports shall guide the

formulation of development activities in the primary host community in a Community Development Agreement under sub-regulation (1).

(3) A holder who is required to enter and implement a Community Development Agreement under subsection (1) of section 141 of the Act and to develop activities in the primary host community shall formulate the terms of the Community Development Agreement to include -

- (a) structures and procedures for the management of the Community Development Fund pursuant to subsection (3) of section 143 of the Act; and
- (b) development priorities to be financed from the Community Development Fund, including -
 - (i) education, apprenticeship, technical training and employment opportunities for the people of the community;
 - (ii) support for infrastructural development and maintenance such as education, health or other community services, roads, water and power;
 - (iii) assistance with the creation, development and support to small-scale and micro enterprises;

- (iv) agribusiness and agricultural product making and marketing;
- (v) methods and procedures of environment and socio-economic management and local governance enhancement;
- (vi) climate change mitigation and adaptation; and
- (vii) such other matters as may be agreed and that are consistent with the Development Plan and Chiefdom Development Needs Assessment Report under sub-regulation (2).

(4) Notwithstanding paragraph (b) of sub-regulation (3), a Community Development Agreement shall not address, nor funds provided to be used for -

- (a) the provision of passenger car, truck, or four-by-four vehicle for the use of an individual or official other than a specialised purpose vehicle for public use such as an ambulance, fire engine, garbage collection truck, or bus;
- (b) building for use by an individual or official other than building for public use;
- (c) the provision of any amount of money, service, goods or facility for the sole benefit of an individual or single-family unit; and

- (d) the imposition of an additional charge, rent, fee, or tax for the benefit of the primary host community.

(5) A holder who formulates the terms of a Community Development Agreement under sub-regulation (3) and a representative of the primary host community shall, for the purposes of paragraph (b) of subsection (5) of section 141 of the Act, within 7 days of completion of the formulation of a draft Community Development Agreement, submit the draft Agreement to the Minister for his approval.

(6) The Minister shall, not later than 14 calendar days of receipt of a draft Community Development Agreement under sub-regulation (5), review the terms contained therein to ensure they comply with paragraph (b) of sub-regulation (3) and sub-regulation (4).

(7) Where the Minister is satisfied that the terms of the draft community development agreement are consistent with paragraph (b) of sub-regulation (3) and sub-regulation (4), he shall approve the draft Community Development Agreement and forward it to the holder and the representative of the primary host community.

(8) Where the Minister, after review of the terms of the draft Community Development Agreement is satisfied that the terms contained therein are not consistent with paragraph (b) of sub-regulation (3) and sub-regulation (4), he shall reject the draft Community Development Agreement and in writing, notify the holder and the representative of the primary host community of his decision to reject the draft Community Development Agreement, stating the reasons for his rejection and making illustrative suggestions on how the draft Community Development Agreement can be revised.

(9) The holder and the primary host community referred to in sub-regulation (1) shall, not later than 3 days of receipt of the notice of the Minister under sub-regulation (8), revise the terms of the draft Community Development Agreement and submit a revised draft Community Development Agreement to the Minister for his approval.

(10) The Minister shall, not later than 45 days of receipt of a revised draft Community Development Agreement, approve it if he is satisfied it meets the requirements of paragraph (b) of sub-regulation (3) and sub-regulation (4), and accordingly notify the holder and the representative of the primary host community.

(11) The holder and the primary host community shall, not later than 3 days of receipt of the approved Community Development Agreement under sub-regulation (10), sign the final Community Development Agreement.

(12) For the purposes of subsection (1) of section 142 of the Act, the following officials shall be signatories to a Community Development Agreement-

- (a) representing the primary host community -
 - (i) the Paramount Chief or Regent Chief as applicable;
 - (ii) the District Council Chairman or Mayor of the locality where the primary host community is situated, shall witness the

Community Development Agreement for the primary host community;

- (b) representing the holder -
 - (i) the most senior officer of the holder resident in Sierra Leone;
 - (ii) any other person appointed by the holder to witness the Community Development Agreement on its behalf.

(13) The holder shall, not later than 10 days of the signing of the Community Development Agreement, register it with Government institution responsible for the registration of land instruments.

(14) The holder shall, not later than 3 days of registration of the Community Development Agreement under sub-regulation (13), submit the registered Community Development Agreement to the Director General who shall cause it to be entered in the mining cadastre system against the licence of the holder.

(15) The holder shall, not later than 3 days of the submission of the registered Community Development Agreement to the Director General, submit a copy of the registered Community Development Agreement to the Paramount Chief, the Chief Administrator of the locality in which the primary host community is located, and the Chairman of the Community Development Committee established under sub-regulation (16) and the Minister.

(16) The holder and the primary host community shall establish a Community Development Committee, of not more than 9 persons, to implement the Community Development Agreement, comprising -

- (a) the Development Planning Officer of the Council in which the primary host community is situated;
- (b) at least one representative of the holder; and
- (c) such other members that the primary host community shall determine; one of whom shall be Chairman and another Secretary to the Committee appointed by the Chiefdom Council Committee.

(17) Where the primary host community is made up of more than one Chiefdom, a Community Development Committee shall be established, in accordance with sub regulation 16, in each Chiefdom.

(18) Pursuant to section 114 subsection (4) of the Act, where a primary host community has more than one holder required by subsection (1) of section 141 of the Act to enter and implement a Community Development Agreement, each holder shall enter and implement a Community Development Agreement in the said primary host community.

(19) A Community Development Committee shall, pursuant to subsection (1) of section 141 of the Act, be responsible for the implementation of the terms of the Community Development Agreement, including -

- (a) manage the Community Development Fund in accordance with subsection (1) of section 143 of the Act;
- (b) approve all budgets for the implementation of development projects pursuant to the community development agreement;
- (c) identify, monitor and supervise the implementation of development projects under the terms of the community development agreement;
- (d) ensure compliance with all public procurement laws in Sierra Leone related to the award of contracts for the implementation of development projects pursuant to the community development agreement;
- (e) appoint subject-matter specialist as needed to advise it on technical matters including financial management, procurement, audit, and quality assurance of infrastructural development projects; and

- (f) perform such other functions as are required to implement the terms of community development agreements.

(20) The Chairman of a Community Development Committee, shall, within 30 days of receipt of the registered Community Development Agreement, convene a meeting of the Committee to discuss and agree on a reputable banking institution registered to carry on banking business in Sierra Leone at which the Community Development Fund shall be deposited.

(21) The Chairman shall, not later than 10 days of an appointment of a bank, establish the Community Development Fund in accordance with subsection (1) of section 143 of the Act and make such cash deposit into the fund as is required of the holder (if an existing holder) pursuant to subsection (4) of section 143 of the Act or the holder (if a new one or has not gone into production or generated revenues under the licence) make such cash deposit as necessary to maintain the fund:

Provided that a new holder shall deposit the required amount of revenues referred to in sub-regulation (21) in the fund as soon as revenues accrue to it under the licence.

(22) The following persons shall be signatories to the Community Development Fund-

- (a) the Chairman of the Community Development Committee representing the primary host community; and
- (b) the representative of the holder;

(23) The Financial Secretary shall, after consultation with the Permanent Secretary of the Ministry, provide written financial management procedures to the Community Development Committee in compliance with applicable financial management and procurement laws and the Committee shall be guided by such procedures in the management of the community development fund and the procurement of goods and services for the implementation of development projects identified pursuant to the Community Development Agreement .

(24) The holder shall, pursuant to subsection (4) of section 143 of the Act, deposit into the community development fund, not less than 1% of its gross annual revenues within 90 days of the end of the holder's financial year and submit documentary evidence of such deposit to the Community Development Committee through the Chairman who shall notify other members of the committee within 3 days of receipt of the holder's documentary evidence of the deposit made into the community development fund.

(25) The Community Development Committee shall develop its own rules of procedures for the identification, implementation and monitoring of development projects to be financed by the community development fund in accordance with the Act, these regulations and any other applicable law or regulations.

Mining District Development Fund. 49. (1) The Minister, in collaboration with the Minister of Finance, shall, pursuant to subsection (1) of section 144 of the Act, establish, at the Bank of Sierra Leone, the Mining District Development Fund within 6 months of the coming into force of these Regulations.

(2) The Minister of Finance shall ensure that 20% of all royalty payments to the Government pursuant to the Extractive

Industries Revenue Act, 2018 are transferred into the fund in accordance with paragraph (a) of subsection (2) of section 144 of the Act.

(3) The Financial Secretary and the Permanent Secretary of the Ministry shall be signatories to the Mining District Development Fund.

(4) The Minister of Finance, after consultations with the Minister, the Minister responsible for Planning and Economic Development and the Minister responsible for Local Government and Community Affairs, shall, pursuant to subsection (2) of section 144 of the Act and subsection (2) of section 35 of the Public Financial Management Act No. 13 of 2016, publish financial management procedures for the management of the Mining District Development Fund.

(5) For the purposes of paragraph (b) of subsection (2) of section 144 of the Act, the Mining District Development Fund shall be established to exclusively finance transformational development projects in chiefdoms located in mineral-rich districts but which do not have small-scale mining licence holder or large-scale mining licence holder and therefore are ineligible to benefit from Community Development Agreement and Community Development Fund provided for in the Act.

(6) The transformational development projects referred to in sub-regulation (5), shall be determined by the Minister responsible for Finance after consultations with the Minister responsible for Planning and Economic Development and the Minister responsible for Local Government and Community Development.

(7) The national development strategy paper of Government shall guide the determination of the national development priority projects that shall be funded by the Mining District Development Fund.

(8) Notwithstanding sub-regulation (7) and pursuant to subsection (1) of section 35 of the Public Financial Management Act No. 13 of 2016, the procedure for the identification of the transformational development project shall be consistent with paragraphs (a) and (b) of subsection (8) of section 77 of the Public Financial Management Act, 2016 (Act No. 13 of 2016) and sub regulations (3) and (4) of Regulation 19 of the Public Financial Management Regulations 2016.

(9) For the purposes of the implementation of transformational development projects referred to in sub-regulation (5), the Minister responsible for Finance shall establish a high-level project implementation committee that shall comprise the following members-

- (a) the Financial Secretary who shall be the Chairman;
- (b) the Permanent Secretary of the Ministry who shall be Secretary to the Committee;
- (c) the Development Secretary;
- (d) the Permanent Secretary of the Ministry responsible for Local Government and Community Affairs;

- (e) one Member of Parliament representative representing a district with at least one Community Development Agreement entered by a holder and a primary host community appointed by the Minister responsible for Finance; provided that no one Member of Parliament shall serve more than one term of 1 year on the committee; and
- (f) such other persons as the Minister responsible for Finance, after consultations with the Minister, the Minister responsible for Planning and Economic Development, the Minister responsible for Local Government and Community Affairs, shall appoint.

(10) Without prejudice to sub-regulation (9), the high-level project implementation committee shall -

- (a) identify, monitor and supervise the implementation of transformational development projects to be financed by the Mining District Development Fund;
- (b) approve all budgets for the implementation of transformational development projects to be financed by the mining district development fund;
- (c) ensure compliance with all public procurement laws in Sierra Leone related to the award of contracts for the implementation of development projects;

- (d) appoint subject-matter specialist as needed to advise it on technical matters including financial management, procurement, audit, and quality assurance of infrastructural development projects; and
- (e) perform such other functions that the Minister responsible for Finance after consultations with the Minister, the Minister responsible for planning and economic development and the Minister responsible for Local Government and Community Affairs shall assign to it.

PART VIII - FINANCE, ACCOUNTABILITY AND TRANSPARENCY

Arms-length
sale.

50. The Extractive Industries Revenue Act, 2018 shall, pursuant to section 52 of the Act, be instructive for guidance on arms-length sales of minerals produced by a holder of an artisanal mining licence, small-scale mining licence, large-scale mining licence, dealers licence and exporters licence granted under the Act.

Royalty.

51. (1) For the purposes of subsection (1) of section 152 of the Act, royalty shall be calculated in accordance with subsection (2) of section 3 of the Extractive Industries Revenue Act, 2018.

(2) Payment of royalty by a holder who is required to do so shall be in accordance with subsection (3) of section 3 of the Extractive Industries Revenue Act, 2018.

52. (1) Licences and permits shall, pursuant to subsection (1) of section 153 of the Act, be charged an annual fee payable on the grant of a licence or permit as specified in the Act or these regulations and after that, annually on the anniversary of the grant until the termination of the licence or permit.

Annual
charge.

(2) Annual charges for certificates, licences and permits are as specified in Table 1 of the First Schedule and as may be published on the website of the Agency and penalties for late or non-payment of annual charges are as specified in Table 3 of the First Schedule and as may be published on the website of the Agency.

53. (1) For the purposes of section 155 of the Act, a holder of a small-scale mining licence, large-scale mining licence and exporters licence shall account for minerals productions and sales separately from all other operations undertaken by the holder on any other licence or mining operations.

Separate
accounting.

(2) A holder of an exploration licence shall maintain separate accounts for activities undertaken on each exploration licence provided that a holder of multiple exploration licences shall be allowed to pool accounts for the purpose of assessing taxable income.

(3) Calculations of taxable incomes and deductibles including losses from licence activity of holders of an exploration licence, small-scale mining licence, large-scale mining licence or exporters licence shall be done in accordance with the Extractive Industries Revenue Act, 2018.

Recovery of
debt.

54. (1) For the purposes of subsection (1) of section 156 of the Act, unpaid charges, duties, fees, rents, royalties, and penalties required of a holder to be paid or imposed on a holder shall be a debt to Government and recoverable in a court of competent jurisdiction.

(2) Annual charges associated with a licence that has been suspended, surrendered or cancelled shall not be prorated or refunded.

(3) For the purposes of subsection (2) of section 156 of the Act, time for payment of duties, fees, rents, royalties, and penalties shall be, as applicable, in accordance with the Extractive Industries Revenue Act, 2018, the Act, and these Regulations.

Repatriation
of export
revenues.

55. (1) A holder of a small-scale mining licence, large-scale mining licence and exporters licence shall, pursuant to paragraph (a) of subsection (1) of section 157 of the Act, repatriate to a banking institution accredited by the Governor of the Bank of Sierra Leone to conduct banking services in Sierra Leone no less than 30% of the monetary value of all mineral exports within 3 months after the date of export of such minerals.

(2) A holder shall submit to the Minister and the Agency documentary evidence of compliance with paragraph (a) of subsection (1) of section 157 of the Act and sub-regulation (1) not later than 15 days after the 3 months due date for repatriation of funds under sub-regulation (1) has elapsed:

Provided that copies of the documentary evidence referred to herein shall be submitted to the Minister responsible for Finance and the Governor of the Bank of Sierra Leone within the timeframe provided herein.

(3) A holder of a small-scale mining licence, large-scale mining licence or exporters licence shall, pursuant to paragraph (b) of subsection (1) of section 157 of the Act, submit to the Minister responsible for Finance and the Minister copies of export contracts entered with purchasers of minerals exported by the holder whether such purchasers are affiliate bodies, businesses, subsidiaries, or institutions of the holder.

56. (1) A holder of a small-scale mining licence or a large-scale mining licence shall, for the purposes of paragraph (a) of section 158 of the Act, submit mineral production, sales, and export data and such other data related to payments made by the holder to Government, land owners or lawful occupiers and under community development agreements pursuant to the Act and these Regulations to the Sierra Leone Extractive Industries Transparency Initiative Secretariat and the Minister with a copy to the Agency and the Minister responsible for Finance, within 15 calendar days of the end of every quarter of the holder's financial year.

(2) A holder of an exporters licence shall submit mineral sales and export data to the Agency and the Minister within 15 calendar days of the end of every quarter of a calendar year.

(3) The data under sub-regulation (1) shall be provided on a reporting template that the Sierra Leone Extractive Industries Transparency Initiative Secretariat shall submit to the holder and shall be accompanied by Form C23 of the Third Schedule and as may be published on the website of the Agency.

(4) Data provided under sub-regulations (1) and (2) shall be non-confidential and shall be entered against the licence of the

holder in the mining cadastre system and such other website of relevant Government institutions as the Minister shall determine.

Duty to report revenues.

57. (1) A holder other than a holder of an artisanal mining licence granted to a natural person but including a holder of an artisanal mining licence issued to a cooperative, joint venture or body corporate shall, notwithstanding any reporting obligations provided for in the Act and in these Regulations, within 90 days of the end of its financial year, submit to the Agency and the Minister, reports and payments information referred to in paragraphs (a) and (b) of section 159 of the Act as applicable under his licence.

(2) The reports and payment information under sub-regulation (1) shall be accompanied by Form C20 for payments related to community development activities and expenditures and Form C23 for all other revenues and payments.

Beneficial ownership disclosure.

58. (1) An applicant for or holder of a licence other than an artisanal mining licence or dealer's licence who is a natural person, shall disclose to the Agency, the Sierra Leone Extractive Industries Transparency Initiative Secretariat and such other Government institutions that the Minister shall determine, full personal identification information about persons holding at least 5% shares in the joint-venture, cooperative, or body corporate as applicable.

(2) Full personal identification information under sub-regulation (1) shall include -

- (a) complete name and any other names the shareholder may have used in the past;
- (b) country of origin of the shareholder;

(c) current nationality or nationalities of the shareholder and any other nationality or nationalities the shareholder may have held in the past together with proof of such nationality or nationalities;

(d) percentage amount of shares held by the shareholder.

(3) A holder of a licence under sub-regulation (1) shall, not later than 90 calendar days of the coming into force of these Regulations, disclose the information under sub-regulation (2).

59. (1) The Sierra Leone Mines and Minerals Development and Management Corporation shall, pursuant to paragraph (a) of section 161 of the Act, be the body corporate through which Government shall acquire a non-dilutable free carried interest of 10% in all operations under a large-scale mining licence issued under the Act and, upon Cabinet decision to the effect, may acquire up to 35% shares in the operations of any large-scale mining licence, the terms of such shares acquisition shall be negotiated and agreed with the holder in accordance with paragraph (b) of section 161 of the Act. State participation.

(2) The Minister responsible for Finance shall, after consultations with the Minister and the Minister responsible for Planning and Economic Development, formulate and publish in the Gazette guidelines for the management of funds that accrue to Government for the purposes of sub-regulation (1).

PART IX - IDENTIFICATION OF CULTURAL OR
ARCHAEOLOGICAL RELICS

Discovery
and removal
of cultural or
archaeological
relics.

60. (1) For the purposes of subsection (3) of section 163 of the Act, the Monuments and Relics Commission shall be the relevant Government authority referred to therein.

(2) The Agency shall, immediately upon receipt of the notice under subsection (1) of section 163 of the Act, send a written notification to the Monuments and Relics Commission about the likely presence of an archaeological or cultural relic on the licence area of a holder of a licence issued under the Act and the Commission shall, not later than 3 days of receipt of such notice, take concrete steps to verify the information.

(3) Where it is proven that the object suspected of being an archaeological or cultural relic is a relic of interest to the Government, the Commission shall remove it from the licence area of the holder not later than 7 days of verifying the existence of the archaeological or cultural relic.

(4) Where the Monuments and Relics Commission fails to remove the relic within the timeframe provided for in sub-regulation (1), the holder on whose licence the relic is discovered shall acquire the services of persons specialized in the retrieval of archaeological or cultural relics to remove the relic from its licence area and safeguard it until the Monuments and Relics Commission pays the cost for the removal and safeguard of the relic pursuant to subsection (6) of section 163 and the holder shall transfer the archaeological or cultural relic to the Monuments and Relics Commission.

PART X - DISCOVERY BY A NON-LICENCE HOLDER

61. (1) For the purposes of subsection (2) of section 164, the Director General, a Director or Manager of the Agency shall be an authorised officer to whom a non-licence holder shall report the discovery of a precious mineral on land subject to a licence issued under the Act. Obligation to report.

(2) Upon receipt of the report under sub-regulation (1), by a person other than the Director General, such person shall immediately request the non-licence holder to deliver the precious mineral to him and he shall immediately notify the Director General either in writing or by electronic voice communication who shall immediately inform the Minister about the discovery of a precious mineral by a non-licence holder.

(3) Upon taking custody of the precious mineral as provided for in sub-regulation (2), by a person other than the Director General, such a person shall immediately request the non-licence holder who discovered the precious mineral to accompany him to the nearest police station where the discovery will be reported and recorded and the police shall provide security for the precious mineral.

(4) The Director General shall, not later than 24 hours of the report under sub-regulation (2), direct that the precious mineral so discovered be immediately brought to him.

(5) The Director General shall, upon receipt of the precious mineral, cause the mining Cadastre Office to request the non-licence holder to give a description of the location of the

discovery of the precious mineral and the mining cadastre office shall use such information to identify the holder of the licence on whose licence area the precious mineral was discovered by the non-licence holder and the Director General shall immediately inform the licence holder about the discovery.

(6) For the purposes of paragraph (b) of subsection (2) of section 164, the non-licence holder shall pay the prescribed income tax on the 30% value of the precious mineral he is entitled to, calculated in accordance with the relevant provisions in the Extractive Industries Revenue Act, 2018 or the applicable Income Tax law.

(7) A non-licence holder who discovers a precious mineral on land subject to a licence issued under the Act and fails to report the discovery in accordance with the Act and these Regulations commits an offence and shall forfeit the precious mineral pursuant to subsection (2) of section 183 of the Act and subsection (2) of section 180 of the Act shall apply.

(8) For the purposes of subsection (2) of section 164, the Director General, a Director or Manager of the Agency shall be an authorised officer to whom the non-licence holder shall report the discovery of a precious mineral on land that is not subject to a licence issued under the Act.

(9) Subsection (2) of section 164 of the Act shall apply to a holder of a reconnaissance licence or an exploration licence.

PART XI - LOCAL CONTENT

62. (1) For the purposes of subsection (1) of section 166 of the Act, a holder of a reconnaissance licence, exploration licence, small-scale mining licence and large-scale mining licence issued under the Act shall, before commencing operations under the licence, if a new licence holder, or not later than 30 days of the anniversary of the issuance of the licence, if an existing licence holder, submit a Sierra Leone Content Plan pursuant to subsection (1) of section 40 of the Local Content Agency Act, 2016 (Act No. 3 of 2016) to the Sierra Leone Local Content Agency and a copy submitted to the Agency. Preference for Sierra Leone goods and services.

(2) A Sierra Leone Content Plan under sub-regulation (1) shall comply with the requirements paragraphs (a) and (b) of subsection (4) of section 40 and subsections (1), (2) and (3) of section 41 of the Local Content Agency Act, 2016.

(3) For the purposes of subsection (3) of section 166 of the Act, a holder of a reconnaissance licence, exploration licence, small-scale mining licence and large-scale mining licence issued under the Act, shall not award contracts for the supply of good and services including consulting services to a consulting firm or individual consultant, a person, natural or legal, that is wholly foreign owned or to a citizen of a foreign country in the case of an individual contractor or consultant, unless that person, legal or natural, has a citizen of Sierra Leone as a partner in the execution, implementation, or performance of the obligations under the said contract and which said partner shall acquire -

- (a) a non-dilutable free carried interest of 10% in the value of the contract in addition to any

other payment that may be agreed by the foreign contractor or consultant and the Sierra Leone partner; or

- (b) up to 35% shares in the company on terms to be agreed with the foreign contractor or service provider as applicable.

(4) In the performance of the obligations of a contract under sub-regulation (3), materials, products or goods made in Sierra Leone or that can be procured in Sierra Leone shall be given first consideration where the quality and timely delivery of such materials, products or goods are comparable to those not made in Sierra Leone.

(5) Without prejudice to sub regulation (4) herein, first consideration shall be given to goods or equipment manufactured or assembled in Sierra Leone or goods or equipment procured from suppliers who are citizens of Sierra Leone, and first consideration shall be given to the employment of Sierra Leone citizens or services provided by a natural person who is a citizen of Sierra Leone or by a company the ownership of which consists of a minimum of 51% of Sierra Leone citizens.

Employment and training of Sierra Leone Citizens.

63. (1) For the purposes of section 167 of the Act, the holder of an exploration licence, a small-scale mining licence, or a large-scale mining licence shall -

- (a) ensure that 100% non-skilled jobs are filled by Sierra Leone citizens.
- (b) give skilled employment preferences to citizens of Sierra Leone possessing the neces

sary qualification and experiences in all phases of operation and develop and implement a comprehensive skills development and training programmes for employees who are citizens of Sierra Leone to assume positions filled by foreign employees in a 5-year period.

(2) Without prejudice to paragraph (b) of sub-regulation (1), foreign nationals shall not occupy a management position in the corporate body of a holder for a period longer than 5 years where there is a citizen of Sierra Leone who has been in the employment of the holder for a period of 5 years in the department supervised or managed by the foreign national and who has the requisite skills and experience to assume the management role held by the foreign national or has been trained by the holder pursuant to subsections (1), (2) and (3) of section 167 of the Act.

64. A holder of an exploration licence, a small-scale mining licence, or a large-scale mining licence shall accompany the report under section 168 of the Act with completed Form C24 of the Third Schedule or as may be published on the website of the Agency and submit a copy of the said report and form to the Director General of the Sierra Leone Local Content Agency notwithstanding any other reporting obligations he may have to the Sierra Leone Local Content Agency.

PART XII - MISCELLANEOUS

Offences and penalties.

65. (1) Section 169 of the Act applies only to employees or former employees of Government and shall not apply to employees of a holder of a licence issued under the Act.

(2) Emergency purposes under subsection (1) of section 170 of the Act shall be construed as in compliance with an order of a court of competent jurisdiction or pursuant to a written directive by the Minister, the Chairman, or the Director General.

(3) The Director General or a person authorised by him shall, pursuant to subsection (1) of section 173 of the Act, not later than 7 days of the failure of a holder of a licence issued under the Act to perform his licence obligations including -

- (a) failure to report or significant delays in reporting;
- (b) failure to provide or significant delays in providing records and information required in accordance with its licence obligations and within the timeframe provided for in the Act or these regulations, file a written complaint about the defaulting holder to the Minister.

(4) The Minister shall, not later than 14 business days of receipt of the report referred to in sub regulation (3), in writing, notify the holder in default of the complaint against him and direct the said holder to cure the default in 30 calendar days failing which a penalty as specified in Table 3 of the First Schedule shall, without prejudice to subsection (3) of section 173 of the Act apply.

(5) For the purposes of section 174 subsection (2) paragraph (b) of the Act, the compensation plan registered by the holder pursuant to sub regulation (2) or regulation 18 shall be the compensation plan to be followed by the holder.

(6) For the purposes of paragraph (a) of subsection (3) of section 174 of the Act, the Minister shall, by notice in writing, inform the holder that his licence shall be subject to penalty in which case, the Minister shall impose the penalty specified in Table 3 of the First Schedule and the holder shall comply with the penalty imposed by the Minister within the timeframe determined by the Minister provided that such timeframe shall not be less than 30 calendar days.

(7) Where a holder fails to comply with the penalty imposed in sub-regulation (6), the Minister shall immediately suspend the licence of the holder until he complies with the penalty and fully fulfils its compensation obligations under the Act and in these Regulations.

(8) Notwithstanding the suspension of a licence under sub- regulation (7), the holder shall have the obligation to make full compensation payment in accordance with the lease entered under the licence.

(9) Where a holder fails to comply with the penalty under sub- regulation (6) for a period of 12 months, the Minister shall immediately cancel the licence of the holder and commence recovery of debt proceedings against the defaulting holder under sub-regulation (1) of regulation 54.

(10) A person or a holder of a licence issued under the Act who violates section 178 of the Act shall be referred to the Board for investigations and imposition of penalty specified in Table 3 of the First Schedule or as may be published on the website of the Agency.

(11) For the purposes of section 187 of the Act, an appeal against actions taken under the Act shall be construed as an action against Government and procedures in the State Proceedings Act, 2000 for bringing an action against the Government shall apply.

(12) Notwithstanding subsection (1) of section 188 of the Act, technical report, survey, raw or interpreted data set, analysis, result, or financial document submitted to the Agency and the Ministry by a holder of a licence issued under the Act and pertaining to work carried out in fulfilment of the holder's obligations under his licence shall be confidential and subsection (2) of section 188 of the Act shall apply.

(13) The Mining Cadastre Office shall maintain a secure digital database of all confidential reports submitted by a holder to the Agency and the Ministry.

(14) Without prejudice to sub-regulation (13), the Mining Cadastre Office shall keep all printed copies of confidential reports submitted to the Agency in a secure store, with digital copies held in a data safe and access shall be restricted to the Director General, the Director of Mines and the Director of Geological Survey and such persons and institutions necessary for the application of section 189 of the Act.

(15) The Mining Cadastre Office shall, pursuant to subsection (3) of section 188 of the Act, after 90 calendar days of the cancellation, expiration or termination of a licence issued under the Act, enter into the digital database of non-confidential reports all information or data submitted to the Agency that were confidential before the expiry or cancellation of the licence.

(16) Sub-regulation (15) shall not apply to a holder who has filed an appeal against the cancellation of his licence pursuant to section 187 and section 192 of the Act.

(17) Non-confidential reports, including reports provided for in subsections (4) and (5) of section 188 of the Act and sub-regulation (15) herein shall be open to inspection by members of the public who may request copies on payment of fees prescribed in Table 3 of the First Schedule of these regulations or as may be published on the website of the Agency.

66. (1) Public consultations required under the Act and in these Regulations shall and be done - Public consultations.

- (a) in a town hall meeting format;
- (b) through community radio discussions; and
- (c) such other medium that is generally used for public consultations in the targeted locality.

(2) Public consultations under sub-regulation (1) shall be done in a language that is generally spoken and understood in the locality where the public consultation is held:

Provided that if such language is not Krio, an interpretation in Krio shall be done.

(3) For town hall style public consultations, the holder shall ensure that all community stakeholders including women, youths, disabled and socially marginalised members of the community are adequately represented during the conduct of public consultations, apply all necessary public consultation facilitation skills to enhance the understanding of the participants on the issues for which the public consultation and solicit input from the participants.

(4) A holder responsible for the public consultation shall, not later than 14 days after the conduct of a public consultation, submit to the Agency and the Ministry a written report about the conduct of the public consultation and a copy of the said public consultation report shall be submitted to the leadership of all community stakeholders who participated in the public consultation.

(5) Where public consultations are conducted by radio, the holder shall ensure that the radio discussions occur during prime times, which shall be between 6am and 8am and 7pm and 11pm, when listenership is expected to be high and notice of the times for the radio discussions shall be broadcast over a reasonable period well in advance of the radio discussions taking place.

(6) Radio discussions shall be conducted in a live discussion format with opportunity given to community members to contribute to the discussions through phone in comments, question and answer calls and the holder responsible for the conduct of the radio discussion shall keep accurate record of persons who called, their comments, questions asked, and answers given.

(7) In relation to the format of public consultation referred to in paragraph (c) of sub-regulation (1), the holder shall keep accurate report of such public consultations.

(8) A holder shall, not later than 7 days of the completion of public consultations, submit a comprehensive report to the Director responsible for communications at the Agency and the Information Officer of the Ministry or such other person designated by the Permanent Secretary, including the Chiefdom Council, and the Councillor of the Ward in which the public consultation took place.

(9) A comprehensive report under sub-regulation (8) shall include an agreement or approval or a disagreement or opposition to the issues or activities discussed during the public consultation.

(10) Where activities are proposed on land subject to customary law, the Customary Land Rights Act, 2022 shall apply and without prejudice to any rights applicable under the Laws of Sierra Leone, activities shall not be permitted unless written evidence of free, prior, and informed consent is obtained from all affected communities and affected persons or any other person with rights to land subject to customary law.

67. A notice required to be given under the Act or in these regulations shall be issued in writing, in electronic or printed formats, and it shall be deemed to be effectively served on a holder when delivered to the registered address of the holder: Notice.

Provided that a notice may be served by email sent to the email address of an authorised representative of the holder registered with the Agency by the holder.

SCHEDULES
FIRST SCHEDULE
Fees and Charges

Application Fees	Licence category	Amount (Lc)	Amount USD
New application	Reconnaissance		1,000.00
Licence renewal	Reconnaissance		1,000.00
New application	Exploration		2,500.00
Licence renewal	Exploration		2,500.00
New application	Artisanal (Natural person)	250.00	
Licence renewal	Artisanal (Natural person)	250.00	
New Application	Artisanal (Joint Venture or Partnership)		250.00
Licence renewal	Artisanal (Joint Venture or Partnership)		250.00
New application	Artisanal (Cooperative)		250.00
Licence renewal	Artisanal (Cooperative)		250.00
New application	Artisanal (Corporate)		250.00
Licence renewal	Artisanal (Corporate)		250.00
New application	Small-scale		5,000.00
Licence renewal	Small-scale		5,000.00
New application	Large-scale		25,000.00
Licence renewal	Large-scale		25,000.00
Licence Application	Exporters		250.00
Licence Application	Exporters Agent		250.00
Licence Application	Dealers		50.00
Licence	Dealers Agent		50.00
Application to amend an approved work programme			150.00
Application to export minerals or sample minerals			50.00
Application	Registration of artisanal mine manager	250.00	

Application for renewal	Registration of artisanal mine manager	250.00	
Application	Construction of mine magazine to store explosives		250.00
Application	Explosives licence		750.00
Application	Blasting licence		750.00
Application	Balster's Certificate		50.00
Annual Charges			
Reconnaissance licence			10,000.00
Exploration licence (Initial Grant)			500.00 per km2
Exploration licence (1st renewal)			750.00 per km2
Exploration licence (2nd renewal)			1,000.00 per km2
Artisanal Mining Licence (Natural person)		1,500.00	
Artisanal Mining Licence (Joint-Venture)			750.00
Artisanal Mining Licence (Cooperative)			1,000.00
Artisanal Mining Licence (Body Corporate)			1,000.00
Small-scale Mining Licence			1,000.00 per ha
Large-scale Mining Licence			1,000,000.00
Permits and Certificates			
Dredging permit	Small-scale Mining Licence		10,000.00
Dredging permit	Large-scale Mining Licence		20,000.00
Blasting permit	Large-scale Mining Licence		20,000.00
Blaster's Certificate (Citizen)			1,500.00
Blaster's Certificate (Non-Citizen)			7,500.00
Explosive import permit			7,500.00
Explosive supply permit			7,500.00
Explosive transportation permit			7,500.00
Explosive storage permit			7,500.00
Explosive manufacturing permit			35,000.00
Mine magazine permit			7,500.00
Mine manager's certificate (artisanal mining licence)		250.00	
Annual Trading Licence and Certificate			
Diamond exporters licence			35,000.00
Gold exporters licence			20,000.00
Industrial and sand-based exporters certificate			15,000.00
Diamond exporters agent's certificate			10,000.00
Gold exporters agent's certificate			5,000.00
Industrial and sand-based exporters agent's certificate			5,000.00
Diamond Dealers Licence (Natural Person)			3,000.00
Diamond Dealers Licence (Cooperative)			5,000.00
Diamond Dealers Licence (Corporate)			7,500.00
Gold Dealers Licence (Natural Person)			300.00
Gold Dealers Licence (Cooperative)			1,500.00
Gold Dealers Licence (Corporate)			2,500.00
Industrial and sand-based dealers' licence (Natural Person)			500.00
Industrial and sand-based dealers' licence (Cooperative)			1,500.00
Industrial and sand-based dealers' licence (Corporate)			2,500.00
Diamond Dealers Agent's Certificate (Cooperative)			1,000.00
Diamond Dealers Agent's Certificate (Corporate)			1,500.00

Gold Dealers Agent's Certificate (Corporate)		250.00
Industrial and sand-based dealers' agents' certificate (Cooperative)		100.00
Industrial and sand-based dealers' agents' certificate (Corporate)		250.00
Monitoring Fees		
Reconnaissance Licence		10% of annual licence fees
Exploration Licence		10% of annual licence fees
Artisanal Mining Licence (Natural Person)	500.00	
Artisanal Mining Licence (Joint-Venture)		10% of annual licence fees
Artisanal Mining Licence (Cooperative)		10% of annual licence fees
Artisanal Mining Licence (Corporate)		10% of annual licence fees
Small-scale Mining Licence		10% of annual licence fees
Large-scale Mining Licence		10% of annual licence fees
Diamond Exporters Licence		1,000.00
Gold Exporters Licence		1,000.00
Industrial and sand-based exporters licence		1,000.00
Diamond Dealers Licence (Natural Person)		500.00
Diamond Dealers Licence (Cooperative)		600.00
Diamond Dealers Licence (Corporate)		700.00
Gold Dealers Licence (Natural Person)		100.00
Gold Dealers Licence (Cooperative)		500.00
Gold Dealers Licence (Corporate)		600.00
Industrial and sand-based dealers licence (Natural Person)		100.00
Industrial and sand-based dealers licence (Cooperative)		500.00
Industrial and sand-based dealers licence (Corporate)		600.00

No.	Type of Information	Amount	Amount USD
1.	Access to browse open-file reports (paper and/or digital copies (4 hours))		10.00
2.	Inspection of the Cadastral survey map of licence and applications	Free	
3.	Supply of GPS coordinates or copy of part of the cadastral map		10.00
4.	Access to inspect the register of licences & applications (30 minutes)		25.00
5.	Photocopy of open file report (per A4 size page)	200.00	
6.	Photocopy of map plan (A2 size)		5.00
7.	Digital copy of open file report (as pdf file on CD or DVD per report)		50.00
8.	Certificate D22 confirming information relating to a licence (per item)		50.00
9.	Maps on A0 paper size per unit sheet		70.00
10.	Maps on A1 paper size per unit sheet		35.00
11.	Maps on A2 paper size per unit		30.00
12.	Maps on A3 paper size per unit sheet		25.00
13.	Maps on A4 paper size per unit sheet		20.00
14.	Mapping of Client Coordinates (maximum of 10 copies)		20.00
15.	Bulletins		120.00
16.	Short papers		100.00
17.	Memoir		150.00
18.	Laboratory Service charges (for each sealed package)		50.00

Table 3 – Penalties		
No.	Types of offence	Penalty payment USD
1	Late or non-compliant technical report	2,000.00
2	Late or non-compliant audited financial report	2,000.00
3	Failure to keep complete technical records	2,000.00
4	Late or non-payment of annual charges	5% of annual charge per month
5	Failure to pay penalty on time	20% of penalty per month
6	Failure to notify Minister of substantial changes in ownership	3,000.00
7	Failure to comply with official written instruction	3,000.00
8	Failure to commence work within limit specified in Act	3,000.00
9	Failure to notify Minister when scale mine commences work for permit	3,000.00
10	Failure to notify Minister of termination, suspension, or reduction of production under large-scale mining Licence	5,000.00
11	Failure to submit audited statements of itemized expenditure directly incurred on exploration activities	Deficit becomes debt to Government
12	Failure to submit audited statements of itemized expenditure directly incurred on mining activities	40,000.00
13	Violation of agreed environmental management programme or failure to carry out rehabilitation or reclamation	8,000.00
14	Failure to honour employment and training commitments or requirements of Act	5,000.00
15	Make changes or modify his existing licence (Reconnaissance licence)	500.00
16	Make changes or modify his existing licence (Exploration licence)	750.00
17	make changes or modify his existing licence (small-scale mining licence)	1,000.00
18	make changes or modify his existing licence (large-scale mining licence)	2,000.00
19	Failure to pay compensation	5,000.00
20	Failure to comply with regulations 65 and 152	2,000.00 for initial failure plus 200.00 every day
21	Failure to report serious injury or fatality	5,000.00 immediately after the prescribed period had elapsed and 200.00 every calendar day until the report is made as prescribed.
22	Offences referred to the Board or the Minister	Penalty imposed by the Minister.
23	Offences for which penalty is prescribed in the Act	Penalty provided for in the Act apply.

SECONDSCHEDULE

APPLICATION AND RELATED FORMS

Form B1, B3, B15, B18: Application for a reconnaissance licence, exploration licence, small-scale mining licence, large-scale mining licence

Form B2, B4, B5, B17, B20: Application for renewal of a reconnaissance licence, exploration licence, small-scale mining licence, large-scale mining licence

Form B3: Application for an exploration licence

Form B7: Request to withdraw a submitted application

Form B8, B23: Application to part-surrender or enlarge large-scale mining licence or to make changes to production of a reconnaissance licence, exploration licence, or large-scale mining licence

Form B9: Request for certificate relating to a licence

Form B10: Request to export minerals or samples

Form B11, B25: Request to transfer ownership of an exploration licence or large-scale mining licence

Form B22: Application to amend the work programme associated with a reconnaissance or exploration licence

Form B12, B14: Application for an artisanal mining licence or renewal of an artisanal mining licence

Form B13: Application for Certificate of Registration for the Grant of Artisanal Mining Right to joint Venture/Cooperatives/ Corporation

Form B26: Description of licence area according to block system

Form B27: Application for radioactive minerals permit

Form B28: Application to renew a radioactive mineral permit

Form B29: Application for dredging permit

Form B30: Application to renew dredging permit

Form B31: Application to merge financial accounts of a company holding multiple licence

THIRDSCHEDULE

Reporting Forms

- Form C1: Form to report a mineral discovery
 Form C2: Six-monthly report on an exploration licence
 Form C3: Form to accompany submission of an annual report on exploration licence
 Form C4: Form to accompany submission of an annual report on a reconnaissance licence
 Form C5: Weekly progress reports of an airborne survey
 Form C6: Form to accompany submission of the results and data of an airborne survey
 Form C7: Form to be completed in regard to artisanal mining operations records
 Form C8: Form to be completed in regard to artisanal mining operations reports
 Form C9: Artisanal mine site inspection
 Form C10: Form for recording surveying and demarcation information for artisanal mining operation
 Form C11: Form to be completed to record precious mineral sales under artisanal mining licence
 Form C12: Form to be completed to record surface rent agreement under artisanal mining licence
 Form C13: Environmental management plan in respect to artisanal mining licence
 Form C14: Artisanal mining work plan
 Form C15: Monthly production report on a small-scale mining operation
 Form C16: Form to accompany annual report on a small-scale mining operation
 Form C17: Monthly production report on a large-scale mining operation
 Form C18: Form to accompany annual report on a large-scale mining operation
 Form C19: Form to accompany annual report on environmental management
 Form C20: Form to accompany annual report on Community Development activities & expenditures
 Form C21: Form for reporting accident under mineral right
 Form C22: Monthly report associated with a radioactive mineral permit
 Form C23: Form to accompany submission of financial transparency report
 Form C24: Form to accompany submission of annual report on employment and training
 Form C25: Report of change to registered details of a mineral right

THIRDSCHEDULE

Guidelines

- Guidelines E1: Guidelines for preparing work programmes and technical reports for reconnaissance and exploration licences
 Guidelines E2: Guidelines for preparing applications and technical reports required for mining licences
 Guidelines E3: Preparing an application for an artisanal mining licence
 Guidelines E4: Conduct of artisanal mining operations
 Guidelines E5: Conduct of the Minerals Advisory Board
 Guidelines E6: Procedures for the processing of mineral right applications

MADE THIS *day of* , 2023.

JULIUS DANIEL MATTAL
 Minister of Mines and Mineral Resources

FREETOWN,
 SIERRA LEONE,