

LAWS OF SOUTH SUDAN

Mining (Mineral Title) Regulations 2015

Laws of South Sudan

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LAWS OF SOUTH SUDAN

MINING (MINERAL TITLE) REGULATIONS 2015

In exercise of the powers conferred upon me under section 198 of the Mining Act, 2012, I hereby issue the following Regulations:

Chapter I

Preliminary Provisions

1. Title and Commencement

These Regulations may be cited as “The Mining (Mineral Title) Regulations, 2015” and shall come into force on the date of its signature by the Minister.

2. Purpose

- (1) The purpose of these regulations is to regulate Mineral Titles as provided for under the Act.
- (2) Notwithstanding the provisions of sub-regulation (1) of this regulation, mineral exploitation may also be subject to separate regulations as may be made under the Act.

3. Interpretation

In these Regulations, unless the context otherwise requires:

- “Act” means the Mining Act, 2012.
- “Annual Rehabilitation and Mine Closure Report” means a report submitted pursuant to Regulation 73 of these Regulations;
- “Arm’s length transaction” means a transaction between a willing buyer and willing seller in the open market where the purchase price for the sale is not influenced by any special relationship or other arrangement between the parties to the transaction and is not affected by any non-commercial considerations and specifically excludes any barter, swap, exchange, transfer price arrangement, marketing fee, restricted or distress transaction that is associated with special financial, off-take financing, commercial or other considerations;
- “Cadastral Coordinates” means the geographic co-ordinates in degrees, minutes and seconds of latitude and longitude on the World Geodetic System 1984 (WGS-84), used to specify the vertices of a Polygon comprising a Mineral Title Area or mineral resource reserve area in accordance with these Regulations;

“Cadastral Graticule”	means a graticule on the World Geodetic System 1984 (WGS-84) with the meridians of longitude and parallels of latitude spaced at integer multiples of 15 seconds apart;
“Cadastral Maps”	means the Cadastral Maps established and maintained as prescribed in the Fifth Schedule of these Regulations; for the purpose of the Mining Act 2012 and these Regulations, shall be such maps as are designated from time to time by the Director General of Mineral Development as the official Cadastral Maps, and may consist of one or more series or types of maps which may be in physical or electronic form;
“Cadastral Unit” or “CB”	means a pseudo-quadrilateral formed by two meridians of longitude and two parallels of latitude of the Cadastral Graticule spaced 15 seconds apart. The average area of one CU (square) of 15” x 15” is roughly 20 Hectares. That means a polygon of one minute by one minute (1'x1') will have 16 CUs (squares).
“Commercial Production”	means producing annually in the Mining Licence not less than twenty per cent of the design capacity of the contained mine(s), or where the Mining Operations consist solely of mineral Processing Operations, twenty per cent of the design capacity of the processing plant(s);
“Director General”	means the Director General in accordance with the Act;
“Earnings before interest, taxes, depreciation and amortization”	means the aggregate gross earnings of the extractor arising during an assessment period
“Exploration and Mining Agreement Area”	means an area that is subject to an Exploration and Mining Agreement in accordance with the Act;
“Exploration and Mining Agreement Register”	means the book used to record Exploration and Mining Agreement information as specified in Regulation 100 of these Regulations;
“Exploration Licence Register”	means the book used to record Exploration Licence information as specified in Regulation 100 of these Regulations;
“Feasibility Study”	includes: <ul style="list-style-type: none"> (a) a report that includes the targeted mineral, the planned commencement date of Mine Development, the planned commencement date of Commercial

- Production, the planned production profile and capacity,
- (b) details of the mineral deposit, including proven, estimated and inferred reserves, and the physical and chemical, mineralogical, and technical characteristics of the mineral mine site,
 - (c) design showing the likely and approximate location and position of Mine workings including pits and shafts, infrastructure, tailings, dams, buildings, treatment, processing and washing plants, worker accommodation, maintenance sheds and other buildings during the first ten calendar years of mining,
 - (d) description of:
 - (i) the likely mining method or methods to be used in the first ten calendar years of mining,
 - (ii) infrastructure requirements such as power, water, transportation,
 - (iii) the Mineral Products likely to be produced and sold, and how the applicant intends to market or sell the Mineral Product,
 - (iv) how the applicant plans to finance the development of the Mine site and infrastructure,
 - (v) the methods to be used to process raw minerals into Mineral Product,
 - (vi) any hazards that such methods may pose to employees and the public,
 - (vii) explosives and hazardous chemicals and substances that will be used in mining, if any, and how they will be transported, handled, used, stored and or destroyed.
 - (e) an economic analysis of the projected mining income and costs including estimated yearly sales, revenues, capital and operating costs, depreciation and other deductions, profits, cash-flows, breakeven year, net present value and an internal rate of return.

“Force Majeure”

means any cause (other than insufficiency of funds) beyond the control of a Title Holder including an act of God, fire, flood, earthquake, storm, hurricane or other natural disaster, war, invasion, act of foreign enemies, hostilities (regardless of whether war is declared), civil war, rebellion, revolution, insurrection, military or usurped

power, terrorist activities, explosion, nationalisation, government sanction or any action or inaction of any government or other competent authority, blockage, embargo, serious interruption in transport or services which renders the Title Holder unable to fulfil any obligations under the Act and these Regulations.

“gross market value”

shall for the purposes of calculation of royalties be defined as the sales value receivable at the mine gate in an arm’s length transaction without discounts, commissions or deductions for the Mineral or Mineral Product on disposal;

“Large-Scale Mining Licence Register”

means the book used to record Large-Scale Mining Licence information as specified in Regulation 100 of these Regulations;

“Licence Year”

means each consecutive twelve month period beginning 00:00 midnight on a specific date (i.e., first date of Mineral Title effectiveness) and ending on 24:00 midnight the following the same date, twelve months later;

“Mineral Resource Reserve”

means certain deposits reserved for tender or planned for in the National Mineral Resource Management Plan declared and published by the Minister at least in one of the daily newspapers widely circulated in the country;

“Mineral Title Coordinator”

means a public officer in the Mining Cadastre Office in accordance with the Act;

“Mining Cadastral Register”

means Reconnaissance Licence Register, Exploration Licence Register, Large-Scale Mining Licence Register Small-Scale Mining Licence Register, Retention Licence Register, Artisanal Mining Licence Register and Exploration and Mining Agreements Register and any other register established by the Director General that is to be used to record information for all Mineral Title related applications in the order in which they are received for the purposes of recording Licence matters, collectively or individually, as specified in Regulation 100 of these Regulations and consistent with the context in which the term Cadastral Register is used;

“Mining Licence Programme”

means the final fully costed and approved work programme for a Mining Licence based on the Feasibility Study.

“Minister”

means the minister in accordance with the Act.

“Polygon”	means a plane figure that is bounded by a finite sequence of straight line segments of the Cadastral Graticule such that it encloses one or more contiguous Cadastral Units.
“Reconnaissance Licence Register”	means the book used to record Reconnaissance Licence information as specified in Regulation 100 of these Regulations;
“Rehabilitation and Mine Closure Plan”	means a Rehabilitation and Mine Closure Plan in accordance with the Act;
“Small-Scale Mining Licence Register”	means the book used to record Small-Scale Mining Licence information as specified in Regulation 100 of these Regulations;
“State Cadastral Register”	means Small-Scale Mining Licence for State Natural Resources Register;
“Undersecretary”	means the Undersecretary of Mining.

4. Authority

- (1) The Minister may grant Mineral Titles and make any modifications to Mineral Titles, terms and conditions in accordance with these Regulations.
- (2) The Director General is authorised by these Regulations to carry out those acts that are attributed to be conducted prior to the grant of Mineral Title and any modification of Licence terms and conditions.
- (3) The Director General may, in order to better implement the requirements under these Regulations, establish a Technical Committee, membership of which shall be published in a newspaper that is widely circulated in the country.

Chapter II

General Provisions

5. Award and Grant of Mineral Titles and Authorisations

- (1) A Reconnaissance Licence or Small-Scale Mining Licence may be granted in response to an individual application.
- (2) An Exploration Licence or Large-Scale Mining Licence may be granted in response to an application or awarded as a result of a tender procedure, both Mineral Titles may be included as part of an Exploration and Mining Agreement:
 - (a) any tender process leading to an award or grant of an Exploration Licence or Large-Scale Mining Licence shall be administered by the Mining Committee provided for in Regulation 6.
 - (b) any area included in Mineral Title which was closed to Mining Operations under any applicable law or act in force at the time the Mineral Title was granted shall be automatically deemed not to be included as part of the Mineral Title Area, and any grant of Mineral Title rights in that closed area is null and void.

6. Mining Committee

- (1) A Mining Committee shall be established to implement the tender process under these Regulations.
- (2) The composition of the Mining Committee shall be an odd number of voting members, consist of at least 30% women appointed by the Minister as follows:
 - (a) Undersecretary of Mining, Chairperson
 - (b) Representative from the States in which the relevant Mineral Title Area is located, member;
 - (c) The Director General, Deputy chairperson;
 - (d) The Director of the Directorate of Industry and Mining of the States in which the relevant Mineral Title Area is located, Members;
 - (e) One Qualified Mine Engineer, as may be required, Member;
 - (f) One Qualified Geologist, as may be required, Member;
 - (g) The Mineral Titles Coordinator, Member; and
 - (h) The Legal Advisor of the Ministry, non-voting Member.
- (3) The Mining Committee shall exercise the following powers and functions:
 - (a) approve and publish tender procedures.
 - (b) implement the tender process in support of the award of Mineral Titles in the country.

- (c) determine whether that additional expertise is required to implement a tender process and select a transaction firm.
 - (d) monitor and approve any tender process to ensure it is conducted fairly and consistent with the Act and these Regulations.
 - (e) investigate and resolve any claims or disputes related to rights to conduct Exploration and Mining Operations prior to these Regulations.
 - (f) advise the Minister on matters of the environment and community development issues as they relate to Exploration and Mining Operations.
 - (g) facilitate the resolution of inter-governmental disputes relevant to minerals.
 - (h) advise the Minister on the grant, amendments of applications, suspending, transferring and revoking Mineral Titles.
 - (i) prepare its own operating procedures.
 - (j) where necessary, identify technical specialists to advise on the evaluation of relevant aspects that require particular technical expertise.
 - (k) notify the bidders and publish tender results at least in one of the daily newspapers widely circulated in the country.
- (4) The Mining Committee shall perform additional functions as follows:
- (a) advising the Minister on matters of the environment and community development issues as they relate to Exploration and Mining Operations;
 - (b) facilitate the resolution of inter-governmental disputes relevant to minerals;
 - (c) advise the Minister on the grant and amendments of applications, and suspending, transferring and revoking Mineral Titles; and
 - (d) such other functions as requested by the Minister.
- (5) The Director General shall:
- (a) in writing, advise the Minister to declare mineral title areas for public tender,
 - (b) prepare bidding documents and actions to support the tendering of mineral titles in the country including but not limited to:
 - (i) information materials;
 - (ii) geo-science data;
 - (iii) technical requirements for bid submission;
 - (iv) financial requirements for bid submission;
 - (c) implement tender processes including but not limited to:
 - (i) (preparing and publishing notices and advertisements of tenders;
 - (ii) establishing a “safe room” in which all tender related documents shall be safely stored;

- (iii) establish and train an Evaluation Committee to review and evaluate all bid submissions including technical, financial and other aspects.

(6) Establishment of a Mining Committee Secretariat

- (a) There shall be established at the Ministry a mining committee Secretariat hereinafter to be known as The Secretariat.
- (b) The Secretariat shall be staffed with not less than three members to support the Mining Committee functions.

(7) Meetings of the Mining Committee.

- (a) The Mining Committee shall meet as frequently as necessary at such time and place as may be determined by the Chairperson.
- (b) The quorum of any Mining Committee meeting shall be two-thirds of its members in attendance or by proxy as prescribed; questions before the Mining Committee shall be decided by a majority of members present, in the event of equality of votes the Chairperson or presiding person shall have an additional casting vote.
- (c) The Chairperson shall preside over every meeting of the Mining Committee; in his or her absence the Vice Chairperson shall preside.
- (d) The validity of Mining Committee proceedings and decisions shall not be affected by any vacancy in Membership.
- (e) The Mining Committee may invite any person to act as adviser at any of its meetings who may provide advice and take part in the deliberations of the Mining Committee, but such person shall not be entitled to vote.
- (f) All minutes of Mining Committee meetings shall be recorded by a non-voting attendee and maintained in the office of the Mining Committee Secretariat.

7. Disclosure of interest.

- (1) Any member or proxy Member of the Mining Committee who has an interest, direct or indirect, in any matter to be considered by the Committee shall disclose the nature of his or her interest to the Committee; and such disclosure shall be recorded in the minutes of the Committee and that Member shall not take part in any deliberation or decision of the Committee relating to the matter.
- (2) A Member who does not make such disclosure shall be guilty of misconduct and liable to be removed from the Mining Committee.
- (3) For the purposes of these Regulations, “interest” shall be defined as including but not limited to:
 - (a) direct or indirect ownership of shares in any legal person; or
 - (b) funding of any natural person engaged in mineral activities in the Country including ownership of shares or funding of natural person by any member of family in mineral activities in the Country and any direct or indirect benefits.

8. Public Notice of Mineral Title Grant or Revocation

- (1) When a Mineral Title is granted or revoked, the Mining Cadastre Office, within thirty calendar days from the date of such grant or revocation, of the Mineral Title shall publish notice give public notice of the grant or revocation of the Mineral Title issued or revoked, including, in at least one of daily newspapers that is widely circulated in the country; provided that such grant or revocation shall include the name of the Title Holder and a description of the Mineral Title Area in the Country.
- (2) The provisions of this Regulation shall apply when a Mineral Title is amended to enlarge or reduce the Mineral Title Area.

Chapter III

Reconnaissance Licence

9. Reconnaissance Licence Application

- (1) A Reconnaissance Licence application, in First Schedule FORM A-1 [Application for Reconnaissance Licence] shall be submitted in three copies and a digital copy by an applicant to the Mining Cadastre Office for registration and processing.
- (2) An applicant for a Reconnaissance Licence shall pay the non-refundable Reconnaissance Licence Application Processing Fee specified in the Second Schedule to these Regulations, upon such payment and presentation of the original receipt shall be issued a receipt in First Schedule FORM R-1 [Receipt for Payment of Application Processing Fee].
- (3) An application containing all information required in First Schedule Form A-1 [Application for Reconnaissance Licence] shall be deemed completed.
- (4) The Mining Cadastre officer who receives the application shall immediately verify whether the application is complete and not overlapping another Reconnaissance Licence Area of another Title Holder for the same Minerals.
- (5) An application found to be incomplete or overlapping another Reconnaissance Licence Area of another Title Holder for the same Minerals under sub Regulation 9(4) of this Regulation shall be rejected and not registered.
- (6) The Mining Cadastre Office shall notify the applicant of any incidental oversight to be rectified for re-submission.
- (7) The Mining Cadastre Office shall respond orally and in writing to inquiries by the applicant as to how the application was found not to be complete.
- (8) When an application is verified to be complete under this Regulation:
 - (a) the Mining Cadastre officer making such verification shall assign a sequentially numbered identifying code to the application and register the application and its verification by minute, hour and date, in the Reconnaissance Licence Register;
 - (b) the Reconnaissance Licence Register shall be signed by both the Mining Cadastre officer verifying the application and the applicant or authorised representative of the applicant;
 - (c) the identifying code, minute, hour and date of the application shall be recorded in the application form stamped and signed by the Mining Cadastre officer;
 - (d) one signed copy of the registered application shall be given to the applicant and
 - (e) upon completion of requirements under sub- clause (a)-(d) of this Regulation, the date shall be known as the application Registration Date.
- (9) The Director General, within seven calendar days from the application Registration Date, shall confirm that the information provided in the First Schedule FORMI-1 [Identification of mineral title area] conforms with the area identification requirements set out in the Fifth Schedule to these Regulations.

- (10) In the review of a Reconnaissance Licence Application, the Director General shall:
 - (a) request the applicant to correct any defects or omissions within thirty-five calendar days from the application Registration Date;
 - (b) confirm the information provided in the application within forty-two calendar days from the application Registration Date;
 - (c) consult with specialists as necessary within thirty-five calendar days from the application Registration Date;
 - (d) consult other relevant government entities as necessary within thirty-five calendar days from the application Registration Date and
 - (e) propose amendments in the application, if any, within fifty-six calendar days from the application Registration Date.
- (11) Any action taken by the Director General under sub-regulation (10) of this regulation shall be recorded in the Reconnaissance Licence Register.
- (12) Failure of the applicant to provide any of the information requested pursuant to sub-regulation (10) of this Regulation within twenty-eight calendar days from the date of expiry of the relevant time-period as referred to in sub- regulation (10) of this regulation, shall render the application null and void and the Mining Cadastre officer shall, in such a case:
 - (a) in writing, notify the applicant that it has seven calendar days from receipt of the notice to modify any minor error in the application as indicated by the Mining Cadastre Officer;
 - (b) in writing, notify the applicant that the application is null and void; and
 - (c) immediately record the date of such notification in the Reconnaissance Licence Register.
- (13) Failure of the applicant to correct the application as requested within eighty-four calendar days from the application Registration date shall render the application null and void and the Mining Cadastre officer shall in such case:
 - (a) in writing, notify the applicant within seven calendar days from receipt of notice to correct the application as indicated by the Mining Cadastre Office, or
 - (b) in writing, notify the applicant that the application is null and void and
 - (c) immediately record the date of such notification in the Reconnaissance Licence Register.
- (14) The Minister may reject the approval of a Reconnaissance Licence applicant if it is proven that the applicant or any of the directors of the applicant or a shareholder holding 10% or more shares of the applicant is disqualified for reasons provided in section 7(2) of the Mining Act, 2012.
- (15) The Minister shall reject the approval of a Reconnaissance Licence application of a person who had, within ninety calendar days, a prior Reconnaissance Licence application in the

Country and preceding the application registration date be deemed null and void under these Regulations.

- (16) Subject to this Regulation, if the applicant for a Reconnaissance Licence is an eligible person:
- (a) The Minister shall grant the Licence within eighty-four calendar days from the application Registration Date.
 - (b) The Mining Cadastre Office, in writing, shall notify an applicant whose Reconnaissance Licence is granted, within ninety-one calendar days of the application registration date:
 - (i) that the Reconnaissance Licence is granted,
 - (ii) the location of the Mining Cadastre Office where the Licence can be issued,
 - (iii) that the Licence shall be collected by the applicant, or its representative, within fourteen calendar days from the date of notification,
 - (iv) confirmation of receipt of the notice is provided by the applicant within ten calendar days of receipt of notification, and
 - (v) immediately record the date that the notice was sent in the Reconnaissance Licence Register.
- (17) Where the applicant has not confirmed receipt of notice, the Mining Cadastre Office shall re-issue the notification of grant of Licence, that request such applicant to confirm receipt of notice within ten calendar days of receipt and the Licence shall be collected within fourteen calendar days from the date of the second notification.
- (18) The Mining Cadastre Office shall issue to a Reconnaissance Licence applicant whose application is granted or is deemed approved by the Minister a Reconnaissance Licence and a receipt in First Schedule Form R-2. [Receipt for Payment of Licence Registration Fee] upon payment and presenting of the original receipt by the applicant of the non-refundable Registration Fee specified in Second Schedule to these Regulations and the date of issuance shall be recorded in the Reconnaissance Licence Register.
- (19) The Minister and the Mining Cadastre Office shall use all reasonable efforts to ensure that notification of the grant of application is delivered to the applicant in a timely manner.
- (a) Any negligent or fraudulent action on the part of any Ministry, Mining Cadastre Office or third party that results in the failure of the applicant to receive timely notification of the grant of application shall be actionable under the Act.
 - (b) When an applicant fails to appear to collect the Licence and pay the non-refundable Licence Registration Fee within fourteen calendar days from the date of being notified under Sub-Regulation (16)(a)(i) of this Regulation, including the second notification where applicable, the Licence shall be deemed to be null and void, and the date upon which the Licence became null and void shall be immediately recorded in the Reconnaissance Licence Register.

- (c) If it becomes known that for any reason, evidenced by the applicant, that the notification of its Licence being granted has been negligently or fraudulently withheld either by a Ministry official, third party or other party, the offended applicant shall retain the right to the grant of the Licence.
- (20) When it becomes known to the Mining Cadastre Office that a false attestation was made in First Schedule FORM AT-3 [Attestation Legally Competent Individual without Conviction] or First Schedule FORM AT-2 [Attestation of No Mining Act Offence Penal Conviction], any resultant Reconnaissance Licence shall be null and void and the date upon which the Licence became null and void shall be immediately recorded in the Reconnaissance Licence Register.

10. Form of Reconnaissance Licence

- (1) Any Reconnaissance Licence shall be issued utilising the template in First Schedule Form L-1 [Reconnaissance Licence].
- (2) A Reconnaissance Licence shall have appended to it, by the Mining Cadastre Office:
 - (a) the Cadastral Coordinates of the Polygon defining the Reconnaissance Licence Area, and
 - (b) a map with the approximate position of the Reconnaissance Licence Area marked upon it, and any excluded Mineral Titles that falls within the boundaries, with the exception of Reconnaissance Licences, shall also be identified on the map.

11. Duration of Reconnaissance Licence

- (1) A Reconnaissance Licence shall be granted for the term applied for, but such term shall not exceed two (2) years, in accordance with the Act.
- (2) The term of a Reconnaissance Licence cannot be renewed or extended in accordance with the Act.

12. Term of Validity of Reconnaissance Licence

Unless terminated earlier by revocation, a Reconnaissance Licence shall remain valid during the term fixed in the Licence measured from the date on which the Licence is issued by the Mining Cadastre Office, and it shall terminate upon expiration of the term provided therein as recorded in the Reconnaissance Licence Register.

13. Reconnaissance Licence Area

- (1) Subject to these Regulations, the area of land in respect of which a Reconnaissance Licence may be granted shall be no more than one hundred seventeen thousand five hundred ninety eight CUs (~25,000 square kilometres) and not less than forty-seven CUs (~10 square kilometres) in size and shall consist of one contiguous Polygon comprising whole Cadastral Units.
- (2) The Reconnaissance Licence Area will be set forth in the Reconnaissance Licence in accordance with the area specification requirements set out in the Fifth Schedule to these Regulations.

- (3) Where any area of a Reconnaissance Licence Area becomes an Exploration Licence, a Small-Scale Mining Licence, a Small-Scale Mining Licence for State Natural Resources, an Artisanal Mining Licence, a Large-Scale Mining Licence or becomes closed to exploration or mining operations under the Act or any other applicable Act or Regulations, that area ceases to be subject to any Reconnaissance Licence.
- (4) Regardless of whether any area closed to Mining Operations by the Act or other Applicable Act or Regulations and any area the subject of an Exploration Licence, Retention Licence, Small-Scale, Large-Scale Mining Licence, Small-Scale Mining Licence for State Natural Resources or an Artisanal Mining Licence, that is within the boundaries of the Reconnaissance Area, is identified and set forth as excluded as per Regulation (3) of this Regulation such areas shall be deemed not to be part of the Reconnaissance Area regardless of whether such closure or Mineral Title was authorized or issued prior to or after the issuance of the Reconnaissance Licence.
- (5) A Reconnaissance Area cannot be enlarged or reduced in size.

14. Field Reconnaissance and Commencement Notice

A Reconnaissance Licence Title Holder shall:

- (1) commence field Reconnaissance within ninety calendar days from the issuance date of the Licence, and
- (2) submit to the Mining Cadastre Office a written notice in First Schedule Form N-1 Notice of fieldwork commencement exploration or reconnaissance not later than one week before commencing field reconnaissance over the reconnaissance Area.

15. Reconnaissance Licence Reports

- (1) a Reconnaissance Licence Title Holder shall submit to the Mining Cadastre Office a Reconnaissance Licence Annual Report with First Schedule Form AR-1 [Reconnaissance Licence Annual Report], describing all Reconnaissance activities, discoveries, results and any other information as may be specified in the report guidelines by the Director General for:
 - (a) the twelve months period following the date of the issuance of the Licence, no later than thirteen months after such granting date,
 - (b) the twenty-four months period following the issuance date of the Licence, no later than twenty-five months after such issuance date.
- (2) When a Reconnaissance Licence is granted for a term of twelve months or less, sub-Regulation (1)(a) of this Regulation shall apply.
- (3) A report submitted pursuant to this Regulation shall have been prepared under the supervision of the Reconnaissance Licence Title Holder or a duly authorised director or officer of the Title Holder and shall be accompanied by an attestation signed by such supervising Title Holder, director or officer that the information in such report is substantially accurate and true.
- (4) The Title Holder shall submit the full raw data and results of any airborne geophysical survey done in connection with the Reconnaissance Licence and all laboratory results and

details of any geological samples or other information in Reconnaissance Licence reports as prescribed by the Mining Cadastre Office.

- (5) Where a report submitted under this Regulation is not accompanied by the signed attestation required by Regulation (3) of this Regulation, the report shall not be accepted by the Mining Cadastre Office and does not meet the requirements of the Act.
- (6) At the time that any Reconnaissance Licence report is submitted to the Mining Cadastre Office pursuant to Regulation (1) of this Regulation, the Mining Cadastre Office shall issue to the person submitting such report a completed and stamped receipt in Form R-3[Receipt for Submitted Report] and the date the receipt was issued shall be immediately recorded in the Reconnaissance Licence Register.
- (7) When a Reconnaissance Licence Title Holder fails to meet reporting requirements, the Mining Cadastre Office shall issue a notice of failure with a copy to the Director General.
 - (a) The Title Holder shall have thirty calendar days to comply with the reporting requirements.
 - (b) In the event that the Title Holder fails to comply with reporting requirements within the prescribed time frame, the Mining Cadastre Office may proceed to recommend to the Minister the revocation of the Licence.

Chapter IV

Exploration Licence

16. Exploration Licence Application

- (1) An Exploration Licence application in First Schedule Form A-2 [Application for Exploration Licence], shall be submitted in three hard copies plus one digital copy, by an applicant to the Mining Cadastre Office for registration and processing.
- (2) An Exploration Licence application, based on a Licence for Exploration or Mining operations issued pursuant to the repealed legislation as defined in Section 2 of the Mining Act, 2012 is subject to all application requirements, processes, obligations and maximum Mineral Title Area restrictions under the Mining Act, 2012 and shall comply with the procedure as defined in regulation 18 of this regulation.
- (3) All Exploration Licence applications, based on a Licence for Exploration or Mining operations issued pursuant to the repealed legislation as defined in Section 2 of the Mining Act, 2012 shall be reviewed and granted or rejected before any other application for the same area is considered.
- (4) All Exploration Licence applications, based on a Licence for Exploration or Mining operations issued pursuant to the repealed legislation as defined in Section 2 of the Mining Act 2012, shall be reviewed and granted or rejected in order of their seniority.
 - (5) The type of Mineral or Minerals shall be specified in the application and comply with the attached list in Form A-2 [Application for Exploration Licence].
- (6) Exploration Areas of the same applicant shall be spaced such that another applicant can apply for a Mineral Title Area of at least the minimum Exploration Area prescribed under the Act.
- (7) An applicant for an Exploration Licence shall pay the non-refundable Exploration Licence Application Processing Fee, specified in the Second Schedule to these Regulations and upon such payment and presentation of the original receipt shall be issued a receipt in First Schedule Form R-1 [Receipt for Payment of Application Processing Fee].
- (8) An application containing all information required in First Schedule Form A-2 [Application for Exploration Licence] is complete.
- (9) At the time that an Exploration Licence application is received by the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall immediately verify whether the application is complete and not overlapping any existing Mineral Title in respect of the same Mineral or associated Minerals.
- (10) An application that is found not to be complete under Regulation (8) of this Regulation shall be rejected:
 - (a) The Mining Cadastre Office shall notify the applicant of any incidental oversight, e.g., misspelling that may be immediately rectified for re-submission.

- (b) The Mining Cadastre Office shall respond orally and in writing to inquiries by the applicant as to how the application was found not to be complete.
- (11) When an application is verified to be complete under Regulation (8) of this Regulation,
- (a) the Mining Cadastre officer making such verification shall assign a sequentially numbered identifying code to the application and shall register the application and its verification date, hour and minute in the Exploration Licence Register;
 - (b) the Exploration Licence Register shall be signed by both the Mining Cadastre Officer verifying the application and the applicant or the applicant authorized representative;
 - (c) the identifying code, date, hour and minute of the application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre Officer;
 - (d) one copy of the registered application shall be given to the applicant; and
 - (e) upon completion of the requirements under this Regulation (11) (a)-(d), this date shall be known as the application registration date.
- (12) When an Exploration Licence application is registered, the Mineral Title Area applied for, shall be recorded on the Cadastral Maps and be published on the website of the Ministry.
- (13) A registered exploration licence application shall be officially accepted for consideration and approval, unless the area applied for is contiguous with another exploration licence of the applicant or overlaps areas that are:
- (a) currently held under a Reconnaissance Licence for the same Mineral or associated Minerals, a Retention Licence, an Exploration Licence, Small-Scale Mining Licence, Large-Scale Mining Licence, or Small-Scale Mining Licence for State Natural Resources or an Artisanal Mining Licence held by another Title Holder; or
 - (b) closed to Mining operations by this or any other applicable law, in which case the application shall be null and void, the Mining Cadastre officer, in writing, shall notify the applicant that the application is null and void within seven calendar days of the application registration date, and the date of such notification shall be immediately recorded in the Exploration Licence Application Register.
- (14) The Director General, within seven calendar days from the application registration date, shall confirm that the information provided in the First Schedule Form I-1 [Identification of Mineral Title Area] conforms with the Mineral Title Area identification requirements set out in the Fifth Schedule to these Regulations.
- (15) Where the Exploration Area applied for in an Exploration Licence application, in an Application to Extend Exploration Licence Term or in an Application to Relinquish Mineral Title Area:
- (a) exceeds eleven thousand seven hundred and sixty CUs (~2,500 square kilometres);
 - (b) is less than forty seven CUs (~10 square kilometres);

- (c) is not sufficiently spaced from neighbouring Mineral Titles such that another applicant can apply for a Mineral Title Area of at least the minimum Exploration Area prescribed under the Act, or
 - (d) does not meet the criteria specified in Regulations 19(6)(c) or 22(3) the Mining Cadastre Office, in writing, shall notify the current applicant, within seven calendar days from the application registration date, requesting that the applicant amend the area applied for in the application to comply with these area limits and the date of such notification shall be recorded in the Exploration Licence Application Register.
- (16) Upon receipt of a notice under this Regulation, an Exploration Licence applicants shall amend the application to redefine the Exploration Area applied for in such a way as to comply with the instructions in the notice, and failure by the applicant to appear at the Mining Cadastre Office and amend the application within fourteen calendar days of receiving such notification shall result in the application being deemed null and void.
 - (17) When an Exploration Licence application is deemed null and void or the application area is amended, in accordance with Regulation (16) of this Regulation, the Exploration Licence Register and Cadastral Maps shall be updated accordingly.
 - (18) When there is an overlap between the Mineral Title Area applied for in a Reconnaissance Licence for the same Mineral or associated Minerals, a Retention Licence, an Exploration Licence application and any Mineral Title Areas applied for in another Exploration Licence, Small-Scale, Large-Scale Mining Licence application or a Small-Scale Mining Licence for State Natural Resources or an Artisanal Mining Licence, the first registered application shall be given exclusive priority. The Mining Cadastre Officer shall have the right to modify the area of the second registered application to not overlap the first registered application.
 - (19) Where an Exploration Licence Area is to be awarded by tender process, the Minister shall close the proposed Exploration Licence Area for the duration of the tender process. upon effective date of award of the Exploration Licence to a winning bidder, the application submission date for that Exploration Licence shall be deemed the effective application registration date.
 - (20) In the review of an Exploration Licence application, the Director General shall:
 - (a) request the applicant to correct any defects or omissions within thirty-five calendar days from the application registration date;
 - (b) confirm the information provided in the application within forty-two calendar days from the application registration date;
 - (c) consult with other specialists as necessary within thirty-five calendar days from the application registration date;
 - (d) consult other relevant government entities within thirty-five calendar days from the application registration date;
 - (e) request additional information and or propose amendments in the application within fifty-six calendar days from the application registration date.

- (f) in case of failure of an applicant to provide any of the information requested pursuant to Regulation (20)(a) of this Regulation within seven calendar days of receiving the request, or to amend agreed amendments pursuant to Regulation (20)(e) of this regulation within fourteen calendar days of receiving the request or to comply with another application requirements shall render the application null and void, and the Mining Cadastre Office, in such a case, shall:
 - (i) in writing, notify the applicant that it has seven calendar days from receipt of notice to modify any error in the application as indicated by the Mining Cadastre Office; or
 - (ii) in writing, notify the applicant that the application is null and void, and
 - (iii) record the date of such notifications in the Application Register.
- (21) Any person who otherwise qualifies to apply for an Exploration Area shall be ineligible to apply for an Exploration Licence if:
 - (a) the applicant is a former Exploration Licence Title Holder whose Licence has been revoked for the same Exploration Area, or any part therein applied for, if such application is made within two years from the date of such revocation;
 - (b) it is shown that any of the directors of the applicant or a shareholder holding a ten per cent or greater share of the applicant has been disqualified under section 7(2) of the Mining Act, 2012;
 - (c) the applicant, in the ninety calendar days preceding the application registration date, had a prior Exploration Licence application that applied for part or all of the area in the Republic of South Sudan currently being applied for, which was deemed null and void under Regulation (b) of this Regulation; or
 - (d) the applicant has been employed by the Ministry or been a member of the Mining Committee within two years of application submission, in which case, any application submitted by an ineligible applicant shall be null and void.
- (22) The Mineral Title Coordinator, within thirty-five calendar days of the registration of an application for an Exploration Licence, shall convene a meeting of the respective State Mineral Resources Advisory Coordination Committees where the application area is located, and where such area is in two or more States, shall call a joint or separate meetings of the respective state Mineral Resources Advisory Coordination Committees to consider the application.
- (23) The Mineral Title Coordinator shall report the advice of the meetings required under Regulation (22) of this Regulation in First Schedule Form AR-7 [STATE MINERAL RESOURCES ADVISORY COORDINATION COMMITTEE] to the Director General no later than thirty-five calendar days from the date that an Exploration Licence application is registered. The date of such notification shall be immediately recorded in the Exploration Licence Register.
- (24) In the event that the Committee requires additional time, it may in writing request not more than sixty additional calendar days.

- (25) The Minister shall convene a meeting of the Mining Committee no later than seventy-seven calendar days from the application registration date subject to an extension under sub-regulation (24) to advise him or her whether the Mining Committee is approving the application. The minister shall:
- (a) consider the advice of the Committee and shall reject or approve an Exploration Licence no later than seventy-seven calendar days from the application registration date and where the Minister, subject to an extension pursuant to sub-regulation 16(24) of this regulation has not acted within this time period, the application is deemed to be approved. The date of such approval, shall be immediately recorded in the exploration Licence Application Register.
 - (b) decides against the decision of the Committee he or she shall justify his or her decision in writing and the Mineral Cadastre officer shall immediately enter such decision into the Exploration Licence Application Register.
 - (c) sign and affix the official seal to an approved Exploration Licence, but when an application is deemed approved pursuant to Regulation (25)(a) of this Regulation, the Director General of Mineral Development shall sign and affix the official seal to the Exploration Licence.
- (26) When an Exploration Licence application is rejected, the Cadastral Maps shall immediately be updated to remove the application area record.
- (27) The Mining Cadastre Office, in writing, shall notify an applicant whose Exploration Licence application is granted by the Minister, within eighty-four calendar days of the application registration date that:
- (a) the application is granted;
 - (b) the location of the Mining Cadastre Office where the Licence can be issued;
 - (c) the Licence shall be collected by the applicant, or its representative, within fourteen calendar days from the date of notification;
 - (d) confirmation of receipt of the notice is provided by the applicant within ten calendar days of receipt of notification;
 - (e) where the applicant has not confirmed receipt of notice, the Mining Cadastre Office shall re-issue the notification of grant of Licence and such Licence shall be collected within fourteen calendar days from the date of the second notification and shall again request the applicant to confirm receipt of notice within ten calendar days of receipt;
 - (f) the date on which all notices are sent by the Mining Cadastre Office shall be immediately recorded in the Exploration Licence Register, and
 - (g) the same process under sub- regulations 27(a) to (f) shall apply to an application to extend exploration licence term or an application to relinquish Mineral Title Area, The Mining Cadastre Office shall, in writing, notify any applicant within thirty five calendar days of the application registration date.

- (28) The Mining Cadastre Office shall issue to an Exploration Licence applicant whose application is granted by the Minister a signed and sealed Exploration Licence and a receipt in First Schedule Form R-2 [Receipt for Payment of Licence Registration Fee] upon payment by the applicant of the non-refundable Exploration Licence Registration Fee specified in the Second Schedule to these Regulations. When:
- (a) an Exploration Licence is issued, the Cadastral Coordinates of the Polygon defining the Mineral Title Area shall be recorded in the Licence, the Mineral Title Area recorded on the Cadastral Maps, and the date of issuance and the Mineral Title Area shall be recorded in the Exploration Licence Register upon issuance of the Exploration Licence.
 - (b) an applicant fails to appear to collect the Licence and pay the non-refundable Licence Registration Fee within fourteen calendar days from the date of being notified under Regulation (27) of this Regulation, including the second notification where applicable, the application and Licence shall be deemed to be null and void, and the date upon which the application became null and void shall be immediately recorded in the Exploration Licence Register.
- (29) The Mining Cadastre Office, in writing, shall notify an applicant whose Exploration Licence application is rejected, within eighty-four calendar days of the application registration date, providing the details for the rejection, and the date that such notice of rejection was submitted, shall be immediately recorded in the Exploration Licence Register.
- (30) when it is recognized by the Mining Cadastre Office that a false attestation was made in First Schedule Form AT-3 [Attestation Legally Competent Individual without Conviction] or First Schedule Form AT-2 [Attestation of No Mining Act Offence Penal Conviction], this shall be a violation and any resultant Exploration Licence shall be null and void.

17. Form of Exploration Licence

- (1) an Exploration Licence shall be issued in accordance with the template in First (Schedule Form L-2 [Exploration Licence].
- (2) the Mining Cadastre Office shall append the following documents with an Exploration Licence:
 - (a) the Cadastral Coordinates of the Polygon defining the Exploration Area;
 - (b) a map with the approximate position of the Exploration Area marked upon it, and any direct adjacent Mineral Title Areas, with the exception of Reconnaissance Licences, shall also be identified clearly on the map;
 - (c) the approved Exploration Program;
 - (d) (d) any approved minimum exploration expenditure commitments;
 - (e) the details of any significant adverse effects that carrying out the Exploration Program will likely have on the environment, gender impact and on any monument, cultural heritage, artefact or relic in the proposed Exploration Area, measures to be taken to mitigate such effects and an estimate of the cost of mitigating such impacts;

- (f) the applicant's financial resources shall cover the following:
 - (i) the minimum exploration expenditure;
 - (ii) the approved rehabilitation program;
 - (iii) a certified copy of its audited accounts, if any;
 - (iv) performance bond or escrow account information; or
 - (v) other proof of financial resources, available exclusively for this application and acceptable to the Mining Cadastre Office.
- (g) any Community Development Agreement, if any or agreed upon community activities or local procurement commitments; and
- (h) a list and resumes of the Exploration Managers and key staff committed at least through year one of the exploration program.

18. Duration of Exploration Licence

- (1) An Exploration Licence shall be issued initially for a term of up to five years in accordance with the Act.
- (2) An Exploration Licence term may be extended for two additional terms of up to five years each, in accordance with the Act..
- (3) Subject to Regulation 19 of these Regulations, the maximum term of an Exploration Licence including all extensions shall not exceed fifteen years.

19. Application for Extension of Exploration Licence Term

- (1) not later than ninety calendar days before the expiration of an Exploration Licence, the Title Holder may submit an application in First Schedule Form A-7 [Application to Extend Exploration Licence Term] to extend the Licence term.
- (2) an applicant for an Exploration Licence term extension shall pay the non-refundable Exploration Licence Application for Term Extension Processing Fee specified in the Second Schedule to these Regulations and upon such payment and presentation of the original receipt shall be issued a receipt in First Schedule Form R-1 [Receipt for Payment of Application Processing Fee].
- (3) an application containing all information required in First Schedule Form A-7 [Application to Renew Exploration Licence Term] is complete
- (4) at the time that an application to extend the term of an Exploration Licence is received by the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall verify immediately whether the application is complete
- (5) an application that is found to be incomplete under Regulation (3) of this Regulation shall immediately be rejected and not registered.
 - (a) The Mining Cadastre Office shall notify the applicant of any incidental oversight(e.g. misspelling) that may be immediately rectified for re-submission;

- (b) The Mining Cadastre Office shall respond orally and in writing to inquiries by the applicant as to how the application was found not to be complete.
- (6) The Minister shall grant approval to an Exploration Licence term extension application within twenty-eight calendar days of the application registration date if :
- (a) the application in respect thereof is received at least ninety calendar days prior to the expiry of the original term of the Licence;
 - (b) the Exploration Licence Term Extension Application Processing Fee required under Regulation (2) of this Regulation has been paid;
 - (c) the Title Holder has relinquished at least fifty per cent of the Exploration Area held or has attached an application for such relinquishment to the term extension application,
 - (i) (on the date the Licence was first registered, for a first-time extension, or
 - (ii) on the date the first extension of the Licence was registered, for a second time extension;
 - (d) the Title Holder has substantially complied with the conditions of the Act and these Regulations; and
 - (e) the total duration of the Licence including any extension period shall not exceed fifteen years, plus any period of suspension as granted pursuant to Regulation 20 (2) of this Regulations.
- (7) The Minister shall not grant approval to an Exploration Licence extension application where any of the requirements set out in Regulations (3) and (6) of this Regulation are not met.
- (8) In the event that the Director General seeks to reject:
- (a) an Application to Extend Exploration Licence Term,
 - (b) an Application to Relinquish Mineral Title Area
 - (c) an Application to Suspend Exploration Licence, or
 - (d) an Application for Reconnaissance Licences
- he or she shall, in writing, provide the applicant a response listing the reasons for rejection within seven calendar days of submission of application.
- (9) The applicant will have twenty one calendar days to respond in writing to the Director General.
- (10) The applicant may request additional time to respond to the Director General and shall provide reasons why additional time is required.
- (11) In case an applicant requests additional time to respond, the Minister, shall convene a Mining Committee meeting to review the request of the applicant.
- (a) the Mining Committee shall consult with the applicant.

- (b) the Mining Committee may request the presence of the applicant, independent experts, community members or other reasonable individuals for consultation.
 - (c) the Mining Committee may in writing recommend to the Minister that the Exploration Licence term extension application be approved, modified or rejected and shall include written reasons.
- (12) When an application for an Exploration Licence term extension is received less than ninety calendar days prior to the expiry of the original Exploration Licence term, the Director General may reject or consider the application but shall impose on the Title Holder, upon the grant of any Licence term extension, the non-refundable Exploration Licence Late Application Term Extension Filing Fee specified in the Second Schedule to this Regulations.
- (13) When the Minister rejects approval to an Exploration Licence term extension application, he or she, shall in writing, inform the applicant of such rejection stating the reasons thereof.
- (14) Within sixty calendar days of being notified, he or she may appeal to a competent Court and
 - (a) where the Court has determined that the applicant has met all legal requirements under the Act and this Regulations and the court decided that the Title Holder whose application for extension of an Exploration Licence which is rejected by the Minister under this Regulation an extended term is to be granted, the Minister shall grant the term extension within seven calendar days of the Court judgment.
 - (i) When an application for an Exploration Licence term extension is granted, the Mining Cadastre Office shall notify the applicant of such approval within seven calendar days from the date the approval was granted.
 - (ii) An Exploration Licence term extension shall take effect upon payment of the Extension Registration Fee specified in the Second Schedule to these Regulations, any Late Application Term Extension Filing Fee payable under Regulation (12) of this Regulation, and the date the Licence term was extended, period of extension shall be immediately recorded in the Title Holder original Licence copy and in the Exploration Licence Register.
 - (b) When the applicant fails to pay the fee(s) required in Regulation (14)(a)(ii) of this Regulation within fourteen calendar days after being notified, such term extension shall be deemed null and void.
- (15) An applicant may simultaneously submit an application to extend the term of an Exploration Licence and an application to relinquish an Exploration Area in order to meet the area relinquishment requirement of this Regulation.
- (16) Subject to Regulation 19 of these Regulations, the maximum term of an Exploration Licence including all extensions shall not exceed fifteen years.

20. Term of Validity of Exploration Licence

- (1) Except as otherwise provided by these Regulations and unless terminated earlier by revocation, an Exploration Licence shall terminate upon expiration of the term provided there in as recorded in the Exploration Licence Register.
- (2) Subject to Regulation (3) of this Regulation, an Exploration Licence will remain valid during:
 - (a) the initial period fixed in the Licence measured from the date on which the Licence is registered as issued by the Mining Cadastre Office, plus any suspension or retention period granted under these Regulations, and
 - (b) any extension period granted in conformity with Regulation 19 of these Regulations, plus any suspension period granted under Regulation 24.
- (3) When the term of an Exploration Licence expires while an application by the Exploration Licence Title Holder for a term extension of the Licence or for the grant of a Small-Scale or Large-Scale Mining Licence covering all or part of the Exploration Area is still pending, the Licence will remain valid until, pursuant to these Regulations:
 - (a) there is a decision on the Exploration Licence term extension, Small-Scale or Large-Scale Mining Licence application, or
 - (b) the Exploration Licence term extension, Small-Scale or Large-Scale Mining Licence application is rendered null and void.

21. Exploration Licence Area

- (1) Subject to Regulation(3) of this Regulation, the Mineral Title Area in respect of which an Exploration Licence may be granted shall be no more than eleven thousand seven hundred and sixty CUs (~2,500 square kilometres) and not less than forty seven CUs (10square kilometres) consisting of one contiguous Polygon comprised of whole Cadastral Units.
- (2) The Exploration Area will be set forth in the Exploration Licence in accordance with the area specification requirements set out in the Fifth Schedule to these Regulations.
- (3) Any area closed to Mining Operations by the Act or other Applicable Law, and any Mineral Title Area the subject of a Small-Scale, Large-Scale Mining Licence, or a Small-Scale Mining Licence for State Natural Resources or an Artisanal Mining Licence, that is within the boundaries of the Exploration Area, shall be deemed not to be part of the Exploration Area if prior to the registration date of the Exploration Licence the closure was published in the Gazette and website of the Ministry, the Small-Scale Mining Licence or Large-Scale Mining Licence registered under the Act, or the Title Holder of a Small-Scale Mining Licence for State Natural Resources or an Artisanal Mining Licence was vested with the right to exploit State Natural Resources.

22. Voluntary Relinquishment of Exploration Area

- (1) An Exploration Licence Title Holder, may apply only once annually to the Director General to relinquish all or part of its Exploration Area, in First Schedule Form A-5 [Application to Relinquish Mineral Title Area] with First Schedule Form I-1 [Identification of Mineral Title Area] attached.

- (2) An applicant to Relinquish Mineral Title Area shall pay the non-refundable Exploration Licence Application Processing Fee specified in the Second Schedule to these Regulations and upon such payment and presentation of the original receipt shall be issued a receipt in First Schedule Form R-1 [Receipt for Payment of Application Processing Fee].
- (3) If the remaining Exploration Area after relinquishment will meet the requirements of Regulation (4) of this Regulation, the Director General shall approve, in writing within twenty eight calendar days from the application date, an Application to Relinquish Mineral Title Area submitted pursuant to Regulation (1) of this Regulation.
- (4) The Exploration Area remaining after any area relinquishment effected in accordance with Regulation (1) of this Regulation shall not be less than forty seven CUs (10 square kilo metres) in size and shall consist of one contiguous Polygon comprised of whole Cadastral Units.
- (5) Any Exploration Area relinquishment granted in accordance with this Regulation shall be immediately recorded in the original Exploration Licence, the Exploration Licence Register and on the Cadastral Maps.
- (6) The Mining Cadastre Office shall issue to an applicant to Relinquish Mineral Title Area whose application is granted by the Minister, a signed and sealed amended Exploration Licence and a receipt in First Schedule Form R-2 [Receipt for Payment of Licence Registration Fee], upon payment by the applicant of the non-refundable Exploration Licence Registration Fee specified in the Second Schedule to these Regulations.
 - (a) when an amended Exploration Licence is issued, the Cadastral Coordinates of the Polygon defining the Mineral Title Area shall be recorded in the Licence, the Mineral Title Area recorded on the Cadastral Maps, and the date of issuance and the Mineral Title Area shall be recorded in the Exploration Licence Register upon issuance of the amended Exploration Licence.
 - (b) when an applicant fails to appear to collect the Licence and pay the non-refundable Licence Registration Fee within fourteen days from the date of being notified under Regulation 22(7), including the second notification where applicable, the application shall be deemed to be null and void, and the date upon which the application became null and void shall be immediately recorded in the Exploration Licence Register.
- (7) The Exploration Area relinquished pursuant to Regulation (1) of this Regulation shall cease to constitute part of the Exploration Area on the date the area relinquishment is registered in the Exploration Licence Register, without affecting liability of the Title Holder to fulfil any obligation that accrued prior to such area relinquishment

23. Obligations of an Exploration Licence Title Holder

- (1) An Exploration Licence Title Holder shall satisfy all obligations imposed by the Act, arising out of or under any regulation prescribed pursuant to the Act.
- (2) Where an Exploration Licence Title Holder has failed to meet an obligation:
 - (a) imposed by the Act or any regulation created pursuant to the Act,

- (b) arising from a provision in an Exploration and Mining Agreement, and
- (c) the regulation or provision states that failure to meet the obligation shall result in the revocation of the Licence by the Mining Cadastre Officer.

24. Suspension of Licence

- (1) Except in emergency or force majeure circumstances, an Exploration Licence Title Holder may apply in First Schedule Form A-9 [Application to Suspend Exploration Licence], to the Mining Cadastre Office, to suspend its approved Exploration Program and minimum expenditure obligation in respect of the Licence for a maximum of one year.
- (2) An applicant for an application to Suspend Exploration Licence shall pay the non-refundable Processing Fee specified in the Second Schedule to these Regulations, and upon such payment, the original receipt shall be issued in the First Schedule Form R-1 [Receipt for Payment of Application Processing Fee].
- (3) The Title Holder shall, in writing, notify the Director General within thirty calendar days in advance of any proposal to suspend Exploration Operations and shall in each case, give reasons for the suspension:
 - (a) The Director General may recommend to the Minister the suspension of a Licence where the Title Holder requests suspension, because the Title Holder is unable, for technical or operational reasons, to comply with the Licence requirements.
 - (b) Suspension of Exploration Operations for technical or operational reasons shall not exceed one hundred eighty calendar days unless extended by the Director General.
 - (c) In any case the suspension period shall not exceed three hundred and sixty calendar days.
- (4) The Mining Cadastre Officer in consultation with the Director General, may recommend to the Minister the suspension of a Licence where, the Title Holder:
 - (a) fails to meet work program requirements;
 - (b) fails to comply with the prescribed health and safety requirements and related Licence terms;
 - (c) fails to make any due payment as prescribed;
 - (d) is bankrupt where such bankruptcy precludes the holder from funding its commitments under the Licence; and
 - (e) submits a material statement to the Minister in connection with the Licence which the holder knew to have been materially false.
- (5) Any recommendation to suspend a Licence made to the Minister shall include a detailed explanation of the recommendation and shall require the following approvals:
 - (a) in the instance of a Large-Scale Mining Licence the Minister shall be required to obtain the approval of the Mining Committee to suspend the Licence and the duration of that suspension.

- (b) in the instance of a Reconnaissance Licence, Exploration Licence and Small-Scale Mining Licence, the Minister may approve the suspension of the Licence and the duration of that suspension.
 - (c) in the instance of a Small-Scale Mining Licence for State Natural Resources, or Artisanal Licence, State Law shall apply with respect to suspension of a Licence.
 - (d) a Retention Licence may not be suspended.
- (6) The Mining Cadastre Office, in writing, shall notify an applicant whose Application for Exploration Licence Suspension is granted by the Minister or where the Minister has approved the recommendation of the Mineral Cadastre office to suspend the Licence, within seven calendar days of the decision to suspend.
 - (7) Upon receipt of notice to suspend operations from the Minister, the Title Holder shall be provided a reasonable opportunity to remedy the breach as may be included in the notice, the Licence or shall otherwise be prescribed.
 - (8) Upon voluntary suspension and upon payment within seven calendar days of the notice by the applicant of the non-refundable Registration Fee for Suspension specified in the Second Schedule to these Regulations, the Mining Cadastre Officer shall issue a receipt in First Schedule Form R-2 [Receipt for Payment of Licence Registration Fee].
 - (9) The Minister may approve the suspension and call for an investigation on a specified date.
 - (10) A suspension granted under this Regulation shall have no impact on the Exploration Licence Title Holder obligation to pay any legally required fees.

25. Minimum Expenditure Obligation

- (1) An Exploration Licence Title Holder, in accordance with its approved Exploration Program, shall expend on Exploration operations in the Exploration Area not less than the minimum amount specified in Regulation (3) of this Regulation to meet its minimum Exploration expenditure obligation during each Licence Year.
- (2) If during any Licence Year, an Exploration Licence Title Holder expends an amount on Exploration Operations in excess of the required annual minimum expenditure amount; such excess amount may be applied to satisfy its minimum work expenditure amount requirement in the next Licence Year.
- (3) The minimum exploration expenditure required in each Licence Year to meet Exploration Licence expenditure obligations shall be calculated based on the number of CUs comprising the Exploration Area on January 15 for that Licence Year, times the base amount per CU as specified in Table 2 in the Second Schedule to these Regulations times a factor corresponding to the Licence Year as set out in Table 13 of the Second Schedule to these Regulations.
- (4) When an Exploration Licence Title Holder has failed to meet fifty per cent or more of its annual minimum exploration expenditure obligation for any Licence Year the balance between approved actual expenditure in the absence of an allowable event of force majeure or other reason that is acceptable under these Regulations and minimum

expenditure obligation as set out in Regulation (3) of this regulation is due and shall be a debt due to the Government recoverable in a competent Court.

- (5) On application by the Title Holder of a Mineral Exploration Licence, the Minister may refund a cash payment under Regulation (4) of this Regulation, in whole or in part, where the Title Holder satisfies the Director General that, in the Licence Year or years since the year in which the deficiency arose, the Title Holder has performed required work or has incurred expenditures for the performance of required work the value of which exceeds the prescribed required work minimum value applicable in the subsequent Licence Year or years and that no deficiency or a reduced deficiency remains in respect of required work.
- (6) Acceptable Exploration Expenditure as defined under Regulations 26 of this regulation for work done under accepted grandfather Licence work shall be credited at 100% for the first five years of the new Licence Term, provided that as stipulated in the Mining Act 2012, Section 2(2)(a) such work is documented in historic reporting as of the effective date of Mining Act 2012.

26. Qualifying Exploration Operations Expenditure

- (1) Work acceptable to meet the minimum expenditure obligation set out in Regulation 25 of these Regulations and considered Exploration Operations includes:
 - (a) literature research and analysis of previous work;
 - (b) boundary and control surveys and topographic mapping;
 - (c) photo geological and remote imagery interpretations;
 - (d) geological, geophysical and geochemical surveys;
 - (e) structural mapping and interpretation
 - (f) establishing grid lines;
 - (g) trenching, stripping and excavating pits;
 - (h) shaft sinking, tunnelling and other underground development work;
 - (i) sample collection including bulk sampling, analyses and assays;
 - (j) drilling, where core or cuttings are logged and analysed;
 - (k) geophysical logging of drill holes;
 - (l) logging of drill core or cuttings;
 - (m) petrographic, petrologic and mineralogical studies;
 - (n) beneficiation studies, pilot plants;
 - (o) mine pre-feasibility and mine feasibility studies;
 - (p) mineral product marketing studies;
 - (q) environmental base-line studies;
 - (r) environmental impact assessments;
 - (s) implementation of environmental management programs;

- (t) preparation of Rehabilitation and Mine Closure Plans;
 - (u) preparation of social, gender and cultural impact studies and plans;
 - (v) community consultation and outreach;
 - (w) preparation of reports in compliance with the Act;
 - (x) rehabilitation of the environment; and
 - (y) such other work as may be reasonably approved by the Director General.
- (2) The minimum exploration expenditure work, if the costs are reasonably documented by the Title Holder in sufficient detail to establish their authenticity to the satisfaction of the Director General, and directly related to the performance of work as listed in Regulation(1) of this Regulation on the Exploration Licence Area, includes:
- (a) at full cost of:
 - (i) salaries and benefits of field and laboratory personnel;
 - (ii) food and accommodation;
 - (iii) equipment and instrument rental including short and long-term rentals;
 - (iv) analyses and assays;
 - (v) work contracted out;
 - (vi) compensation to land owners and land users;
 - (vii) unexploded ordnance and land mine clearance;
 - (viii) road construction;
 - (ix) camp construction and operation;
 - (x) training of South Sudanese including all ancillary costs of travel and accommodation;
 - (xi) international transportation to South Sudan; and
 - (xii) domestic transportation to the mine and related sites.
 - (b) to a total of not more than ten per cent of the total of all costs claimed under Regulation (2)(a) of this Regulation
 - (i) freight and customs duties;
 - (ii) office supplies and services;
 - (iii) the purchase price of equipment intended to remain on site for future production work; and
 - (iv) salaries and benefits of office and clerical personnel dedicated more than seventy-five per cent staff time to the South Sudan Licence.

27. Field Exploration Commencement Notice

An Exploration Licence Title Holder shall:

- (1) Commence field exploration within ninety calendar days from the issuance date of the Licence, and
- (2) Submit to the Mining Cadastre Office a written notice in First Schedule Form N-1.[Notice of Fieldwork Commencement Exploration/Reconnaissance] upon commencing field exploration over the Exploration Area.

28. Exploration Licence Reports

- (1) An Exploration Licence Title Holder shall submit annually to the Mining Cadastre Office within three month following the end of a dry season:
 - (a) An Exploration Annual Report along with First Schedule Form AR-2 [Exploration Licence Annual Report], describing all Exploration operations, discoveries, results, testing and assay information, and any other information as may be specified in reporting guidelines by the Director General for the Licence Year.
 - (b) A report substantially as set out in First Schedule Form AR-3 [Exploration Licence Annual Expenditure Report] detailing its exploration expenditures for the prior Licence Year such report shall be sufficiently detailed to determine the amount of expenditure that qualifies to meet minimum work obligations, and for the Mining Cadastre Office to verify such amounts.
 - (c) A report specifying the technical aspects and methodologies employed including results of airborne studies and drilling.
 - (d) A report substantially detailing its community development, local procurement and public information activities including identification of any related issues or problems that may have arisen and how they have been addressed or what interventions from Government are requested to ensure on-going operations and benefits remain in place.
 - (e) A report on how its activities are benefiting women and youth. Women become more vulnerable to Sexual and Gender Based Violence especially with the presence of migrant workers. HIV/AIDS: the Title Holder is expected to monitor the impact of migration patterns on gender and the impact of its Licence activities on the environment and sexual health of its workers and surrounding communities, as well as the increased risk of sexual violence. The report shall particularly be made available to women and youth organizations, but also to the public.
 - (f) A report substantially detailing its environmental protection activities and identification of any environmental damage that has occurred or may be reasonably expected to occur in the following Licence Year.
 - (g) A report submitted pursuant to this Regulation shall have been prepared under the supervision of an eligible mining engineer, geologist or geoscientist holding a bachelor's degree or equivalent from a reputable university or school of mines and the Title Holder manager, and it shall be accompanied by an attestation signed by

such mining engineer, geologist or geoscientist and manager attesting that the information in such report is substantially accurate and true.

- (2) Where a report additionally requires commentary on social, gender, environmental or other non-mining specific aspects, the Report shall be prepared by a technically qualified and competent expert in that specific field of expertise.
- (3) Where a report submitted under this Regulation is not accompanied by the signed attestation required by Regulation (1) (g) of this Regulation, the Report shall not be accepted by the Mining Cadastre Office and does not meet the requirements of the Act.
- (4) At the time that any Exploration Licence Annual Report is submitted to the Mining Cadastre office pursuant to Regulation (1) (a) of this Regulation, the Mining Cadastre Office shall issue to the person submitting such Report a completed and stamped receipt in First Schedule Form R-3 [Receipt for Submitted Report].
- (5) When an Exploration Licence Title Holder fails to substantially meet any reporting requirements as are prescribed under these Regulations, the Mining Cadastre Office shall issue a notice of failure to comply with reporting requirements with copy to the Director General.
- (6) The Title Holder shall have thirty calendar days to comply with the reporting requirements.
- (7) In the event that the Title Holder fails to comply with reporting requirements within the prescribed timeframe, the Mining Cadastre Office may proceed to recommend to the Minister the revocation of the Licence.

Chapter V

Small-Scale Mining Licence

29. Small-Scale Mining Licence Applicant Status

- (1) A Small-Scale Mining Licence application may be submitted, in conformity with the provisions of Regulation 30 of these Regulations, by any eligible person, whether or not the application is emergent from an existing Exploration Licence.
- (2) A Small-Scale Mining Licence application is emergent from an existing Exploration Licence if:
 - (a) it is submitted by an Exploration Licence Title Holder during the term of the Exploration Licence; and
 - (b) the entire area requested for inclusion in the Small-Scale Mining Licence Area is one contiguous block which falls entirely within the confines of the existing Exploration Area.
- (3) A Small-Scale Mining Licence application that does not meet the requirements of Regulation (2) of this Regulation is not emergent from an Exploration Licence.

30. Small-Scale Mining Licence Application

- (1) A Small-Scale Mining Licence application, in First Schedule Form A-3 [Application for Small-Scale Mining Licence], shall be submitted in three copies plus one digital copy, by an applicant or its authorised person to the Mining Cadastre Office for registration and processing.
- (2) An applicant for a Small-Scale Mining Licence shall pay the non-refundable Application Processing Fee specified in the Second Schedule to these Regulations and upon such payment shall be issued a receipt in First Schedule Form R-1 [Receipt for Payment of Application Processing Fee].
- (3) An application containing all information required in First Schedule Form A-3 [Application for Small-Scale Mining Licence] is complete.
- (4) At the time that a Small-Scale Mining Licence application is received by the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall verify immediately whether the application is complete and not overlapping any existing Mineral Title, except a Reconnaissance Licence.
- (5) An application that is found not to be complete under Regulation (4) of this Regulation shall be rejected:
 - (a) The Mining Cadastre Office shall notify the applicant of any incidental oversight (e.g., misspelling) that may be immediately rectified for re-submission;
 - (b) The Mining Cadastre Office shall respond orally and in writing to inquiries by the applicant as to how the application was found not to be complete.
- (6) When an application is verified to be complete under Regulation (4) of this Regulation,

- (a) the Mining Cadastre officer making such verification shall assign a sequentially numbered identifying code to the application and shall register the application and its verification date, hour and minute in the Small-Scale Mining Licence Register;
 - (b) the Small-Scale Mining Licence Register shall be signed by both the officer verifying the application and the applicant or the applicant's authorized representative;
 - (c) the identifying code, date, hour and minute of application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre Officer;
 - (d) a copy of the registered application shall be given to the applicant; and
 - (e) upon completion of requirements under this Sub-Regulation (6) (a)-(d), this date shall be known as the application registration date.
- (7) When a Small-Scale Mining Licence application is registered, the Mineral Title Area applied for shall be recorded on the Cadastral Maps.
- (8) A registered Small-Scale Mining Licence application shall be officially accepted for consideration of approval unless the Mineral Title Area applied for is fully within a Mineral Title Area:
- (a) currently held under an Exploration Licence other than an Exploration Licence where the applicant is the Title Holder, Retention Licence, Small-Scale, Large-Scale Mining Licence or a Small-Scale Mining Licence for State Natural Resources or an Artisanal Mining Licence held by another Title Holder, and
 - (b) closed to Mining Operations by this Regulation or any other law, in which case the application shall be null and void, and the Mining Cadastre Office, in writing, shall notify the applicant that the application is null and void within seven calendar days of the application registration date, and the date of such notification shall be immediately recorded in the Small-Scale Mining Licence Register.
- (9) The Director General, within seven calendar days from the application registration date, shall confirm that the information provided in the First Schedule Form I-1[Identification of Mineral Title Area] conforms with area identification requirements set out in the Fifth Schedule to these Regulations.
- (10) Where there is any partial overlap between the area applied for in a Small-Scale Mining Licence application and any area that:
- (a) is subject to a current Exploration Licence other than an Exploration Licence where the applicant is the Title Holder, Retention Licence, Small-Scale Mining Licence, Large-Scale Mining Licence or a Small-Scale Mining Licence for State Natural Resources or an Artisanal Mining Licence;
 - (b) is closed to Mining Operations; or
 - (c) has been applied for by any applicant for any Mineral Title, other than a Reconnaissance Licence, and such application is not yet decided and was registered earlier in time than the application for the Small-Scale Mining Licence, the area of

such overlap shall be excluded from the Small-Scale Mining Licence application, and the Mining Cadastre Office, in writing, shall notify the applicant, within seven calendar days from the application registration date, requesting that the applicant amend the Mineral Title Area applied for in the application and the date of such notification shall be immediately recorded in the Application Register.

- (11) Where the Mining Licence Area applied for in a Small-Scale Mining Licence application is other than five cadastral units, as defined in the Fifth Schedule to these Regulations, the Mining Cadastre Office, in writing, shall notify the current applicant, within seven calendar days from the application registration date, requesting that the applicant amend the Mineral Title Area applied for in the application. The date of such notification shall be immediately recorded in the Small-Scale Mining Licence Application Register.
- (12) Upon receipt of a notice under Regulation (10) or (11) of this Regulation, a Small-Scale Mining Licence applicant shall modify its application to redefine the Small-Scale Mining Licence Area applied for in such a way as to comply with the instructions in the notice, and failure by the applicant to appear at the Mining Cadastre Office and modify the application within fourteen calendar days of receiving such notification shall result in the application being deemed null and void.
- (13) When a Small-Scale Mining Licence application is deemed null and void or the application area is amended, in accordance with Regulation (12) of this Regulation, the Small-Scale Mining Licence Register and Cadastral Maps shall be immediately up dated, accordingly.
- (14) Where there is an overlap between the area applied for in the Small-Scale Mining Licence application and any Mineral Title Area(s) applied for in another Exploration Licence, Retention Licence, Small-Scale, Large-Scale Mining Licence or a Small-Scale Mining Licence for State Natural Resources or an Artisanal Mining Licence, the first registered application shall be given exclusive priority unless such application is emergent from an Exploration Licence, in which case the application emergent from such Exploration Licence shall be given exclusive priority.
- (15) In the review of a Small-Scale Mining Licence application, the Director General shall:
 - (a) request the applicant to correct any defects or omissions within fourteen calendar days from the application registration date by amending the application;
 - (b) conduct due diligence and confirm the information provided in the application within thirty-five calendar days from the application registration date;
 - (c) consult with references provided by the applicant and other specialists as necessary within twenty-eight calendar days from the application registration date;
 - (d) consult other relevant government entities within twenty-eight calendar days from the application registration date; and
 - (e) propose amendments in the application within forty-two calendar days from the application registration date.

- (16) The Mining Cadastre Office, in writing, shall notify, within twenty-eight calendar days of the application registration date, a Small-Scale Mining Licence applicant whose application is rejected because the applicant failed to provide the requested amendments pursuant to Regulation (15) within seven calendar days and the date that such notice of denial was sent shall be immediately recorded in the Small-Scale Mining Licence Register.
- (17) The Mining Cadastre Office, in writing, shall notify, within fifty-six calendar days of the application registration date, a Small-Scale Mining Licence applicant whose application is rejected, because the applicant failed to amend the agreed amendments pursuant to sub-regulation (15) (e) and the date that such notice of rejection was sent shall be immediately recorded in the Small-Scale Mining Licence Register.
- (18) Any person who qualifies to apply for a Small-Scale Mining Licence Area shall be ineligible to apply for a Small-Scale Mining Licence if:
 - (a) the applicant is a former Small-Scale Mining Licence Title Holder whose Licence has been revoked for the same Small-Scale Mining Licence Area, or any part there in applied for, if such application is made within two years from the date of such revocation,
 - (b) the applicant, in the ninety calendar days preceding the application registration date, had a prior Small-Scale Mining Licence application that applied for part or all of the area currently being applied for, that was deemed null and void under Regulation 28 of this Regulation, or
 - (c) it is shown that the applicant or any of the directors of the applicant or a shareholder holding a ten per cent or greater share of the applicant has been convicted of an offence under the Act requiring imprisonment, and any application submitted by an ineligible applicant shall be null and void.
- (19) For a Small-Scale Mining Licence the Mineral Title Coordinator, within sixty-three calendar days of the registration of an application for a Small-Scale Mining Licence, shall convene a meeting of the respective State Mineral Resources Advisory Coordination Committee wherein the application area is located, and where such area is in two or more States, shall call a joint or separate meetings of the respective State Mineral Resources Advisory Coordination Committees to consider the application.
- (20) The Mineral Title Coordinator shall report the advice of the meetings required under Regulation (19) of these Regulations in First Schedule Form AR-7 [State Mineral Resources Advisory Coordination Committee] to the Minister not later than twenty-eight calendar days from the date that a Small-Scale Mining Licence application is registered.
- (21) subject to the provisions of Section 57 of the Act and these Regulations, the Minister shall:
 - (a) for a Small-Scale Mining Licence application emergent from an Exploration Licence, grant an approval not later than seventy calendar days from the application registration date provided the applicant meets all requirements under the Act,

- (b) for a Small-Scale Mining Licence not emergent from an Exploration Licence consider the advice of the respective State Mineral Resources Advisory Coordination Committees and shall reject or approve a Small-Scale Mining Licence not later than seventy-seven calendar days from the application registration date, and
 - (c) In case of failure to act within the specified period the application is deemed to be approved.
- (22) The Minister shall sign and affix the official seal to grant a Small-Scale Mining Licence, but when an application is granted pursuant to Regulation (21) of this Regulation the Director General of Mineral Development shall sign and affix the official seal to the Licence.
- (23) The Mining Cadastre Office, in writing, shall notify the Title Holder:
 - (a) for a Small-Scale Mining Licence application emergent from an Exploration Licence not later than seventy-seven calendar days from the application registration date whose application is rejected, stating the reasons for such rejection, and the date that such notice of rejection was submitted shall be immediately recorded in the Application Register, or
 - (b) for a Small-Scale Mining Licence not emergent from an Exploration Licence not less than eighty-four calendar days from the application registration date, whose application is rejected, stating the reasons for such rejection, and the date that such notice of rejection was submitted shall be immediately recorded in the Application Register.
- (24) When a Small-Scale Mining Licence is rejected, the Cadastral Maps shall be immediately updated to remove the application area record.
- (25) The Mining Cadastre Office, in writing, shall notify an applicant whose Small-Scale Mining Licence application is granted , within eighty-four calendar days of the application registration date that:
 - (a) the application is granted;
 - (b) the location of the Mining Cadastre Office where the Licence can be issued; and
 - (c) the Licence shall be collected by the applicant, or its representative, within twenty-one calendar days from the date of notification.
 - (d) where the applicant has not confirmed receipt of notice, the Mining Cadastre Office shall re-issue the notification of grant of Licence and that the Licence shall be collected within twenty-one calendar days from the date of the second notification and shall again request that the applicant confirms receipt of notice within ten calendar days of receipt.
 - (e) the date on which all notices are submitted by the Mining Cadastre Office shall be recorded in the Small-Scale Mining and the Exploration Licence Registers.
- (26) The Mining Cadastre Office shall issue to a Small-Scale Mining Licence applicant whose application is granted by the Minister, a signed and sealed Small-Scale Mining Licence and a receipt in First Schedule Form R-2 [Receipt for Payment of Licence Registration

Fee], upon payment by the applicant of the non-refundable Small-Scale Mining Licence Registration Fee specified in the Second Schedule to these Regulations.

- (27) When a Small-Scale Mining Licence is issued, the Cadastral Coordinates of the Polygon defining the Mineral Title Area shall be recorded in the Licence, the Mineral Title Area recorded on the Cadastral Maps and the date of issuance of an area shall be immediately recorded in the Small-Scale Mining Licence Register.
- (28) When an applicant fails to appear to collect the Licence and pay the non-refundable Licence Registration Fee within twenty-one calendar days from the date of being notified under Regulation (25) of this Regulation, including the second notification where applicable, the application and Licence shall be deemed to be null and void and the date upon which the application became null and void, shall be immediately recorded in the Small-Scale Mining Licence Register.
- (29) When it is known to the Mining Cadastre Office that a false attestation was made in First Schedule Form AT-3 [Attestation Legally Competent Individual without Conviction] or First Schedule Form AT-2 [Attestation of No Mining Act Offence Penal Conviction], any resultant Small-Scale Mining Licence shall be null and void.

31. Form of Small-Scale Mining Licence

- (1) A Small-Scale Mining Licence authorising Small-Scale Mining Operations shall be issued utilising the template in First Schedule Form L-3 [Small-Scale Mining Licence].
- (2) A Small-Scale Mining Licence shall have appended to it, by the Mining Cadastre Office,
 - (a) the Cadastral Coordinates of the Polygon defining the Small-Scale Mining Licence Area;
 - (b) a map with the approximate position of the Small-Scale Mining Licence Area marked upon it, and any direct adjacent Mineral Title Areas, with the exception of Reconnaissance Licences, shall also be identified clearly on the map;
 - (c) the approved Mining Program;
 - (d) the details of any significant adverse effects that carrying out the Small-Scale Mining Licence program will likely have on the Environment, Gender Impact and on any monument, cultural heritage or relic in the proposed Small-Scale Mining Licence Area, measures to be taken to mitigate such impacts and an estimate of the cost of mitigating such impacts;
 - (e) financial resources available to the applicant to cover the approved Rehabilitation and Mine Closure Plan
 - (f) a certified copy of its audited accounts, if any;
 - (g) performance bond or escrow account information;
 - (h) other proof of financial resources, available exclusively for this application and acceptable to the Mining Cadastre Office;
 - (i) any Community Development Agreement, agreed upon community activities or local procurement commitments; and .

- (j) a resume of the proposed Mine Manager committed at least through year one of the Mining Program;.

32. Duration of Small-Scale Mining Licence

- (1) A Small-Scale Mining Licence shall be issued initially for the term applied for based on the economic life of the Mine but not to exceed ten years, in accordance with the Act.
- (2) A Small-Scale Mining Licence term may be renewed for additional periods not to exceed ten years each in accordance with the Act.
- (3) The maximum duration of a Small-Scale Mining Licence, shall be determined by its resources and be noted in the Licence upon its issuance and upon any extension.

33. Small-Scale Mining Licence Area

- (1) Subject to Regulation (3) of this Regulation, the Mineral Title Area in respect of which a Small-Scale Mining Licence may be granted shall be five CUs (~1 square kilometre) consisting of one contiguous Polygon comprised of whole Cadastral Units.
- (2) The Small-Scale Mining Licence Area will be set forth in the Small-Scale Mining Licence in accordance with the area specification requirements set out in the Fifth Schedule to these Regulations.
- (3) Any area closed to Mining Operations by the Act or other Applicable Law, and any Mineral Title Area the subject of an Exploration Licence, Retention Licence, Large-Scale Mining Licence, or a Small-Scale Mining Licence for State Natural Resources or an Artisanal Mining Licence, that is within the boundaries of the Small-Scale Mining Licence, shall be deemed not part of the Small-Scale Mining Licence Area if prior to the registration date of the Small-Scale Mining Licence the closure of such area was published in a newspaper that is widely circulated in the country, in which the Licence Area is located, by notice posted in the Mining Cadastre Office and on the website of the Ministry and the Exploration Licence, the Retention Licence or Large-Scale Mining Licence was registered under the Act and the Title Holder of a Licence for State Natural Resources or an Artisanal Mining Licence was vested with the right to exploit State Natural Resources.

34. Application for Extension of Small-Scale Mining Licence Term

- (1) the Mining Licence Title Holder may submit an application in First Schedule FORM A-8 Application to Extend Mining Licence Term, not less than ninety calendar days before the expiration of a Small-Scale Mining Licence, to extend the term of the Licence.
- (2) An applicant for a Small-Scale Mining Licence term extension shall pay the non-refundable Term Extension Processing Fee specified in the Second Schedule to these Regulations and upon such payment shall be issued a receipt in First Schedule Form R-1 [Receipt for Payment of Application Processing Fee].
- (3) When a Small-Scale Mining Licence term extension application is received less than ninety calendar days prior to the expiry of the original term of the Licence, the Title Holder shall pay, in addition to the fee imposed in Regulation (2) of this Regulation, upon

extension of the Licence, the non-refundable Late Application Term Extension Filing Fee specified in the Second schedule to these Regulations.

- (4) An application containing all information required in First Schedule FORM A-8 Application to Extend Mining Licence Term is complete.
- (5) At the time that an application to extend the term of a Small-Scale Mining Licence is received by the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall verify immediately whether the application is complete and not overlapping any existing Mineral Title Area, except a Reconnaissance Licence.
- (6) An application that is found to be incomplete under Regulation (5) of this Regulation shall be rejected.
- (7) The Minister shall grant approval to a registered Small-Scale Mining Licence term extension within twenty-one calendar days from the registration of the application if:
 - (a) the conditions of the Licence have been met;
 - (b) the Title Holder is not in default under the Act;
 - (c) the Title Holder can demonstrate either mineral reserves justifying an extension or the need to maintain the property for use as an integral part of Mining Operation on other Mining Licence lands; or
 - (d) provide a written explanation why he or she has decided not to approve the application and such explanation shall be immediately recorded in the Register of Small-Scale Mining Licences.
- (8) When an application for a Small-Scale Mining Licence term extension is granted, the Mining Cadastre Office shall within seven calendar days from the date the approval was granted, notify the Title Holder, the extension shall be immediately recorded in the Small-Scale Mining Licence Register and shall be endorsed with the term granted.
- (9) When a Small-Scale Mining Licence is due to expire, pending determination of the grant of an extension, the Small-Scale Mining Licence shall remain in force until such determination is final.
- (10) A Small-Scale Mining Licence Title Holder whose application for an extension was rejected by the Minister under this Regulation, within twenty-one calendar days of being notified of such rejection may, in writing appeal to the competent Court.
- (11) In any case appealed under this Regulation to the Court where the Court has determined that an applicant applying for a Small-Scale Mining Licence term extension has met all legal requirements under the Act and these Regulations and decided that a renewed term is to be granted, the Minister shall grant the term extension within seven calendar days.
- (12) When a late applicant for a Small-Scale Mining Licence term extension fails to pay the Late Application Term Extension Filing Fee required in Regulation (3) of this Regulation within thirty calendar days after being notified of the approval of the Minister, such extension shall be deemed null and void.

35. Term of Validity of Small-Scale Mining Licence

- (1) Subject to Regulations (2) and (3) of this Regulation, a Small-Scale Mining Licence will remain valid during,
 - (a) the initial period fixed in the Licence measured from the date on which the Licence is issued by the Mining Cadastre Office; and
 - (b) any extension period granted in conformity with Regulation 36 of these Regulations.
- (2) When the term of a Small-Scale Mining Licence expires while an application for the extension of the Licence term is pending, the Licence will remain in force until in accordance with provisions to these Regulations,
 - (a) there is a decision on the Licence term extension application; or
 - (b) the application is rendered null and void and without further effect.
- (3) Subject to Regulation (2) of this Regulation, unless terminated earlier by revocation, a Small-Scale Mining Licence shall terminate upon expiration of the term provided therein and immediately be recorded in the Small-Scale Mining Licence Register.

36. Relinquishment of Small-Scale Mining Area

- (1) A Small-Scale Mining Licence Title Holder, at any time during the term of the Licence, may apply to the Director General to relinquish all, but not part, of the Mineral Title Area by applying to surrender the Licence.
- (2) Any Small-Scale Mining Area surrendered in accordance with this Regulation shall immediately be recorded in the Small-Scale Mining Licence Register and on the Cadastral Maps.

37. Small-Scale Mining Licence Reports

- (1) A Small-Scale Mining Licence Title Holder shall submit annually to the Mining Cadastre Office not later than two (2) months after the close of a Licence Year a Small-Scale Mining Licence Annual Report with First Schedule Form AR-4 [Form Small-Scale Mining Licence Annual Report], describing the Exploration Operations, discoveries, reserve estimates, Mining Operations, production of any Minerals and sales on a monthly and calendar year basis, fees, penalties, rents and royalties paid, changes in Mining Operations, the name of the Mine Manager and contact details, safety and health statistics, accidents and any other information as may be specified in guidelines provided by the Director General during the prior Licence Year.
- (2) A First Schedule Form AR-4 [Form Small-Scale Mining Licence Annual Report] shall be signed by the Small-Scale Mining Licence Title Holder or one of its authorised person and by the Mine Manager attesting to the accuracy of the information contained in the form and in the annual report attached to the form.
- (3) Where a Report submitted under this Regulation is not accompanied by the signed attestation required by Regulation (2) of this Regulation, the report shall not be accepted by the Mining Cadastre Office and does not meet the requirements of the Act.

- (4) A report on how its activities are benefiting women and youth. Women become more vulnerable to Sexual and Gender Based Violence especially with the presence of migrant worker. HIV/AIDS: the Title Holder is expected to monitor the impact of migration patterns on gender and the impact of extractive projects on the environment and sexual health, as well as the increased risk of sexual violence. The report shall be made available to particularly women and youth organisations but also to the general public.
- (5) At the time that any Small-Scale Mining Licence Annual Report is submitted to the Mining Cadastre Office pursuant to Regulation (1) of this Regulation, the Mining Cadastre Office shall issue to the person submitting such report a completed and stamped receipt in First Schedule Form R-3 [Receipt for Submitted Report] and the date the receipt was issued shall be immediately recorded in the Small-Scale Mining Licence Register.
- (6) When a Small-Scale Mining Licence Title Holder fails to meet any of the reporting requirements within thirty calendar days of receiving notice of compliance failure, the MCO shall proceed to recommend the revocation of the Licence.

38. Small-Scale Mining Licences for State Natural Resources

- (1) Small-Scale Mining Licences for State Natural Resources shall be issued by the relevant States and are subject to the relevant States legislation.
- (2) State legislations shall be consistent with the Mining Act, 2012 and all Regulations enacted under the Mining Act, 2012.
- (3) Small-Scale Mining Licences for State Natural Resources shall require consent in writing from the Mining Cadastre Office confirming that the Mineral Title Area applied for in the application for a Small-Scale Mining Licence for State Natural Resources is not in conflict with any existing Mineral Title Areas or a pending application for such Mineral Title Areas.

Chapter VI

Large –Scale Mining Licence

39. Large-Scale Mining Licence Applicant Status

- (1) A Large-Scale Mining Licence application may be submitted, in conformity with the provisions of Regulation 40 of these Regulations, by any eligible person, whether or not the application is emergent from an Exploration Licence.
- (2) A Large-Scale Mining Licence application is emergent from an Exploration Licence if:
 - (a) It is submitted by an Exploration Licence Title Holder during the term of the Exploration Licence in accordance with the submission requirements of the Act and these Regulations; and
 - (b) if the entire area requested for inclusion in the Large-Scale Mining Licence Area is one contiguous block that falls entirely within the confines of the existing Exploration Area.
- (3) A Large-Scale Mining Licence application that does not meet the requirements of Regulation (2) of this Regulation is not emergent from an Exploration Licence.

40. Large-Scale Mining Licence Application

- (1) A Large-Scale Mining Licence application, in First Schedule FORM A-4 Application for Large-Scale Mining Licence, shall be submitted in three copies plus one digital copy, by an applicant to the Mining Cadastre Office for registration and processing.
- (2) An applicant for a Large-Scale Mining Licence shall pay the non-refundable Application Processing Fee specified in the Second Schedule to these Regulations and upon such payment shall be issued a receipt in First Schedule Form R-1 [Receipt for Payment of Application Processing Fee].
- (3) An application containing all information required in First Schedule Form A-4[Application for Large-Scale Mining Licence] is complete.
- (4) At the time that a Large-Scale Mining Licence application is received by the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall immediately verify whether the application is complete and not overlapping any existing Mineral Title Area, except a Reconnaissance Licence.
- (5) An application that is found not to be complete under Regulation (3) of this Regulation shall be rejected,.
 - (a) The Mining Cadastre officer shall notify the applicant of any incidental oversight (e.g., misspelling in the application) that may be immediately rectified for re-submission.
 - (b) The Mining Cadastre officer shall respond orally and in writing to inquiries by the applicant as to how the application was found not be complete.
- (6) When an application is verified to be complete under Regulation (3) of this Regulation,

- (a) the Mining Cadastre Officer making such verification shall immediately assign a sequentially numbered identifying code to the application and shall register the application and its verification date, hour and minute in the Large-Scale Mining Licence Register;
 - (b) the Large-Scale Mining Licence Register shall be signed by both the officer verifying the application and the applicant or the applicant's authorized representative;
 - (c) the identifying code, date, hour and minute of application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre Officer;
 - (d) one copy of the registered application shall be given to the applicant; and
 - (e) upon completion of requirements under this Regulation (6) (a)-(d), this date shall be known as the application registration date.
- (7) When a Large-Scale Mining Licence application is registered, the Mineral Title Area applied for shall be recorded on the Cadastral Maps.
- (8) A registered Large-Scale Mining Licence application shall be officially accepted for consideration of approval unless the Mineral Title Area applied for is fully within an area:
- (a) currently held under an Exploration Licence (other than an Exploration Licence where the applicant is the Title Holder), Small-Scale Mining Licence, Retention Licence, Large-Scale Mining Licence or a Small-Scale Mining Licence for State Natural Resources or an Artisanal Mining Licence held by another Title Holder, or
 - (b) closed to Mining Operations by this Regulations or any other applicable law
- in which case the Mining Cadastre Office, in writing, shall notify the applicant that the application is null and void within seven calendar days of the application registration date, and the date of such notification shall be immediately recorded in the Large-Scale Mining Licence Register.
- (9) The Director General shall, within fourteen calendar days from the application registration date, confirm that the information provided in the First Schedule Form I-1[Identification of Mineral Title Area] conforms with area identification requirements set out in the Fifth Schedule to these Regulations.
- (10) Where there is any partial overlap between the Mineral Title Area applied for in large-Scale Mining Licence application and any area that:
- (a) is subject to a current Exploration Licence, other than an Exploration Licence where the applicant is the Title Holder, Retention Licence, Small-Scale Mining Licence, Large-Scale Mining Licence or a Small-Scale Mining Licence for State Natural Resources or an Artisanal Mining Licence;
 - (b) is closed to Mining operations; and
 - (c) has been applied for by any applicant for any Licence, other than a Reconnaissance Licence, and such application is not yet decided and was registered earlier in time

than the application for the Large-Scale Mining Licence the area of such overlap shall be excluded from the Large-Scale Mining Licence application and the Mining Cadastre Office, in writing, shall notify the applicant, within thirty-five calendar days from the application registration date, requesting that the applicant amend the Mineral Title Area applied for in the application and the date of such notification shall be immediately recorded in the Large-Scale Mining Licence Register.

- (11) The Mineral Title Area applied for in a Large-Scale Mining Licence application shall only be covering the proposed mining area reasonably required for surface, underground Mining Operations or Processing Operations and to cover the proven, indicated and inferred resources with a maximum of two hundred thirty five CUs(~50 km²).
- (12) Where the Mineral Title Area applied for in a Large-Scale Mining Licence application exceeds such area reasonably necessary to carry out the proposed Mining operations, or is less than five cadastral units, as defined in the Fifth Schedule to these Regulations, the Mining Cadastre Office, in writing, shall notify the applicant, within twenty-one calendar days from the application registration date, requesting that the applicant amend the Mineral Title Area applied for in the application and the date of such notification shall be immediately recorded in the Large-Scale Mining Licence Register.
- (13) Upon receipt of a notice under Regulation (10) or (12) of this Regulation, a Large-Scale Mining Licence applicant shall modify its application to redefine the Large-Scale Mining Licence Area applied for in such a way as to comply with the instructions in the notice, and failure by the applicant or its legally authorised agent to modify the application within fourteen calendar days of receiving such notification shall result in the application to be deemed null and void.
- (14) When a Large-Scale Mining Licence application is deemed null and void or the application area is amended, in accordance with Regulation (13) of this Regulation, the Large-Scale Mining Licence Register and Cadastral Maps shall be immediately updated accordingly.
- (15) Where there is an overlap between the Mineral Title Area applied for in the Large-Scale Mining Licence application and any area(s) applied for in another Exploration Licence, Retention Licence, Small-Scale Mining Licence, Large-Scale Mining Licence or a Small-Scale Mining Licence for State Natural Resources or an Artisanal Mining Licence, the first registered application shall be given exclusive priority, unless such application is emergent from an Exploration Licence, in which case the application emergent from such Exploration Licence shall be given exclusive priority.
- (16) In the review of a Large-Scale Mining Licence application, the Director General shall:
 - (a) request the applicant to correct any defects or omissions within fifty-six calendar days from the application registration date;
 - (b) confirm the information provided in the application within fifty-six calendar days from the application registration date;
 - (c) consult with other specialists as necessary within fifty-six calendar days from the application registration date;

- (d) consult other relevant government entities within fifty-six calendar days from the application registration date; and
 - (e) within seventy calendar days from the application registration date may propose amendments in the application. The applicant shall accept or show cause why not to accept the proposed amendments within eighty four calendar days from the application registration date.
- (17) The Mining Cadastre Office shall, in writing, notify, within fifty-six calendar days of the application registration date, a Large-Scale Mining Licence applicant whose application is rejected because the applicant failed to provide the requested amendments pursuant to Regulation (13) and the date that such notice of rejection was sent shall be recorded in the Large-Scale Mining Licence Register.
- (18) The Mining Cadastre Office, in writing, shall notify, within one-hundred and five calendar days of the application registration date, a Large-Scale Mining Licence applicant whose application is rejected because the applicant failed to amend the agreed amendments pursuant to Regulation (16) and the date that such notice of rejection shall be immediately recorded in the Large-Scale Mining Licence Register.
- (19) Any person who is otherwise eligible under the Act to apply for a Large-Scale Mining Licence shall be ineligible to apply for a Large-Scale Mining Licence if,
- (a) the applicant is a former Title Holder whose Licence has been revoked for the same Large-scale Mining Licence Area, or any part therein applied for, if such application is made within two years from the date of such revocation,
 - (b) the applicant, in the ninety calendar days preceding the application registration date, had a prior Large-Scale Mining Licence application that applied for part or all of the Mineral Title Area currently being applied for, that was deemed null and void under Regulation of this Regulation, or
 - (c) it is shown that the applicant or any of the directors of the applicant or a shareholder holding a ten per cent or greater share of the applicant has been convicted of an offence under the Act requiring imprisonment, and any application submitted by an ineligible applicant shall be null and void.
- (20) For a Large-Scale Mining Licence that is emergent from an Exploration Licence, within fifty six calendar days after receiving a complete application from an eligible applicant, the Minister shall either recommend to the Mining Committee to grant the large-Scale Mining Licence or to provide the applicant with a written explanation why he or she has decided not to grant the application.
- (a) Any application that the Minister submits to the Mining Committee for review, the Mining Committee within thirty calendar days after receiving the application, shall certify to the Minister that it advises the application to be approved, and such certification shall be recorded in the Register of Large-Scale Mining Licences within ten calendar days of the Mining Committee determination; or

- (b) provide a written explanation why the committee has decided not to approve the application and such explanation shall be recorded in the Register of Large-Scale Mining Licences within ten calendar days of the Mining Committee determination.
- (21) For a Large-Scale Mining Licence that is not emergent from an Exploration Licence, the Mineral Title Coordinator, within fifty-six calendar days of the registration of an application for a Large-Scale Mining Licence, shall convene a meeting of the respective State Mineral Resources Advisory Coordination Committee wherein the application area is located, and where such Mineral Title Area is in two or more States, shall call a joint or separate meetings of the respective State Mineral Resources Advisory Coordination Committees to consider the application.
- (22) The Mineral Title Coordinator shall report the advice of the meeting(s) required under Regulation (21) of this Regulation in First Schedule Form AR-7 [State Mineral Resources Advisory Coordination Committee] to the Minister not later than sixty-three calendar days from the date that the Large-Scale Mining Licence application was registered.
- (23) The Minister, in accordance with the provisions of the Act and these Regulations, shall:
- (a) for a Large-Scale Mining Licence application emergent from an Exploration Licence, grant the application no later than one hundred and five calendar days from the application registration date provided the applicant meets all requirements under the Act;
 - (b) for a Large-Scale Mining Licence that is not emergent from an Exploration Licence, consider the advice of the respective State Mineral Resources Advisory Coordination Committees and approve or reject a Large-Scale Mining Licence or may request additional information from the applicant not less than one hundred and nineteen calendar days from the application registration date;
 - (c) subsequent to any request for additional information extend all time lines by the same amount of calendar days it takes to review such submitted information; and
 - (d) when the Minister has not acted within this time period, the application is deemed to be granted.
- (24) The Minister shall sign and affix his or her seal to an approved Large-Scale Mining Licence, but when an application is approved pursuant to Regulation (23)(d) of this Regulation the Director General of Mineral Development Department shall sign and affix the official seal to the Licence.
- (25) The Mining Cadastre Office, shall, in writing, notify, within one hundred and twenty-six calendar days of the application registration date, a Large-Scale Mining Licence applicant whose application is rejected, stating the reasons for such rejection, and the date that such notice of rejection was sent to the applicant shall be immediately recorded in the Large-Scale Mining Licence Register.
- (26) When a Large-Scale Mining Licence is rejected, the Cadastral Maps shall be updated to remove the application area record.

- (27) The Mining Cadastre Office, in writing, shall notify an applicant whose Large-Scale Mining Licence application is granted , within one hundred and twenty-six calendar days of the application registration date,
- (a) that the application is granted;
 - (b) the location of the Mining Cadastre Office where the Licence can be issued;
 - (c) that the Licence shall be collected by the applicant, or its representative, within twenty-one calendar days from the date of notification;
 - (d) Where the applicant has not confirmed receipt of notice, the Mining Cadastre Office shall re-issue the notification of grant of Licence and that the Licence must be collected within twenty-one calendar days from the date of the second notification and shall again request that the applicant confirms receipt of notice within ten calendar days of receipt; and
 - (e) The date on which all notices are sent by the Mining Cadastre Office, shall be immediately recorded in the Large-Scale Mining Licence Register.
- (28) The Mining Cadastre Office shall issue to the applicant of a Large-Scale Mining Licence whose application is granted by the Minister, a Large-Scale Mining Licence and receipt in First Schedule Form R-2 [Receipt for Payment of Licence Registration Fee], upon payment by the applicant of the non-refundable Registration Fee specified in the Second Schedule to these Regulations.
- (29) When a Large-Scale Mining Licence is issued, the Cadastral Coordinates of the Polygon defining the Mineral Title Area shall be recorded in the Licence, the Mineral Title Area recorded on the Cadastral Maps, and the date of issuance and Mineral Title Area shall be recorded in the Large-Scale Mining Licence Register.
- (30) When an applicant fails to appear to collect its Large Scale Mining Licence and pay the non-refundable Licence Registration Fee within twenty-one calendar days from the date of being notified under Regulation (27) of this Regulation, including the second notification where applicable, the application and Licence shall be deemed to be null and void, and the date upon which the application became null and void shall be immediately recorded in the Large Scale Mining Licence Register.
- (31) When it is known to the Mining Cadastre Office that a false attestation was made in First Schedule Form AT-2 [Attestation of No Mining Act Offence Penal Conviction], any resultant Large-Scale Mining Licence shall be null and void.
- (32) When a Mining Licence application is rejected by the Minister and the application is emergent from an Exploration Licence held by the applicant, the Exploration Licence Title Holder may appeal to a competent Court any such appeal shall be lodged within ninety calendar days of receipt of notification under Regulation (25) or as prescribed in the Mineral Agreement of this Regulation, or when the Minister has failed to act within ninety calendar days from the application registration date.

- (33) In any case appealed to a Court under Regulation (32) of this Regulation, where the Court has decided that a Large-Scale Mining Licence is to be granted, the Minister shall grant the Large-Scale Mining Licence within seven calendar days of such decision.
- (34) Upon the issuance of a Large-Scale Mining Licence, the Government shall have the right to acquire up to a maximum of fifteen per cent working interest participation.
- (35) The manner in which Government will acquire interest participation shall be specifically detailed in the Large-Scale Mining Licence.

41. Form of Large-Scale Mining Licence

- (1) A Large-Scale Mining Licence shall be issued utilising the template in First Schedule Form L-4 [Large-Scale Mining Licence].
- (2) A Large-Scale Mining Licence shall have appended to it, by the Mining Cadastre officer,
 - (a) the Cadastral Coordinates of the Polygon defining the Large-scale Mining Area, and
 - (b) a map with the approximate position of the Large-Scale Mining Licence Area and any direct adjacent Mineral Title Areas, with the exception of Reconnaissance Licences, marked upon it.
 - (c) the approved Mining Licence Program
 - (d) Exploration and Mining Agreement where applicable, including Community Development Agreement
 - (e) Proof of financial resources available to the applicant to cover the following:
 - (i) the approved Mining Licence Program
 - (ii) the rehabilitation program
 - (iii) a certified copy of its audited accounts
 - (iv) performance bond or escrow account information or
 - (v) other proof of financial resources available exclusively for this application and acceptable to the Mining Cadastre Office.
 - (f) The approved Environmental, Health, Social and Gender Impact Assessments.
 - (g) The approved Rehabilitation and Mine Closure Plan
 - (h) Any signed Community Development Agreement, agreed upon community activities or local procurement commitments.
 - (i) A list and resumes of the Senior and Mid-level Managers committed at least through year three of the mining program.

42. Duration of Large-Scale Mining Licence

- (1) A Large-Scale Mining Licence shall be issued initially for the term applied for based on the commercial viability of the Mine but not to exceed twenty five years.
- (2) A Large-Scale Mining Licence term may be extended for additional periods not to exceed twenty years each.

- (3) There is no limit on the number of times a Large-Scale Mining Licence term may be extended.
- (4) The duration of a Large-Scale Mining Licence shall be noted in the Licence upon its issuance and upon any extension.

43. Large-Scale Mining Licence Area

- (1) Subject to Regulation (3) of this Regulation, the Mineral Title Area in respect of which large-Scale Mining Licence may be granted shall be not more than to cover the proposed mining area reasonably required for surface and or underground Mining Operations and Processing Operations and also to cover the proven, indicated and inferred resources with maximum of two hundred thirty five CUs (~50 km²) and not less than five cadastral Units consisting of one contiguous Polygon comprised of whole Cadastral Units.
- (2) The Large-Scale Mining Licence Area will be set forth in the Large-Scale Mining Licence in accordance with the area specification requirements set out in the Fifth Schedule to these Regulations.
- (3) Any area closed to Mining Operations by the Act or any other applicable law, and any Mineral Title Area the subject of an Exploration Licence, Retention Licence, Small-Scale Mining Licence, or a Small-Scale Mining Licence for State Natural Resources or an Artisanal Mining Licence, that is within the boundaries of the Large-Scale Mining Licence, shall be deemed not part of the Large-Scale Mining Licence Area, if prior to the registration date of the Large-Scale Mining Licence the closure was published in a newspaper that is widely circulated in the Country, in which the Licence Area is located, by notice posted in the Mining Cadastre Office and on the website of the Ministry, the Exploration Licence or Small-Scale Mining Licence was registered under the Act, or the Title Holder of a Licence for State Natural Resources or an Artisanal Mining Licence was vested with the right to exploit State Natural Resources.

44. Application for Extension of Large-Scale Mining Licence Term

- (1) Not later than three hundred and sixty-five calendar days before the expiration of large-Scale Mining Licence, the Title Holder may submit an application in First Schedule Form A-8 [Application to Extend Mining Licence Term] to extend the term of the Licence.
- (2) An applicant for a Large-Scale Mining Licence term extension shall pay the non-refundable Term Extension Processing Fee specified in the Second Schedule to these Regulations and upon such payment shall be issued a receipt in First Schedule Form R-1 [Receipt for Payment of Application Processing Fee].
- (3) When a Large-Scale Mining Licence term extension application is received less than three hundred and sixty-five calendar days prior to the expiry of the term of the Licence the Minister may submit the late application to the Mining Committee whether to accept and in no case it can be received less than two hundred and seventy calendar days before expiry of the existing Licence. The Title Holder shall pay in addition to the fee imposed in Regulation(2) of this Regulation, upon extension of the Licence, the non-refundable Late Application Term Extension Filing Fee specified in the Second Schedule to these Regulations.

- (4) An application containing all information required in First Schedule Form A-8[Application to Extend Mining Licence Term] is complete.
- (5) At the time that an application to extend the term of a Large-Scale Mining Licence application is received by the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall immediately verify whether the application is complete.
- (6) An application that is found to be incomplete under Regulation (5) of this Regulation shall be rejected
- (7) The Minister shall grant a registered Large-Scale Mining Licence term extension application within forty-five calendar days from the registration of the application if,
 - (a) the conditions of the Licence have been met;
 - (b) the Title Holder is not in default under the Act; and
 - (c) the Title Holder can demonstrate either mineral reserves justifying an extension or the need to maintain the property for use as an integral part of Mining operations on other Mining Licence Areas.
- (8) When an application for a Large-Scale Mining Licence term extension is granted,
 - (a) the Mining Cadastre Office shall notify the Title Holder within seven calendar days from the date the approval was granted,
 - (b) the applicant shall pay the Extension Registration Fee within thirty calendar days,
 - (c) the extension shall be immediately noted in the Large-Scale Mining Licence Register and the Licence shall be endorsed with the term granted.
 - (d) In the event that the applicant fails to pay the Extension Registration Fee within the specified time, the extension shall be deemed null and void and the Mining Cadastre Office shall immediately record that in the Licence Register.
 - (e) The Mining Cadastre Office shall issue to the applicant for an Application to Extend Mining Licence Term whose application is granted by the Minister, an amended Mining Licence and a receipt in First Schedule Form R-2 [Receipt for Payment of Licence Registration Fee], upon payment by the applicant of the non-refundable Extension Registration Fee specified in the Second Schedule to these Regulations.
- (9) In the event that the Director General propose that an application for a Large-Scale Mining Licence term extension application is in default, he or she shall provide the applicant in writing within forty-five calendar days of registration of the application notice of the intention to reject the extension including the reasons thereof.
- (10) The applicant shall have forty-five calendar days upon receipt of the notice to respond to the Director General and to take the appropriate remedial measures or to present a documented statement in defence of the default.
- (11) When the Minister rejects the approval to a Large-Scale Mining Licence term extension application, he or she, by a written notice, within forty-five calendar days from the

registration of the application, shall inform the applicant of such rejection stating the reasons thereof.

- (12) A Large-Scale Mining Licence Title Holder whose term extension application was rejected by the Minister under this Regulation, within forty-five calendar days of being notified of such rejection and may appeal in writing to a competent Court.
- (13) In any case appealed under this Regulation to a Court where the Court has decided that an applicant applying for a Large-Scale Mining Licence term extension has met all legal requirements under the Act and these Regulations and decided that a renewed term is to be granted, the Minister shall grant the term extension within seven calendar days. The Mining Cadastre Office shall immediately record the term extension in the Licence Register.
- (14) When an applicant for a Large-Scale Mining Licence term extension fails to pay the Large-Scale Mining Licence Late Application Term Extension Filing Fee required in Regulation (3) of this Regulation within thirty calendar days after being notified of the Minister's grant of approval, such extension shall be deemed null and void and the Mining Cadastre Office shall immediately record that in the Licence Register

45. Term of Validity of Large-Scale Mining Licence

- (1) Subject to Regulations (2) and (3) of this Regulation, a Large-Scale Mining Licence will remain valid during:
 - (a) the initial period fixed in the Licence measured from the date on which the Licence is issued by the Mining Cadastre Office, and
 - (b) any extension period granted in conformity with Regulation 42 of these Regulations.
- (2) When the term of a Large-Scale Mining Licence expires while an application for the extension of the term is pending, the Licence will remain in force until in accordance with provisions of these Regulations:
 - (a) there is a decision on the term extension application, or
 - (b) the application is rendered null and void and without further effect.
- (3) Subject to Regulation (2) of this Regulation, unless terminated earlier by revocation, a large-Scale Mining Licence shall terminate upon expiration of the term provided there in as recorded in the Large-Scale Mining Licence Register.

46. Relinquishment of Large-Scale Mining Area

- (1) A Large-Scale Mining Licence Title Holder, may apply to the Director General, in First Schedule Form A-5[Application to Relinquish Mineral Title Area], to relinquish part of the Mineral Title Area with First Schedule Form I-1 [Identification of Mineral Title Area] attached. An applicant for an Application to Relinquish Mineral Title Area shall pay the non-refundable Relinquishment Application Processing Fee specified in the Second Schedule to these Regulations and upon such payment shall be issued a receipt in First Schedule Form R-1 [Receipt for Payment of Application Processing Fee].

- (2) when a Large-Scale Mining Title Holder seeks to relinquish seventy-five percent or more of the Mineral Title Area, the Director General will deem the relinquishment to be a surrender of the Licence and,
 - (a) in writing notify the Title Holder of the surrender of the Licence;
 - (b) immediately record the surrender date in the Large-Scale Mining Licence Register; and
 - (c) update the Cadastral Map.
- (3) when relinquishment of the Licence Area falls under the minimum Large-Scale Licence Area, the Mining Cadastre Office shall notify the Title Holder following which,
 - (a) the Title Holder may reduce the relinquishment area and retain its Licence; or
 - (b) the Title Holder may surrender its Licence.
- (4) There shall be no relinquishment under this Regulation of any Large-Scale Mining Licence Area attached by a competent Court so long as such attachment remains in force.
- (5) Under this Regulation, there shall be no relinquishment of any Large-Scale Mining Licence Area unless with written consent of all persons having legal interests registered against the Large-Scale Mining Licence that have been delivered to the Mining Cadastre Office including landowners and legal occupants, local officials and community leaders.
- (6) When only part of the Large-Scale Mining Licence Area is to be relinquished, the Director General shall grant the application for area relinquishment within twenty eight calendar days and the Mining Cadastre Office shall:
 - (a) notify within seven calendar days , in writing, the Title Holder of the area approved for relinquishment and on what date the area was relinquished;
 - (b) record the area relinquishment in the Large-Scale Mining Licence; and
 - (c) record the area relinquishment in the Large-Scale Mining Licence Register and on the Cadastral Maps.
- (7) A Title Holder receiving a notice under Regulation (6) of this Regulation, within fourteen calendar days of receiving such notice, shall pay the Registration Fee for Relinquishment. The date of such payment shall be the date the relinquishment becomes effective.
- (8) A Title Holder receiving a notice under Regulation (6) of this Regulation, within fourteen calendar days of receiving such notice, shall adjust the Large-Scale Mining Licence boundary demarcation markers, in compliance with Regulation 98 of these Regulations, to mark the new boundaries of the Mineral Title Area.
- (9) When a Large-Scale Mining Licence Title Holder relinquishes area pursuant to this Regulation, the Title Holder remains liable in regard to the area relinquished:
 - (a) to pay any tax, fee, rent, royalty, penalty or other compensation that is payable before the date of relinquishment;
 - (b) to pay for any community development and local procurement commitments
 - (c) to fulfil all requirements for environmental matters;

- (d) to fulfil all Rehabilitation and Mine Closure Plan requirements;
 - (e) to perform any obligation required by law to be performed on or before that date;
 - (f) for any act done or default made on or before that date;
 - (g) for any monies payable under, in respect of, or arises out of or in relation to such Licence under this or any other law then in force.
- (10) If the application of a Large-Scale Mining Licence Title Holder to Relinquish Mineral Title Area is rejected for any reason the application shall be null and void, and the Mining Cadastre Office, in writing, shall notify the applicant that the application is null and void within seven calendar days of the application registration date, and the date of such notification shall be immediately recorded in the Large-Scale Mining Licence Register. The applicant will have twenty one calendar days to respond in writing to the Director General.

47. Enlargement of Mineral Title Area

- (1) A Large-Scale Mining Licence Title Holder may apply to enlarge the Large-Scale Mining Licence Area provided that the total area under application and the Mineral Title Area under the existing Licence shall not exceed two hundred and thirty five CUs (~50 square kilometres) and is contiguous.
- (2) An applicant for a Large-Scale Mining Licence Area enlargement shall pay the non-refundable Area Enlargement Processing Fee specified in the Second Schedule to these Regulations and upon such payment shall be issued a receipt in First Schedule Form R-1 [Receipt for Payment of Application Processing Fee].
- (3) An application for Large-Scale Mining Licence Area enlargement, in First Schedule Form A-6 [Application to Enlarge Large-Scale Mining Licence Area], shall be submitted, in three copies plus one digital copy, by the applicant to the Mining Cadastre Office for registration and processing.
- (4) An application containing all information required in First Schedule Form A-6 [Application to Enlarge Large-Scale Mining Licence Area] is complete.
- (5) At the time that a Large-Scale Mining Licence Area enlargement application is received by the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall verify immediately whether the application is complete and not overlapping any existing Mineral Title Area, except a Reconnaissance Licence.
- (6) An application that is found to be incomplete under Regulation (5) of this Regulation shall be rejected.
 - (a) The Mining Cadastre Office shall notify the applicant of any incidental oversight (e.g., misspelling) that may be immediately rectified for re-submission.
 - (b) The Mining Cadastre Officer shall respond orally and in writing to inquiries by the applicant as to how the application was found not complete.
- (7) When an application is verified to be complete under Regulation (4) of this Regulation,

- (a) the Mining Cadastre officer making such verification shall assign a sequentially numbered identifying code to the application and shall register date, hour and minute of submission in the Large-Scale Mining Licence Register;
 - (b) the Large-Scale Mining Licence Register shall be signed by both the officer verifying the application and the applicant or the applicant's authorized representative;
 - (c) the identifying code, date, hour and minute of application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre officer;
 - (d) one copy of the application shall be given to the applicant; and
 - (e) upon completion of requirements under this Regulation (7) (a)-(d), this date shall be known as the application registration date.
- (8) When a Large-Scale Mining Licence Area enlargement application is registered, the Mineral Title Area applied for shall be recorded on the Cadastral Maps.
- (9) Where there is any partial overlap between the area applied for in a Large-Scale Mining Licence Area enlargement application and any Mineral Title Area that:
- (a) is subject to a current Exploration Licence, Retention Licence, Small-Scale Mining Licence, Large-Scale Mining Licence, a Small-Scale Mining Licence for State Natural Resources or an Artisanal Mining Licence, unless the applicant for the Mining Licence Area enlargement is the Title Holder of such Licence; or
 - (b) is closed to Mining Operations; or
 - (c) has been applied for by any applicant for any Mineral Title, other than a Reconnaissance Licence, and such application is not yet decided and was registered earlier in time than the Large-Scale Mining Licence Area enlargement application; then
 - (d) the area of such overlap shall be excluded from the current applicant application, and the Mining Cadastre Office, shall in writing, notify the current applicant, within fourteen calendar days from the application registration date, requesting that the applicant amend the area applied for in the application and the date of such notification shall be immediately recorded in the Large-Scale Mining Licence Register.
 - (e) the applicant shall have fourteen calendar days to respond successfully.
- (10) The Licence Area applied for in a Large-Scale Mining Licence enlargement application shall only be enlarged to cover the proposed Mining Operations reasonably required for surface, underground mining, the Processing Operations and also to cover the proven, indicated and inferred resources.
- (11) Within forty two calendar days in the review of an application for Large-Scale Mining Licence Area enlargement, the Director General shall:

- (a) request the applicant to correct any defects or omissions, or to furnish additional information;
 - (b) confirm the information provided in the application;
 - (c) consult with other specialists as necessary;
 - (d) consult other relevant government entities; and
 - (e) propose amendments in the application.
- (12) Failure to provide any of the information requested pursuant to Regulations (9) and (11) of this Regulation within fourteen calendar days, or to comply with the application requirements, shall render the application null and void, and the Mining Cadastre Office, in such a case, shall,
- (a) in writing, notify the applicant within seven (7) calendar days that the applications null and void, and
 - (b) immediately record the date of such notifications in the Large-Scale Mining Licence Register.
- (13) In the event that the Director General, following his or her completed review, seeks to reject the Large-Scale Mining Licence Area enlargement application, he or she shall, in writing, provide the applicant a response listing the reasons for rejection within seven calendar days.
- (a) The applicant will have twenty one calendar days to respond in writing to the Director General.
 - (b) The applicant may request additional time to respond to the Director General and should provide reasons why additional time is required.
 - (c) In the instance that an applicant requests additional time to respond, the Minister shall convene a Mining Committee meeting to review the applicant's request.
 - (d) The Mining Committee shall consult with the applicant.
 - (e) Where useful, the Mining Committee may request the presence of the applicant, independent experts, community members or other reasonable individuals for consultation.
- (14) The Mineral Title Coordinator shall, within forty-nine calendar days of the application, schedule a meeting of the respective State Mineral Resources Advisory Coordination Committee wherein the application area is located, and where such Mineral Title Area is in two or more States, shall call a joint or separate meetings of the respective State Mineral Resources Advisory Coordination Committees to consider the application. Such meeting shall not take place later than seven calendar days following the completion of the Director General's review.
- (15) The Mineral Title Coordinator shall report the advice of the meeting(s) required under Regulation (21) of this Regulation in First Schedule Form AR-7 [State Mineral Resources Advisory Coordination Committee] to the Minister not later than sixty-three calendar days from the date that the Large-Scale Mining Licence application was registered.

- (16) The Minister shall reject the registered Large-Scale Mining Licence Area enlargement application if the Large-Scale Mining Licence Title Holder is in default of any obligation imposed by the Act arising from:
- (a) the Large-Scale Mining Licence for which an enlarged area is sought; or
 - (b) any other Small-Scale Mining Licence or Large-Scale Mining Licence held by the Title Holder.
- (17) The Minister shall reject the registered Large-Scale Mining Licence Area enlargement application unless the following conditions have been met as of the application date,
- (a) an amended Mine plan and Mining Program of Mining Operations have been submitted;
 - (b) The Title Holder has implemented the Mining Program and any other ancillary agreements on infrastructure, Environment, Rehabilitation or Community Development Agreement related to the project and obtained approval from the Minister of any material amendment prior to implementation;
 - (c) all reports required to be submitted by the Title Holder have been submitted and found to be complete;
 - (d) all fees, penalties, and annual rent required to be paid by the Title Holder have been paid;
 - (e) all royalties required to be paid by the Title Holder have been paid;
 - (f) the Title Holder is in compliance with its environmental obligations including the establishment and maintenance of an environmental escrow account;
 - (g) all environmental authorisations for the area sought to be added to the Mineral Title Area have been obtained;
 - (h) the Title Holder is in compliance with its approved Rehabilitation and Mine Closure Plan and has obtained approval of an amended Rehabilitation and Mine Closure Plan including the area sought to be added to the Mineral Title area;
 - (i) the Title Holder has given notice to the owner or lawful occupant before submission of application and has informed and consulted with local government and traditional authorities about this application;
 - (j) the Title Holder has implemented and updated the Community Development Agreement as per the terms and conditions therein; and
 - (k) the Title Holder has allowed the right of way, construction and use on Mineral Title Area of such waterways, canals, pipelines, sewers, drains, wires, transmission lines, public roads, rail, and public utilities as shall not interfere with Mining Operations.
- (18) The Mining Cadastre Office, within seven calendar days from the decision to reject the Large-Scale Mining Licence Area enlargement application, shall notify, in writing, an applicant whose application is rejected and the reasons thereof. The date that such notice of rejection shall be recorded in the Large-Scale Mining Licence Register.

- (19) The Minister shall grant the enlargement within seventy calendar days and the Mining Cadastre Office, shall, in writing, notify an applicant whose Large-Scale Mining Licence Area enlargement application is granted, within fourteen calendar days of the approval:
- (a) the Mining Cadastre Office where the Large-Scale Mining Licence have the Mineral Title Area enlargement endorsed on the Licence;
 - (b) the applicant, or its representative, shall appear and present the Licence for endorsement within fourteen calendar days from the date of notification;
 - (c) shall have the date that the notice was sent immediately recorded in the Large-Scale Mining Licence Register;
 - (d) In addition, the Mining Cadastre Office shall issue a receipt in First Schedule Form R-2 [Receipt for Payment of Licence Registration Fee], upon payment by the applicant of the non-refundable Registration Fee specified in the Second Schedule to these Regulations;
 - (e) subsequent to any request for additional information extend all time lines by the same amount of calendar days it takes to review such submitted information; and
 - (f) when the Minister has not acted within seventy calendar days, the application is deemed to be granted.
- (20) The applicant for a Large-Scale Mining Licence enlargement whose application is granted by the Minister, shall have his or her Large-Scale Mining Licence enlargement endorsed on the Large-Scale Mining Licence by the Mining Cadastre Office upon payment of the non-refundable Registration Fee specified in the Second Schedule to these Regulations and be issued a receipt in First Schedule Form R-2 [Receipt for Payment of Licence Registration Fee].
- (21) The area approved under this Regulation to be added to a Large-Scale Mining Licence Area shall become part of the Mineral Title Area at the time the Title Holder presents its Licence to be endorsed and the endorsement shall be immediately registered in the Large-Scale Mining Licence Register.
- (22) When a Large-Scale Mining Licence is endorsed to include an enlarged Large-Scale Mining Licence Area, the enlarged Large-Scale Mining Licence Area shall be recorded on the Cadastral Maps pursuant to Regulation 100 of these Regulations.

48. Large-Scale Mining Licence Reporting

- (1) A Large-Scale Mining Licence Title Holder shall submit monthly to the Mining Cadastre Office not later than three calendar days following the last day of each month a Large-Scale Mining Licence Monthly Report with First Schedule Form AR 8 [Large-Scale Mining Licence Monthly Report] intended to provide a brief and reasonable overview of Mining Operations that shall include, for the month preceding:
- (a) A summary of Exploration Operations and Mining Operations, including information on any material changes to management staff, operations as well as identification of any significant operational, environmental or social impact issues, aspects where Government intervention may be needed;

- (b) Monthly production of each mineral;
 - (c) Sales figures and royalties, amounts paid by customers per unit;
 - (d) Health and Safety statistics;
 - (e) Rent, fees and penalties paid;
 - (f) Status of implementation of community development activities including terms of the Community Development Agreement;
 - (g) Status of related non-mining activities including but not limited to infrastructure Development and facilities' construction;
 - (h) Status of implementing activities benefiting women and youth;
 - (i) Additional information that may reasonably be requested by the Director General; and
 - (j) Additional information that the Title Holder wishes to include that it deems to be useful.
- (2) A First Schedule Form AR 8 [Large-Scale Mining Licence Monthly Report] shall be signed by an authorised director of the Large-Scale Mining Licence Title Holder and by the Mine Manager attesting to the accuracy of the information contained in the form and in the annual report attached to the form.
- (3) At the time that any Large-Scale Mining Licence Monthly Report is submitted to the Mining Cadastre Office pursuant to Regulation (1) of this Regulation, the Mining Cadastre Office shall issue to the person submitting such report a completed and stamped receipt in First Schedule Form R-3 [Receipt for Submitted Report] and the date the receipt was issued shall be immediately recorded in the Large-Scale Mining Licence Register.
- (4) A Large-Scale Mining Licence Title Holder shall submit annually to the Mining Cadastre Office not later than three months following the last day of its Licence Year a Large-Scale Mining Licence Annual Report with First Schedule Form AR-5 [Large-Scale Mining Licence Annual Report], intended to provide a brief and reasonable overview of Mining Operations that shall include, for the year preceding:
- (a) A summary of Exploration Operations and Mining Operations, including information on any material changes to management staff, operations as well as identification of any significant operational, environmental or social impact issues, aspects where Government intervention may be needed;
 - (b) Production of each mineral by month;
 - (c) Sales figures and royalties, amounts paid by customers per unit per month;
 - (d) Health and Safety statistics by month;
 - (e) Rent, fees and penalties paid by month;
 - (f) Status of implementation of community development activities including terms of the Community Development Agreement;

- (g) Status of related non-mining activities including but not limited to infrastructure Development and facilities' construction;
 - (h) Status of implementing activities benefiting women and youth;
 - (i) Additional information that may reasonably be requested by the Director General; and
 - (j) Additional information that the Title Holder wishes to include that it deems to be useful.
- (5) At the time that any Large-Scale Mining Licence Annual Report is submitted to the Mining Cadastre Office pursuant to Regulation (4) of this Regulation, the Mining Cadastre Office shall issue to the person submitting such report a completed and stamped receipt in First Schedule Form R-3 [Receipt for Submitted Report] and the date the receipt was issued shall be recorded in the Large-Scale Mining Licence Register.
- (6) the Director General may request that a Large-Scale Mining Licence Title Holder provide information either in written or verbal format.
- (a) any request for occasional reporting by the Title Holder shall be made in writing with copy to the Mining Cadastre Office and shall provide significant detail as to what issues shall be reported on.
 - (b) the Title Holder shall respond within ten calendar days of the request.
 - (c) Title Holder shall be given reasonable notice and not less than ten calendar days to agree upon a date to meet with the Director General in person.
- (7) Where a report submitted under this Regulation is not accompanied by the signed attestation required by Regulation (2) of this Regulation, the report shall not be accepted by the Mining Cadastre Office and will not meet the requirements of the Act.
- (8) The Title Holder shall have thirty calendar days to comply with the annual reporting requirements.
- (9) When a Large-Scale Mining Licence Title Holder fails to substantially meet any reporting requirements, the Mining Cadastre Office shall proceed to revoke the Licence.

Chapter VII

Retention Licence

49. Eligibility

- (1) (1) Title Holder of an Exploration Licence or a Large-Scale Mining Licence may apply to convert that Licence to a Retention Licence, if:
 - (a) he or she has identified a mineral deposit within the Exploration Licence Area or the Large-Scale Mining Licence Area, which is potentially of commercial significance;
 - (b) the mineral deposit cannot be developed immediately for reasons of adverse market conditions, and
 - (c) the adverse market conditions are expected to be of a temporary character.
- (2) the Retention Licence shall not be extended.

50. Retention Licence Application

- (1) A Retention Licence application, in First Schedule Form A 14 [Application for Retention Licence], shall be submitted in three copies plus one digital copy, by an applicant to the Mining Cadastre Office for registration and processing.
- (2) An applicant for a Retention Licence shall pay the non-refundable Application Processing Fee specified in the Second Schedule to these Regulations and upon such payment shall be issued a receipt in First Schedule Form R-1 [Receipt for Payment of Application Processing Fee].
- (3) An application containing all information required in First Schedule Form A-4[Application for Retention Licence] is complete.
- (4) An Application for a Retention Licence shall include:
 - (a) type or types of minerals identified;
 - (b) location, depth, quantity and extent of the potential mineral deposit;
 - (c) method by which quantity and extent of the potential mineral deposit has been determined;
 - (d) results of assaying and tests, analysis of any mineral or minerals; and
 - (e) analysis of whether the results indicate a reasonable prospect that mining of the deposit will become economically viable in the future.
- (5) A Retention Licence may only be granted where a deposit has been identified but is not yet or not presently economically viable to mine because market factors have made the operation economically non-viable
- (6) The Mining Committee shall consider such factors.
- (7) For the purposes of this Regulation, “economically non-viable” means,
 - (a) current commodity prices do not cover production costs as presented in the approved Feasibility Study;

- (b) commodity price projections, as presented by major commodity price platforms do not predict a price recovery in the near future.
- (8) The Director General shall publish written guidelines on what information is required in relation to establishing the economic viability for the purposes of the application.
- (9) At the time that a Retention Licence application is received by the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall immediately verify in writing whether the application is complete and fully within the existing Licence.
- (10) A registered Retention Licence application shall be accepted for consideration and approve, if the area applied for is fully within an area currently held under an Exploration Licence or Large-Scale Mining Licence held by such Title Holder. Otherwise the application shall be null and void, and the Mining Cadastre Office, in writing, shall notify the applicant that the application is null and void within seven calendar days of the application registration date, and the date of such notification shall be immediately recorded in the Retention Licence Register.
- (11) An application that is found not to be complete under Regulation (4) of this Regulation shall be rejected.
 - (a) The Mining Cadastre Office shall notify the applicant of any incidental oversight(e.g. misspelling) that may be immediately rectified for re-submission.
 - (b) The Mining Cadastre Officer shall respond orally and in writing to inquiries by the applicant as to how the application was found not complete.
- (12) When an application is verified to be complete under Regulation (4) of this Regulation:
 - (a) the Mining Cadastre officer making such verification shall assign a sequentially numbered identifying code to the application and shall immediately register the application and its verification date, hour and minute in the Retention Licence Register;
 - (b) the Retention Licence Register shall be signed by both the officer verifying the application and the applicant or the applicant's authorised representative;
 - (c) the identifying code, date, hour and minute of application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre Office;
 - (d) one copy of the registered application shall be given to the applicant; and
 - (e) upon completion of requirements under this Regulation (12) (a)-(d), this date shall be known as the application registration date.
- (12) When a Retention Licence application is registered, the Mineral Title Area applied for shall be recorded on the Cadastral Maps.
- (13) When a Retention Licence application becomes null and void, the Retention Licence Register and Cadastral Maps shall be immediately updated accordingly.
- (14) In the review of a Retention Licence application, the Director General, within thirty five calendar days from the application registration date may:

- (a) request the applicant to correct any defects or omissions;
 - (b) confirm the information provided in the application;
 - (c) consult with other specialists as necessary; and
 - (d) consult other relevant government entities.
- (15) In the review of a Retention Licence application, the Director General within thirty five calendar days from the application registration date may propose amendments in the application.
 - (16) The Mining Cadastre Office, shall in writing, notify, within forty-nine calendar days of the application registration date, a Retention Licence applicant whose application is rejected because the applicant failed to provide the requested amendments pursuant to Regulation 50(15) or 50(16) within seven calendar days and the date that such notice of rejection was sent shall be immediately recorded in the Retention Licence Register.
 - (17) The Mining Cadastre Office, shall, in writing, notify, within seventy calendar days of the application registration date, a Retention Licence applicant whose application is rejected, stating the reasons for such rejection, and the date that such notice of rejection was sent shall be immediately recorded in the Retention Licence Register.
 - (18) When a Retention Licence is rejected, the Cadastral Maps shall be updated to remove the application area record.
 - (19) In the event that the conditions set forth under Regulation 50(5) occur, the Minister shall grant a Retention Licence to the Title Holder within seventy calendar days of the application registration date and shall sign and affix the official seal to the approved Retention Licence.
 - (20) The Mining Cadastre Office, shall, in writing, notify an applicant whose Retention Licence application is granted , within seventy calendar days of the application registration date that:
 - (a) the application is granted;
 - (b) the location of the Mining Cadastre Office where the Licence can be issued; and
 - (c) the Licence shall be collected by the applicant, or its representative, within twenty-one calendar days from the date of notification.
 - (21) Where the applicant has not confirmed receipt of notice, the Mining Cadastre Office shall re-issue the notification of grant of Licence and that the Licence shall be collected within twenty-one calendar days from the date of the second notification and shall again request that the applicant confirms receipt of notice within ten calendar days of receipt.
 - (22) The date on which all notices are sent by the Mining Cadastre Office shall be immediately recorded in the Retention Licence Register.
 - (23) The Mining Cadastre Office shall issue to the applicant of a Retention Licence whose application is granted by the Minister, a Retention Licence and a receipt in First Schedule Form R-2 [Receipt for Payment of Licence Registration Fee], upon payment by the

applicant of the non-refundable Registration Fee specified in the Second Schedule to these Regulations

- (24) When a Retention Licence is issued, the Cadastral Coordinates of the Polygon defining the Mineral Title Area shall be recorded in the Licence, the Mineral Title Area recorded on the Cadastral Maps, and the date of issuance of Mineral Title Area shall be immediately recorded in the Exploration Licence or Mining Licence and Retention Licence Registers.
- (25) When an applicant fails to appear to collect its Retention Licence and pay the non-refundable Licence Registration Fee within twenty-one calendar days from the date of being notified under Regulation (18) of this Regulation, including the second notification where applicable, the application and Licence shall be deemed to be null and void, and the date upon which the application became null and void shall be immediately recorded in the Retention Licence Register.
- (26) When it is known to the Mining Cadastre Office that a false attestation was made in First Schedule Form AT-2 [Attestation of No Mining Act Offence Penal Conviction], any resultant Retention Licence shall be null and void.
- (27) When a Retention Licence application is rejected by the Minister, the Exploration Licence or Large Scale Mining Licence Title Holder may appeal to a competent Court; any such appeal shall be lodged within ninety calendar days of receipt of notification under Regulation (18) of this Regulation, or when the Minister has failed to act within ninety calendar days from the application registration date.
- (28) In any case appealed to a Court under Regulation (27) of this Regulation, where the Court has decided that a Retention Licence is to be granted, the Minister shall grant the Retention Licence within seven calendar days of such decision and immediately be recorded in the Exploration Licence, Mining Licence, Retention Licence Registers and on the Cadastral Maps.

51. Rights and Conditions of a Retention Licence

- (1) A Retention Licence confers on the Exploration Licence or Large Scale Mining Licence Title Holder which includes a Licence under an Exploration and Mining Agreement, the exclusive right to convert the Retention Licence back into the Licence type prior to the grant of the Retention Licence.
- (2) A Retention Licence confers on the Large-Scale Mining Licence Title Holder the exclusive right to re-commence Exploration or Mining on the area covered by the Retention Licence in accordance with these Regulations.
- (3) Once the Retention Licence is granted the Title Holder expenditure and work program commitments will be reflected in the Licence including milestone conditions.
- (4) other work may be performed under a Retention Licence work program and the work included under a Retention Licence work program may be expected to include:
 - (a) Intensive mineral exploration such as in-fill drilling or bulk sampling to formalize identification of indicated resource; and

- (b) Mineral resource assessment, sampling and technical and economic studies related to the development of mineral resources that may require a pre-feasibility study.
- (5) All regulatory provisions applicable to Mineral Titles under these Regulations shall apply to Retention Licences with the exception of rent which is not required for Retention Licences.
- (6) The work included under a Retention Licence work program shall not include the extraction of minerals for stock piling, transport outside the Mineral Title Area or for commercial sale.

52. Term of Retention Licence

- (1) Where a Retention Licence is for a Mineral Title Area covered by a Large-Scale Mining Licence, it may be issued for up to six years.
- (2) Where a Retention Licence is for a Mineral Title Area covered by an Exploration Licence it may be issued for up to five years.
- (3) If the Minister is satisfied that commercial mineral development of a Mineral Title Area that is subject to a Retention Licence has become possible during the term of the Licence, may, by written notice to the Title Holder, require that:
 - (a) where operations were underway, to re-commence operations; or
 - (b) where operations had not commenced, to apply for a Large-Scale Mining Licence in accordance with these Regulations in respect of the Mineral Title Area concerned; and
 - (c) at any time revoke the Retention Licence.
- (4) A Retention Licence may not be amended or extended.

53. Retention Licence Area

- (1) The size of the Retention Licence Area does not necessarily have to cover the complete Mineral Title Area of the Exploration Licence or Large Scale Mining Licence which includes a Licence under an Exploration and Mining Agreement but shall be fully within such Mineral Title Area and shall demonstrate that the area applied for is that land which may be required for the purpose of mining a Mineral Resource in the future.
- (2) This may include demonstration that the area of the application is commensurate with the planned scale of mining,
- (3) the estimated reserves of the identified mineral resource; and any extensions of the mineral resource and any additional area that may be required for mine infrastructure.

Chapter VIII

Exploration and Mining Agreement

54. Exploration and Mining Agreement Negotiation Application

- (1) An Exploration and Mining Agreement Negotiation application, in First Schedule Form A-13 [Application Exploration and Mining Agreement Negotiation], shall be submitted in three copies plus one digital copy, by an applicant to the Mining Cadastre Office for registration and processing.
- (2) An applicant for an Exploration and Mining Agreement shall pay the non-refundable Exploration and Mining Agreement Negotiations Application Fee specified in the Second Schedule to these Regulations and upon such payment shall be issued a receipt in First Schedule Form R-1 [Receipt for Payment of Application Processing Fee].
- (3) An application containing all information required in First Schedule Form A-13 [Application Exploration and Mining Agreement Negotiation] is complete.
- (4) At the time that an application for an Exploration and Mining Agreement negotiation is received by the Mining Cadastre Office, the Mining Cadastre officer receiving the application shall verify immediately whether the application is complete and not overlapping any existing Mineral Title, except a Reconnaissance Licence.
- (5) An application that is found to be incomplete under Regulation (4) of this Regulation shall be rejected .
 - (a) The Mining Cadastre Office shall notify the applicant of any incidental oversight (e.g., misspelling) that may be immediately rectified for re-submission.
 - (b) The Mining Cadastre Officer shall respond orally and in writing to inquiries by the applicant as to how the application was found not to be complete.
- (6) When an application is verified by a Mining Cadastre officer to be complete under Regulation (4) of this Regulation:
 - (a) the Mining Cadastre officer making such verification shall assign a sequentially numbered identifying code to the application and shall immediately register the application and its verification date, hour and minute in the Exploration and Mining Agreement Register;
 - (b) the Exploration and Mining Agreement Register shall be signed by both the Mining Cadastre officer verifying the application and the applicant or the applicant's authorised representative;
 - (c) the identifying code, date, hour and minute of application shall be recorded in the application forms, which shall be stamped and signed by the Mining Cadastre Officer;
 - (d) one copy of the registered application shall be given to the applicant; and
 - (e) upon completion of requirements under this Regulation (6) (a)-(d), this date shall be known as the application registration date.

- (7) When an Exploration and Mining Agreement negotiation application is registered, the Mineral Title Area applied for shall be recorded by the Mining Cadastre Office on the Cadastral Maps.
- (8) A registered Exploration and Mining Agreement negotiation application shall be accepted and approved unless the Mineral Title Area applied for is fully within a Mineral Title Area that is:
 - (a) currently held under an Exploration Licence, a Retention Licence, Small-Scale Mining Licence, Large-Scale Mining Licence, or a Small-scale Mining Licence for State Natural Resources or an Artisanal Mining Licence held by a Title Holder other than the applicant, or
 - (b) closed to Mining Operations by this or any other law, in which case the application shall be null and void, the Mining Cadastre Office, in writing, shall notify the applicant that the application is null and void within seven calendar days of the application registration date, and the date of such notification shall be immediately recorded in the Exploration and Mining Agreement Negotiation Register.
- (9) Where there is any partial overlap between the Exploration and Mining Agreement Area applied for in an Application by Exploration and Mining Agreement and any Mineral Title Area that:
 - (a) is subject to a current Exploration Licence, Retention Licence, Small-Scale Mining Licence, or Large-Scale Mining Licence, or a Small-Scale Mining Licence for State Natural Resources or an Artisanal Mining Licence which is not held by the applicant;
 - (b) is closed to Mining operations; or
 - (c) has been applied for by any other applicant for any Licence , other than a Reconnaissance Licence, and such application is not decided and was registered earlier in time than the Exploration and Mining Agreement negotiation application, then the area of such overlap shall be excluded from the Exploration and Mining Agreement Area, and the Mining Cadastre Office, shall, in writing, notify the applicant, within fourteen calendar days of the application registration date, requesting that the applicant amend the Exploration and Mining Agreement Area applied for in the Exploration and Mining Agreement negotiation application to avoid such overlap and the date of such notification shall be immediately recorded in the Exploration and Mining Agreement Negotiation Register.
- (10) Where the Exploration and Mining Agreement Area applied for in an Exploration and Mining Agreement negotiation application exceeds the maximum Mineral Title Area allowed under an Exploration Licence (where the Agreement will cover an Exploration Licence) or the maximum Mineral Title Area allowed for a Mining Licence (where the agreement will cover only a Mining Licence) the Mining Cadastre Office, in writing, shall notify the applicant, within fourteen calendar days from the application registration date, requesting that the applicant amend the Exploration and Mining Agreement Area applied for in the application to comply with the Mineral Title Area limits set out in the Act.

- (11) The date of such notification shall be immediately recorded in the Exploration and Mining Agreement Register.
- (12) Upon receipt of a notice under Regulation (9) or (10) of this Regulation, an Exploration and Mining Agreement negotiation process applicant shall modify the application to redefine the Exploration Licence Area or Mining Licence Area applied for in such a way as to comply with the instructions in the notice.
- (13) Failure by the applicant to modify the application within fourteen calendar days of receiving such notification shall result in the application is deemed null and void.
- (14) When an Exploration and Mining Agreement negotiation application is deemed null and void or the Exploration Licence Area or Mining Licence Area is amended, in accordance with Regulation (12) of this Regulation, the Exploration and Mining Agreement Negotiation Register and Cadastral Maps shall be immediately updated by the Mining Cadastre Office accordingly.
- (15) When there is an overlap between the area applied for in an Exploration and Mining Agreement negotiation application and any area(s) applied for in another Exploration Licence, Retention Licence, Small-Scale Mining Licence or Large-Scale Mining Licence application, other than an application by the Exploration and Mining Agreement negotiation applicant, the first registered application shall be given exclusive priority.
- (16) Upon receipt of an Exploration and Mining Agreement negotiation application, the Director General shall follow the procedures under Chapter IV: Exploration Licence; Chapter V: Small-Scale Mining Licence; Chapter VI: Large-Scale Mining Licence, Chapter VIII: Exploration and Mining Agreement of these Regulations to process the application.

Chapter IX

Mineral Titles- General

55. Corporate Social Responsibility

- (1) The Title Holder of a Large-Scale Mining Licence shall provide a gender responsive corporate social responsibility program to the Mining Cadastre Office three copies plus one digital copy pertaining to its Licence and in conformity to Mining Cadastre Office guidelines or in the absence of such guidelines, according to ISO 26000.
- (2) The Mining Cadastre Office shall immediately record any gender responsive corporate social responsibility program received under Regulation (1) of this Regulation in the Large-Scale Mining Licence Register.
- (3) Each Title Holder of a Large-Scale Mining Licence shall be responsible for the promotion of corporate social responsibility as part of its decision-making in support of South Sudan citizens, especially women and youth, the environment and fiscal operations.
- (4) All gender responsive corporate social responsibility programs submitted to the Mining Cadastre Office shall be free and accessible to the public during normal office hours at the Mining Cadastre Office.
- (5) Pursuant to the Mining Act 2012 section 198(2)(c) the guidelines for Corporate Social Responsibility shall be detailed in a separate Regulation.

56. Community Development Agreement

- (1) The Title Holder of a Large-Scale Mining Licence shall provide to the Mining Cadastre Office three copies plus one digital copy of any Community Development Agreement pertaining to its Licence.
- (2) The Mining Cadastre Office shall immediately record any Community Development Agreement received under Regulation (1) of this Regulation in the Large-Scale Mining Licence Register.
- (3) All Community Development Agreements submitted to the Mining Cadastre Office shall be free and accessible to the public during normal office hours at the Mining Cadastre Office and inter alia, detail how the development needs of men and women are addressed.
- (4) Pursuant to the Mining Act 2012 section 198(3) the guidelines for Community Development Agreements shall be detailed in a separate Regulation.

57. Benefits for Women and Youth

- (1) Title Holders are required to report annually on how their activities are benefiting women and youth. Women become more vulnerable to Sexual and Gender Based Violence especially with the presence of migrant worker and HIV/AIDS.
- (2) Title Holders are expected to monitor the impact of migration patterns on gender and the impact of Mining Operations on environment and sexual health, as well as the increased risk of sexual violence. The report shall particularly be made available to women and youth organisations as well as to the general public.

58. Use of Land

- (1) A Title Holder shall inform all landowners and lawful occupants within the Mineral Title Area about general Exploration Operations by public notice in a local newspaper, local government office, posting in a community meeting place or as may be otherwise directed by the Director General and,
- (2) wherever practicable, individually inform landowners and land users, and with respect to public land, the Paramount Chief(s), of specific Exploration Operations and related activities including excavations, drilling and the erection of camps, temporary buildings and machinery where these are likely to involve disruption to owners or users of the land surface.

59. Access Order

- (1) The Mining Committee, within sixty calendar days after receiving a notification from Title Holder requesting an access order in accordance with the procedure provided for in the Act, shall conduct hearing to:
 - (a) review the access order application, and
 - (b) determine the terms and conditions of the access order, if any.
- (2) Where an access order will be issued, the access order shall include the following:
 - (a) Description of the type of access is required but not limited to:
 - (i) Right of way on land that is not included in the Mineral Title Area;
 - (ii) Right of way on land that is included in the Mineral Title Area;
 - (iii) Access to water, and timber within the Mineral Title Area;
 - (iv) Access to any land within the Mineral Title Area.
 - (b) In the instance of harvest, grazing or other agricultural purpose, clear description of the area of land and a reasonably estimated period during which the Title Holder is to be temporarily rejected access to the land.
 - (c) In the instance of public infrastructure or construction that will need to be conducted within the Mineral Title Area, clear description of the land and reasonably estimated period during which the Title Holder is to be temporarily rejected access to the land.
- (3) An access order may include the following:
 - (a) the date on which the access order shall come into force, but such date shall be not sooner than forty-five calendar days from the date the access order is registered;
 - (b) the area of the tenant's land that will remain closed to the Title Holder, if any; the period of the User of land that will remain closed to the Title Holder;
 - (c) the means whereby the Title Holder may gain access to the land;
 - (d) the kinds of operations that may or not be carried out in or on the land;
 - (e) the conditions to be observed by the User of Land and the Title Holder;

- (f) the compensation, if any, to be paid to the User of Land by the Title Holder as a consequence of any sure and measurable monetary loss or interference with the User of Land's right to use the land that may be reasonably attributed to the Title Holder's operations;
- (g) the manner of resolving any dispute arising in connection with the access order;
- (h) the manner of verifying the access order;
- (i) such other matters as the parties named in the access order may agree to include in the access order; and
- (j) any other matters as the Director General may decide to include that do not impinge on security of Title Holder tenure.

60. Compensation for Disturbance of Land

- (1) In case during the Exploration Operations and or Mining Operations some damages is incurred to the landowner's or his or her lawful occupant's property, the Title Holder shall be required to pay compensation as prescribed under the Land Act
- (2) If the Title Holder fails to pay compensation as stipulated in Regulation (1) of this Regulation, or if the owner or lawful occupant of any land is dissatisfied with any offer, such compensation may be determined by the relevant authorities.

61. Resettlement

- (1) Where, based on the results of the Environmental and Social Impact Assessment and review, the Minister in coordination with the relevant Government agencies determines that resettlement is a necessary action of last resort, the Title Holder of a Large-Scale Mining Licence shall, in consultation with the impacted population and relevant stakeholder communities, prepare a Resettlement Action Plan.
- (2) The Resettlement Action Plan shall be prepared by the Title Holder of a Large-Scale Mining Licence in public consultation with the affected community based on the Land Act of South Sudan, and shall include detailed provision for the financing for the compensation of resettled individuals, timetable for performance and mechanisms for regular review and evaluation.

62. Gender and Social Impact Assessment

A Title Holder shall provide to the Mining Cadastre Office approval from the Ministry responsible for Gender, Child and Social Welfare, of the gender and social impact assessment.

63. Borehole Licence

- (1) No person shall drill a Borehole for Exploration purposes, undertake operations preparatory or incidental to the drilling of a Borehole for Exploration purposes or drill an extension of a Borehole for Exploration purposes without a Borehole Licence, issued by the Director General in respect of the proposed Borehole for Exploration purposes or extension of such Borehole.

- (2) A person who fails to abide by the provision of Sub regulation (1) of this regulation, commits a violation and shall be liable to administrative penalties as may be provided by the Director General.
- (3) Where the drilling of a diamond drill hole for Exploration purposes is likely to create a hazard to an oil, gas or water-bearing formation or to cause unreasonable injury or damage to the Environment, the Director General may impose conditions upon the drilling of the hole, such as but not limited to:
 - (a) where a person drills a diamond drill hole for Exploration purposes through a body of water, the person shall, upon completion of the drilling, plug the hole in accordance with his or her approved Exploration Program.
 - (b) the holder of a Borehole Licence shall not drill a Borehole other than at a location permitted under the Borehole Licence.
 - (c) the holder of a Borehole Licence shall drill and abandon a Borehole in accordance with the regulations and in compliance with such other provisions and conditions that the Director General may reasonably specify.
- (4) An application for a Borehole Licence shall be made together with the Exploration Licence application. The application for a Borehole Licence is complete, if it covers all planned diamond drill hole for the Exploration Program and identifies all individual diamond drill holes which are likely to create a hazard to an oil, gas or water-bearing formation or to cause unreasonable injury or damage to the Environment together with proposed mitigation measures.
- (5) In the review of a Borehole Licence application, the Director General shall:
 - (a) request the applicant to correct any defects or omissions within thirty-five calendar days from the application registration date
 - (b) confirm that the information provided in the application within forty-two calendar days from the application registration date;
 - (c) consult with other specialists as necessary within thirty-five calendar day from the application registration date;
 - (d) consult other relevant government entities within thirty-five calendar days from the application registration date; request additional information and or propose amendments in the application within fifty-six calendar days from the application registration date.
 - (e) request additional information and or propose amendments in the application within fifty-six (56) calendar days from the application registration date.
- (6) failure to provide any information requested pursuant to Regulation 63(5) of this Regulation within seven calendar days of receiving the request, or to amend agreed amendments pursuant to Regulation 63(5)(e) within fourteen calendar days of receiving the request or to comply with any other application requirement which shall render the application null and void, and the Mining Cadastre Office, in such a case, shall:

- (a) in writing, notify the applicant that he or she has seven calendar days from receipt of notice to modify any minor error in the application as indicated by the Mining Cadastre Office; or
 - (b) in writing, notify the applicant that the application is null and void, and
 - (c) immediately record the date of such notifications in the Borehole Register.
- (7) Where the drilling of a proposed Borehole is likely to cause damage to a person or to property or to cause unreasonable injury or damage to the environment, the Director General may refuse to issue a Borehole Licence in respect of the proposed borehole.
 - (8) The Director General may cancel a Borehole Licence at the request of the holder or where drilling is not commenced within six months from the date of issuance of the Licence.
 - (9) Where, after a hearing on the matter, the Director General finds that a holder of a Borehole Licence has contravened a provision of the Mining Act, 2012 or a term or condition of the Borehole Licence, the Director General may, with notice to the holder, suspend the Borehole Licence for such period as he or she deems appropriate
 - (10) Where the circumstances giving rise to a suspension under Regulation (9) are not resolved to the satisfaction of the Director General, at the end of the suspension period, the Director General may:
 - (a) reinstate the Licence subject to such terms and conditions as the Director General considers appropriate; or
 - (b) revoke the Licence.
 - (11) Where a Borehole Licence is suspended under Regulation (9) or revoked under Regulation (10), the holder may take an appeal to the competent Court; any such appeal shall be lodged within thirty calendar days of receipt of notification under Regulation (9) of this Regulation.
 - (12) In any case appealed to the Court under Regulation (11) of this Regulation, where the Court has decided that a Borehole Licence is to be granted, the Director General shall grant the Borehole Licence within seven calendar days of such decision.
 - (13) The suspension or revocation of a Borehole Licence continues in effect while an appeal under Regulation (11) is pending.
 - (14) A Borehole Licence may be amended in accordance with the requirements of this Regulation.

64. Restrictions on the Grant of a Licence

- (1) A Small-Scale Mining Licence or Large-Scale Mining Licence may only be granted in available areas.
- (2) For the purposes of Regulation (1) of this Regulation, all areas within the borders of the Republic of South Sudan are available areas except areas that are:
 - (a) closed to Mining operations by the Act or any other applicable law

- (b) subject to any of the following Licences held by a party other than the applicant for the Licence:
 - (i) Exploration Licence,
 - (ii) Small-Scale Mining Licence,
 - (iii) Large-Scale Mining Licence,
 - (iv) Retention Licence
 - (v) Small-Scale Mining Licence for State Natural Resources or
 - (vi) Artisanal Mining Licence
- (c) subject to an application for an Exploration Licence, Small-Scale Mining Licence, Large-Scale Mining Licence, Retention Licence or Small-Scale Mining Licence for State Natural Resources or an Artisanal Mining Licence where the date of such application as recorded in the respective Register pre-dates an application by the applicant for the Licence.
- (d) subject to an Exploration and Mining Agreement held by a party other than the applicant for the Licence.
- (3) Whenever the application for an Exploration or Mining Licence overlaps with an existing Small-Scale Mining Licence or Artisanal Mining Licence area, the Mineral Title Area may, with the review and written approval of the Mining Committee, be granted where it is deemed to be in the best public interest.

65. Overlapping of Mineral Title Areas

In accordance with the Act and these Regulations there shall be no overlapping of Mineral Title Areas with the exception of Reconnaissance Licence Areas which may overlap any other type of Mineral Title Area including another Reconnaissance Licence Area of another Title Holder, but not for the same minerals.

66. Notice of Commencement of Field Works

- (1) No Reconnaissance, Exploration or Mining field work may commence without the Title Holder having notified the Mining Cadastre Office in advance of its intention to work.
- (2) a Title Holder of a Reconnaissance Licence, an Exploration Licence or a Mining Licence shall, where the Licence conditions require, provide the Mining Cadastre Office with:
 - (a) approval from the Ministry of Environment for its Environmental Management Plans, mitigation measures and any necessary and secured funding for the mitigation measures and proof of adequate mechanism to ensure acceptable rehabilitation or reclamation;
 - (b) a copy of the lease to use the land for the duration and area to which the Mineral Title relates;
 - (c) assigned compensation or resettlement agreements;
 - (d) a written statement that the process of obtaining permits for any infrastructure within the Mineral Title Area is underway;

- (e) a signed Community Development Agreements by the Title Holder, relevant community signatories and Government representatives, and other relevant parties; and
 - (f) bank statement indicating that the holder has deposited a financial performance bond or guarantee to be held in an agreed upon bank escrow account covering at least the costs as is estimated in the approved work program.
- (3) In addition to Regulation 66(1) a Reconnaissance Licence Title Holder or an Exploration Licence Title Holder shall provide to the Mining Cadastre Office, at least thirty calendar days prior to the commencement of the field works, a written notice in First Schedule FORM N-1 Notice of Fieldwork Commencement Exploration or Reconnaissance upon commencing exploration work on the Exploration Licence Area;
 - (4) The receipt of any notice received by the Mining Cadastre Office under Regulation (3) of this Regulation shall be immediately recorded in the Reconnaissance Licence Register or Exploration Licence Register, as the case may be.
 - (5) In addition to Regulation 66(2) a Mining Title Holder shall provide to the Mining Cadastre Office with:
 - (a) a written notice in First Schedule Form N-2. Notice of Commencement of Mine Development, at least thirty calendar days prior to the commencement of Mine Development work on the Mining Licence Area;
 - (b) a written notice in First Schedule Form N-3. Notice of Commencement of Mineral Production, at least thirty calendar days prior to the commencement of Commercial Production, stating the date that will be the commencement date of Commercial Production; and
 - (c) a written notice in First Schedule Form N-4. Notice of Design Capacity, at least thirty calendar days prior to the commencement of Commercial Production, and each time that there is a significant change in capacity, stating the design capacity of the mine(s) and any processing plants intended to produce a saleable Mineral Product.
 - (6) The receipt of any notice received by the Mining Cadastre Office under Regulation (5) of this Regulation shall be recorded in the Small-Scale Mining Licence Register or Large-Scale Mining Licence Register, as the case may be.
 - (7) Non-field preparation work may commence at any time after issuance of a Licence.

67. Notice of Change of Control of a Mineral Title

- (1) The Title Holder of any Mineral Title shall notify the Director General of any change in the ownership or control of the Mineral Title including transfer, lease, mortgage or conveyance or when there is a change of a shareholder of the Mineral Title who holds ashore of more than thirty per cent .
- (2) The change shall have legal effect upon its approval by the Director General and when the following conditions are met:

- (a) that the Title Holder adheres to the conditions and obligations of the Mineral Title including implementing the work program and budget, submitting expenditure documents, reporting and a written notice of transfer of ownership or power to the Ministry; and
 - (b) that the Title Holder ensures that the transferee, mortgagee and lessee shall meet the conditions and criteria of Mineral Title under the Act and these Regulations.
- (3) The Director General, after receipt of notice stipulated under Regulation (1) of this Regulation, shall within thirty calendar days from the date of its receipt, assess the notice and notify the Title Holder of his or her final decision about approval or rejection.

68. Notice of Change in Mine Management

A Title Holder shall provide to the Mining Cadastre Office a notice containing the name, qualifications and contact details of any proposed new Mine Manager or Senior Mine Manager responsible for supervising Mining Operations including exploration, exploitation, commercial or ancillary activities within fourteen calendar days from the date that the Title Holder previously identified Mine Manager is replaced.

69. Plan of Exploration and Mining Operations

All Title Holders shall

- (1) amend annually the approved Exploration and Mine Plans, including amendments to the Borehole Licence to reflect current operations; and
- (2) maintain records of every mineral found and ore reserves calculated on the Licence area.

70. Amendment of Exploration and Mining Program

- (1) An Exploration Title Holder may notify the Director General of amendments to its Exploration Program, including amendments to the Borehole Licence and such amendments shall be effected after the approval by the Director General and be registered in the respective Cadastre Register.
- (2) A Title Holder shall submit a program of Exploration Operations or Mining Operations to the Mining Cadastre Office, Mines Inspectorate Department and the authority responsible for protection of the environment,:
 - (a) before commencement of Exploration or Mine Development;
 - (b) when Commercial Production commences; and
 - (c) annually following the commencement of Commercial Production, within the first two months of the new Licence Year, excepting in the year the Mining Licence was issued.
- (3) A program of Mining Operations shall be based on the Feasibility Study and submitted in three copies and one digital copy, drawn to a suitable scale and depict,:
 - (a) the Mine site showing the approximate location; and
 - (b) position of Exploration Operations and Mining Operations including,:
 - (i) locations of Mineral Reserves and Mineral Resources;

- (ii) roads;
 - (iii) pits and shafts;
 - (iv) infrastructure;
 - (v) tailings; dams;
 - (vi) waste dumps;
 - (vii) buildings;
 - (viii) treatment, processing and washing plants;
 - (ix) vehicle storage places;
 - (x) worker accommodation, maintenance sheds, and other buildings
 - (xi) as well as such other features as are important to understand the location and workings of the operation.
- (4) A Title Holder, or its authorised representative, shall not commence any Exploration Operations or Mine Development or Mining Operations on the land in respect of which the Mineral Title is given until after submission of a plan of Mining Operations to the Mining Cadastre Office.

71. Requirement to Maintain Continuous Operation

- (1) Unless Regulation 24 applies, an Exploration Licence Title Holder shall maintain Exploration Operations within the Mineral Title Area in each Licence Year after the calendar year in which notice of commencement of Exploration Operations is submitted pursuant to these Regulations.
- (2) A Title Holder shall maintain Commercial Production from within the Mineral Title Area in each Licence Year after the calendar year in which notice of Commencement of Mineral Production is submitted pursuant to Regulation 66 of these Regulations.
- (3) Subject to Regulation (1) of this Regulation, when Commercial Production from a Mining Licence does not occur for one calendar year and in the absence of an event of Force Majeure or issuance of a Retention Licence, the Title Holder shall be deemed not to have met the continuous operation requirement imposed by the Act, and the Mining Cadastre Office shall proceed to revoke the Mining Licence.

72. Discovery of Additional Minerals and Exclusive Right to Mine

- (1) The Title Holder of a Reconnaissance Licence, an Exploration Licence, a Large-Scale Mining Licence, a Small-Scale Mining Licence, and Small-Scale Mining Licence for State Natural Resources or Artisanal Mining Licence shall explore or mine only those minerals for which the Licence is granted as prescribed, otherwise notify the Mining Cadastre Office of its discovery of additional minerals.
- (2) Any Title Holder who discovers a radioactive or other restricted substance during the course of its Exploration Operations or Mining Operations shall immediately cease Exploration and Mining Operations in that area and report the discovery to the Mining Cadastre Office.

- (3) The holder of a Reconnaissance Licence or an Exploration Licence shall have the exclusive right to apply for an amendment of its Licence and be granted the inclusion into the Licence of any newly discovered minerals within its Mineral Title Area.
- (4) The holder of a Large-Scale Mining Licence or Small-Scale Mining Licence shall have the exclusive right to apply for and be granted a Licence to exploit any newly discovered minerals within its Mineral Title Area.

73. Rehabilitation and Mine Closure Plan

- (1) All Title Holders shall submit to the Mining Cadastre Office for the Director General's approval:
 - (a) A Rehabilitation Plan, providing details of any significant adverse effects that carrying out the Exploration Program will likely have on the Environment Andon any monument or relic in the proposed Exploration Area, measures to be taken to mitigate such effects and an estimate of the cost of combating such effects before commencing exploration operations; and
 - (b) A revised Rehabilitation Plan,:
 - (i) within thirty calendar days of the end of each Licence year;
 - (ii) upon application for an extension of the term of such Licence;
 - (iii) before making a change in its Exploration Operations that would significantly affect Rehabilitation;
 - (iv) upon any transfer of an Exploration Licence Area to an adjacent Mineral Title Area under the same Title Holder; and
 - (v) at the Director General's direction pursuant to sub-Regulation (iv) of this Regulation.
- (2) A Mining Licence Title Holder shall submit to the Mining Cadastre Office for the Director General's approval:
 - (a) a Rehabilitation and Mine Closure plan before commencing Mining Operations; and
 - (b) a revised Rehabilitation and Mine Closure Plan:
 - (i) at least once every five years commencing not later than five years from the date on which the Mining Licence was first issued;
 - (ii) upon application for an extension in the term of such Mining Licence;
 - (iii) before making a change in its operations that would significantly affect Mine rehabilitation and closure;
 - (iv) upon the application for an expansion of the Mineral Title Area; or
 - (v) at the Director General's direction pursuant to sub-Regulation of this Regulation.
- (3) The Director General may direct a Title Holder to submit a revised Rehabilitation and Mine Closure Plan when:

- (a) changed circumstances require a revision to an approved Rehabilitation and Mine Closure Plan;
 - (b) the Mining Cadastre, Inspectorate or Mining Committee has recommended that such revision be submitted which in such instance, the Title Holder shall submit revised Plan to the Mining Committee for review; and
 - (c) the Mining Committee shall conduct an initial review and in writing, within thirty calendar days of Title Holder's submission, provide a response on the revisions. The response may include a reasonable request for additional information or in-person meeting with the Title Holder or its authorized representative.
- (4) A Rehabilitation and Mine Closure Plan required under these Regulations shall provide for the orderly and efficient rehabilitation and closure of the Mineral Title Area to
- (a) a safe and environmentally sound state as is approved by the relevant environmental agency;
 - (b) condition suitable for future economic development; or
 - (c) take into consideration any Community Development Agreements that the Title Holder has entered into that relate to its Mining Licence.
- (5) A Rehabilitation and Mine Closure Plan shall be submitted in three copies plus one (1) digital copy and include at least the following information:
- (a) goals regarding rehabilitation;
 - (b) detailed objectives regarding rehabilitation and mine closure;
 - (c) an on-going scheme to rehabilitate the Mineral Title Area, which provides rehabilitation work as soon as Exploration Operations and Mining Operations have ceased in that area;
 - (d) the estimated cost of on-going rehabilitation work on an annual basis;
 - (e) the final scheme to rehabilitate the Mineral Title Area including a proposed waste disposal plan;
 - (f) the estimated cost of the final rehabilitation and closure scheme;
 - (g) the cost in each Licence Year assuming that if Mining Operations were to cease in that Licence Year, final rehabilitation would take place in that year;
 - (h) the type of financial assurance instrument or means pursuant to Regulation 74 of these Regulations that the Title Holder will offer as a guarantee that the full cost of rehabilitation in each Licence Year will be available in the event that the Title Holder does not for any reason have the money available to complete the rehabilitation work;
 - (i) how the Title Holder will consult with Communities with which it has Community Development Agreements and in any revisions to the Rehabilitation and Mine Closure Plan;

- (j) how the closure process will be integrated with the Title Holder's Community Development Agreements;
 - (k) how the closure process will integrate transfer, closure or other disposal of infrastructure and or ancillary services established as part of or in support of Mining Operations including transfer to third party and State entities to continue operation and maintenance of infrastructure;
 - (l) how workers will be impacted in each Licence Year by any proposed changes in the Mine Plan, Rehabilitation and Mine Closure Plan including estimated changes in salary or wages, reduction of workers, qualification changes of workforce;
 - (m) the Mining Licence Title Holder's officer or employee position responsible for implementation of rehabilitation activities;
 - (n) such other information as may be specified by the Director General.
- (6) The Director General shall:
- (a) approve or reject such proposed plan or revised plan within sixty calendar days from the submission of a Rehabilitation and Mine Closure Plan; and
 - (b) notify the Mining Licence Title Holder of the Director General's decision.
- (7) A Mining Licence Title Holder whose proposed or revised Rehabilitation and Mine Closure Plan has been rejected by the Director General may:
- (a) submit such number of Rehabilitation and Mine Closure Plans as may be necessary in order to obtain the approval of the Director General, or
 - (b) if rejected twice, or he or she has failed to make a decision within the time period stipulated in Regulation (6) of this Regulation, appeal the rejection to the Minister whose decision thereon shall be final.
- (8) When a Title Holder fails to comply with the prescribed Rehabilitation and Mine Closure Plan requirements, failure to comply shall be a violation in accordance with applicable laws.

74. Rehabilitation and Mine Closure Plan Financial Assurance

- (1) A Title Holder who is required to implement a Rehabilitation and Mine Closure Plan shall provide financial assurance for mine closure and rehabilitation in such sum as approved in the Rehabilitation and Mine Closure Plan for the Government to implement the plan in the event that the Title Holder does not do so.
- (2) The amount of financial assurance required may change with the review and approval of the Mining Committee over time to take into consideration the changing costs of implementing the Rehabilitation and Mine Closure Plan.
- (3) The form of financial assurance required under Regulation (1) of this Regulation shall be at the Title Holder option but shall be one or a combination of the following forms
 - (a) surety bond,
 - (b) certificate of deposit,

- (c) escrow account established in accordance with the Act, with an amount as prescribed in Regulation (1) of this Regulation,
- (d) trust fund with defined pay-in period,
- (e) irrevocable or stand-by letter of credit,
- (f) insurance policy,
- (g) certificate of self-insurance,
- (h) cash account, or
- (i) any other financial assurance form acceptable to the Director General, upon the advice of the Minister.

75. Failure to Provide Financial Assurance

- (1) When a Mining Licence Title Holder is obligated to provide a financial assurance under Regulation 75 of these Regulations and fails to do so, the Director General shall:
 - (a) cause to be served on the Titleholder a notice of demand to provide financial assurance; and
 - (b) cause a note of the service of the notice to be endorsed in the respective Licence Register.
- (2) When a financial assurance demanded by a notice under Regulation (1) of this regulation is:
 - (a) provided by the Title Holder, the notice shall there upon cease to have effect, and the Director General shall immediately cause the Licence Register entry to be cancelled; or
 - (b) not provided by the end of the period specified in the notice of demand, the Mining Cadastre Office shall proceed to revoke the Licence.

76. Annual Rehabilitation and Mine Closure Report

- (1) A Title Holder, in each Licence Year after the first year in which Exploration Operations or Commercial Production first occurs, within the first month of the new Licence Year, shall submit three copies plus one digital copy of an Annual Rehabilitation and Mine Closure Report to the Director General
- (2) An Annual Rehabilitation and Mine Closure Report submitted under Regulation (1) of this Regulation shall be sufficiently detailed to enable the Director General to determine whether the approved Rehabilitation and Mine Closure Plan is succeeding.
- (3) A Title Holder may present a Rehabilitation and Mine Closure Report as one report.

77. Employment and Training of South Sudanese

- (1) All unskilled labour shall be for South Sudanese citizens.
- (2) South Sudanese citizens possessing the necessary qualifications and experience shall be considered for employment in all phases of operations under a Mining Licence.

- (3) A Mining Licence Title Holder shall carry out an on-going scheme of training and employment of South Sudanese, including its employees from communities near to the mining operation, in each phase and level of operations taking into account the requirements of safety and the need to maintain acceptable standards of efficiency in the conduct of the operations.
- (4) Efforts shall be made to ensure that women are trained in the skilled technical, supervisory, administrative and managerial employment categories and be enabled to assume leadership roles.
- (5) A Mining Licence Titleholder's on-going training program shall ensure the advancement of South Sudanese employees in the skilled technical, supervisory, administrative and managerial employment categories.
- (6) A Mining Licence Titleholder shall submit annually three copies plus one digital copy to the Mining Cadastre Office, within the first month of the new Licence Year, an Employment and Training Annual Report with First Schedule Form AR-6 [Annual Employment and Training Report], describing the number of all personnel employed, their nationality and their positions from the date of the last day of the prior Licence Year, and the status of workers and managers training programs on a monthly basis during the prior Licence Year.

Chapter X

Change in Status of Licences

78. Consolidation of Licences

- (1) Subject to Section 45 of the Act and Reg 16(6) a Small-Scale Mining Licence or Large-Scale Mining Licence Title Holder who has contiguous Mineral Title Areas may apply, in First Schedule Form A-11 [Application to Consolidate Mining Licences] to consolidate such separate Mining Licence Areas into a single Mining Licence Area.
 - (a) This provision shall apply in the case of a single or multiple types of minerals.
 - (b) Reconnaissance, Exploration and or Artisanal Licences may not be consolidated.
 - (c) An applicant to consolidate separate Mining Licence Areas into a single Mining Licence Area shall pay the non-refundable Application to Consolidate Mining Licences Processing Fee specified in the Second Schedule to these Regulations and upon such payment shall be issued a receipt in First Schedule Form R-1. Receipt for Payment of Application Processing Fee.
 - (d) No Mining Licence Area shall be consolidated with another Mining Licence Area unless the Title Holder of the Mining Licences has first satisfied all obligations under the Act and has paid annual rent and royalty and submit reports.
 - (e) Where a Small-Scale Mining Licence Area is consolidated with a Large-Scale Mining Licence Area, the resulting Mining Licence Area shall be categorized under the Act as a Large-Scale Mining Licence.
 - (f) Where two or more Small-Scale Mining Licence Areas are consolidated into a single Mining Licence Area, all requirements for the grant of a Large-Scale Mining Licence shall first be met, and the resultant Licence type shall be a Large-Scale Mining Licence.
 - (g) The applicable term of a Large-Scale Mining Licence up to twenty-five years shall apply from the registered date of consolidation.
 - (h) Before any consolidation of Mining Licence Areas under this Regulation:
 - (i) a Rehabilitation and Mine Closure Plan or amended Rehabilitation and Mine Closure Plan taking into account the consolidation shall be approved and any environmental requirements imposed under applicable law is satisfied.
 - (ii) a Community Development Agreement shall be in place in accordance with the Regulations.
 - (iii) the applicant shall submit to the Mining Cadastre Office a list of the proposed consolidated mine management team including qualifications, experience and position for approval by the Director General.
 - (i) An application to consolidate Mining Licence Areas shall be submitted, in three copies plus one digital copy, to the Mining Cadastre Office and such application

shall be recorded in the Mining Licences Register at such time as the non-refundable Application to Consolidate Mining Licences Processing Fee specified in the Second Schedule to these Regulations is paid.

- (j) The Director General shall not consolidate two or more Mining Licence Areas if:
 - (i) the separate Mineral Title Areas are not contiguous,
 - (ii) the resultant Mineral Title Area of the consolidated Mining Licence would exceed the maximum Mineral Title Area acceptable for a Large-Scale Mining Licence,
 - (iii) the applicant has failed to comply with Regulations (d) and (h) of this Regulation, and
 - (iv) in the case where Small-Scale Mining Licence Areas are being consolidated to obtain a Large-Scale Mining Licence Area, the applicant has failed to comply with Regulation (f) of this Regulation.
- (k) The Mining Cadastre Office, in writing, shall notify an applicant within thirty calendar days from the registration date whether the application to consolidate Mining Licences is approved or rejected. When the Minister approves a Mining Licence consolidation application, the Mining Cadastre Office shall:
 - (i) assign the Mining Licence registration code of the oldest Large-Scale Mining Licence being consolidated to the consolidated Mining Licence, or where two or more Small-Scale Mining Licences are being consolidated, assign a new Large-Scale Mining Licence registration number:
 - (ii) combine the records of the Mining Licences which were consolidated in a single file,
 - (iii) record the consolidation in the respective Licence Registers,
 - (iv) update the Cadastral Maps.
- (l) The Mining Cadastre Office shall issue to an applicant for the consolidation of Mining Licences whose application is granted by the Minister, a Large-Scale Mining Licence and a receipt in First Schedule Form R-2. [Receipt for Payment of Licence Registration Fee] upon payment and presenting of the original receipt by the applicant of the non-refundable Registration Fee specified in Second Schedule to these Regulations, and the date of issuance shall be recorded in the Large-Scale Mining Licence Register.
- (m) The date of issuance of a Large-Scale Mining Licence resulting from the consolidation of two or more Mining Licences shall be deemed to be, for the purposes of determining the Large-Scale Mining Licence term and all time related obligations, on the date of issue as registered in the Licence Register of the oldest Mining Licence subject to the consolidation.

- (n) Where an application to consolidate Mining Licences is rejected, the existing Mining Licences shall remain valid until their expiration or until they are otherwise terminated.

79. Conversion of One Licence Type to Another

- (1) A Title Holder of a Small-Scale Mining Licence may apply to the Mining Cadastre Office to convert the Licence of the Title Holder to a Large-Scale Mining Licence.
 - (a) An applicant shall pay the non-refundable Application to Convert a Licence Processing Fee specified in Table 7 of the Second Schedule to these Regulations and upon such payment shall be issued a receipt in First Schedule FORM R-4 [Receipt for Payment of Conversion Application Processing Fee].
 - (b) A Title Holder of a Small-Scale Mining Licence applying to convert the Licence of the Title Holder to a Large-Scale Mining Licence shall meet the qualification requirements of the Act for a Large-Scale Mining Licence and follow the procedures to apply for a Large-Scale Mining Licence as set out in these Regulations.
 - (c) The term of a Large-Scale Mining Licence emergent from a Small-Scale Mining Licence, shall be the term requested or the maximum period allowed for a Large-Scale Mining Licence, whichever is shorter, as measured from the date that the Large-Scale Mining Licence is issued by the Mining Cadastre Office upon payment by the applicant of the non-refundable Registration Fee specified in Table 7 in the Second Schedule to these Regulations.
 - (d) Where an application to convert the Licence of the Title Holder is rejected, the existing Licences shall remain valid until their expiration or until they are otherwise terminated.

80. Transfer and Assignment of Licence

The procedure to transfer or assign a Licence in the event of the death or mental incapacity of an individual Title Holder is regulated under Regulation 81 of these regulations, and all other Licence transfers are regulated by this Regulation as follows:

- (1) A Reconnaissance Licence and a Retention Licence may not be transferred.
- (2) An application in First Schedule Form A-12 [Application for Mineral Title Transfer] to transfer or assign a Licence, other than a Reconnaissance Licence, shall be submitted, in triplicate plus a digital copy, by the Title Holder to the Mining Cadastre Office, for registration and processing.
- (3) An application form for the transfer or assignment of a Licence shall have appended to it the terms and conditions of the transfer or assignment and include an authenticated copy of the proposed instrument of assignment or transfer.
- (4) An applicant for a Licence Transfer or assignment shall pay the non-refundable Mineral Title Transfer Application Processing Fee specified in Table 8 of the Second Schedule to these Regulations, and upon such payment, the Mining Cadastre Office shall:

- (a) issue to the applicant a receipt in First Schedule Form R-1 [Receipt for Payment of Application Processing Fee], and
 - (b) immediately record the application registration in the respective Licence Register.
- (5) The Minister shall approve an application to transfer or assign a Licence within thirty calendar days of the application registration date, if the transferee satisfies the following requirements,
 - (a) is an eligible person to hold that type of Licence;
 - (b) has the technical and financial capability or the access thereto to perform the obligations of the Licence, and
 - (c) submits an acceptance of transfer attestation, in First Schedule Form AT-4 [Attestation to Accept Terms of Transferred Mineral Title] to the Director General and completes all information required in such form.
- (6) When an application to transfer a Licence request is approved or rejected by the Minister, the Mining Cadastre Office, shall notify the applicant in writing within thirty calendar days.
- (7) An application to transfer a Licence, provided that the applicant is an eligible person, shall be deemed approved when not acted upon by the Minister within thirty calendar days from application registration date.
- (8) Any person or corporate body aggrieved by the decision of the Minister to reject an application to transfer a Licence, within sixty calendar days of being notified that its application is rejected, may appeal in writing to the Minister as a matter of first resort.
- (9) Nothing in this provision prevents the applicant from seeking appeal remedy in a competent Court.
- (10) In any case appealed to the Court under Regulation (8) of this Regulation, where the Court has decided that a Licence transferee has met all the requirements under Regulation (5) of this Regulation, it may direct the Mining Cadastre Office to transfer the Licence within seven calendar days.
- (11) The Mining Cadastre Office shall immediately record a Licence transfer that has been approved by the Minister or deemed to have been approved or ordered to be approved pursuant to Regulation (5) or (10) of this Regulation in the respective Cadastral Register and in the Licence upon payment by the applicant of the non-refundable Registration Fee specified in Table 9 of the Second Schedule to these Regulations.
- (12) Any act or transaction that purports to transfer a Licence that is not in compliance with Regulation (1) or 81 of these Regulations is null and void.
- (13) Government may apply a capital gains fee to be paid by the Title Holder as prescribed in law.

81. Transfer in the Event of Death or Mental Incapacity

- (1) In the event of the death or mental incapacity of an individual Title Holder who is the sole Title Holder of a Licence of:

- (a) a Reconnaissance Licence shall be revoked; and
 - (b) other Licences, except Artisanal Mining Licences and Small-Scale Mining Licence for State Natural Resources may be transferred or assigned subject to this Regulation.
- (2) An applicant shall pay the non-refundable Application to Transfer a Licence Processing Fee specified in Table 8 of the Second Schedule to these Regulations and upon such payment shall be issued a receipt in First Schedule Form R1 [Receipt for Payment of Application Processing Fee].
 - (3) An application in First Schedule Form A-12 [Application for Mineral Title Transfer] to transfer or assign another Licence shall be submitted, in three copies plus one digital copy, by the heir in the case of death or the person having a power of attorney in the case of mental incapacity, for registration and processing.
 - (4) An application form for the transfer or assignment of a Licence shall have appended to it the terms and conditions of the transfer or assignment and include an authenticated copy of the proposed instrument of assignment or transfer.
 - (5) The Minister shall approve the transfer of the Licence to the heir assignee, in accordance with applicable laws of succession or mental incapacity, when the heir or assignee satisfies the following requirements:
 - (a) is an eligible person to hold that type of Licence;
 - (b) submits an acceptance of transfer attestation, in First Schedule Form AT 4[Attestation to Accept Terms of Transferred Mineral Title] to the Director General and completes all information required in such form; and
 - (c) provides, in the case of death, a copy of the death certificate and a copy of the testamentary instrument or other document verifying the rights of succession, or in the case of mental incapacity, a copy of the official document confirming mental incapacity.
 - (6) When there is more than one heir or assignee the heirs shall establish a corporation or other form of association and, within ninety calendar days of the date of the devise, shall submit an application to the Director General for the transfer of the other Licence to the said corporation or association.
 - (7) When a transfer of the Licence is rejected by the Minister, within ninety calendar days of the transfer application being made, the Mining Cadastre Office shall notify the transfer applicant in writing of such rejection.
 - (8) Any person aggrieved by a decision of the Minister under this Regulation, within sixty calendar days of such notification, may appeal in writing to the Mining Committee.
 - (9) When an application to transfer a Licence has not been made within ninety calendar days from the date of death or date that the Title Holder was found to have mental incapacity, the Minister shall revoke the Licence.
 - (10) Upon acceptance by the applicant of the terms and conditions of the approval of a Licence transfer, the transfer shall be recorded in the respective Licence Register.

- (11) Any act or transaction that purports to transfer a Licence in the event of the death or mental incapacity of the Title Holder that is not in compliance with this Regulation is null and void.

82. Encumbrance or Lien

- (1) No encumbrance, estate tax or lien may be placed upon any,
 - (a) mineral resource, or
 - (b) any Small-Scale Mining Licence or Large-Scale Mining Licence or upon the facilities, installations and other fixtures which are part of the Mining Operations unless it is to secure financing for said activities.
- (2) Where any rights arising from a Licence that are transferable under the Act are wholly or partially assigned, sub-licensed, pledged, mortgaged, charged, hypothecated or subject to any security interest, the Title Holder shall notify the Mining Cadastre Office within thirty calendar days in First Schedule Form N-5 [Notice of Encumbrance or Lien].
- (3) The Mining Cadastre Office shall record any notification received under Regulation (2) of this Regulation in the respective Licence Register.

83. Suspension of a Licence

- (1) The Director General upon the recommendation of Inspectors, Mining Committee or Cadastre office as prescribed under the Act, may be in a written order, suspend a Licence for any reason under the Act or regulations that requires or allows Licence suspension.
- (2) When the Director General intends to suspend any Licence other than by any Emergency Suspension Order, the Director General shall give written notice to the Title Holder within thirty calendar days of the proposed suspension, and such notice shall contain, in detail, the grounds for suspension. The Notice shall immediately be published in a newspaper that is widely circulated in the country and by notice posted in the Mining Cadastre Office and on the website of the Ministry.
- (3) When a Title Holder fails within the period specified by the Director General, or thirty calendar days if no time period is specified, of receiving a notice under this Regulation to remedy the breach, to provide a rectification plan for approval, or to remove the grounds for suspension, the Director General may suspend the Licence and any such suspension shall be recorded in the respective Licence Register.
- (4) The Director General shall notify by written order a Title Holder whose Licence is suspended, and the Title Holder shall cease all operations authorised by its Licence until the Director General is satisfied that the reasons for the suspension has been adequately remedied.
- (5) Notwithstanding the suspension of a Licence in accordance with this Regulation, a Title Holder shall remain liable during the period of suspension of its Licence for,
 - (a) any obligations accrued and owing as of the date of suspension;
 - (b) the performance of any obligations arising out of the Licence, including safety, environmental, social, reporting, royalty, rent, and fee payment obligations, and

- (c) the Title Holder shall not remain liable for any obligations to conduct Exploration Operations or to produce Mineral Resources, as well as for any claims for damages or injuries by bona fide third parties.
- (6) The Director General may rescind a Licence suspension and shall notify the Title Holder of such Licence that the suspension order is rescinded and such a rescission shall be recorded in the respective Licence Register.
- (7) Any suspension order made under this Regulation may be appealed to the Minister, and the Minister may instruct the Director General in writing to rescind such suspension order explaining the reasons for his or her decision; such decision and reasons shall be recorded in the respective Licence Register.

84. Intent to Cease Mineral Production Permanently

- (1) A Title Holder of a Small-Scale Mining Licence or Large-Scale Mining Licence intending to permanently cease Mineral Production from the Licence Area shall provide a written notice at least one hundred and eighty calendar days prior to such intended cessation of production, in First Schedule Form N-6 [Notice of Intent to Permanently Cease Production] to the:
 - (a) Mining Cadastre Office;
 - (b) Mines Inspectorate Department;
 - (c) Ministry of Labour, Public Service and Human Resource Development; and
 - (d) Ministry of Environment.
- (2) The Mining Cadastre Office shall record any notification to permanently cease production received under Regulation (1) of this Regulation in the Small-Scale Mining Licence Register or Large-Scale Mining Licence Register, as the case may be.

85. Surrender of Licence

- (1) A Title Holder of a Licence may apply to the Mining Cadastre Office to surrender mining Licence.
- (2) An application to surrender a Licence shall be in First Schedule Form A-10 [Application to Surrender Mineral Title].
- (3) An applicant shall pay the non-refundable Application to Surrender a Licence Processing Fee specified in the Second Schedule to these Regulations and upon such payment shall be issued a receipt in First Schedule Form R1 [Receipt for Payment of an Application Processing Fee].
- (4) The Director General of Mineral Development shall, within twenty eight calendar days of the application approve an application made under Regulation (1) of this Regulation, when satisfied that,
 - (a) the application for surrender is complete;

- (b) the surrender will not affect any liability incurred by the Title Holder before the surrender of the Licence, including all environmental, rehabilitation and reporting obligations;
 - (c) all royalty, annual rent and fees due have been paid by the Title Holder;
 - (d) the Title Holder provided an explanation describing the reason for the application to surrender; and shall notify, in writing within seven calendar days, an applicant whether the application is granted or is rejected. The applicant shall have twenty one calendar days to respond in writing to the Director General.
- (5) An applicant, within fourteen calendar days of receiving a notice under Regulation(4) of this Regulation, shall surrender the original title document to the Mining Cadastre Office and shall pay the non-refundable Registration Fee specified in the Second Schedule to these Regulations and upon such payment shall be issued a receipt in First Schedule Form R2 [Receipt for Payment of a Registration Fee]; failure to submit the document within the fourteen calendar days shall render the application null and void.
- (6) The Mining Cadastre Office shall within five calendar days revoke a Licence when an application for surrender of that Licence is approved and the original Licence document has been surrendered.

86. Revocation of Licence

- (1) The Mining Cadastre Office may revoke a Licence in accordance with the Act for any reason prescribed under the Act.
- (2) When the Mining Cadastre Office intends to revoke any Licence, except when revocation results from surrender of the Licence pursuant to Regulation 85, it shall give at least sixty calendar days written notice to the Title Holder of such intent and such notice shall contain, in detail, the grounds for revocation.
- (3) The Mining Cadastre Office shall submit to the Minister, in First Schedule Form N-7 [Request to Minister for Permission to Revoke Mineral Title], a request for permission to revoke a Licence:
- (a) when a Title Holder fails within thirty calendar days of receiving a notice under Regulation (2) of this Regulation to remedy the grounds for revocation,
 - (b) when an application for surrender of the title is approved pursuant to Regulation (8) of this Regulation; or
 - (c) In the instance of an Exploration Licence or Large-Scale Mining Licence, the Mining Committee has endorsed the recommendation to revoke.
- (4) The Minister shall grant permission to revoke a Licence within sixty calendar days from receipt of a request to revoke a Licence pursuant to Regulation (3) of this Regulation where:
- (a) the Act requires revocation for something done or for something that was not done, and the Title Holder has failed to remedy the grounds for revoking the Licence, and

- (b) a Licence surrender application is approved pursuant to Regulation (8) of this Regulation.
- (5) The Minister may grant permission to revoke a Licence:
- (a) within sixty calendar days from receipt of a request to revoke a Reconnaissance Licence or Small-Scale Mining Licence received pursuant to Regulation (3) of this Regulation when the Act does not state that revocation is mandatory, or
 - (b) upon review of an Exploration Licence or a Large-Scale Mining Licence by the Mining Committee and the Mining Committee endorses the revocation.
 - (c) When the Minister has failed to grant or reject permission to revoke a Licence within sixty calendar day provided for in Regulation (4) or (5) of this Regulation, the permission of the Minister to revoke the Licence shall be deemed to be granted.
- (6) Upon receipt of the Minister's written permission to revoke a Licence, the Mining Cadastre Office shall revoke the title within seven calendar days, and record such revocation in the respective Licence Register and on the Cadastral Maps.
- (7) Upon receipt of the Minister written rejection to revoke a Licence, the Mining Cadastre Office shall immediately record such rejection and the reasons for such rejection in the respective Cadastral Register.
- (8) The Mining Cadastre Office, within seven calendar days from the date of revocation of a Licence, shall in writing, notify the Title Holder that the Licence is revoked.
- (9) Upon revocation of a Licence, the Mining Cadastre Office shall submit to the former Title Holder a demand notice in First Schedule Form N-8 [Notice of Demand for Final Documents] demanding the delivery of:
- (a) all records and reports that the Title Holder is obliged to submit under the provisions and regulations of the Act;
 - (b) all plans or maps of the Mineral Title Area covered by the Licence prepared by the Title Holder or at its instructions;
 - (c) hand over or sale of infrastructure, equipment removal; and
 - (d) such other documents relating to the Licence as may be requested in the notice.
- (10) Upon receipt of a demand notice under Regulation (9) of this Regulation, the notice recipient shall provide all information requested in the notice to the Mining Cadastre Office within thirty calendar days.
- (11) Any person aggrieved by the revocation of a Licence pursuant to this Regulation, within sixty calendar days of such receiving a notice stating that the Licence is revoked, may appeal in writing to a competent Court on the accusation that the decision had no statutory basis justifying the revocation or that the revocation process required by this Regulation was not followed.

87. Right to Appeal

- (1) Any Licence holder or applicant shall have the right to appeal any decision made in accordance with the applicable laws of South Sudan.
- (2) Procedures for appeal of any decision made under the provisions of the Act shall be prescribed in Regulations.

Chapter XI

Fiscal

88. Annual Rent

- (1) In accordance with the Act, mineral activities do not constitute a use of land for tax or other payments under the applicable land laws.
- (2) Under the Act, a Title Holder, other than the Title Holder of a Reconnaissance Licence, shall pay annual rent to the National Revenue Fund according to procedures established by the Directorate of Taxation that is equal to the number of CUs that comprise the Mineral Title Area multiplied by the annual rent per CU for that type of title as set out in the Third Schedule to these Regulations, and such amount shall be payable in an amount that is pro-rated using monthly payment periods for the first and final year of the Licence duration.
- (3) The number of CUs to be used for the purposes of an annual rent calculation under Regulation (1) of this Regulation shall be in:
 - (a) the year that the Licence is issued, the number of CUs that comprise the Mineral Title Area on the date the title is issued.
 - (b) all other Licence Years, except the year that the Licence was issued, the number of CUs that comprise the Mineral Title Area on January 1 of the year for which the annual rent is being paid.
- (4) A Title Holder required to pay annual rent shall pay such annual rent within thirty calendar days after the issue date of the Licence
- (5) Upon receipt of a payment by a Title Holder of annual rent, the Directorate of Taxation shall issue immediately a receipt to the payer.
- (6) Every payment of annual rent by a Title Holder shall be documented by the Title Holder in First Schedule Form N-10 [Notice of Annual Rent Return Payment], a copy of which shall upon payment of any annual rent be delivered to the:
 - (a) Director General of the Directorate of Taxation or his or her designee;
 - (b) Mining Cadastre Office; and
 - (c) Title Holder shall retain a copy at its registered place of business
- (7) In case of default of payment of annual rent to the Directorate of Taxation, the Mining Cadastre Office shall give a thirty day written default notice to the defaulting party and, when payment is not effected during that period, the Mining Cadastre Office shall record the default in the respective Licence Register and proceed to revoke the Licence.
- (8) Any amount of annual rent payable pursuant to these Regulations and unpaid may be recovered by the Directorate of Taxation on behalf of the Government. The Director may collect the unpaid rent in accordance with methods of collection under the Taxation Act or by action as for a debt due to the Government in any competent Court.
- (9) Unpaid rent shall accrue interest as if the rent were unpaid tax under the Taxation Act.

89. Application of Royalties

- (1) Institutional Oversight
 - (a) The Director General of the Directorate of Taxation is charged with the responsibility for royalty collection or any other person so authorised by them may inspect and examine any samples, books, records and accounts and obtain all information necessary to ascertain the quantity or value of Mineral Products produced or obtained from any Mineral Title Area and any information necessary to verify the amount of any royalty payable.
 - (b) The Ministry charged with the responsibility for regulating the development and exploitation of Mineral Resources has the over sight of the royalty regime including issuance of relevant Regulations, review and revision of the list of Minerals to which a royalty shall be applied and the amount of royalty to be applied.
 - (c) The Director General is charged with the responsibility to manage and verify the correct Royalty calculations based on the monthly production reports from the Mineral Operations as specified in Regulations 37 and 48 and to cross-check with the Directorate of Taxation that legally required royalty amounts are timely paid into the dedicated Treasury account.
 - (d) The Ministry responsible for Finance and Economic Planning is charged with minerals revenue management including the collection and allocation of revenues generated by royalty payments
- (2) The royalty shall be assessed monthly.
- (3) Royalty shall be paid into the National Revenue Fund according to procedures established by the Director General of Taxation.
 - (a) Every payment of royalty by a Title Holder shall be documented by the Title Holder in First Schedule Form N-9 [Notice of Royalty Assessment Payment], a copy of which shall upon payment of any royalty be submitted to the:
 - (i) Director General of the Directorate of Taxation;
 - (ii) respective taxation office of the States responsible for the collection of royalties;
 - (iii) Mining Cadastre Office; and the Title Holder shall retain a copy at its registered place of business .
 - (b) Each payment shall be accompanied by details of the mineral produced, sold or disposed of and the details of payment.
 - (c) Payment of royalty shall be made by a Title Holder within sixty calendar days of any Mineral Product sold or transferred.
 - (d) Upon receipt of a royalty payment by a Title Holder, the Directorate of Taxation responsible for collecting royalties shall issue immediately a receipt in duplicate to the Title Holder or its authorized representative making the payment.

- (e) The Director of Taxation shall within seven calendar days forward a certified copy of such receipt to the Mining Cadastre Office for cross-checking the payments of royalty as required by sub-regulation 1(c) of this Regulation.
 - (f) The Mining Cadastre Office shall within seven calendar days verify that the payments are correct.
 - (g) In case the audited payment differs from the actual payment the Mining Cadastre Office shall notify the Title Holder within seven calendar days using an amended copy of the Form N-9 [Notice of Royalty Assessment Payment], which the Title Holder originally submitted to the Mining Cadastre Office.
 - (h) The Title Holder shall within seven calendar days rectify or show the cause why his or her calculations is correct, and in default Title Holder shall make payment of royalty.
- (4) A Title Holder shall be liable to pay a royalty on minerals, including tailings, extracted by Processing Operations at the time of their sale or transfer, including mortgage, lease or collateralization; all such application shall be referred to as the time of “transfer.”
 - (5) The royalties payable shall be calculated of the gross market value in accordance with the Fourth Schedule of these Regulations.
 - (6) For the purpose of calculation of royalties in any other transaction:
 - (a) The quantity of Minerals by weight used in the computation shall be that quantity delivered for shipment or for domestic sale. The quantity by weight and quality of each mineral subject to royalty shall be properly determined by internationally accepted assay methods. The value of the Minerals will be converted by using metal prices as defined below
 - (b) In case of metallic Minerals having a London Metal Exchange price quotation or for which the saleable mineral content has an London Metal Exchange price quotation the price used in the computation shall be the calendar quarter 3 month London Metal Exchange monthly average official cash mean US Dollar price per unit for the same or most equivalent traded type of grade of the Minerals concerned.
 - (c) For those Minerals having no London Metal Exchange price quotation the price used in the computation shall be the average calendar quarter US Dollar price as published in any reputable publication, specialised on the Minerals concerned.
 - (7) A Reconnaissance Licence and Exploration Licence shall not be subject to royalty.
 - (8) No person shall export any mineral, any product, substance refined or derived from any mineral unless he or she is in possession of a permit to export issued under the provisions of this regulations, which shall contain a certificate that royalty has been paid or secured to the satisfaction of the Minister.
 - (9) Any authorised official may inspect any consignment of a Mineral before export and may take free of cost samples there from, for the purpose of ascertaining the mineral content and its worth, without application of royalty, provided that any sample materials

remaining after examination shall be returned to the exporter if requested at the time of sampling.

- (10) Samples, such as stream sediment samples, drill cores, grab samples shall not be subject to application of royalty, provided they are not exceeding volumes which are ordinarily required for laboratory tests.
- (11) Failure to Pay Royalty:
 - (a) Upon receipt of a notice from the Director General of the Directorate of Taxation
 - (b) that a Title Holder has failed to pay royalty, the Mining Cadastre Office shall give thirty calendar days written default notice to the defaulting party.
 - (c) Any amount of royalties payable pursuant to these Regulations and unpaid may be recovered by the Directorate of Taxation . The Director may collect the unpaid royalties in accordance with methods of collection under the Taxation Act or by action as for a debt due to the Government in a competent Court.
 - (d) Unpaid royalties shall accrue interest as if the royalties were unpaid tax under the Taxation Act.
 - (e) When payment is not made, the Mining Cadastre Office shall record the default in the respective Licence Register and proceed to revoke the Licence.
- (12) Records and Inspection:
 - (a) All Title Holders and any other persons buying or selling minerals or Mineral products, shall keep adequate records to the satisfaction of the Minister, to show the quantity of Mineral or Mineral Products produced, bought or sold, and accounts of such purchases, sales or exports, such records may be inspected by the Director or other authorised Officer at any reasonable time.
 - (b) Any authorized official responsible for minerals royalty collection may inspect and examine any samples, books, records and accounts and obtain information necessary to ascertain the quantity or value of mineral products necessary to verify the amount of any royalty payable.

90. Calculation of Royalty

- (1) The royalty rate shall be calculated for each Mineral individually, based on earnings before interest, taxes, depreciation and amortization x 100, divided by the aggregate gross sales for the assessment period and a factor for the assessed Mineral as specified in Schedule Four of these Regulations.
- (2) The rate shall be calculated as below:

$$\text{Royalty rate} = \frac{\text{earnings before interest, taxes, depreciation and amortization} \times 100}{\text{aggregate gross sales for the assessment period} \times \text{Factor pertaining to the assessed mineral}}$$

- (3) A negative rate under sub regulation (2) is deemed to be a rate of zero.

91. Aggregate Gross Earnings

- (1) Aggregate gross earnings equal to aggregate of amounts received by or accrued to the extractor for mineral resources transferred during an assessment period.
- (2) For purposes of sub regulation (1), the aggregate amounts received or accrued include the following:
 - (a) the face value reduction or discharge of an outstanding obligation
 - (b) the fair market value of property, financial assistance, service or other benefit;
 - (c) an amount received by way of insurance, indemnity or guarantee; and
 - (d) any premium paid in respect of an option on a mineral resource.
- (3) To the extent an amount of aggregate gross earnings received or accrued is not quantifiable, that amount is deemed received or accrued in the assessment period the amount becomes quantifiable.

92. Small Mining Business Relief

- (1) An extractor is not liable for the royalty otherwise imposed during an assessment period if:
 - (a) the extractor does not have aggregate gross earnings that exceed one million SSP during the assessment period;
 - (b) the royalty that would otherwise be imposed on the extractor for the assessment period would not exceed one hundred thousand SSP ;
 - (c) the extractor is a resident as defined in the Income Tax Act throughout the assessment period; and
 - (d) the extractor is duly registered with the Commissioner throughout the assessment period.
- (2) Notwithstanding sub-regulation (1), an extractor is liable to pay the royalty during an assessment period if:
 - (a) the Title Holder, at any time during the assessment period, is entitled to participate directly or indirectly in more than fifty per cent of the profits of any other Title Holder.
 - (b) any other Title Holder is entitled, at any time during the assessment period, to participate directly or indirectly in more than fifty per cent of the profits of the Title Holder.
 - (c) any other person is entitled, at any time during the assessment period, to participate directly or indirectly in more than fifty per cent of the profits of the Title Holder and more than fifty per cent of the profits of any other Title Holder.

93. Fees

- (1) All fees shall be calculated in accordance with the Second Schedule of these Regulations.

- (2) The calculation of fees in the Second Schedule of these Regulations shall be based on the actual costs of the Directorates for Mineral Development and Geological Survey.
- (3) The fees shall be reviewed annually and the Minister shall publish an updated Second Schedule.
- (4) Pursuant to Section 116 of the Mining Act, 2012 all fees shall be paid to the National Revenue Fund according to procedures established by the Ministry responsible for Finance and Economic Planning as defined in the Public Financial Management Act, on behalf of and for the use of the Directorates for Mineral Development and Geological Survey.
- (5) Fees shall be calculated to cover the actual cost of the Directorate for Mineral Development and Geological Survey.
- (6) The Minister shall provide a report of the amount of fees paid annually to the public, both on the Ministry website and by any other appropriate means to inform interested persons.

Chapter XII

Submission of Information and Confidentiality

94. Submission of Information

- (1) Any person obligated by the Act or these Regulations to submit a Report, data or other information, shall submit such report, data or information to the Director General
- (2) Any report, data or other information submitted pursuant to the Act or these Regulations shall become Government property upon the date of submission of such report, data or other information.

95. Confidentiality

- (1) All information, data and reports submitted or required by the Act including Community Development Agreement, Environment Impact and Social Assessment Studies, gender impact assessments, and Environmental Management Plan shall be considered as non-confidential, unless otherwise prescribed to be confidential.
- (2) Technical, geological and financial records or reports submitted under a Licence as Records of and reports by Title Holders shall be treated as confidential and shall not be divulged without the written consent of the Title Holder. Such records or reports shall become non-confidential after one hundred eight calendar days from the date of expiry or termination of the Licence.
- (3) Nothing in this regulation prohibits the disclosure of confidential information:
 - (a) where the disclosure is necessary for the purposes of the Act or Regulations;
 - (b) for the purposes of a prosecution under the Act, Regulations or any relevant act or regulations; or
 - (c) to an official authorised to receive the confidential information.
- (4) Any authorised or public official who, by virtue of his or her official capacity or former official capacity, has access to any confidential information that might reasonably be expected to affect materially an Exploration Operations or Mining Operations shall not disclose such information except for the proper performance of the functions attached to that official duty. Any authorised or public official who disclose or makes improper use of such information to gain, directly or indirectly, an advantage for himself or herself for any other person, commits an offence in accordance with applicable penal law.

Chapter XIII

Mineral Title Area

96. Area Ordered Closed to Mineral Title Application

Any area declared closed to the application or grant of Mineral Titles by an order of the Minister shall be published in newspaper that is widely circulated in the Country, by notice posted in the Mining Cadastre Office and on the website of the Ministry and shall be a contiguous Polygon defined by Cadastral Coordinates in accordance with the method specified in the Fifth Schedule to these Regulations.

97. Area Declared a Mineral Resource Reserve

Any area declared a Mineral Resource Reserve by an order of the Minister published in a newspaper that is widely circulated in the country, by notice posted in the Mining Cadastre Office and on the website of the Ministry shall be a contiguous Polygon defined by Cadastral Coordinates in accordance with the method specified in the Fifth Schedule to these Regulations.

98. Demarcation of Mineral Title Area

- (1) The boundaries of a Small-Scale Mining Licence Area or Large-Scale Mining Licence Area shall consist of vertical planes extending downwards from straight lines connecting surface demarcation points.
- (2) The horizontal surface demarcation points of a Small-Scale Mining Licence Area or Large-Scale Mining Licence Area shall be identified by markers set in or on the ground, which shall be positioned using the Cadastral Coordinates that define the vertices of the Polygon consisting of the Cadastral Units that comprise the Mining Licence Area.
- (3) Unless a survey is requested by the Director General, surface demarcation points may be established using global positioning system equipment. The Mining Cadastre Office shall provide, free of charge on request from the Title Holder, the parameters for the transformation between Cadastral Coordinates and the appropriate Universal Transverse Mercator grid system.
- (4) The Title Holder of a Small-Scale Mining Licence or Large-Scale Mining Licence, or person authorised on its behalf:
 - (a) at every demarcation point described in Regulation (2) of this Regulation :
 - (i) where physically possible, shall insert a round post that shall be not less than ten centimetres in diameter or a square post each side of which shall be not less than ten centimetres in width, standing at least one metre above the surface and sunk not less than fifty centimetres in the ground. That part of the post above the surface shall be painted white. Where posts are of timber construction they shall be barked and dried of sap before use. There shall be engraved, or in some way durably marked on each post the licence number and the name of the Title Holder.

- (ii) where it is not possible to insert a post, shall erect a cairn of stones, or a concrete cone, at least fifty centimetres high in the place where the post should have been inserted. Stones, comprising the cairn or the cone shall be painted white. There shall be engraved or in some way durably marked on a stone or on the cone, the licence number and the name of the Title Holder.
 - (b) shall maintain all demarcation point markers during the term of the Licence; and
 - (c) shall remove all demarcation point markers upon revocation or expiry of the Licence.
- (5) The field demarcation carried out under Regulation (4) of this Regulation shall be done at the expense of the Title Holder.
- (6) A Small-Scale Mining Licence or Large-Scale Mining Licence Title Holder shall:
 - (a) complete the placement of all demarcation point markers in accordance with Regulation (4) of this Regulation within thirty calendar days from the date of issue of the Licence; and
 - (b) submit an attestation to the Mining Cadastre Office, in First Schedule Form AT-1[Boundary Marker Placement Attestation] signed by the Title Holder or the authorised representative of the Title Holder.
- (7) A Small-Scale or Large-Scale Mining Licence Title Holder shall not undertake any Mining Operations in the Mineral Title Area until the requirements of Regulations (4) and (6) of this Regulation have been satisfied.
- (8) If there is a contradiction between a field demarcation point established under Regulation (2) of this Regulation and Cadastral Coordinates defining that point, the Cadastral Coordinates shall take priority.
- (9) Any person may challenge the validity of the location of any demarcation marker by, in writing, requesting the Director General to order a survey of that marker location.
- (10) Upon the order of the Director General given at any time, the Title Holder of a Small-Scale or Large-Scale Mining Mineral Title shall:
 - (a) have the land the subject thereof, or any part thereof specified by the Director General, surveyed or further surveyed to establish the positioning of demarcation points and boundaries;
 - (b) cause to be removed any miss-located demarcation point markers; and
 - (c) place demarcation point markers at such locations as are determined by such survey.
- (11) For the purposes of Regulation (10) of this Regulation, demarcation point marker locations shall be surveyed by a licenced land surveyor.
- (12) The Ministry, Director General or the Mining Cadastre Office shall not be liable for any error or inaccuracy in a survey carried out by a licenced land surveyor for the purpose of this Regulation or for anything done or omitted on the assumption that the survey was accurate.

- (13) The applicant or Title Holder to whom an order is made under Regulation (10) of this Regulation shall incur and be liable to pay all costs associated with the work carried out by a licenced land surveyor under this Regulation.
- (14) A licenced land surveyor who holds or is entitled directly or indirectly to the benefits of any share or interest in a Small-Scale or Large-Scale Mining Mineral Title shall not carry out a survey of the land the subject thereof for the purposes of these Regulations.

99. Boundary Disputes

- (1) The Director General shall resolve any disputes resulting from the definition and demarcation of markers and boundary lines of Mineral Title Areas subject to Licences and in writing, notify the Title Holders of his or her resolution.
- (2) Mining Operations shall not commence in any land that is subject to an unresolved boundary dispute.

Chapter XIV

Cadastral Registers

100. Records and Cadastral Registers

- (1) All Licences and Exploration and Mining Agreements issued under the Act shall be prepared in three copies plus a digital copy, one copy being issued to the Title Holder or to the non-Government party to the Agreement, and the other two retained by the Mining Cadastre Office to be included in the appropriate cadastral records and serially numbered therein.
- (2) The Mining Cadastre Office shall:
 - (a) keep a complete, up-to-date Register of applications for Licences, for Exploration and Mining Agreements and for an expansion of a Mining Licence Area or an Exploration and Mining Agreement Area; the Register may include for each application the following information, when and as required by the respective application regulation:
 - (i) the application number (every application shall be assigned a unique number sequentially according to the time and date on which the application was accepted as complete);
 - (ii) the name of the applicant;
 - (iii) the date and time the application registration receipt was issued;
 - (iv) the date that the application was found to be null and void and the applicant so notified;
 - (v) the date on which the Mineral Resources Coordination Advisory Committee report advising on an application was received by the Minister;
 - (vi) the date on which the application was granted or rejected;
 - (vii) the date on which the Director General notified the applicant that the application was granted or rejected;
 - (viii) the date on which the Licence or Exploration and Mining Agreement was registered as issued;
 - (ix) any other information required by these regulations to be made part of the application register.
 - (x) such other information as is prescribed; and
 - (xi) such other information as the Director General requires.
 - (b) keep a separate up-to-date file on each Licence and Exploration and Mining Agreement Negotiation Application, for at least five years from the date on which an application was submitted, including the following information:
 - (i) the application;

- (ii) a copy of the application registration receipt;
 - (iii) a copy of any notices submitted to the applicant by the Mining Cadastre Office and notices submitted to the Mining Cadastre Office by the applicant;
 - (iv) such other information as the Director General requires; and
 - (v) keep separate, complete and up-to-date Licence Cadastral Registers for each of the following types of Licences and agreements:
 - a. Reconnaissance Licences;
 - b. Exploration Licences;
 - c. Small-Scale Mining Licences;
 - d. Large-Scale Mining Licences;
 - e. Retention Licences;
 - f. Small-Scale Mining Licence for State Natural Resources;
 - g. Artisanal Mining Licences; and
 - h. Exploration and Mining Agreements;
- (c) enter into the Cadastral Registers all such information as may be prescribed which may include the following information for each Licence or Exploration and Mining Agreement:
- (i) the registration code number;
 - (ii) name and contact details of the Title Holder or agreement of non-governmental party;
 - (iii) the date of issuance;
 - (iv) the term and expiry date of the Licence;
 - (v) the term and expiry date of any extension;
 - (vi) a description of the Mineral Title Area;
 - (vii) the Cadastral Coordinates defining the Mineral Title Area or Exploration and Mining Agreement Area and any updates as a result of enlargement or relinquishment;
 - (viii) the date that a receipt was issued confirming the receipt by the Mining Cadastre Office of any report submitted as required under these Regulations and the type of Report;
 - (ix) the date on which the Licence was found to be null and void;
 - (x) for a Large-Scale Mining Licence, the date on which any Community Development Agreements, the subject of the Licence, became effective and the name of the Community;

- (xi) the date that any notice was submitted by the Mining Cadastre Office to the Title Holder or agreement non-governmental party and the nature of such notice;
 - (xii) the date that any notice was received by the Mining Cadastre Office from the Title Holder or agreement non-governmental party and the nature of such notice;
 - (xiii) dates on which rent was paid and the amounts;
 - (xiv) dates on which royalty was paid and the amounts;
 - (xv) dates of revocation, or other form of termination;
 - (xvi) the date of any consolidation of like types of Licences and the details;
 - (xvii) the date and nature of any assignment or transfers including legal succession;
 - (xviii) any other modification including term extension, area relinquishment, area enlargement, and any charge or encumbrance in respect thereof;
 - (xix) such other information as the Director General requires;
- (d) keep a separate up-to-date file on each Licence and Exploration and Mining Agreement, for at least five years from the date on which the Licence or agreement expired or terminated, including the following information:
- (i) the duplicate Licence or agreement, including all conditions;
 - (ii) a copy of any notices submitted to the Title Holder or non-government party to an Exploration and Mining Agreement and any notices submitted by the Title Holder to the Mining Cadastre Office;
 - (iii) non-confidential reports;
 - (iv) for a Large-Scale Mining Licence, any Community Development Agreement;
 - (v) notices;
 - (vi) such other information as is prescribed;
 - (vii) such other information as the Director General requires;
- (e) keep a complete and up-to-date confidential file of all confidential reports submitted by Title Holders.
- (3) On payment of the fee set out in the Second Schedule to these Regulations, an applicant for a Reconnaissance Licence, Exploration Licence, Small-Scale Mining Licence or Large-scale Licence may obtain a certified copy of the records kept under this Regulation pertaining to the application.
- (4) On payment of the fee set out in the Second Schedule to these Regulations, a Title Holder or non-government party to an Exploration and Mining Agreement may obtain a certified copy of its Licence or agreement and any report submitted by it to fulfil the obligations of its Licence or agreement.
- (5) The Cadastral Registers listed in this Regulation and all non-confidential reports shall be freely accessible to the Public during normal office hours at the Mining Cadastre Office.

- (6) On payment of the fee set out in the Second Schedule to these Regulations, a member of the Public may obtain a copy of any document contained in the Cadastral Registers or any non-confidential report.

101. Constitution of Cadastral Units and Mineral Title Areas

- (1) For the purposes of the operations of the Mining Cadastre Office, the surface area of South Sudan shall be divided into Cadastral Units.
- (2) The cadastral Unit system shall be established according to the Fifth Schedule to these Regulations.
- (3) All Mineral Title Areas shall be delineated as a contiguous Polygon of Cadastral Units in accordance with the Fifth Schedule to these Regulations.
- (4) All coordinates submitted to the Mining Cadastre Office for the purpose of delineating Mineral Title Areas shall be denominated in degrees minutes and seconds format for latitude and longitude on the World Geodetic System 1984 and shall be submitted in hard copy and digital forms.
- (5) All applications for grant or modification of any Mineral Title shall be accompanied by an electronic version of the coordinates of the Mineral Title Area in a straight text version such as comma separated value format.

102. Cadastral Maps

- (1) The Mining Cadastre Office shall organise and maintain current Cadastral Maps.
- (2) Cadastral Maps are to be based on the maps specified in the Fifth Schedule to these Regulations.
- (3) The Mining Cadastre Office shall mark on the Cadastral Maps all areas:
 - (a) where Mineral Title applications are pending.
 - (b) where Mineral Titles are currently in force.
 - (c) where Small-Scale Mining Licence for State Natural Resources are currently in force.
 - (d) where Artisanal Mining Licences are currently in force.
 - (e) closed to Mining Operations by order of the Minister pursuant to the Act.
 - (f) declared closed to Mining Operations under any other Applicable Law other than the Act;
 - (g) advised closed to Mining Operations by the State Mineral Resources Advisory Coordination Committees; and
 - (h) declared as mineral resource reserve areas.

- (4)** The Mining Cadastre Office shall mark on the Cadastral Maps all areas described in Regulation (3) of this Regulation. The maps are to be used for informational and illustrative purposes only; boundaries of such areas shall be officially established using the cadastral coordinate system specified in the Fifth Schedule to these regulations.

Chapter XV

Miscellaneous

103. Change of Address or Representative

- (1) On or before issuance of a Mineral Title, the Applicant shall register his or her physical and postal address and named representative in South Sudan with the Mining Cadastre Office to which all communications and notices may be addressed and shall notify the Mining Cadastre Office within thirty calendar days of any change of address or representative.
- (2) Any notice that is required to be given to a Mineral Title applicant or Title Holder shall be effective when made or given at the postal address provided pursuant to Regulation (1) of this Regulation.

104. Existing Rights

A Title Holder of a Licence for Exploration or Mining operations issued pursuant to the repealed "The Mines and Quarries Act, 1972" of the Republic of Sudan that applies on a priority basis within sixty calendar days of the effective date of the Mining Act, 2012 for a Mineral Title under the Act shall apply for each repealed Licence for only one new Licence. Such new Licence shall be subject to all application requirements, processes, obligations and Mineral Title maximum area restrictions under the Act.

105. Force Majeure

If a Title Holder is rendered unable wholly or in part by Force Majeure as defined in Regulation (3) to observe or perform its obligations under its agreement, it shall within thirty calendar days of the occurrence or commencement of the Force Majeure give notice to the Director General of the date of such occurrence or commencement, the specific nature of the Force Majeure and, as far as possible, an estimate of its duration. The obligations of the Title Holder giving such notice will, insofar as it is affected by the Force Majeure, be suspended for the continuance of the Force Majeure. Immediate notice shall also be given by the Title Holder of the lifting of Force Majeure. Force Majeure will not apply unless the Party affected gives notice within the thirty calendar days period required.

Chapter XVI
SCHEDULES
FIRST SCHEDULE
FORMS

Applications

FORM A-1. Application for Reconnaissance Licence
FORM A-2. Application for Exploration Licence
Form A-3. Application for Small-Scale Mining Licence
Form A-4. Application for Large-Scale Mining Licence
Form A-5. Application to Relinquish Mineral Title Area
Form A-6. Application to Enlarge Large-Scale Mining Licence Area
Form A-7. Application to Extend Exploration Licence Term
FORM A-8. Application to Extend Mining Licence Term
Form A-9. Application to Suspend Exploration Licence
Form A-10. Application to Surrender Mineral Title
Form A-11. Application to Consolidate Mining Licences
Form A-12. Application for Mineral Title Transfer
Form A-13. Application Exploration and Mining Agreement Negotiation
Form A-14. Application for Retention Licence

Receipts

Form R-1. Receipt for Payment of Application Processing Fee
Form R-2. Receipt for Payment of Licence Registration Fee
Form R-3. Receipt for Submitted Report
FORM R-4 Receipt for Payment of Conversion Application Processing Fee

Attestations

Form AT-1. Boundary Marker Placement Attestation
Form AT-2. Attestation of No Mining Act Offence Penal Conviction
Form AT-3. Attestation Legally Competent Individual without Conviction
Form AT-4. Attestation to Accept Terms of Transferred Mineral Title

Licences

Form L-1. Reconnaissance Licence
Form L-2. Exploration Licence
Form L-3. Small-Scale Mining Licence
Form L-4. Large-Scale Mining Licence
Form L-5. Retention Licence

Notices

Form N-1. Notice of Fieldwork Commencement Exploration or/Reconnaissance

Form N-2. Notice of Commencement of Mine Development

Form N-3. Notice of Commencement of Mineral Production

Form N-4. Notice of Design Capacity

Form N-5. Notice of Encumbrance or Lien

Form N-6. Notice of Intent to Permanently Cease Production

Form N-7. Request to Minister for Permission to Revoke Mineral Title

Form N-8. Notice of Demand for Final Documents

Form N-9. Notice of Royalty Assessment Payment

Form N-10. Notice of Annual Rent Return Payment

Accompanying Forms

Form AR-1 Reconnaissance Licence Annual Report

Form AR-2 Exploration Licence Annual Report

Form AR-3 Exploration Licence Annual Expenditure Report

Form AR-4 Small-Scale Mining Licence Annual Report

Form AR-5 Large-Scale Mining Licence Annual Report

Form AR-6 Annual Employment and Training Report

Form AR-7 State Mineral Resources Advisory Coordination Committee

FORM AR-8: Large-Scale Mining Licence Monthly Report

Identification Forms

Form I-1 Identification of Mineral Title Area

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

106. FORM A-1 Application for Reconnaissance Licence

(Chapter IV of the Mining Act, 2012 and Regulation 9 of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Dated seal here

Application verified as complete:

- Date verified complete and registered: Day Month Year
- Time verified complete and registered: Hr. Min.

Officer verifying application is complete and has been registered as complete in the Register:

Name:

Signature:

Applicant, or applicant's representative, verifying officer's signature above:

Name:

Signature:

All required attachments listed in Section 5 of this form are attached to this application

Application registration number:

Application is approved

Application is denied

Reason for denial:

Minister's signature:

Date:

1. Instructions:

This form is used to apply for a Reconnaissance Licence and shall be presented to the Mining Cadastre Office in person by the applicant or by the applicant’s representative. The application cannot be accepted unless this form is completed in full and the following completed documents are complete and attached (no partial submission is allowed). When attaching required documents, they shall be arranged in the order appearing below. All documents shall be submitted in English. Where a title for the document appears in the list, the document shall be titled with that title, or a cover sheet with that title shall be included.

2. Applicant’s identity and contact information

If the applicant is an individual complete all information in this Section and indicate where correspondence should be sent:

Full name:

Physical Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Postal Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

If the applicant is a company complete all information in this Section and indicate where correspondence should be sent:

Registered company name under
Companies Law:

Company Registration Number:

City company is incorporated:

Address of headquarters:

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Physical Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Postal Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

**Name of legal
representative:**

Physical Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Postal Address

Address

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Commercial representative in South Sudan (if any):

Full name:

Address:

City:

State:

Postal Code:

County:

Other required contact information:

Phone number:

Mobile:

Fax number
(if any):

Email address:

3. Name and qualifications of the person responsible for supervising the proposed program of Reconnaissance:

Name:

Qualifications:

4. Licence duration applied for: (Please indicate appropriate option)

1 year

2 years

5. Mandatory attachments (Check each item attesting that the required document is attached to this application)

duplicate copy of First Schedule Form R-1 [Receipt for Payment of Application Processing Fee];

First Schedule Form I-1 [Identification of Mineral Title Area] and its required attachments;

when the applicant is an individual, First Schedule Form AT-3 [Attestation Legally Competent Individual without Conviction];

when the applicant is a body corporate,

certified copy of the company's certificate of incorporation and certified copy of its memorandum and articles of association,

"Director Information", a sheet listing the full names and nationalities of all its directors,

"Shareholder Information", a sheet listing the name of every shareholder who is the beneficial owner of ten per cent (10%) or more of the issued share capital

First Schedule Form AT-2 [Attestation of No Mining Act Offence Penal Conviction];

"Profile and History", a sheet describing the applicant's profile and history of Reconnaissance and Exploration Operations in South Sudan and elsewhere;

"Technical and Financial Qualifications", a statement giving particulars of the technical and financial resources available to the applicant, and a certified copy of its audited accounts or other form of proof of financial resources, acceptable to the Director General for the year immediately preceding the application;

"Reconnaissance Program", a proposed Reconnaissance Program setting the work intended over the term of the Licence, with details of the equipment expected to be used in connection with it and the names and particulars of the persons to be responsible for the conduct thereof;

“Environmental and Other Impacts,” a description of any significant adverse effects that the carrying out of the Reconnaissance Program would be likely to have on the environment and on any monument or relic in the proposed Reconnaissance Area, measures to mitigate these effects and an estimate of the cost of combating such effects;

A description of the positive and negative affects the reconnaissance will have on gender relations within that community

“Consultation Plan”, a plan describing how, on an on-going basis, local government, traditional authorities and communities will be informed and consulted about those Reconnaissance operations that require physical entry onto the land within their jurisdiction;

“Employment and Contracting”, a description giving particulars of the applicant’s plans to employ or contract South Sudanese persons or contractors; and

at the option of the applicant (not required) “Optional Additional Information”, such other information as the applicant desires to include

6. Attestation

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I am the applicant or its authorised representative and attest that the information contained in this application and attached to it is true and accurate:

Name:

Signature:

Date:

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

107. FORM A-2 Application for Exploration Licence

(Chapter V of the Mining Act, 2012 and Regulation 16 of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Dated seal here

Application verified as complete:

- Date verified complete and registered: Day Month Year
- Time verified complete and registered: Hr. Min

Officer verifying application is complete and has been registered as complete in the Register:

Name:

Signature:

Applicant, or applicant's representative, verifying officer's signature above:

Name:

Signature:

All required attachments listed in Section 4 of this form are attached to this application

Application registration number:

Application is approved

Application is denied

Reason for denial:

Minister's signature:

Date of signature:

If approved,

Date approval was registered in the

Exploration Licence Register: Day Month Year

Date applicant was notified of the approval decision: Day Month Year

If denied,

Date denial was registered in the Register: Day Month Year

Date applicant was notified of the denial decision: Day Month Year

1. Instructions:

This form is used to apply for an Exploration Licence and shall be presented to the Mining Cadastre Office in person by the applicant or by the applicant’s representative. The application cannot be accepted unless the applicant is a company, duly incorporated, or registered as a foreign company, under the Companies Law, this form is completed in full and the following listed documents are complete and attached (no partial submission is allowed). When attaching required documents, they shall be arranged in the order appearing below. All documents shall be submitted in English. Where a title for the document appears in the list, the document shall be titled with that title, or a cover sheet with that title shall be included.

In addition this application form may be used for the application under a grandfather right pursuant to Article 2(2) of the Mining act 2012.

2. Applicant’s identity and contact information

Complete all information in this Section and indicate where correspondence should be sent:

Registered company name under
Companies Law:

Company Registration Number:

City company is incorporated:

Address of headquarters

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Physical Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Postal Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

**Name of legal
representative:
Physical Address**

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Postal Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Commercial representative in South Sudan (if any):

Name:

Address:

City:

State:

Postal Code:

County:

Other required contact information:

Phone number:

Mobile:

Fax number
(if any):

Email address:

**3. Name and qualifications of the person responsible for supervising the proposed program of
Exploration:**

Name:

Qualifications:

company who is the beneficial owner of ten per cent (10%) or more of the issued share capital;

First Schedule Form AT-2 [Attestation of No Mining Act Offence Penal Conviction];

“Profile and History”, a sheet describing the applicant’s profile and history of Exploration Operations in South Sudan and elsewhere;

“Technical and Financial Qualifications”, a statement giving particulars of the technical and financial resources available to the applicant, and a certified copy of its audited accounts for the year immediately preceding the application;

“Exploration Program”, setting out the particular Mineral requested, the Exploration Operations work intended over at least the first year of the Licence and the names and particulars of the persons to be responsible for the conduct thereof, plus an indicative program for the remainder of the period applied for, together with details of the equipment expected to be used in connection with it and the names and particulars of the persons to be responsible for the conduct thereof;

“Environmental and Other Impacts,” a description of any significant adverse effects that the carrying out of Exploration Program would be likely to have on the environment and on any monument or relic in the proposed Exploration Area, measures to mitigate these effects and an estimate of the cost of combating such effects;

A description of the positive and negative affects the reconnaissance will have on gender relations within that community

“Consultation Plan”, a plan describing how (in compliance with such guidelines as may be provided by the Mining Cadastre Office or in the absence of such guidelines according to best industry practice), on an on-going basis, local government, traditional authorities and communities will be informed and consulted about those Exploration Operations that require physical entry onto the land within their jurisdiction;

“Employment and Contracting”, a description giving particulars of the applicant’s plans to employ or contract South Sudanese persons or contractors; and

at the option of the applicant (not required) “Optional Additional Information”, such other information as the applicant desires to include.

8. Attestation

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I am the applicant or its authorised representative and attest that the information contained in this application and attached to it is true and accurate:

Name:

Signature:

Date:

9. List of Type of Mineral or Minerals Applied for

No.	Code	Commodity	Type code	Type Description
1	RM	AGGREGATE	I	Industrial minerals
2	GA	AGATE (GEMSTONE)	GS	Gemstones (except diamonds)
3				
4	Al	ALUMINIUM ORE	B	Ferrous & base metals
5	GAz	AMAZONITE (GEMSTONE)	GS	Gemstones (except diamonds)
6	GAt	AMETHYST (GEMSTONE)	GS	Gemstones (except diamonds)
7	AA	AMOSITE (ASBESTOS)	A	Asbestos
8	An	ANDALUSITE	I	Industrial minerals
9	AP	ANTHOPHYLLITE (ASBESTOS)	A	Asbestos
10	Sb	ANTIMONY ORE	B	Ferrous & base metals
11	GAp	APATITE (GEMSTONE)	GS	Gemstones (except diamonds)
12	GPp	APOPHYLLITE (GEMSTONE)	GS	Gemstones (except diamonds)
13	GAq	AQUAMARINE (GEMSTONE)	GS	Gemstones (except diamonds)
14	A	ASBESTOS (GENERAL)	A	Asbestos
15	CA	ATTAPULGITE/SEPIOLITE (CLAY)	Cy	Clay
16	CL	BALL CLAY	Cy	Clay
17	Ba	BARYTES	I	Industrial minerals
18	CB	BENTONITE (CLAY)	Cy	Clay
19	GB	BERYL (GEMSTONE)	GS	Gemstones (except diamonds)
20	Be	BERYLLIUM ORE	B	Ferrous & base metals
21	Bi	BISMUTH ORE	B	Ferrous & base metals
22	QO	CONCRETE SAND (SILICA)	Q	Silica (general)
23	QB	BUILDING SAND (SILICA)	Q	Silica (general)
24	Cc	CALCITE	I	Industrial minerals
25	GCh	CHALCEDONY (GEMSTONE)	GS	Gemstones (except diamonds)
26	Cr	CHROME ORE	B	Ferrous & base metals
27	GCb	CHRYSOBERYL (GEMSTONE)	GS	Gemstones (except diamonds)
28	AC	CHRYSOTILE (ASBESTOS)	A	Asbestos
29	GCi	CITRINE (GEMSTONE)	GS	Gemstones (except diamonds)
30	Cy	CLAY (GENERAL)	Cy	Clay
31	C	COAL	C	Coal
32	Co	COBALT	B	Ferrous & base metals
33	Cu	COPPER ORE	B	Ferrous & base metals
34	Cm	CORUNDUM	I	Industrial minerals
35	GCm	CORUNDUM (GEMSTONE)	GS	Gemstones (except diamonds)
36	AK	CROCODOLITE (ASBESTOS)	A	Asbestos
37	QC	CRUSHER SAND (SILICA)	Q	Silica (general)
38	DIA	DIAMOND	D	Diamond
39	DA	DIAMOND (ALLUVIAL)	D	Diamond
40	D	DIAMOND (GENERAL)	D	Diamond
41	DK	DIAMOND (IN KIMBERLITE)	D	Diamond
42	M	DIMENSION STONE (GENERAL)	M	Dimension stone

No.	Code	Commodity	Type code	Type description
43	MI	DIORITE/SYENITE	M	Dimension stone
44	Do	DOLOMITE	I	Industrial minerals
45	DI	DOLOMITIC LIMESTONE	I	Industrial minerals
46	GDu	DUMORTIERITE	GS	Gemstones (except diamonds)
47	QDt	DUMORTIERITE (GEMSTONE)	GS	Gemstones (except diamonds)
48	GEm	EMERALD (GEMSTONE)	GS	Gemstones (except diamonds)
49	GEp	EPIDOTE (GEMSTONE)	GS	Gemstones (except diamonds)
50	Fs	FELDSPAR	I	Industrial minerals
51	GFs	FELDSPAR (GEMSTONE)	GS	Gemstones (except diamonds)
52	QL	FILLING SAND (SILICA)	Q	Silica (general)
53	F	FLUORSPAR	I	Industrial minerals
54	QF	FOUNDRY SAND (SILICA)	Q	Silica (general)
55	CE	FULLER'S EARTH (CLAY)	Cy	Clay
56	MB	GABBRO/NORITE	M	Dimension stone
57	Gn	GARNET (ABRASIVE)	I	Industrial minerals
58	GGa	GARNET (GEMSTONE)	GS	Gemstones (except diamonds)
59	GC	GAS AND CONDENSATE	P	Petroleum & gas
60	GS	GEMSTONES EXCEPT DIAMONDS	GS	Gemstones (except diamonds)
61	Ge	GERMANIUM ORE	B	Ferrous & base metals
62	Gi	GIBBSITE	I	Industrial minerals
63	QG	GLASS SAND (SILICA)	Q	Silica (general)
64	Au	GOLD ORE	GS	Gemstones (except diamonds)
65	MA	GRANITE/SYENITE	M	Dimension stone
66	Gr	GRAPHITE	I	Industrial minerals
67	grav	Gravel	MIN	Minerals
68	Gy	GYPSUM	I	Industrial minerals
69	HM	HEAVY MINERALS (GENERAL)	HM	Heavy minerals
70	GHI	HELIODOR (GEMSTONE)	GS	Gemstones (except diamonds)
71	CI	ILLITE-MONTMORILLONITE GROUP (CLAY)	Cy	Clay
72	Fe	IRON ORE	B	Ferrous & base metals
73	GJd	JADE (GEMSTONE)	GS	Gemstones (except diamonds)
74	GJ	JASPER (GEMSTONE)	GS	Gemstones (except diamonds)
75	CK	KAOLIN (CLAY)	Cy	Clay
76	Ki	KIESELGUHR	I	Industrial minerals
77	Ky	KYANITE	I	Industrial minerals
78	GKy	KYANITE (GEMSTONE)	GS	Gemstones (except diamonds)
79	GL	LABRADORITE (GEMSTONE)	GS	Gemstones (except diamonds)
80	Pb	LEAD	B	Ferrous & base metals
81	Lx	LEUCOXENE (HEAVY MINERAL)	HM	Heavy minerals
82	L	LIGNITE	I	Industrial minerals
83	Ls	LIMESTONE	I	Industrial minerals
84	Li	LITHIUM ORE	B	Ferrous & base metals

No.	Code	Commodity	Type code	Type description
85	Mg	MAGNESITE	I	Industrial minerals
86	GM	MALACHITE (GEMSTONE)	GS	Gemstones (except diamonds)
87	Mn	MANGANESE ORE	B	Ferrous & base metals
88	MM	MARBLE (DIMENSION STONE)	M	Dimension stone
89	Hg	MERCURY	B	Ferrous & base metals
90	QM	METALLURGICAL SILICA	Q	Silica (general)
91	Mc	MICA	I	Industrial minerals
92	O	MINERAL PIGMENT	I	Industrial minerals
93	Mo	MOLYBDENUM ORE	B	Ferrous & base metals
94	Mz	MONAZITE (HEAVY MINERAL)	HM	Heavy minerals
95	GMr	MORGANITE (GEMSTONE)	GS	Gemstones (except diamonds)
96	G	NATURAL GAS	P	Petroleum & gas
97	Ne	NEPHELINE	I	Industrial minerals
98	Ni	NICKEL ORE	B	Ferrous & base metals
99	Nb	NIOBIUM (COLUMBIUM) ORE	B	Ferrous & base metals
100	NO3	NITRATE	I	Industrial minerals
101	CN	NONTRONITE/SAPONITE (CLAY)	Cy	Clay
102	Oil	OIL	P	Petroleum & gas
103	GOp	OPAL (GEMSTONE)	GS	Gemstones (except diamonds)
104	GOr	ORTHOCLASE (GEMSTONE)	GS	Gemstones (except diamonds)
105	Pe	PERLITE	I	Industrial minerals
106	Pm	PETROLEUM	P	Petroleum & gas
107	P	PHOSPHATE ORE	I	Industrial minerals
108	PGM	PLATINUM GROUP METALS	PGM	Platinum Group Minerals
109	GPn	PREHNITE (GEMSTONE)	GS	Gemstones (except diamonds)
110	PR	PROSPECTING UNSPECIFIED MINERALS	UN	Unspecified minerals
111	Pc	PSEUDOCOAL	C	Coal
112	Py	PYRITE	B	Ferrous & base metals
113	Ph	PYROPHYLLITE	I	Industrial minerals
114	MU	PYROXENITE	M	Dimension stone
115	GQ	QUARTZ (GEMSTONE)	GS	Gemstones (except diamonds)
116	MQ	QUARTZITE/SANDSTONE (DIMENSION STONE)	M	Dimension stone
117	RE	RARE EARTHS	B	Ferrous & base metals
118	CF	REFRACTORY CLAY (FLINT)	Cy	Clay
119	CP	REFRACTORY CLAY (SEMI-FLINT AND PLASTIC)/FIRECLAY	Cy	Clay
120	GRq	ROSE QUARTZ (GEMSTONE)	GS	Gemstones (except diamonds)
121	GRb	RUBY (GEMSTONE)	GS	Gemstones (except diamonds)
122	Rt	RUTILE (HEAVY MINERAL)	HM	Heavy minerals
123	Na	SALT	I	Industrial minerals
124	QY	SAND (GENERAL)	I	Industrial minerals

No.	Code	Commodity	Type code	Type description
125	QH	SAND (MANUFACTURED) - FROM HARDROCK	I	Industrial minerals
126	Qwd	SAND (MANUFACTURED) - FROM WASTE DUMP	I	Industrial minerals
127	GSa	SAPPHIRE (GEMSTONE)	GS	Gemstones (except diamonds)
128	Sp	SERPENTINE	I	Industrial minerals
129	CS	SHALE/BRICKCLAY	Cy	Clay
130	MS	SHALE/SLATE/JASPILITE/SCHIST (DIMENSION STONE)	M	Dimension stone
131	QS	SILCRETE (SILICA)	Q	Silica (general)
132	Q	SILICA SAND (GENERAL)	Q	Silica (general)
133	QD	SILICA SAND (SILICA)	Q	Silica (general)
134	Si	SILICON ORE	B	Ferrous & base metals
135	Sl	SILLIMANITE	I	Industrial minerals
136	Ag	SILVER ORE	GS	Gemstones (except diamonds)
137	So	SODA	I	Industrial minerals
138	GSd	SODALITE (GEMSTONE)	GS	Gemstones (except diamonds)
139	GSp	SPINEL (GEMSTONE)	GS	Gemstones (except diamonds)
140	Stw	STONE AGGREGATE (FROM WASTE DUMP)	I	Industrial minerals
141	St	STONE AGGREGATE; GRAVEL	I	Industrial minerals
142	Sr	STRONTIUM	I	Industrial minerals
143	S	SULPHUR	I	Industrial minerals
144	Spy	SULPHUR (IN PYRITE)	I	Industrial minerals
145	T	TALC	I	Industrial minerals
146	Ta	TANTALUM/NIOBIUM ORE	B	Ferrous & base metals
147	GTg	TIGER'S-EYE (GEMSTONE)	GS	Gemstones (except diamonds)
148	Sn	TIN ORE	B	Ferrous & base metals
149	GT	TOPAZ (GEMSTONE)	GS	Gemstones (except diamonds)
150	To	TORBANITE/OIL SHALE	C	Coal
151	GTm	TOURMALINE (GEMSTONE)	GS	Gemstones (except diamonds)
152	MT	TRAVERTINE (DIMENSION STONE)	M	Dimension stone
153	AT	TREMOLITE (ASBESTOS)	A	Asbestos
154	W	TUNGSTEN ORE	B	Ferrous & base metals
155	U	URANIUM ORE	B	Ferrous & base metals
156	V	VANADIUM ORE	B	Ferrous & base metals
157	MV	VERDITE/BUDDSTONE (DIMENSION STONE)	M	Dimension stone
158	Vm	VERMICULITE	I	Industrial minerals
159	CV	VERMICULITE-CHLORITE GROUP (CLAY)	Cy	Clay
160	Wo	WOLLASTONITE	I	Industrial minerals
161	Zs	ZEOLITE	I	Industrial minerals
162	Zn	ZINC ORE	B	Ferrous & base metals
163	GZr	ZIRCON (GEMSTONE)	GS	Gemstones (except diamonds)
164	Zr	ZIRCONIUM ORE	B	Ferrous & base metals

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

108. FORM A-3 Application for Small-Scale Mining Licence

(Chapter VI of the Mining Act, 2012 and Regulation 30 of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Dated seal here

Application verified as complete:

- Date verified complete and registered: Day Month Year
- Time verified complete and registered: Hr. Min.

Officer verifying application is complete and has been registered as complete in the Register:

Name:

Signature:

Applicant, or applicant's representative, verifying officer's signature above:

Name:

Signature:

All required attachments listed in Section 6 of this form are attached to this application

Application registration number:

Application is approved

Application is denied

Reason for denial:

Minister's signature:

Date:

If approved,

Date approval was registered in the Small-Scale Mining Licence Register:

Day Month Year

Date applicant was notified of the approval decision:

Day Month Year

If denied,

Date denial was registered in the Register:

Day Month Year

Date applicant was notified of the denial decision:

Day Month Year

1. Instructions:

This form is used to apply for a Small-Scale Mining Licence and shall be presented to the Mining Cadastre Office in person by the applicant or by the applicant's representative. The application cannot be accepted unless the applicant is an individual or a company incorporated in South Sudan, this form is completed in full and the following listed documents are complete and attached (no partial submission is allowed). When attaching required documents, they shall be arranged in the order appearing below. All documents shall be submitted in English. Where a title for the document appears in the list, the document shall be titled with that title, or a cover sheet with that title shall be included.

2. Applicant's identity and contact information

If the applicant is an individual complete all information in this Section and indicate where correspondence should be sent:

Full name:

Physical Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Postal Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

If the applicant is a company complete all information in this Section and indicate where correspondence should be sent:

Registered company name under
Companies Law:

Company Registration Number:

City company is incorporated:

Address of headquarters:

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Physical Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Postal Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

**Name of legal
representative:**

Physical Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Postal Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Commercial representative in South Sudan (if any):

Full name:

Address:

City:

State:

Postal Code:

County:

Other required contact information:

Phone number:

Mobile:

Fax number
(if any):

Email address:

3. Name and qualifications of the person responsible for the Small-scale Mining Operation:

Name:

Qualifications:

4. Licence duration applied for: (Please indicate appropriate option)

1 year

2 years

3 years

4 years

5 years

6 years

7 years

8 years

9 years

10 years

5. Exploration Licence

The applicant named above is the Titleholder of an Exploration Licence and the mining area being applied for in this Small-Scale Mining Licence application is located completely within the Exploration Area of that Exploration Licence: (tic one option)

Yes: Exploration Licence registration number:

No

6. Mandatory attachments (Check each item attesting that the required document is attached to this application)

duplicate copy of First Schedule Form R-1 [*Receipt for Payment of Application Processing Fee*];

First Schedule Form I-1 [Identification of Mineral Title Area] and its required attachments;

when the applicant is an individual, *First Schedule Form AT-3 [Legally Competent Individual without Conviction]*;

when the applicant is a body corporate, a certified copy of the company's certificate of

incorporation and certified copy of its memorandum and articles of association,

“Director Information”, a sheet listing the full names and nationalities of all its directors,

“Shareholder Information”, a sheet listing the name of every shareholder who is the beneficial owner of ten per cent (10%) or more of the issued share capital

First Schedule Form AT-2 [Attestation of No Mining Act Offence Penal Conviction];

“Profile and History”, a sheet describing the applicant’s profile and history of Exploration and Mining Operations in South Sudan and elsewhere;

“Technical and Financial Qualifications”, a statement giving particulars of the technical and financial resources available to the applicant, and a certified copy of its audited accounts for the year immediately preceding the application;

“Prefeasibility Study”, a description of the proposed mining scheme, including sufficient detail to indicate the scale of operation including the planned production profile and capacity (maximum amounts of mineral product that might be produced in a year should not to exceed such limits as are stipulated in the Act), and the possible location of all major mining operation facilities, pits, dumps and dams; a statement to the effect that the Mine will not use any of the following Mining Operations practices: (i) explosives, or (ii) toxic chemicals or agents; the expected number of employees or workers on a typical work day (not to exceed twenty-five (25) persons); the approximate commencement date of Mine Development; the approximate commencement date of Commercial Production; the characteristics and nature of the final Mineral Products; the intended market(s) for the Mineral Products.

“Mine Plan” a plan, accurately drawn to a marked scale, of the proposed Small-Scale Mining Licence Area over which the Licence is sought, showing clearly the approximate locations and features of the proposed Mining Operations as described in the prefeasibility study;

“Environmental and Other Impacts,” a description of any significant adverse effects that Mining Operations would be likely to have on the environment and on any monument, measures to mitigate these effects and an estimate of the cost of combating such effects;

An approved gender impact assessment

“Consultation Plan”, a plan describing how, on an on-going basis, local government, traditional authorities and communities will be informed and consulted about the applicant’s Mining Operations in or near to their jurisdictions;

“Employment and Contracting”, a description giving particulars of the applicant’s plans to employ or contract South Sudanese persons or contractors and to use South Sudan goods; and

at the option of the applicant (not required) “Optional Additional Information”, such other information as the applicant desires to include.

7. Attestation

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I am the applicant or its authorised representative and attest that the information contained in this application and attached to it is true and accurate:

Name:

Signature:

Date:

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

109. FORM A-4 Application for Large-Scale Mining Licence

(Chapter VII of the Mining Act, 2012 and Regulation 40 of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Dated seal here

Application verified as complete:

- Date verified complete and registered: Day Month Year
- Time verified complete and registered: Hr. Min.

Officer verifying application is complete and has been registered as complete in the Register:

Name:

Signature:

Applicant, or applicant's representative, verifying officer's signature above:

Name:

Signature:

All required attachments listed in Section 6 of this form are attached to this application

Application registration number:

Application is approved

Application is denied

Reason for denial:

Minister's signature:

Date:

If approved,

Date approval was registered in the Large-Scale Mining Licence Register:

Day Month Year

Date applicant was notified of the approval decision:

Day Month Year

If denied,

Date denial was registered in the Register:

Day Month Year

Date applicant was notified of the denial decision:

Day Month Year

1. Instructions:

This form is used to apply for a Large-Scale Mining Licence and shall be presented to the Mining Cadastre Office in person by the applicant's representative. The application cannot be accepted unless the applicant is a company, duly incorporated, or registered as a foreign company, under the Companies Law, this form is completed in full and the following listed documents are complete and attached (no partial submission is allowed). When attaching required documents, they shall be arranged in the order appearing below. All documents shall be submitted in English. Where a title for the document appears in the list, the document shall be titled with that title, or a cover sheet with that title shall be included.

2. Applicant's identity and contact information

Complete all information in this Section and indicate where correspondence should be sent:

Registered company name under
Companies Law:

Company Registration Number:

City company is incorporated:

Address of headquarters:

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Physical Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Postal Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

**Name of legal
representative:**

Physical Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Postal Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Commercial representative in South Sudan (if any):

Full name:

Address:

City:

State:

Postal Code:

County:

Other required contact information:

Phone number:

Mobile:

Fax number
(if any):

Email address:

3. Name and qualifications of the person responsible for the Small-scale Mining Operation:

Name:

Qualifications:

4. Licence duration applied for: (Please indicate appropriate option)

years (*not to exceed 25 years*)

5. Exploration Licence

The applicant named above is the Titleholder of an Exploration Licence and the Mining Licence Area being applied for in this Large-Scale Mining Licence application is located completely within the Exploration Area of that Exploration Licence: (tick one option)

Yes: Exploration Licence registration number:

No

6. Mandatory attachments (Check each item attesting that the required document is attached to this application)

duplicate copy of First Schedule Form R-1 [Receipt for Payment of Application Processing Fee];

First Schedule Form I-1 [Identification of Mineral Title Area] and its required attachments;

a certified copy of the applicant company's certificate of incorporation and certified copy of its memorandum and articles of association;

"Director Information", a sheet listing the full names and nationalities of all the applicant company's directors;

"Shareholder Information", a sheet listing the name of every shareholder of the applicant company who is the beneficial owner of ten per cent (10%) or more of the issued share capital;

First Schedule Form AT-2 [Attestation of No Mining Act Offence Penal Conviction];

"Profile and History", a sheet describing the applicant's profile and history of Exploration Operations and Mining Operations in South Sudan and elsewhere;

"Technical and Financial Qualifications", a statement giving particulars of the technical and financial resources available to the applicant, and a certified copy of its audited accounts for the year immediately preceding the application;

"Feasibility Study", that shall include -

- i. the targeted mineral(s)
- ii. planned commencement date of Mine Development;
- iii. the planned commencement date of Commercial Production;
- iv. the planned production profile and capacity;
- v. details of the mineral deposit, including proven, estimated and inferred reserves, and the physical and chemical, mineralogical, and technical characteristics of the mineral;
- vi. mine site design showing the likely and approximate location and position

of Mine workings including pits and shafts, infrastructure, tailings, dams, buildings, treatment, processing and washing plants, worker accommodation, maintenance sheds, and other buildings during the first ten (10) Calendar Years of mining;

- vii. description of the likely mining method or methods to be used in the first ten (10) Calendar Years of mining;
- viii. details of infrastructure requirements (such as power, water, transportation);
- ix. description of the Mineral Product(s) likely to be produced and sold, and how the applicant intends to market or sell the Mineral Product;
- x. description of how the applicant plans to finance the development of the Mine site and infrastructure;
- xi. description of the methods to be used to process raw mineral(s) into Mineral Product, and a description of any hazards that such methods may pose to employees and the public;
- xii. description of explosives and hazardous chemicals and substances that will be used in mining, if any, and how they will be transported, handled, used, stored and or destroyed;
- xiii. economic analysis of the projected mining income and costs including estimated yearly sales, revenues, capital and operating costs, depreciation and other deductions, profits, cash-flows, breakeven year, net present value and internal rate of return;

“Mine Plan” a plan, accurately drawn to a marked scale, of the proposed large-scale mining area over which the Licence is sought, showing clearly the approximate locations and features of the proposed Mining Operations as described in the feasibility study;

“Environmental and Other Impacts,” a description of any significant adverse effects that Mining Operations would be likely to have on the environment and on any monument, measures to mitigate these effects and an estimate of the cost of combating such effects;

An approved gender impact assessment

“Consultation Plan”, a plan describing how, on an on-going basis, local government, traditional authorities and communities will be informed and consulted about the applicant’s Mining Operations in or near to their jurisdictions;

“Employment and Contracting”, a description giving particulars of the applicant’s plans to employ or contract South Sudanese persons or contractors and to use South Sudan goods; and

at the option of the applicant (not required) “Optional Additional Information”, such other information as the applicant desires to include.

7. Attestation

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I am the applicant or its authorised representative and attest that the information contained in this application and attached to it is true and accurate:

Name:

Signature:

Date:

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

110. FORM A-5 Application to Relinquish Mineral Title Area

(Article [46, 59, 66] of the Mining Act, 2012 and Regulations 22, 36, 46 of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Type of Licence:

Dated seal here

Licence Registration Code Number:

Date received:

Day

Month

Year

Receiving officer:

Application is complete

All reports required to be submitted by the Titleholder prior to this date have been submitted and found to be complete:

All rent required to be paid by the Titleholder prior to this date has been paid.

All royalties required to be paid by the Titleholder prior to this date have been paid.

All the Titleholder's environmental obligations relevant to the area to be relinquished have been met.

All the Titleholder's Rehabilitation and Mine Closure Plan obligations relevant to the area to be relinquished have been met.

The Mineral Title Area remaining after relinquishment meets any prescribed minimum area requirements.

Comment:

Reviewing officer's
signature

Date:

Application is approved

Application is denied

Reason for denial:

Minister's signature:

Date:

If approved,

Date area relinquishment was registered in the respective Cadastral Register:

Day Month Year

Date Titleholder was notified of the approval decision:

Day Month Year

If denied,

Date denial was registered in the respective Cadastral Register:

Day Month Year

Date applicant was notified of the denial decision:

Day Month Year

1. Instructions:

This form is used to apply to relinquish Exploration Area, Small-Scale Mining Licence Area or Large-Scale Mining Licence Area. Reconnaissance Area cannot be relinquished. When used for the purpose of relinquishing Small-Scale Mining Licence Area, such relinquishment shall include the entire, not just part, of the Mining Licence Area. This form should be completed in full in accordance with the Act and these Regulations. Attach a completed First Schedule Form I-1 [Identification of Mineral Title Area] that specifies the Mineral Title Area that will remain subject to the Licence in the event that the application is approved. Use a separate application form and a separate First Schedule Form I-1 for each relinquishment application. For any one Mineral Title, area can be relinquished only one-time in any Calendar Year.

2. Request and attestations:

(when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty)

This form is being submitted for the following purpose

Relinquish Exploration Area	Licence No.:
Relinquish Small-Scale Mining Area	Licence No.:
Relinquish Large-Scale Mining Area	Licence No.:

I hereby request to relinquish area currently the subject of the Licence.

The area to remain Mineral Title Area should this application be approved is set out in the attached Schedule Form I-1 [Identification of Mineral Title Area].

By my signature below, I attest that following statements are true (as of the date of signature below): -

1. I am authorised by the corporate body named below to represent and sign this form on its behalf.
2. All reports required to be submitted by the terms and conditions applying to the Mineral Title have been submitted and submission receipts have been obtained.
3. All rent required to be paid for the Mineral Title Area have been paid and receipts obtained.
4. All royalties required to be paid on minerals produced from the Mineral Title Area have been paid and receipts obtained.
5. All current environmental obligations relevant to the area to be relinquished have been met.
6. All current Rehabilitation and Mine Closure Plan obligations relevant to the area to be relinquished have been met.

Note: at the option of the submitter, evidentiary documents may be attached to this form

Name of corporate body (if applicable) or individual Titleholder:

Name of authorised person (if Titleholder is a company):

Title or Position:

Signature of authorised person or Titleholder:

Date:

Telephone number:

Mobile number:

Email:

Note: Any communication will be sent to the address indicated in the Licence Application or as amended.

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

111. FORM A-6 Application to Enlarge Large-Scale Mining Licence Area

(Article [66] of the Mining Act, 2012 and Regulation 47 of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Large-Scale Mining Licence
Registration Code Number:

Dated seal here

Application verified as complete:

- Date verified complete and registered: Day Month Year
- Time verified complete and registered: Hr. Min.

Officer verifying application is complete and has been registered as complete in the Register:

Name:

Signature:

Applicant, or applicant's representative, verifying officer's signature above:

Name:

Signature:

Application registration number:

All required attachments listed below are attached to this application

- Amended Mine plan is attached.
- Amended program of Mining Operations is attached.
- Approved amended Rehabilitation and Mine Closure Plan is attached.
- Completed First Schedule Form I-1 [Identification of Mineral Title Area].
- All reports required to be submitted by the Titleholder prior to this date have been submitted and found to be complete.
- All rent required to be paid by the Titleholder prior to this date has been paid.

All royalties required to be paid by the Titleholder prior to this date have been paid.

The Titleholder is in compliance with its environmental obligations as of this date.

The Titleholder has obtained all environmental authorisations for the area sought to be added to the Mineral Title Area.

The Titleholder is in compliance with its Rehabilitation and Mine Closure Plan as of this date.

The Titleholder has informed and consulted with local government and traditional authorities about this application.

Application is approved

Application is denied

Reason for denial:

Minister's signature:

Date:

If approved,

Date approval was registered in the Large-Scale Mining Licence Register:

Day Month Year

Date applicant was notified of the approval decision:

Day Month Year

If denied,

Date denial was registered in the Register:

Day Month Year

Date applicant was notified of the denial decision:

Day Month Year

1. Instructions:

This form is used to apply to enlarge the area of a Large-Scale Mining Licence. The area of a Small-Scale Mining Licence cannot be enlarged, but the Titleholder of a Small-Scale Mining Licence can apply for a Large-Scale Mining Licence in order to obtain a larger mining area. Reconnaissance Area and Exploration Area cannot be enlarged. This form should be completed in full in accordance with the Act and the Regulations. Attach a completed First Schedule Form I-1 [Identification of Mineral Title Area] that specifies the Mining Licence Area that will result in the event that the application is approved (do not specify just the area to be added). Use a separate application form and a separate First Schedule Form I-1 for each enlargement application. Attach a revised Mine plan and an approved amended Rehabilitation and Mine closure plan that takes into account the area being requested. For any one Large-Scale Mining Licence, area can be added only one-time in any Calendar Year.

2. Request:

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I hereby request to enlarge the area of the Large-Scale Mining Licence identified above.

The total area of the Mining Licence, including the area enlargement should this application be approved, is set out in the attached Schedule Form I-1 [*Identification of Mineral Title Area*].

3. Attestation

By my signature below, I attest that following statements are true (as of the date of signature below):

- i. I am authorised by the corporate body named below to represent and sign this form on its behalf.
- ii. All reports required to be submitted by the terms and conditions applying to the Large-Scale Mining Licence have been submitted and submission receipts have been obtained.
- iii. All rent required to be paid for the Large-Scale Mining Licence Area have been paid and receipts obtained.
- iv. All royalties required to be paid on minerals produced from the Large-Scale Mining Licence Area have been paid and receipts obtained.
- v. All the environmental obligations relevant to the Large-Scale Mining Licence as of this date have been met.
- vi. All the Rehabilitation and Mine Closure Plan obligations relevant to the Large-Scale Mining Licence as of this date have been met and a revised Rehabilitation and Mine Closure plan taking into account the applied for area has been approved.
- vii. Any environmental authorisation required by Applicable Law for the area expansion has been obtained.

Note: at the option of the applicant, evidentiary documents may be attached to this form

Name of corporate body:

Name of authorised person:

Title or Position:

Signature:

Date:

Telephone number:

Mobile Number:

Email:

Note please: Any communication will be send to the address indicated in the Licence Application or as amended.

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

112. FORM A-7 Application to Extend Exploration Licence Term

(Article [44] of the Mining Act, 2012 and Regulation 19 of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Exploration Licence Registration Number:

Dated seal here

Attached documents:

- Duplicate copy of First Schedule Form R-1 [*Receipt for Payment of Application Processing Fee*] is attached;
- Proof that the Titleholder has relinquished 50% of its Exploration Licence Area or an application to do so is attached to this application

Application verified as complete:

- Date verified complete and registered: Day Month Year
- Time verified complete and registered: Hr. Min.

Officer verifying application is complete and has been registered as complete in the Register:

Name:

Signature:

Applicant, or applicant's representative, verifying officer's signature above:

Name:

Signature:

Exploration Licence term extension is approved

Exploration Licence term extension is denied

Reason for denial:

Minister's signature:

Date:

If approved,

Date term extension was registered in the Exploration Licence register:

Day Month Year

Date Titleholder was notified of the approval decision:

Day Month Year

Date term extension was noted in the Exploration Licence:

Day Month Year

If denied,

Date denial was registered in the Exploration Licence register:

Day Month Year

Date Titleholder was notified of the denial decision:

Day Month Year

1. Instructions:

This form is used to apply for an Exploration Licence term extension and shall be presented to the Mining Cadastre Office in person by the applicant or by the applicant’s representative. The application cannot be accepted unless this form is completed in full (no partial submission is allowed). An application to relinquish Mineral Title Area may be attached to this application.

2. Applicant’s identity and contact information

Complete all information in this Section and indicate where correspondence should be sent:

Registered company name under
Companies Law:

Company Registration Number:

City company is incorporated:

Address of headquarters:

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Physical Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Postal Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

**Name of legal
representative:**

Physical Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Postal Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Commercial representative in South Sudan (if any):

Full name:

Address:

City:

State:

Postal Code:

County:

Other required contact information:

Phone number:

Mobile:

Fax number
(if any):

Email address:

3. **Exploration Licence term extension applied for** *(not to exceed five (5) Calendar Years each)*
(Please indicate appropriate option):

First extension:

1 year

2 years

3 years

4 years

5 years

Second extension:

1 year

2 years

3 years

4 years

5 years

4. Attestation

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I am the Exploration Licence Titleholder (or in the case of a company the Titleholder's authorised representative) and by this application request that a term extension be granted for the Exploration Licence identified herein. By my signature below, I attest that the following statements are true (as of the date of signature below): --

- i. All reports required to be submitted by the terms and conditions applying to the Exploration Licence have been submitted and submission receipts have been obtained.
- ii. All rent required to be paid for the Exploration Licence Area have been paid and receipts obtained.
- iii. All royalties required to be paid on Mineral Product produced from the Exploration Licence Area have been paid and receipts obtained.
- iv. All environmental obligations arising under Applicable Law relevant to the Exploration Licence Area have been met.
- v. All environmental authorisations required by Applicable Law for the term extension have been obtained.
- vi. The Titleholder has informed and consulted with local government and traditional authorities about this application.
- vii. Exploration Operations within the Exploration Licence Area have been carried out in accordance with the approved Exploration Program.
- viii. Annual work program expenditure requirements have been met.
- ix. Land area relinquishment requirements have been met (50% reduction in Exploration Licence Area) or an application for area relinquishment is attached to this application.
- x. At least one fully eligible geologist, mining engineer or geoscientist holding a bachelor's degree or equivalent from a reputable university or school of mines is employed for Exploration Operations.
- xi. A corporate social responsibility program has been implemented in conformity to Mining Cadastre Office guidelines (or in the absence of such guidelines, according to ISO 26000).
- xii. Owners and Users of Land have been compensated for any damage to land and property resulting from Exploration Operations in the Exploration Area.

Note: at the option of the applicant, evidentiary documents may be attached to this form

Name of authorised person:

Title or Position:

Signature:

Date:

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

113. FORM A-8 Application to Extend Mining Licence Term

(Articles [58, 65, 74] of the Mining Act, 2012 and Regulations 34 and 44 of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Mining Licence Registration Number:

Dated seal here

Attached documents:

duplicate copy of First Schedule Form R-1 [Receipt for Payment of Application Processing Fee] is attached;

“Reserve and Mine Life Report” on the current proven and estimated reserves, and the estimated economic life of the Mine is attached;

proposed “Program of Mining Operations” to be carried out during the extension period is attached;

a revised “Mine Plan,” accurately drawn to a marked scale, of the Mining Licence Area showing clearly the approximate locations and features of the future Mining Operations as described in the revised program of Mining Operations is attached;

Approved amended “Rehabilitation and Mine Closure Plan” is attached.

“Consultation Plan”, a revised plan describing how, on an on-going basis, local government, traditional authorities and communities will be informed and consulted about the Mining Licence Titleholder’s future Mining Operations in or near to their jurisdictions is attached;

“Employment and Contracting Plan”, a revised description giving particulars of the Mining Licence Titleholder’s plans to employ or contract South Sudanese persons or contractors and to use South Sudan goods is attached;

All reports required by the Act to be submitted by the Titleholder prior to this date have been submitted and found to be complete.

All rent required to be paid by the Titleholder prior to this date has been paid.

All royalties required to be paid by the Titleholder prior to this date have been paid.

The Titleholder is in compliance with its environmental obligations as of this date.

The Titleholder has obtained all environmental authorisations necessary to continue Mining Operations for the term applied for.

The Titleholder is in compliance with its Rehabilitation and Mine Closure Plan as of this date.

The Titleholder has informed and consulted with local government and traditional authorities about this application.

Application verified as complete:

- Date verified complete and registered: Day Month Year
- Time verified complete and registered: Hr. Min.

Officer verifying that the application is complete and has been registered as complete in the Small-Scale or Large-Scale Cadastral Register, as the case requires:

Name:

Signature:

Applicant, or applicant's representative, verifying officer's signature above:

Name:

Signature:

Mining Licence term extension is approved

Mining Licence term extension is denied

Reason for denial:

Minister's signature:

Date:

If approved,

Date term extension was registered in the Mining Licence register:

Day Month Year

Date Titleholder was notified of the approval decision:

Day Month Year

Date term extension was noted in the Mining Licence:

Day Month Year

If denied,

Date denial was registered in the Mining Licence register:

Day Month Year

Date Titleholder was notified of the denial decision:

Day Month Year

1. Instructions:

This form is used to apply for a Small-Scale Mining Licence or Large-Scale Mining Licence term extension and shall be presented to the Mining Cadastre Office in person by the applicant or by the applicant's representative. The application cannot be accepted unless this form is completed in full and the following listed documents are complete and attached (no partial submission is allowed). When attaching required documents, they shall be arranged in the order appearing below. All documents shall be submitted in English. Where a title for the document appears in the list, the document shall be titled with that title, or a cover sheet with that title shall be included.

2. Applicant's identity and contact information

Complete all information in this Section and indicate where correspondence should be sent:

Registered company name under
Companies Law:

Company Registration Number:

City company is incorporated:

Address of headquarters:

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Physical Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Postal Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

**Name of legal
representative:**

5. Attestation

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty)

I am the Mining Licence Titleholder’s authorised representative and by this application request, on behalf of the applicant, that a term extension be granted for the Mining Licence identified herein. By my signature below, I attest that following statements are true (as of the date of signature below): --

1. All reports required to be submitted by the terms and conditions applying to the Mining Licence have been submitted and submission receipts have been obtained.
2. All rent required to be paid for the Mineral Title Area have been paid and receipts obtained.
3. All royalties required to be paid on minerals produced from the Mineral Title Area have been paid and receipts obtained.
4. All environmental obligations relevant to the Mining Licence as of this date have been met.
5. All the Rehabilitation and Mine Closure Plan obligations relevant to the Mining Licence as of this date have been met and a revised Rehabilitation and Mine Closure plan taking into account future operations has been approved.
6. All environmental authorisations required by Applicable Law for the term extension have been obtained.
7. The Titleholder has informed and consulted with local government and traditional authorities about this application.

(Note: at the option of the applicant, evidentiary documents may be attached to this form)

Name of authorised person:

Title or Position:

Signature:

Date:

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

114. FORM A-9 Application to Suspend Exploration Licence

(Chapter VIII of the Mining Act, 2012 and Regulation 24 of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Exploration Licence Registration Number:

Dated seal here

Date received:

Day

Month

Year

Receiving officer:

Application is approved

Application is denied

Minister's signature:

Date:

If approved,

Date suspension period and new licence term entered in the Exploration Licence Register:

Day

Month

Year

If suspension is approved, new date on which the Exploration Licence will expire:

Day

Month

Year

1. Instructions:

This form is used to apply to suspend an Exploration Licence Titleholder’s obligation to implement an Exploration Program for a period of one year because of a significant security situation that would make implementation of the Exploration Licence work program dangerous or extraordinarily difficult. This form should be completed in accordance with the Regulations. Use a separate application form for each Exploration Licence (no combined suspension applications). A suspension may be granted for an Exploration Licence only once (no multiple suspensions). Attach an explanation of the substantial security situation in sufficient detail to support verification.

2. Request:

(when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty)

This form is being submitted for the following reason:

- Force majeure circumstances
- the security situation in or around or getting to the Exploration Area poses a substantial danger to the Exploration Licence Titleholder’s staff and contractors.
- state of war, insurrection or disorder generally prevails in the State(s) in which the Exploration Area is located.
- Technical or operational reasons (suspension may not exceed 180 calendar days)

I hereby request an Exploration Licence work plan suspension of _____ calendar days (state requested period, not to exceed one hundred eighty (180) calendar days) as allowed under Regulation 24 and for the term of the Exploration Licence to be extended accordingly.

3. Attestation

By my signature below, I attest that following statements are true (as of the date of signature below):

- I am authorised by the corporate body named below to represent and sign this form on its behalf.
- The attached explanation describing the substantial security situation is accurate.

(Note: at the option of the submitter, evidentiary documents, in addition to the mandatory attached explanation, may also be attached to this form.

Name of corporate body:

Name of authorised person:

Title or Position:

Signature:

Date:

Telephone number:

Mobile Number:

Email:

Note: Any communication will be send to the address indicated in the Licence Application or as amended.

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

115. FORM A-10 Application to Surrender Mineral Title

(Article [38, 51, 83] of the Mining Act, 2012 and Regulation 85 of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Type of Licence:

Dated seal here

Licence Registration Code Number:

Date received: Day Month Year

Receiving officer:

Application is complete

Explanation describing the reason for surrender is attached and detailed enough to convey the reason for the request to surrender.

All rent, royalty and fees relating to the Mineral Title have been paid.

All environmental obligations relating to the Mineral Title have been met.

All Rehabilitation and Mine Closure Plan obligations relating to the mineral title have been met (Mining Licence only).

All reports required to be submitted under the Act have been submitted in compliance with the Act.

Application is approved

Application is denied

Reason for denial:

Minister's signature:

Date:

If approved,

Date surrender was registered in the respective Cadastral Register:

Day Month Year

Date Titleholder was notified of the approval decision:

Day Month Year

If denied,

Date denial was registered the respective Cadastral Register:

Day Month Year

Date Titleholder was notified of the denial decision:

Day Month Year

1. Instructions:

This form is used to surrender a Reconnaissance Licence, Exploration Licence, Small-Scale Mining Licence or Large-Scale Mining Licence in its entirety. Before submitting this form all obligations of the Titleholder to pay rent, royalty and fees, submit reports, to meet environmental and rehabilitation obligations arising under this Act or any other Applicable Law, and all other obligations, except to complete an uncompleted work program, shall have been paid, submitted or done. This form should be completed in accordance with the Regulations. Use a separate application form to surrender each Mineral Title (no combined surrender applications). Attach an explanation of the reasons why the Titleholder is applying surrender its Mineral Title.

2. Request:

(when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty)

This form is being submitted to surrender the following type of Mineral Title (Please tick one option)

Reconnaissance Licence

Exploration Licence

Small-Scale Mining Licence

Large-Scale Mining Licence

I hereby request that the Director General of Mineral Development approve and accept a surrender of the Licence who's Registration Code Number appears at the top of this form.

3. Attestation

By my signature below, I attest that following statements are true (as of the date of signature below):

- I am the Titleholder of the Mineral Title for which surrender approval is being applied for or am authorised by the corporate body named below to represent and sign this form on its behalf.
- The attached explanation describing the reason for surrender is accurate.
- All rent, royalty and fees relating to the Mineral Title have been paid.
- All environmental and rehabilitation obligations relating to the Mineral Title have been met.
- All reports required to be submitted under the Act have been submitted in compliance with the Act.

(Note: at the option of the submitter, evidentiary documents, in addition to the mandatory attached explanation, may also be attached to this form.

Name of corporate body (if applicable) or individual Titleholder:

Name of authorised person (if
Titleholder is a company):

Title or Position:

Signature of authorised person
or Titleholder:

Date:

Telephone number:

Mobile number:

Email:

Note: Any communication will be sent to the address indicated in the Licence Application or as amended.

Large-Scale Mining Licence

Registration Code Number:

Registration Code Number:

Registration Code Number:

Registration Code Number:

Registration Code Number:

Application is denied

Reason for denial:

Minister's signature:

Date:

If approved,

Date approval was registered in the Register:

Day Month Year

Date Titleholder was notified of the approval decision:

Day Month Year

Date the Large-Scale Mining Register and Cadastral Maps were updated:

Day Month Year

If denied,

Date denial was registered the Application Register:

Day Month Year

Date Titleholder was notified of the denial decision:

Day Month Year

1. Instructions:

This form is used to consolidate one or more physically contiguous Mineral Title Areas. Small-Scale Mining Licences cannot be consolidated with one another but may be consolidated with a Large-Scale Mining Licence. Before submitting this form the applicant shall first satisfy any environmental requirements imposed by Environmental Law and obtain the approval of a Rehabilitation and Mine Closure Plan covering the consolidated Mineral Title Area. This form should be completed in accordance with the Regulations. Attach an explanation of why the Titleholder is applying to consolidate its contiguous Mineral Title Areas.

2. Request:

(when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty)

This form is being submitted to consolidate the following physically contiguous Mining Licences (Please tick one option)

Small-Scale Mining Licences

- Registration Code Number:
- Registration Code Number:
- Registration Code Number:
- Registration Code Number:
- Registration Code Number:

Large-Scale Mining Licences

- Registration Code Number:
- Registration Code Number:
- Registration Code Number:
- Registration Code Number:
- Registration Code Number:

I hereby request that the Director General of Mineral Development approve and accept a consolidation of the contiguous Mining Licences whose Registration Code Numbers appear above.

3. Attestation

By my signature below, I attest that following statements are true (as of the date of signature below):

- All the Mining Licences for which consolidation approval is being applied for are held by me or the Company for whom I am the authorised representative.
- The attached explanation describing the reason for consolidation is accurate.
- All rents and royalties for the above listed Mining Licences have been paid.
- All Mining Licence reports required by the Act for the above listed Mining Licences have been submitted.

- All environmental requirements for a consolidated Mining Licence have been met.
- A Rehabilitation and Mine Closure Plan for the consolidated Mining Licences has been approved.

(Note: at the option of the submitter, evidentiary documents may be attached to this form.)

Name of corporate body:

Name of authorised person:

Title or Position:

Signature of authorised person
or Titleholder:

Date:

Telephone number:

Mobile number:

Email:

Note: Any communication will be sent to the address indicated in the Licence Application or as amended.

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

117. FORM A-12 Application for Mineral Title Transfer

(Article [2, 33, 47, 81, 105] of the Mining Act, 2012 and Regulations 80 and 81 of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Type of Licence:

Dated seal here

Licence Registration Code Number:

Date received: Day Month Year

Receiving officer:

Application is complete

Explanation describing the reason for the transfer is attached and detailed enough to convey the reason for the request to transfer the Mineral Title.

Technical and financial qualifications demonstrating the ability of the transferee to perform the obligations of the Licence.

authenticated copy of the proposed instrument of assignment or transfer.

Form AT-4 [Attestation to Accept Terms of Transferred Mineral Title]

copy of Form R-1 [Receipt for Payment of Application Processing Fee].

if transfer is because of the Titleholder's death, certificate of death or similar evidence.

if transfer is because of the Titleholder's mental incapacity, legal documentation of such incapacity and proof of guardianship/power of attorney.

if the transfer concerns a Mineral Licence, which was repealed under the Mining Act 2012, copy of the repealed Licence

Application is approved

Application is denied

Reason for denial:

Minister's signature:

Date:

If approved,

Date transfer was registered in the respective Cadastral Register:

Day Month Year

Date Titleholder was notified of the approval decision:

Day Month Year

If denied,

Date denial was registered in the respective Cadastral Register:

Day Month Year

Date Titleholder was notified of the denial decision:

Day Month Year

1. Instructions:

This form is used to transfer or assign a Mineral Title in its entirety and is to be submitted by the Titleholder (or in the case of the death or mental incapacity of the Titleholder, by the legal heirs or person holding a valid power of attorney). This form should be completed in accordance with the Regulations. Before submitting this form attach all the evidentiary documents listed in the box above (incomplete applications cannot be accepted). Use a separate application form to transfer each Mineral Title (no combined transfer applications). A Reconnaissance Licence cannot be transferred or assigned..

2. Request:

(when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty)

This form is being submitted to transfer or assign the following type of Mineral Title (*Please tick one option*)

Exploration Licence

Small-Scale Mining Licence

Large-Scale Mining Licence

A Mineral Title, repealed under the Mining Act 2012

I hereby request that the Director General of Mineral Development transfer or assign the Licence whose Registration Code Number or whose reference number for a repealed Licence appears at the top of this form.

3. Attestation

By my signature below, I attest that following statements that are marked are true (as of the date of signature below):

In regard to the Mineral Title whose registration number or who's reference number for a repealed Licence appears at the top of this form,

1. I am (tick the appropriate option)

the Titleholder

the authorised representative of the corporate body in whose name the Mineral Title is held

Name of company:

2. If applicable:

the heirs to the Mineral Title and the Titleholder are now deceased

Date Mineral Titleholder died: Day Month Year

I am am the legal guardian of the Titleholder who is now mentally incompetent

Date Titleholder was found to
be mentally incompetent: Day Month Year

3. All information contained in this form and in the attached evidentiary documents is true.

Name of corporate body (if applicable) or individual Titleholder:

Name of authorised person (if Titleholder is a company):

Title or Position:

Signature of authorised person or Titleholder:

Date:

Telephone number:

Mobile number:

Email:

Note: Any communication will be sent to the address indicated in the Licence Application or as amended.

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

118. FORM A-13 Application Exploration & Mining Agreement Negotiation

(Chapter XII of the Mining Act, 2012 and Regulation 54 of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Dated seal here

Application verified as complete:

- Date verified complete and registered: Day Month Year
- Time verified complete and registered: Hr. Min.

Officer verifying application is complete and has been registered as complete in the Register:

Name:

Signature:

Applicant, or applicant's representative, verifying officer's signature above:

Name:

Signature:

All required attachments listed in Section 6 of this form are attached to this application

Application registration number:

Application to commence Exploration and Mining
Agreement negotiations process is approved

Application is denied

Reason for denial:

Minister's signature:

Date:

If approved,

Date approval to commence negotiations was registered in the Register:

Day Month Year

Date applicant was notified of the decision:

Day Month Year

If denied,

Date denial was registered in the Register:

Day Month Year

Date applicant was notified of the denial decision:

Day Month Year

1. Instructions:

This form is used to apply for permission to commence a negotiation process with the Minister that may result in an Exploration and Mining Agreement. The approval of this application creates no right to such an agreement and any such agreement shall be at the decision of the Minister who shall be the Government's representative in such negotiation process. This application shall be presented to the Mining Cadastre Office in person by the applicant or by the applicant's representative. The application cannot be accepted unless the applicant is a company, duly incorporated, or registered as a foreign company, under the Companies Law, this form is completed in full and the following listed documents are complete and attached (no partial submission is allowed). All documents shall be submitted in English.

2. Applicant's identity and contact information

Complete all information in this Section and indicate where correspondence should be sent:

Registered company name under
Companies Law:

Company Registration Number:

City company is incorporated:

Address of headquarters:

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Physical Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Postal Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

**Name of legal
representative:**

Physical Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Postal Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Commercial representative in South Sudan (if any):

Full name:

Address:

City:

State:

Postal Code:

County:

Other required contact information:

Phone number:

Mobile:

Fax number
(if any):

Email address:

3. Name and qualifications of the person responsible for representing the applicant in the Exploration and Mining Agreement process as its lead negotiator

Name:

Qualifications:

4. Mandatory attachments *(tick each item attesting that the required document is attached to this application)*

duplicate copy of First Schedule Form R-1 [Receipt for Payment of Application Processing Fee];

if the applicant does not currently hold an Exploration Licence or Large-Scale Mining Licence covering the area sought to be covered by the Exploration and Mining Agreement, a complete application for an Exploration Licence or a Large-Scale Mining Licence covering the entire Exploration and Mining Agreement Area being applied for;

if the applicant currently is the Titleholder of an Exploration Licence or Large-Scale Mining Licence covering the area sought to be covered by the Exploration and Mining Agreement, a copy of such Licence;

such other information as the applicant desires to include.

5. Attestation

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I hereby request that the Minister grant approval to commence a negotiations process that may lead to an Exploration and Mining Agreement between Government and the applicant named in this application. I am the applicant's authorised representative and attest that the information contained in this application and attached to it is true and accurate:

Name:

Signature:

Date:

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

119. FORM A-14 Application for Retention Licence

(Chapter VIII of the Mining Act, 2012 and Regulation 50 of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Type of Licence:

Dated seal here

Licence Registration Code Number:

Application verified as complete:

- Date verified complete and registered: Day Month Year
- Time verified complete and registered: Hr. Min.

Officer verifying application is complete and has been registered as complete in the Register:

Name:

Signature:

Applicant, or applicant's representative, verifying officer's signature above:

Name:

Signature:

All required attachments listed in Section 6 of this form are attached to this application

Application registration number:

Application is approved

Application is denied

Reason for denial:

Minister's signature:

Date:

If approved,

Date approval was registered in the Retention
Licence Register:

Day Month Year

Date applicant was notified of the approval
decision:

Day Month Year

If denied,

Date denial was registered in the Register:

Day Month Year

Date applicant was notified of the denial
decision:

Day Month Year

1. Instructions:

This form is used to apply for a Retention Licence and shall be presented to the Mining Cadastre Office in person by the applicant or by the applicant’s representative. The application cannot be accepted unless this form is completed in full and the following completed documents are complete and attached (no partial submission is allowed). When attaching required documents, they shall be arranged in the order appearing below. All documents shall be submitted in English. Where a title for the document appears in the list, the document shall be titled with that title, or a cover sheet with that title shall be included..

This form is being submitted as application for a Retention Licence for the following type of Mineral Title (Please tick one option)

- Exploration Licence
- Small-Scale Mining Licence
- Large-Scale Mining Licence

2. Applicant’s identity and contact information

Complete all information in this Section and indicate where correspondence should be sent:

Registered company name under
Companies Law:

Company Registration Number:

City company is incorporated:

Address of headquarters:

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Physical Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Postal Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Name of legal representative:

Physical Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Postal Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Commercial representative in South Sudan (if any):

Full name:

Address:

City:

State:

Postal Code:

County:

Other required contact information:

Phone number:

Mobile:

Fax number
(if any):

Email address:

3. Retention Licence duration applied for:

- 1 year
- 2 years
- 3 years
- 4 years
- 5 years
- 6 years

(Note: Max 5 years for Exploration Licences and max 6 years for Mining Licences)

4. Mandatory attachments (*tick each item attesting that the required document is attached to this application*)

duplicate copy of First Schedule Form R-1 [Receipt for Payment of Application Processing Fee];

First Schedule Form I-1 [Identification of Mineral Title Area] and its required attachments;

when the applicant is an individual,

First Schedule Form AT-3 [Attestation Legally Competent Individual without Conviction];

when the applicant is a body corporate,

certified copy of the company's certificate of incorporation and certified copy of its memorandum and articles of association,

"Director Information", a sheet listing the full names and nationalities of all its directors,

"Shareholder Information", a sheet listing the name of every shareholder who is the beneficial owner of ten per cent (10%) or more of the issued share capital

First Schedule Form AT-2 [Attestation of No Mining Act Offence Penal Conviction];

Explanation describing the reason for applying for a Retention Licence, detailed enough to convey the reason for the request for a Retention Licence and covering

- a. an updated Resource Estimate within the Exploration or Mining Area that shows the potential for commercial significance
- b. the adverse market conditions or security issues that are reasonably believed to be of a temporary character

studies and assessments from eligible experts on:

The prospects for a change of the adverse market conditions or other factors, the extent and commercial significance of the Mineral Resource under the relevant market conditions, trends and economic factors; and

at the option of the applicant (not required) "Optional Additional Information", such other information as the applicant desires to include.

5. Request:

I hereby request that the Minister approves the Retention Licence for the Licence, whose Registration Code Number appears at the top of this form.

6. Attestation:

By my signature below, I attest that following statements that are marked are true (*as of the date of signature below*): --

In regard to the Mineral Title whose registration number appears at the top of this form, I am (*tick the appropriate option*)

the Titleholder

the authorised representative of the corporate body in whose name the Mineral Title is held

Name of corporate body:

Name of authorised person:

Title or Position:

Signature of authorised person :

Date:

Telephone number:

Mobile number:

Email:

Note: Any communication will be send to the address indicated in the Licence Application or as amended.

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

120. FORM R-1 Receipt for Payment of Application Processing Fee

(Articles [75, 198] of the Mining Act, 2012 and Regulations 9, 16, 19, 30, 34, 40, 44, 47, 50, 54, 78, 79, 80, 81, 83, 93 and the Second Schedule of the Mining (Mineral Title) Regulation)

Instructions:

- This form shall be completed in full, signed and date sealed by the officer receiving the receipt of payment, and issued to the applicant.
- Any fee shall be paid in full as per the amount specified in the Second Schedule to these Regulations (no partial payments are allowed)

Fee specified in the Second Schedule to these Regulations: (SSP):

Receipt received by Mining Cadastre Office over: (SSP):

Type of application fee: *(select one option)*

- Reconnaissance Licence Application Processing Fee
- Exploration Licence Application Processing Fee
- Exploration Licence Term Extension Application Processing Fee: (1st extension)
- Exploration Licence Term Extension Application Processing Fee: (2nd extension)
- Exploration Licence Late Application Term Extension Filing Fee
- Small-Scale Mining Licence Application Processing Fee
- Small-Scale Mining Licence Application for Term Extension Processing Fee
- Small-Scale Mining Licence Application for Term Extension Late Filing Fee
- Large-Scale Mining Licence Application Processing Fee
- Large-Scale Mining Licence Area Enlargement Processing Fee
- Large-Scale Mining Licence Application for Term Extension Processing Fee
- Large-Scale Mining Licence Application for Late Term Extension Filing Fee
- Retention Licence Application Processing Fee
- Exploration and Mining Agreement Negotiation Process Application Fee
- Application to Consolidate Mining Licences Processing Fee
- Mineral Title Transfer Application Processing Fee
- Other:

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

123. FORM R-4 Receipt for Payment of Licence Conversion Processing Fee

(Articles [75, 198] of the Mining Act, 2012 and Regulations 9, 16, 19, 30, 34, 40, 44, 47, 50, 54, 78, 79, 80, 81, 83, 93 and the Second Schedule of the Mining (Mineral Title) Regulations)

Instructions:

- This form shall be completed in full, signed and date sealed by the officer receiving the receipt of payment, and issued to the applicant.
- Any fee shall be paid in full as per the amount specified in the Second Schedule to these Regulations (no partial payments are allowed)

Fee specified in the Second Schedule to these Regulations: (SSP):

Receipt received by Mining Cadastre Office over: (SSP):

Type of application fee: *(select one option)*

- Reconnaissance Licence Application Processing Fee
- Exploration Licence Application Processing Fee
- Exploration Licence Term Extension Application Processing Fee: (1st extension)
- Exploration Licence Term Extension Application Processing Fee: (2nd extension)
- Exploration Licence Late Application Term Extension Filing Fee
- Small-Scale Mining Licence Application Processing Fee
- Small-Scale Mining Licence Application for Term Extension Processing Fee
- Small-Scale Mining Licence Application for Term Extension Late Filing Fee
- Large-Scale Mining Licence Application Processing Fee
- Large-Scale Mining Licence Area Enlargement Processing Fee
- Large-Scale Mining Licence Application for Term Extension Processing Fee
- Large-Scale Mining Licence Application for Late Term Extension Filing Fee
- Retention Licence Application Processing Fee
- Exploration and Mining Agreement Negotiation Process Application Fee
- Application to Consolidate Mining Licences Processing Fee
- Mineral Title Transfer Application Processing Fee
- Other:

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

124. FORM R-5 Receipt for Payment of Licence Transfer Processing Fee

(Articles [75, 198] of the Mining Act, 2012 and Regulations 9, 16, 19, 30, 34, 40, 44, 47, 50, 54, 78, 79, 80, 81, 83, 93 and the Second Schedule of the Mining (Mineral Title) Regulations)

Instructions:

- This form shall be completed in full, signed and date sealed by the officer receiving the receipt of payment, and issued to the applicant.
- Any fee shall be paid in full as per the amount specified in the Second Schedule to these Regulations (no partial payments are allowed)

Fee specified in the Second Schedule to these Regulations: (SSP):

Receipt received by Mining Cadastre Office over: (SSP):

Type of application fee: *(select one option)*

- Reconnaissance Licence Application Processing Fee
- Exploration Licence Application Processing Fee
- Exploration Licence Term Extension Application Processing Fee: (1st extension)
- Exploration Licence Term Extension Application Processing Fee: (2nd extension)
- Exploration Licence Late Application Term Extension Filing Fee
- Small-Scale Mining Licence Application Processing Fee
- Small-Scale Mining Licence Application for Term Extension Processing Fee
- Small-Scale Mining Licence Application for Term Extension Late Filing Fee
- Large-Scale Mining Licence Application Processing Fee
- Large-Scale Mining Licence Area Enlargement Processing Fee
- Large-Scale Mining Licence Application for Term Extension Processing Fee
- Large-Scale Mining Licence Application for Late Term Extension Filing Fee
- Retention Licence Application Processing Fee
- Exploration and Mining Agreement Negotiation Process Application Fee
- Application to Consolidate Mining Licences Processing Fee
- Mineral Title Transfer Application Processing Fee
- Other:

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

125. FORM AT-1 Boundary Marker Placement Attestation

(Chapter XIII of the Mining Act, 2012 and Regulation 98 of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Type of Licence:

Dated seal here

Licence Registration Code Number:

Application verified as complete:

- Date verified complete and registered: Day Month Year
- Time verified complete and registered: Hr. Min.

Notice recorded in: (tic one box):

Small-Scale Mining Licence Register

Large-Scale Mining Licence Register

Receiving Officer's name:

Signature:

Applicant, or applicant's representative, verifying officer's signature above:

Name:

Signature:

1. Instructions:

A Small-Scale Mining Licence or Large-Scale Mining Licence Titleholder is required to complete the placement of all demarcation point markers that define the inflection points of the Polygon comprising the boundary of the Mining Licence Area within thirty (30) calendar days from the date the Licence is issued. Upon completing the physical emplacement of the markers the Titleholder shall submit the attestation in this form to the Mining Cadastre Office. Use a separate form for each Mining Licence (no combined reporting).

2. Attestation

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

By my signature below, I attest that following statements that are marked are true (as of the date of signature below): --

- 1. All field demarcation point markers to identify on-the-ground the cadastral coordinate points for the following Mining Licence (tick the appropriate option)

Small-Scale Mining Licence, Licence No.

Large-Scale Mining Licence, Licence No.

have been physically put into place as of the date of this notice in full compliance with the provisions of the Mining Act and its Regulations.

- 2. Demarcation Cadastral Coordinates establishing points on the ground were positioned using: (tick the appropriate option)

Global Positioning System

Licensed land surveyor (ground-based survey)

- 3. The licenced land surveyor, establishing the location on the ground of the Mining Licence Cadastral Coordinates for the demarcation point markers was (Please fill in the appropriate Section):

Physical Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Postal Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Address in South Sudan:

Address:

City:

State:

Postal Code:

County:

4. In regard to the Mineral Title whose registration number appears at the top of this form, I am (tick the appropriate option)

the Titleholder

the authorised representative of the corporate body in whose name the Mineral Title is held

Name of corporate body:

Name of authorised person:

Title or Position:

Signature of authorised person :

Date:

Telephone number:

Mobile number:

Email:

Note: Any communication will be sent to the address indicated in the Licence Application or as amended.

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

126. FORM AT-2 Attestation of No Mining Act Offence Penal Conviction

(Articles [7, 29] of the Mining Act, 2012 and Regulation 9, 16, 30, 40, 46 of the Mining (Mineral Title) Regulations)

1. Instructions:

This form shall be completed in full and signed by a duly authorised officer or director of any corporate body applying for a Reconnaissance Licence, Exploration Licence, Small-Scale Mining Licence or Large-Scale Mining Licence. This form shall be attached to the respective Licence or Licence application before such application is submitted to the Mining Cadastre Office. The attesting signature below shall be witnessed by two persons. When any attestation provided in this form is found to be false :

- a. the person whose signature below attests to accuracy of the attestations provided in this form shall be guilty of an offence and subject to penalty;
- b. the Licence or Licence application to which this form is attached is null and void;
- c. any resultant Licence to which this form relates is null and void.

2. Attestation:

By my signature below, I attest that following statements are true (as of the date of signature below):

1. I am authorised by the corporate body named below to represent and sign this form on its behalf.
2. No director of the corporate body named below:
 - has been convicted of an offence under the Mining Act requiring imprisonment, or
 - is presently an officer or employee of the Ministry charged with the responsibility for regulating the development and exploitation of Mineral Resources.
3. No shareholder holding a controlling share (10% or greater shareholding) of the corporate body named below:
 - has been convicted of an offence under the Mining Act requiring imprisonment, or
 - is presently an officer or employee of the Ministry charged with the responsibility for regulating the development and exploitation of Mineral Resources.

Name of corporate body:

Name of authorised person:

Title or Position:

Signature of authorised person :

Date:

Telephone number:

Mobile number:

Email:

Note: Any communication will be send to the address indicated in the Licence Application or as amended.

Witness number 1.

Name:

Signature:

Witness number 2.

Name:

Signature:

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

127. FORM AT-3 Attestation Legally Competent Individual without Conviction

(Article [7, 29, 41, 55, 62 and 100] of the Mining Act, 2012 and Regulations 9, 16, 30, 40 and 54 of the Mining (Mineral Title) Regulations)

1. Instructions:

This form shall be completed in full and signed by any individual (non-corporate person) applying for a Reconnaissance Licence or Small-Scale Mining Licence. This form shall be attached to the respective Licence or Licence application before such application is submitted to the Mining Cadastre Office. The attesting signature below shall be witnessed by two persons. When any attestation provided in this form is found to be false –

- a. the person whose signature below attests to accuracy of the attestations provided in this form shall be guilty of an offence and subject to penalty;
- b. the Licence or Licence application to which this form is attached shall be null and void;
- c. any resultant Licence to which this form relates is null and void.

2. Attestation:

By my signature below, I attest that following statements are true (as of the date of signature below):

1. I am legally competent.
2. I have never been convicted of an offence under the Mining Act requiring imprisonment.
3. I am not an officer or employee of the Ministry charged with the responsibility for regulating the development and exploitation of Mineral Resources.

Name:

Physical Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Postal Address

Address:

City:

State:

Postal Code:

Country:

Send correspondence to this Address

Address in South Sudan:

Address:

City:

State:

Postal Code:

County:

Witness number 1.

Name:

Signature:

Witness number 2.

Name:

Signature:

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

128. FORM AT-4 Attestation to Accept Terms of Transferred Mineral Title

(Sections [47, 81 and 105] of the Mining Act, 2012 and Regulations 80 and 81 of the Mining (Mineral Title) Regulations)

Instructions:

When the holder of a transferable and assignable Mineral Title (Exploration Licence, Small-Scale Mining Licence, Large-Scale Mining Licence or a Mineral Title, which was repealed under Article 2 of the Mining Act) applies to transfer or assign its Mineral Title, this form shall be completed by the person or corporation to whom the Mineral Title will be transferred or assigned. This form shall be completed in full and signed by the intended transferee. This form shall be attached to the Mineral Title transfer application before such application is submitted to the Mining Cadastre Office. The attesting signature below shall be witnessed by two persons. The transferee shall attach to this form adequate evidentiary proof to demonstrate its financial and technical competence to fulfil all and every obligation imposed by the Mining Act on the Titleholder.

the person whose signature below attests to accuracy of the attestations provided in this form shall be guilty of an offence and subject to penalty;

- a. the Licence or Licence application to which this form is attached shall be null and void;
- b. any resultant Licence to which this form relates is null and void.

1. Information to be completed by transferee

- a. Type of Licence:
- b. Licence Registration Code Number:
- c. Name of the intended person or corporation to whom the Mineral Title will be transferred to (hereinafter the Transferee):
- d. Name of the current Titleholder:

2. Attestation:

When any attestation provided in this form is found to be false –

- a. the person whose signature below attests to accuracy of the attestations provided in this form shall be guilty of an offence and subject to penalty; and

- b. if so decided by the Minister -
 - i. the Mineral Title transfer application to which this form is attached is null and void;
 - ii. any transfer of the Mineral Title is null and void and the Mineral Title obligations shall revert to the original Titleholder; and
 - iii. any instrument purporting to transfer or assign the Mineral Title is null and void.

By my signature below, I attest that following statements are true (as of the date of signature below): --

- a. I am the intended Transferee or am authorised by the corporate body who is the Transferee to represent and sign this form on its behalf.
- b. I have attached to this form evidentiary proof of the ability of the Transferee demonstrating its ability to undertake all and every obligation of the Mineral Title identified above.
- c. Upon transfer of the Mineral Title identified above, I agree that the Transferee will assume all liability for actions or non-actions arising out of the obligations of the Mineral Title identified above that occurred before the transfer of such title to the Transferee.
- d. Upon transfer of the Mineral Title identified above, the Transferee will assume all and every obligation imposed on the Mineral Title by the Act and its regulations.
- e. The Transferee (and, in the case of the Transferee being a corporation, no director or any shareholder holding a controlling share of the corporate body named below):
 - i. is disqualified under Article 7(2) of the Mining Act 2012, or
 - ii. is presently an officer or employee of the Ministry charged with the responsibility for regulating the development and exploitation of Mineral Resources.

Name of authorised person:

Title or Position:

Signature of authorised person :

Date:

Telephone number:

Mobile number:

Email:

Note: Any communication will be sent to the address indicated in the Licence Application or as amended.

Witness number 1.

Name:

Signature:

Witness number 2.

Name:

Signature:

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

129. FORM L - 1 Reconnaissance Licence

(Chapter IV of the Mining Act, 2012 and Chapter III of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Reconnaissance Licence Registration No:

Term of Licence: _____ years (not to exceed 2 years)

Term commences on: _____ Day _____ Month _____ Year

Term ends on: _____ Day _____ Month _____ Year

This Licence cannot be transferred or assigned.

The Mineral Title Area granted in this Licence cannot be enlarged or reduced in size.

1. Subject to the conditions set out in the Mining Act, in the regulations made under the Act and in this Reconnaissance Licence,

Name:

(Hereinafter referred to as the "Titleholder") whose registered office in South Sudan is at

Address:

City:

State:

Postal Code:

County:

Phone number:

Mobile:

Fax number
(if any):

Email address:

is by this Licence granted the non-exclusive right to do Reconnaissance work within and over the Mineral Title Area specified in Annex 1 of this Licence (comprising an area of _____ CUs).

2. This Licence confers on the Titleholder the non-exclusive right within the Reconnaissance Area to:
 - a. obtain access and to enter on the area to carry on Reconnaissance;
 - b. fly over the area to carry on Reconnaissance, in compliance with Applicable Law;
 - c. implement a Reconnaissance Programme as approved by the Mining Cadastre Office;
 - d. take and remove specimens and samples not exceeding such limit as is reasonably required for Reconnaissance with the prior written permission of the Director General and to analyse said specimens and samples;
 - e. erect camps and temporary buildings, including installations in any water forming part of the area, provided that the erection of any camp or building under this Subsection shall not be construed as conferring any right, title or interest in the land; and
 - f. remove any camps, temporary buildings or installations the Titleholder erected.
3. The Titleholder, during the term of this Reconnaissance Licence, shall do all things required by the Mining Act including but not limited to:
 - a. within the Reconnaissance Area carry out Reconnaissance in accordance with a Reconnaissance Program approved by the Mining Cadastre Office;
 - b. commence field Reconnaissance in accordance with the approved reconnaissance program;
 - c. employ for Reconnaissance at least one fully eligible geologist, mining engineer or geoscientist holding a bachelor's degree or equivalent from a reputable university or school of mines;
 - d. submit geological samples, information and such periodical reports as may be prescribed as may be prescribed;
 - e. not engage in drilling, trenching, excavation or other subsurface techniques;
 - f. inform and consult, on an on-going basis, with local government, traditional authorities and communities about those Reconnaissance operations that require physical entry onto the land within their respective jurisdictions;
 - g. compensate owners and Users of Land for damage to land and property resulting from Reconnaissance in the Reconnaissance Area; and
 - h. maintain and restore from any damage resulting from Reconnaissance the land that is subject to the Mineral Tile Area to a safe state and in compliance with Environmental Law and standards.

4. ACCOMPANYING ANNEXES

Annex 1: Cadastral Coordinates Defining Reconnaissance Area Boundaries

Annex 2: Map of Reconnaissance Area

Annex 3: Approved Reconnaissance Program


DATED THIS DAY OF



Minister (name)

Signature:

In the presence of:



DG of Mineral Development (name)

Signature:



Dated seal here

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

130. FORM L - 2 Exploration Licence

(Chapter V of the Mining Act, 2012 and Chapter IV of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Exploration Licence Registration No:

Initial term of Licence: _____ years *(not to exceed 5 years)*

Initial term commences on: _____ Day _____ Month _____ Year

Initial term ends on: _____ Day _____ Month _____ Year

First Renewed term ends on: _____ Day _____ Month _____ Year

Second Renewed term ends on: _____ Day _____ Month _____ Year

Provided all conditions under the Act have been met, the term of this Licence can be renewed twice.

The Exploration Area granted in this Licence cannot be enlarged but the Titleholder may apply to relinquish area.

1. Subject to the conditions set out in the Mining Act, in the regulations made under the Act and in this Exploration Licence,

Name:

(Hereinafter referred to as the "Titleholder") whose registered office in South Sudan is at

Address:

City:

State:

Postal Code:

County:

Phone number:

Mobile:

Fax number
(if any):

Email address:

is by this Licence granted the exclusive right to do Exploration Operations within and over the Exploration Area specified in Annex 1 of this Licence (comprising an area of _____ CUs).

2. This Licence confers on the Titleholder the exclusive right within the Exploration Area to:
- a. conduct Exploration Operations on an exclusive basis for the concerned Mineral(s)

Code	Mineral

- b. to carry out the operations and work necessary to the achievement of this objective;
 - c. obtain access and to enter upon the land;
 - d. inform, on an on-going basis, local government, traditional authorities and communities about those Exploration Operations that require physical entry onto the land within their jurisdiction;
 - e. with prior written permission of the Director General take, remove and export specimens and samples not exceeding such limit as is reasonably required for Exploration Operations purposes;
 - f. with prior written permission of the Director General do bulk sampling and trial processing of Mineral Resources not exceeding such limit as is reasonably required for determining Mining potential;
 - g. occupy the land and erect temporary installations, camps, or structures necessary to the carrying out of Exploration Operations in consultation with local authorities;
 - h. construct temporary access roads, subject to Applicable Law;
 - i. sink shafts or drill holes or wells and dig holes and trenches; and
 - j. apply to transfer the Licence to an eligible party in the prescribed manner.
3. The Titleholder, during the term of this Exploration Licence, shall do all things required by the Mining Act including but not limited to:
- a. carry out Exploration Operations within the Exploration Licence Area in accordance with its approved Exploration Program;
 - b. commence Exploration Operations in the Exploration Area within 90 calendar days from the date the Exploration Licence is issued;
 - c. comply with such annual work program expenditure requirements and land area relinquishment requirements as is approved in the work program;
 - d. The Titleholder of an Exploration Licence shall submit to the Director General of Geological Survey not later than three months after the end of each year of the Licence, an audited statement of expenditure directly incurred under the Licence and any moneys required to be spent under the provisions of Subsection (13) and which are not so spent shall be a debt due to Government recoverable in a court of competent jurisdiction.

- e. On application by the Titleholder of a Mineral Exploration Licence, the Minister may refund a cash payment under Subsection (4) of this Section, in whole or in part, where the Titleholder satisfies the Director General that, in the year or years since the year in which the deficiency arose, the Titleholder has performed required work or has incurred expenditures for the performance of required work the value of which exceeds the prescribed required work minimum value applicable in the subsequent year or years and that no deficiency or a reduced deficiency remains in respect of required work.
- f. submit geological samples, information and such periodical reports as may be prescribed;
- g. inform and consult, on an on-going basis, with local government, traditional authorities and communities about those Exploration Operations that require physical entry onto the land within their respective jurisdictions;
- h. employ for Exploration Operations at least one fully eligible geologist, mining engineer or geoscientist holding a bachelor's degree or equivalent from a reputable university or school of mines;
- i. implement a corporate social responsibility program in conformity to Mining Cadastre Office guidelines (or in the absence of such guidelines, according to ISO 26000);
- j. compensate owners and Users of Land for damage caused to land and property resulting from Exploration Operations in the Exploration Area;
- k. maintain and restore land and the Environment, from any damage resulting from Exploration Operations, including but not limited to:
 - i. filling up any shafts, wells, holes or trenches made by the Titleholder; and
 - ii. restoring the land subject to the right to a safe and secure Environment and in compliance with Environmental Law and standards;
- l. relinquish any area required by government for a public purpose other than for any activity related to Mineral Exploitation;
- m. not divert water from any watercourse without the consent in writing of the relevant competent authority after consultation with the local communities and authorities and subject to Subsection (10) of this Section; and
- n. if intending to conduct Exploration Operations on land occupied under National Government, state government or local government Licence, or land subject to another right of occupancy including occupancy under customary law, give notice to the Lessee or occupant before commencing Exploration Operations on the land.
- o. pay annual rent as is prescribed.
- p. The Titleholder of an Exploration Licence shall submit to the Director General of Geological Survey not later than three months after the end of each Licence Year, an audited statement of expenditure directly incurred under the Licence and any moneys required to be spent under the provisions of Subsection (2) (3) and which are not so spent shall be a debt due to Government recoverable in a court of competent jurisdiction.
- q. On application by the Titleholder of a Mineral Exploration Licence, the Minister may refund a cash payment under Subsection (4) of this Section, in whole or in part, where the Titleholder satisfies the Director General that, in the year or years since the year in which the deficiency arose, the Titleholder has performed required work or has incurred expenditures for the performance of required work the value of which exceeds the prescribed required work minimum value applicable in the subsequent year or years and that no deficiency or a reduced deficiency remains in respect of required work.

4. ACCOMPANYING ANNEXES

Annex 1: Cadastral Coordinates Defining Exploration Area Boundaries

Annex 2: Map of Exploration Area

Annex 3: Approved Exploration Program

DATED THIS


DAY OF



Minister (name)

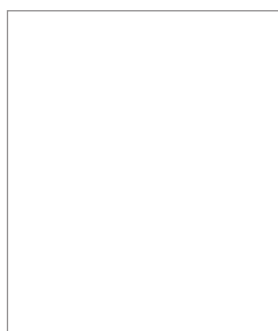
Signature:

In the presence of:



DG of Mineral Development (name)

Signature:



Dated seal here

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

131. FORM L - 3 Small-Scale Mining Licence

(Chapter VI of the Mining Act, 2012 and Chapter V of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Small-Scale Mining Licence

Registration No:

Initial term of Licence: _____ years *(not to exceed 10 years)*

Initial term commences on: Day Month Year

Initial term ends on: Day Month Year

First Renewed term ends on: Day Month Year

Second Renewed term ends on: Day Month Year

Third Renewed term ends on: Day Month Year

Provided all conditions under the Act have been met, the term of this Licence can be renewed. The Exploration Area granted in this Licence cannot be enlarged but the Titleholder may apply to relinquish area.

1. Subject to the conditions set out in the Mining Act, in the regulations made under the Act and in this Small-Scale Mining Licence,

Name:

(Hereinafter referred to as the "Titleholder") whose registered office in South Sudan is at

Address:

City:

State:

Postal Code:

County:

Phone number:

Mobile:

Fax number
(if any):

Email address:

is by this Licence granted the exclusive right to do Small-Scale Mining Operations for the specified Mineral Resources within the Small-Scale Mining Licence Area specified in Annex 1 of this Licence (comprising an area of _____ CUs).

- 2. This Licence confers on the Titleholder the exclusive right within the Mineral Title Area to:
 - a. exclusively carry out Small-Scale Mining Operations of the following Mineral Resources

Code	Mineral

- b. to carry out necessary operations and works related thereto;
 - c. utilise the land and construct installations and infrastructure necessary to carrying out Mineral Exploitation;
 - d. stack or dump any Mineral or waste product in a manner approved by the Director General, in consultation with the health and environmental authorities;
 - e. store, transport, process, smelt and refine Mineral Resources and dispose of any waste in a prescribed manner;
 - f. sell or otherwise dispose of the Mineral Products resulting from the Mineral Exploitation; and
 - g. apply to transfer the Licence to an eligible party in the prescribed manner.
- 3. The Titleholder only has the right to conduct a Small-Scale Mining Operation:
 - a. carry does not exceed any of the following production limits
 - 1. for extraction of Mineral Resources from primarily alluvial deposits, an annual throughput of 75,000 cubic metres; or
 - 2. for open-cast Mining Operations extracting Mineral Resources from primarily non-alluvial deposits, an annual combined run-of-mine ore waste and overburden production of 100,000 cubic metres per year; and
 - 3. that does not have underground workings; and
 - 4. that does not use any of the following Mining Operations practices:
 - i. use of explosives; or
 - ii. use of toxic chemicals or agents, and
 - 5. that does not employ or use more than 25 workers in a typical work day.
 - b. A Small-Scale Mining Licence Titleholder has the right to apply for a Large-Scale Mining Licence on a priority basis in such manner and form as may be prescribed by regulation.
 - c. A Small-Scale Mining Licence may be revoked when any term, condition or limitation specified in Subsection (2) of this Section is violated.

4. The Titleholder shall not commence any Mine Development or carry on Mining Operations on the Mineral Title Area until the Titleholder has -
 - a. obtained approval of all assessments, plans and programs for the protection of the environment and to manage Pollution as may be required by Environmental Law;
 - b. obtained approval of a Rehabilitation and Mine Closure Plan;
 - c. provided a notice of commencement of Mine Development to the Director General of Mineral Development that specifies the date by when the company intends to commence substantial on-site Mine Development;
 - d. submitted to the Director General of Mineral Development a plan of Mining Operations; and
 - e. extinguished, compensated, relocated or otherwise settled all land use rights held by third parties in the Mining Licence Area.
5. The Titleholder, during the term of this Licence, shall do all things required by the Mining Act including but not limited to -
 - a. commence Mine Development or processing plant development, where the Mining Licence Area is for Mineral processing operations in accordance with the approved program;
 - b. commence Mineral production no later than approved in the program
 - c. maintain continuous commercial production, as may be prescribed, after Mineral Product extraction has commenced;
 - d. cause to be kept true and sufficient books of account of the Mining Operations and other business carried on the Mineral Title Area, and of the sale or other disposal of the Mineral Product obtained; and to produce such books upon request by the duly Authorised Officers;
 - e. submit geological and Mineral Product samples, information and such periodical reports, as may be prescribed;
 - f. maintain the safety standards of the Mineral Title Area and Mining Operations in accordance with all Applicable Laws concerning health and safety and comply with such other health and safety requirements that may be prescribed by regulations;
 - g. comply with all requirements for assessments, plans or programmes for the protection of the Environment and to manage pollution under this Act and any Applicable Law;
 - h. comply with its approved Rehabilitation and Mine Closure Plan, and update it as may be prescribed;
 - i. not mine Radioactive Minerals without a written authorisation granted by the Minister;
 - j. maintain, update and submit a plan of Mining Operations, as may be prescribed;
 - k. allow scientific surveys by educational institutions and government agencies as provided for in Chapter XVI of the Mineral Act 2012 provided that such activities shall not unduly interfere with Mining Operations;
 - l. allow access through the Licence area to any adjoining land as shall not in the opinion of the Director General interfere with Mining Operations;
 - m. allow the construction and use on the Mineral Title Area, such waterways, canals, pipelines, sewers, drains, wires, transmission lines, public roads, and public utilities as shall not in the opinion of the Director General interfere with Mining Operations;

- n. employ for Mining Operations at least one fully eligible geologist, mining engineer or geoscientist holding a bachelor's degree or equivalent from a reputable university or school of mines;
- o. compensate Users of Land for damage to land and property resulting from Mining Operations; and
- p. mark and maintain the boundaries of the Mineral Title Area as prescribed;
- q. notify the Director General of Mineral Development at least 30 calendar days prior to permanently ceasing Mineral Product production, in such manner and form as may be prescribed; and
- r. pay annual rent and royalties as may be prescribed.

4. ACCOMPANYING ANNEXES

Annex 1: Cadastral Coordinates defining the vertices of a Polygon aligned with the cadastral grid of whole Cadastral Units that comprise the Small-Scale Mining Licence Area

Annex 2: Map of Small-Scale Mining Licence Area

Annex 3: Approved Mining Licence Program

DATED THIS DAY OF



Minister (name)

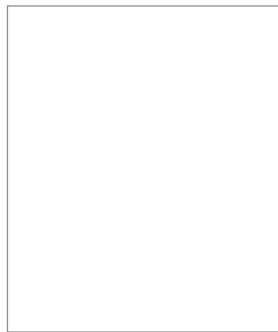
Signature:

In the presence of:



DG of Mineral Development (name)

Signature:



Dated seal here

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

132. FORM L - 4 Large-Scale Mining Licence

(Chapter VII of the Mining Act, 2012 and Chapter VI of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Large-Scale Mining Licence

Registration No:

Initial term of Licence: _____ years *(not to exceed 25 years)*

Initial term commences on: Day Month Year

Initial term ends on: Day Month Year

First Renewed term ends on: Day Month Year

Second Renewed term ends on: Day Month Year

Third Renewed term ends on: Day Month Year

Provided all conditions under the Act have been met, the term of this Licence can be renewed. The Mineral Title Area granted in this Licence can be enlarged and the Titleholder may also apply to relinquish area.

1. Subject to the conditions set out in the Mining Act, in the regulations made under the Act and in this Large-Scale Mining Licence,

Name:

(Hereinafter referred to as the "Titleholder") whose registered office in South Sudan is at

Address:

City:

State:

Postal Code:

County:

Phone number:

Mobile:

Fax number
(if any):

Email address:

is by this Licence granted the exclusive right to do Mining Operations for the specified Mineral Resources within the Mining Licence Area specified in Annex 1 of this Licence (comprising an area of _____ CUs).

- 2. This Licence confers on the Titleholder the exclusive right within the Mineral Licence Area to:
 - a. exclusively carry out Mining Operations of the following Mineral Resources

Code	Mineral

- b. to carry out necessary operations and works related thereto;
 - c. utilise the land and construct installations and infrastructure necessary to carrying out Mineral Exploitation;
 - d. stack or dump any Mineral or waste product in a manner approved by the Director General, in consultation with the health and environmental authorities;
 - e. store, transport, process, smelt and refine Mineral Resources and dispose of any waste in a prescribed manner;
 - f. sell or otherwise dispose of the Mineral Products resulting from the Mineral Exploitation; and
 - g. apply to transfer the Licence to an eligible party in the prescribed manner.
- 3. The Titleholder shall not commence any Mine Development or carry on Mining Operations on the area subject to this Licence until the Titleholder:
 - a. obtained approval of all assessments, plans and programs for the protection of the environment and to manage Pollution as may be required by Environmental Law;
 - b. obtained approval of a Rehabilitation and Mine Closure Plan;
 - c. provided a notice of commencement of Mine Development to the Director General of Mineral Development that specifies the date by when the company intends to commence substantial on-site Mine Development;
 - d. submitted to the Director General of Mineral Development a plan of Mining Operations;
 - e. extinguished, compensated, relocated or otherwise settled all land and use rights held by third parties in the Mining Licence Area; and
 - f. entered into approved Community Development Agreements in such form and manner as may be prescribed.

4. The Titleholder, during the term of this Licence, shall do all things required by the Mining Act including but not limited to -
- a. commence substantial on-site Mine Development or processing plant development, where the Mining Licence Area is for Mineral Processing Operations only, as specified in the approved programme;
 - b. commence Mineral production no later than specified in the approved program;
 - c. maintain continuous commercial production, as may be prescribed, after Mineral Product extraction has commenced;
 - d. cause to be kept true and sufficient books of account of the Mining Operations and other business carried on upon the Mining Licence Area, and of the sale or other disposal of the Mineral Product obtained; and to produce such books upon request by duly Authorised Officers;
 - e. submit geological and Mineral Product samples, information and such periodical reports as may be prescribed;
 - f. maintain the safety standards of the Mineral Title Area and Mining Operations in accordance with all labour and occupational health and safety laws and comply with such other health and safety requirements that may be prescribed by regulations;
 - g. comply with all requirements for assessments and maintain plans and programs for the protection of the Environment and to manage pollution under this Act or as provided by Applicable Law;
 - h. comply with its approved Rehabilitation and Mine Closure Plan, and update it as may be prescribed;
 - i. not mine Radioactive Minerals without a written authorisation granted by the Minister;
 - j. maintain, update and submit a plan of Mining Operations, as may be prescribed;
 - k. allow scientific surveys by educational institutions and government agencies as provided for in Chapter XVI of the Mining Act, 2012 provided that such activities shall not unduly interfere with Mining Operations;
 - l. allow through the Mining Licence Area access to any adjoining land as shall not in the opinion of the Director General interfere with Mining Operations;
 - m. allow the construction and use on Mining Licence Area such waterways, canals, pipelines, sewers, drains, wires, transmission lines, public roads, and public utilities as shall not reasonably interfere with Mining Operations;
 - n. compensate Users of Land for damage to land and property resulting from Mining Operations; and
 - o. mark and maintain the boundaries of the Mining Licence Area as prescribed;
 - p. employ for Mining Operations at least one fully eligible geologist, mining engineer or geoscientist holding a bachelor's degree or equivalent from a reputable university or school of mines;
 - q. notify the Director General of Mineral Development at least 180 calendar days prior to permanently ceasing Mineral Product production, in such manner and form as may be prescribed.

- r. assist in the development of communities near to or affected by its operations to promote the general welfare and enhance the quality of life of the inhabitants living there, and to enter into Community Development Agreements with such Communities, at such time, in such manner and in such form as may be prescribed, in cooperation with relevant government authorities; and
- s. pay annual rent and royalties as may be prescribed.

5. ACCOMPANYING ANNEXES

Annex 1: Cadastral Coordinates defining the vertices of a Polygon aligned with the cadastral grid of whole Cadastral Units that comprise the Large-Scale Mining Licence Area

Annex 2: Map of Large-Scale Mining Licence Area

Annex 3: Approved Mining Licence Program

DATED THIS DAY OF



Minister (name)

Signature:

In the presence of:



DG of Mineral Development (name)

Signature:



Dated seal here

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

133. FORM L-5 Retention Licence

(Chapter VIII of the Mining Act, 2012 and Chapter VII of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Retention Licence Registration No.

This Retention Licence is valid for
Exploration Licence Registration No.:

Large-Scale Mining Licence No.:

Term of Licence: years *(not to exceed 5 years for Exploration Licences and 6 years for Mining Licences)*

The term of this Licence cannot be renewed.

This Licence cannot be not transferred or assigned.

1. Subject to the conditions set out in the Mining Act, in the regulations made under the Act and in this Retention Licence,

Name:

(Hereinafter referred to as the "Titleholder") whose registered office in South Sudan is at

Address:

City:

State:

Postal Code:

County:

Phone number:

Mobile:

Fax number
(if any):

Email address:

is by this Licence granted that it is still the rightful Titleholder of the Licence listed above, but the Terms for the approved Exploration Program and minimum expenditure obligation in respect of the Licence are suspended.


2. The Director General of Mineral Development shall consider in case of a substantial security situation:
 - a. whether or not the security situation in or around or getting to the Exploration Area poses a danger to the Exploration Licence Titleholder's staff and contractors;or
 - b. is a state of war, insurrection or disorder which generally prevails in the State(s) where the Exploration Area is located
3. and in case of sub economy of the project whether the project review by the Titleholder has shown sufficient evidence that the project is at current commodity prices sub-economical For the purposes of this Regulation, "sub-economical" means, current commodity prices do not cover production costs as presented in the project review and commodity price projections, as presented by major commodity price platforms, such as but not limited to plats, do not predict a price recovery in the near future.
4. Retention shall have no impact on the Titleholder's obligation to pay the fees specified in Regulations 88.

5. ACCOMPANYING ANNEXES

Annex 1: Cadastral Coordinates Defining Retention Licence Area Boundaries

Annex 2: Map of Retention Licence Are

DATED THIS DAY OF



Minister (name)

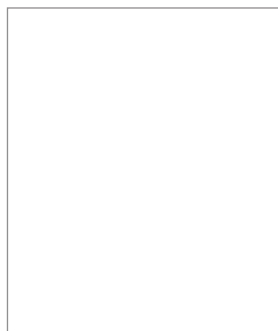
Signature:

In the presence of:



DG of Mineral Development (name)

Signature:



Dated seal here

1. Instructions:

This form shall be completed in full and signed by the Reconnaissance/Exploration Licence Titleholder (if held by an individual person) or by a duly authorised officer or director of the Titleholder (if a company). Field exploration work shall commence with ninety (90) calendar days from the date a Reconnaissance Licence is issued, and within ninety (90) Calendar days from the date an Exploration Licence is issued. If field work has not commenced by this time, attach a detailed explanation describing why not. On this form report only matters pertinent to the Reconnaissance/Exploration Licence Registration Code Number reported above. Use a separate reporting form and report for each Licence (combined notices are not permissible).

This form is being submitted for the following purpose:

Notification that (tick one item)

Field Reconnaissance began on: Day Month Year

Field Exploration Operations began on: Day Month Year

within the Mineral Title Area who’s Registration Code Number appears at the top of this form.

2. Reconnaissance/Exploration Licence Titleholder details:

Name:

(Hereinafter referred to as the “Titleholder”) whose registered office in South Sudan is at

Address:

City:

State:

Postal Code:

County:

Phone number:

Mobile:

Fax number
(if any):

Email address:

3. Attestation

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I HEREBY ATTEST THAT THE INFORMATION AS PROVIDED ABOVE IS TRUE AS IT IS KNOWN TO ME

Name of corporate body:

Name of authorised person:

Title or Position:

Signature of authorised person :

Date:

Telephone number:

Mobile number:

Email:

Note: Any communication will be sent to the address indicated in the Licence Application or as amended.

1. Instructions:

This form shall be completed in full and signed by the Mining Licence Titleholder (if held by an individual person) or by a duly authorised officer or director of the Titleholder (if a company). Substantial Mine Development work shall commence as specified in the approved program. On this form include only matters pertinent to the Mining Licence Registration Code Number reported above. Use a separate notice form for each Licence (combined notices are not permissible).

Substantial on-site Mine Development work is scheduled to commence on:

Day Month Year

within the Mining Licence Area who’s Registration Code Number appears at the top of this form.

2. Mining License Titleholder details:

Name:

(Hereinafter referred to as the “Titleholder”) whose registered office in South Sudan is at

Address:

City:

State:

Postal Code:

County:

Phone number:

Mobile:

Fax number
(if any):

Email address:

3. Attestation

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I HEREBY ATTEST THAT THE INFORMATION AS PROVIDED ABOVE IS TRUE AS IT IS KNOWN TO ME

Name of corporate body:

Name of authorised person:

Title or Position:

Signature of authorised person :

Date:

Telephone number:

Mobile number:

Email:

Note: Any communication will be sent to the address indicated in the Licence Application or as amended.

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

136. FORM N-3 Notice of Commencement of Mineral Production

(Regulation 66 of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Type of Licence: .

Dated seal here

Licence Registration Code Number:

Application Received:

Date registered: Day Month Year

Time registered: Hr. Min.

Notice recorded in: (tic one box)

Small-scale Mining Licence Register

Large-scale Mining Licence Register

Receiving Officer's name:

Signature

Applicant, or applicant's
representative, verifying officer's
signature above:

Signature

1. Instructions:

This form shall be completed in full and signed by the Mining Licence Titleholder (if held by an individual person) or by a duly authorised officer or director of the Titleholder (if a company). Mineral production shall commence as specified in the approved program. Report on this form the date that the Mining Licence Titleholder expects to first achieve commercial, not just trial production. This form should be submitted no less than thirty (30) calendar days from the expected Commercial Production start date. The Commercial Production start date is the date on which the Mine is first expected to produce at or in excess of twenty per cent (20%) of the design capacity of the mine(s), or where the Mining Operations consist solely of mineral Processing Operations, at twenty per cent (20%) of the design capacity of the processing plant. The expected Commercial Production start date reported on this form will be the Commercial Production start date for the Mining Licence irrespective of whether Commercial Production is achieved sooner or later than on the date reported herein. On this form include only matters pertinent to the Mining Licence Registration Code Number reported above. Use a separate notice form for each Licence (combined notices are not permissible).

2. Commence of Commercial Production

The Mining Licence Area who’s Registration Code Number appears at the top of this form is expected to commence Commercial Production on:

Day Month Year

3. Mining Licence Titleholder details:

Name:

(Hereinafter referred to as the “Titleholder”) whose registered office in South Sudan is at

Address:

City:

State:

Postal Code:

County:

Phone number:

Mobile:

Fax number
(if any):

Email address:

4. Attestation

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I HEREBY ATTEST THAT THE INFORMATION AS PROVIDED ABOVE IS TRUE AS IT IS KNOWN TO ME

Name of corporate body:

Name of authorised person:

Title or Position:

Signature of authorised person :

Date:

Telephone number:

Mobile number:

Email:

Note: Any communication will be sent to the address indicated in the Licence Application or as amended.

1. Instructions:

This form shall be completed in full and signed by the Mining Licence Titleholder (if held by an individual person) or by a duly authorised officer or director of the Titleholder (if a company). This form should be submitted no less than thirty (30) calendar days from the expected Commercial Production start date and each time that there is a significant change in capacity (for example due to an expansion). The Commercial Production start date is the date on which the Mine is first expected to produce at or in excess of twenty per cent (20%) of the design capacity of the mine(s), or where the Mining Operations consist solely of mineral Processing Operations, at twenty per cent (20%) of the design capacity of the processing plant. A “processing plant” is a plant that produces a Mineral Product that is intended for sale other than raw ore (for example, a concentrator producing saleable concentrate). On this form include only matters pertinent to the Mining Licence Registration Code Number reported above. Use a separate notice form for each Licence (combined notices are not permissible).

Mine(s)			Processing Plant(s)		
Name	Capacity: daily ore production	Units	Type	Capacity: daily Mineral Product production	Capacity: daily Mineral Product production Units

2. Mining License Titleholder details:

Name:

(Hereinafter referred to as the “Titleholder”) whose registered office in South Sudan is at

Address:

City:

State:

Postal Code:

County:

Phone number:

Mobile:

Fax number
(if any):

Email address:

3. Attestation

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I HEREBY ATTEST THAT THE INFORMATION AS PROVIDED ABOVE IS TRUE AS IT IS KNOWN TO ME

Name of corporate body:

Name of authorised person:

Title or Position:

Signature of authorised person :

Date:

Telephone number:

Mobile number:

Email:

Note: Any communication will be sent to the address indicated in the Licence Application or as amended.

1. Instructions:

When any rights arising from a Mineral Title that are transferable under the Act are wholly or partially assigned, sub licenced, pledged, mortgaged, charged, hypothecated or subject to any security interest this form shall be completed in full, signed by the Titleholder and submitted to the Mining Cadastre Office within thirty (30) calendar days of such transaction date. A copy of the document or documents comprising the transaction shall be attached. Use a separate notice form for each such transaction (combined notices are not permissible).

2. Mining License Titleholder details:

Name:

(Hereinafter referred to as the "Titleholder") whose registered office in South Sudan is at

Address:

City:

State:

Postal Code:

County:

Phone number:

Mobile:

Fax number
(if any):

Email address:

3. Attestation

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I HEREBY ATTEST THAT THE INFORMATION AS PROVIDED ABOVE IS TRUE AS IT IS KNOWN TO ME

The transaction reported in this form does not violate the following prohibited acts: no encumbrance or lien may be placed upon any Mineral Resources, or upon any Small-Scale Mining Licence or Large-Scale Mining Licence or upon the facilities, installations and other fixtures that are part of the Mining Operations unless it is to secure financing for said activities

Name of corporate body:

Name of authorised person:

Title or Position:

Signature of authorised person :

Date:

Telephone number:

Mobile No.:

Email:

Note: Any communication will be sent to the address indicated in the Licence Application or as amended.

1. Instructions:

This form shall be completed in full and signed by the Mining Licence Titleholder (if held by an individual person) or by a duly authorised officer or director of the Titleholder (if a company). It should be completed in triplicate with one copy each submitted to the Mining Cadastre Office, the Mine Inspectorate Department and the environmental authority. Report on this form the date that the Mining Licence Titleholder expects to permanently cease production on its Mining Licence Area and the reason why production will cease. The form shall be submitted at least one hundred and eighty (180) calendar days prior to the date on which mineral production will permanently cease. On this form include only matters pertinent to the Mining Licence Registration Code Number reported above. Use a separate notice form for each Licence (combined notices are not permissible).

The Mining Licence Area whose Registration Code Number appears at the top of this form is expected to permanently cease mineral production on:

Day Month Year

The reason that production will cease is:

If necessary, attach additional sheet.

2. Mining Licence Titleholder details:

Name:

(Hereinafter referred to as the "Titleholder") whose registered office in South Sudan is at

Address:

City:

State:

Postal Code:

County:

Phone number:

Mobile:

Fax number
(if any):

Email address:

3. Attestation

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I HEREBY ATTEST THAT THE INFORMATION AS PROVIDED ABOVE IS TRUE AS IT IS KNOWN TO ME

The transaction reported in this form does not violate the following prohibited acts: no encumbrance or lien may be placed upon any Mineral Resources, or upon any Small-Scale Mining Licence or Large-Scale Mining Licence or upon the facilities, installations and other fixtures that are part of the Mining Operations unless it is to secure financing for said activities.

Name of corporate body:

Name of authorised person:

Title or Position:

Signature of authorised person :

Date:

Telephone number:

Mobile number:

Email:

Note: Any communication will be sent to the address indicated in the Licence Application or as amended.

1. Instructions:

This form is to be submitted to the Minister before a Mineral Title may be revoked by the Mining Cadastre Office. The Mining Cadastre Office should complete the form in full and attach to it an explanation of the reasons justifying the revocation of the Mineral Title. Use a separate request form for each request (combined requests are not permissible). In compliance with the Regulations, this form should be returned signed by the Minister within sixty (60) calendar days from the request date recorded above or else the application is by Law deemed to be approved.

2. To be completed by the Mining Cadastre Office:

The approval of the Minister to revoke the above Mineral Title is requested pursuant to the following provisions of the Mining Act and or its Regulations.

Mining Act - list Article(s) number(s):

Mining (Mineral Title) Regulations –
list regulation(s) number(s):

Mining (Community Development)
Regulations – list regulation(s) number(s):

Other Act or Regulation:

Under the terms of the provision(s) cited above, revocation of the Mineral Title is: *(tick one option)*

mandatory

discretionary

An explanation of why the Mineral Title is liable to revocation is to be attached to this form.

3. To be completed by the Minister:

By my signature below I *(tick one option)*

grant

deny

permission to revoke the Mineral Title whose registration Licence number appears above.

Signature of the
Minister:

Date:

If revocation permission is denied, the reason why shall be stated below.

(dated seal here)

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

141. FORM N-8 Notice of Demand for Final Documents

(Regulation 86 of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Type of Licence:

*Dated seal here
(notice date)*

Licence Registration Code Number:

Demand Notice date:

Day

Month

Year

Delivery method:

Sending Officer's name:

Sending Officer's signature:

This box to be completed on Government's demand notice copy only, not on the copy sent to the Titleholder.

*Demand Notice date (from box above) was recorded in the: (tic one box) Notice recorded in:
(tic one box)*

Reconnaissance Licence No.:

Exploration Licence Registration No.: EL

Small-Scale Mining Licence No.: SSML

Other Mining Licence No.:

on Day Month Year

Recording officer's signature:

1. Instructions to Recipient of this Demand Notice:

Upon receipt of this demand notice the current or prior Titleholder named below is required by the provisions of the Mining Act and its Regulations to submit to the Mining Cadastre Office:

- (a) all reports and records that the Titleholder is obliged under the provisions of the Mining Act to submit,
- (b) all plans or maps of the area covered by the Mineral Title prepared by the Titleholder or at its instructions, and
- (c) such other documents relating to the Mineral Title as the Director General may direct.

Specifically, the items to be submitted as required under (a), (b) and (c) above are as follows:

Any Titleholder or prior Titleholder the recipient of this notice who fails to comply with the demands of this notice within thirty (30) calendar days from the Notice Date above shall be guilty of an offence and subject to the penalties provided under the Mining Act for failure to comply with this demand notice.

2. TITLEHOLDER or PRIOR TITLEHOLDER DETAILS

Name:

(Hereinafter referred to as the "Titleholder") whose registered office in South Sudan is at

Address:

City:

State:

Postal Code:

County:

Phone number:

Mobile:

Fax number
(if any):

Email address:

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

142. FORM N-9 Notice of Royalty Assessment Payment

(Chapter XIV of the Mining Act, 2012 and Regulation 89 of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Type of Licence:

*Dated seal here
(notice date)*

Licence Registration Code Number:

Date notice received:

Day

Month

Year

Receiving Officer's name:

Receiving Officer's signature:

Amount on payment receipt received: SSP

Small-scale Mining Licence No. SSML

Large-scale Mining Licence No. LSML

1. Instructions to Mineral Titleholder:

This form should be submitted with any royalty payment to the Director General of the Directorate of Taxation and the State office(s) responsible for the collection of royalties in the State(s) wherein the Mineral Title Area is located. A copy should also be sent to the Director General of Mineral Development. The Titleholder shall retain a copy at its registered place of business. A separate form is required for each Mineral Product sales (or transfer) transaction. Attach a detailed explanation of how the amount of royalty paid was calculated including the royalty rate. This assessment return notice form can also be used to amend a previous notice wherein an underpayment or overpayment was reported, and if used for this purpose, attach a detailed explanation.

2. Date of Mineral Product sale (or transfer):

Day Month Year

Party to whom the sale (or transfer) was made:

3. Type of Mineral:

Code	Mineral	Type

4. Detailed description of Mineral Products sold (or transferred) including quantity and quality (attach additional sheet if necessary).

5. Description of how the realised sales price was established (attach additional sheet if necessary).

6. The amount of the royalty paid (or that is included for payment with this Notice).

SSP

7. Titleholder details:

Name:

(Hereinafter referred to as the “Titleholder”) whose registered office in South Sudan is at

Address:

City:

State:

Postal Code:

County:

Phone number:

Mobile:

Fax number
(if any):

Email address:

8. Attestation

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I HEREBY ATTEST THAT THE INFORMATION AS PROVIDED ABOVE AND IN THE ATTACHMENTS HERETO IS TRUE AS IT IS KNOWN TO ME AND THAT ALL SALES UPON WHICH THIS NOTICE IS BASED WERE MADE ON AN “ARMS LENGTH BASIS” AS DEFINED IN THE MINING ACT.

Name of corporate body:

Name of authorised person:

Title or Position:

Signature of authorised person :

Date:

Telephone number:

Mobile number:

Email:

Note: Any communication will be sent to the address indicated in the Licence Application or as amended.

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

143. FORM N-10 Notice of Annual Rent Return Payment

(Chapter XIV of the Mining Act, 2012 and Regulation 88 of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Type of Licence:

Dated seal here

Licence Registration Code Number:

Date notice received:

Day

Month

Year

Receiving Officer's name:

Receiving Officer's signature:

Amount on payment receipt received: SSP

Exploration Licence No.: EL

Small-scale Mining Licence No.: SSML

Large-scale Mining Licence No.: LSML

1. Instructions to Mineral Titleholder:

A Titleholder, except for a Reconnaissance Licence or a Retention Licence Titleholder, is required to pay annual rent as prescribes in Regulation 88. This form should be submitted with the annual rent payment to the Director General of the Directorate of Taxation and a copy sent and to the Director General of Mineral Development. The Titleholder shall retain a copy at its registered place of business. A separate form is required for each Mineral Title (no combined notices). This return notice form can also be used to amend a previous notice wherein an underpayment or overpayment was reported, and if used for this purpose, attach a detailed explanation.

2. Mineral Title Area:

If Mineral Title was issued this year, CUs comprising the Mineral Title Area on the date of issue, otherwise the Mineral Title Area as of January 1 this year: CUs.

3. Mineral Title: *(tick option)*

Exploration Licence Register

Small-scale Mining Licence Register

Large-scale Mining Licence Register

4. Annual Rent Rate from the Third Schedule: SSP /CUs.

5. Annual Rent payable: SSP

6. Titleholder details:

Name:

(Hereinafter referred to as the "Titleholder") whose registered office in South Sudan is at

Address:

City:

State:

Postal Code:

County:

Phone number:

Mobile:

Fax number
(if any):

Email address:

7. Attestation

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I HEREBY ATTEST THAT THE INFORMATION AS PROVIDED ABOVE AND IN ANY ATTACHMENTS HERETO IS TRUE AS IT IS KNOWN TO ME

Name of corporate body:

Name of authorised person:

Title or Position:

Signature of authorised person :

Date:

Telephone number:

Mobile:

Email:

Note: Any communication will be sent to the address indicated in the Licence Application or as amended.

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

144. FORM AR-1: Reconnaissance Licence Annual Report

(Section 39 of the Mining Act, 2012 and (Regulation 15 of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Reconnaissance Licence Registration Code No.:

Dated seal here

Year:

Date report received:

Day

Month

Year

Attestation has been signed (*tick option*):

Yes

No

(Note: if attestation signature is absent, the report cannot be accepted)

Report is confirmed complete:

Receiving Officer's name:

Receiving Officer's signature:

1. Instructions to Mineral Titleholder:

This form shall be completed in full and signed by the Reconnaissance Licence Titleholder (if held by an individual person) or by a duly authorised officer or director of the Titleholder (if a company). This form shall be attached to the Reconnaissance Licence annual report. On this form report only matters pertinent to the Mineral Title registration code number reported above. Use a separate reporting form and report for each registered Reconnaissance Licence (combined reports are not permissible).

The Reconnaissance Licence annual report attaching to this form shall describe all Reconnaissance activities, discoveries, results and be in such form and contain such information as may be specified in guidelines available from the Mining Cadastre Office.

2. Reconnaissance Licence Titleholder details:

Name:

(Hereinafter referred to as the “Titleholder”) whose registered office in South Sudan is at

Address:

City:

State:

Postal Code:

County:

Phone number:

Mobile:

Fax number
(if any):

Email address:

3. Attestation

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I HEREBY ATTEST THAT THE RECONNAISSANCE LICENCE ANNUAL REPORT ATTACHED TO THIS FORM WAS PREPARED UNDER MY SUPERVISION. THE INFORMATION AS PROVIDED ABOVE AND IN THE ATTACHED REPORT IS TRUTHFUL AND SUBSTANTIALLY ACCURATE IN ALL ITS MATERIAL DETAILS.

Name of corporate body:

Name of authorised person:

Title or Position:

Signature of authorised person :

Date:

Telephone number:

Mobile number:

Email:

Note: Any communication will be sent to the address indicated in the Licence Application or as amended.

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

145. FORM AR-2: Exploration Licence Annual Report

(Section 52 of the Mining Act, 2012 and (Regulation 28 of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Exploration Licence Registration Code No.:

Dated seal here

Year

Date report received:

Day

Month

Year

Attestation has been signed (*tick option*):

Yes

No

(Note: if attestation signature is absent, the report cannot be accepted)

Report is confirmed complete:

Receiving Officer's name:

Receiving Officer's signature:

1. Instructions:

This form shall be completed in full and signed by an eligible mining engineer, geologist or geoscientist (holding a bachelor’s degree from a reputable university or school of mines) and the Exploration Licence Titleholder’s manager. This form shall be attached to the Exploration Licence Annual Report. On this form report only matters pertinent to the Mineral Title registration code number reported above. Use a separate reporting form and report for each registered Exploration Licence (combined reports are not permissible).

This form and its accompanying report shall be submitted annually within 3 (three) month following the end of a dry season. Failure to submit a complete annual report may result in the revocation of the Licence.

The Exploration Licence Annual Report attached to this form shall describe all Exploration Operations, discoveries and results and be in such form and contain such information as may be specified in guidelines available from the Mining Cadastre Office.

2. Exploration Licence Titleholder details:

Name:

(Hereinafter referred to as the “Titleholder”) whose registered office in South Sudan is at

Address:

City:

State:

Postal Code:

County:

Phone number:

Mobile:

Fax number
(if any):

Email address:

3. Attestation

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I HEREBY ATTEST THAT THE EXPLORATION LICENCE ANNUAL REPORT ATTACHED TO THIS FORM WAS PREPARED UNDER OUR SUPERVISION. THE INFORMATION AS PROVIDED ABOVE AND IN THE ATTACHED REPORT IS TRUTHFUL AND SUBSTANTIALLY ACCURATE IN ALL ITS MATERIAL DETAILS.

Manager’s title :

Manager’s name:

Signature:



Position:

Phone number:

Mobile:

Fax number (if any):

Email address:

Address:

Geologist/Geoscientist/Mining
Engineer's name:

Geologist/Geoscientist/Mining
Engineer's title:

University name and country where degree in a geological science or mining engineering was
awarded:

University:

Country:

Degree:

Geologist's/Geoscientist's/Mining
Engineer's signature:

Phone number:

Mobile:

Fax number (if any):

Email address:

Address:

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

146. FORM AR-3: Exploration Licence Annual Expenditure Report

(Regulation 28 of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Exploration Licence Registration Code No.:

Dated seal here

Year

Date report received:

Day

Month

Year

Attestation has been signed (*tick option*):

Yes

No

(Note: if attestation signature is absent, the report cannot be accepted)

Report is confirmed complete:

Receiving Officer's name:

Receiving Officer's signature:

1. Instructions:

This form shall be completed in full and signed by an eligible mining engineer, geologist or geoscientist (holding a bachelor’s degree from a reputable university or school of mines) and the Exploration Licence Titleholder’s manager. This form shall be attached to the Exploration Licence Annual Report. On this form report only matters pertinent to the Mineral Title registration code number reported above. Use a separate reporting form and report for each registered Exploration Licence (combined reports are not permissible).

This form and its accompanying report shall be submitted annually within 3 (three) month following the end of a dry season. Failure to submit a complete annual report may result in the revocation of the Licence.

The Exploration Licence Annual Report attached to this form shall describe all Exploration Operations, discoveries and results and be in such form and contain such information as may be specified in guidelines available from the Mining Cadastre Office.

2. Exploration Licence Titleholder details:

Name:

(Hereinafter referred to as the “Titleholder”) whose registered office in South Sudan is at

Address:

City:

State:

Postal Code:

County:

Phone number:

Mobile:

Fax number
(if any):

Email address:

3. Attestation

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I HEREBY ATTEST THAT THE EXPLORATION LICENCE ANNUAL REPORT ATTACHED TO THIS FORM WAS PREPARED UNDER OUR SUPERVISION. THE INFORMATION AS PROVIDED ABOVE AND IN THE ATTACHED REPORT IS TRUTHFUL AND SUBSTANTIALLY ACCURATE IN ALL ITS MATERIAL DETAILS.

Authorised officer or director :

Name:

Signature:



Position:

Phone number:

Mobile:

Fax number (if any):

Email address:

Address:

Geologist/Geoscientist/Mining
Engineer's name:

Geologist/Geoscientist/Mining
Engineer's title:

University name and country where degree in a geological science or mining engineering was
awarded:

University:

Country:

Degree:

Geologist's/Geoscientist's/Mining
Engineer's signature:

Phone number:

Mobile:

Fax number (if any):

Email address:

Address:

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

147. FORM AR-4: Small-Scale Mining Licence Annual Report

(Regulation 37 of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Small-Scale Mining Licence Registration Code No.:

Dated seal here

Year

Date report received:

Day

Month

Year

Attestation has been signed (*tick option*):

Yes

No

(Note: if attestation signature is absent, the report cannot be accepted)

Report is confirmed complete:

Receiving Officer's name:

Receiving Officer's signature:

1. Instructions:

This form shall be completed in full and signed by the Small-Scale Mining Licence Titleholder or director of the Small-Scale Mining Licence Titleholder and by its Mine Manager. This form shall be attached to the Small-Scale Mining Licence Annual Report. On this form report only matters pertinent to the registration code number reported above. Use a separate reporting form and a separate report for each registered Small-Scale Mining Licence (combined reports are not permissible).

This form and its accompanying report shall be submitted annually on or before March 1. Failure to submit a complete annual report may result in the revocation of the Licence.

The Small-Scale Mining Licence Annual Report attached to this form shall be in such form and contain such information as may be specified in guidelines available from the Mining Cadastre Office and describe all Exploration Operations, discoveries, reserve estimates, Mineral Product production and sales on a monthly and Calendar Year basis, rent and royalties paid, changes in Mining Operations, the Mine Manager’s name and contact details, accidents and any other information as may be required.

2. Small-Scale Mining Licence Titleholder details:

Name:

(Hereinafter referred to as the “Titleholder”) whose registered office in South Sudan is at

Address:

City:

State:

Postal Code:

County:

Phone number:

Mobile:

Fax number
(if any):

Email address:

3. Attestation

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I HEREBY ATTEST THAT THE SMALL-SCALE MINING LICENCE ANNUAL REPORT ATTACHED TO THIS FORM WAS PREPARED UNDER OUR SUPERVISION. THE INFORMATION AS PROVIDED ABOVE AND IN THE ATTACHED REPORT IS TRUTHFUL AND SUBSTANTIALLY ACCURATE IN ALL ITS DETAILS.

Manager’s title :

Manager’s name:

Signature:

Date:

Position:

Phone number:

Mobile:

Fax number (if any):

Email address:

Address:

Titleholder (or Authorised
Director's) name:

Titleholder (or Authorised
Director's) signature:

Phone number:

Mobile:

Fax number (if any):

Email address:

Address:

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

148. FORM AR-5: Large-Scale Mining Licence Annual Report

(Regulation 48 of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Large-Scale Mining Licence Registration Code No.:

Dated seal here

Year

Date report received:

Day

Month

Year

Attestation has been signed (*tick option*):

Yes

No

(Note: if attestation signature is absent, the report cannot be accepted)

Report is confirmed complete:

Receiving Officer's name:

Receiving Officer's signature:

1. Instructions:

This form shall be completed in full and signed by an authorised director of the Large-Scale Mining Licence Titleholder and by its Mine Manager. This form shall be attached to the Large-Scale Mining Licence Annual Report. On this form report only matters pertinent to the registration code number reported above. Use a separate reporting form and a separate report for each registered Large-Scale Mining Licence (combined reports are not permissible).

This form and its accompanying report shall be submitted annually on or before March 1. Failure to submit a complete annual report may result in the revocation of the Licence.

The Large-Scale Mining Licence Annual Report attached to this form shall be in such form and contain such information as may be specified in guidelines available from the Mining Cadastre Office and describe all Exploration Operations, discoveries, reserve estimates, Mineral Product production and sales on a monthly and Calendar Year basis, rent and royalties paid, changes in Mining Operations, the Mine Manager’s name and contact details, accidents, status of Community Development Agreements and any other information as may be required.

2. Large-Scale Mining Licence Titleholder details:

Name:

(Hereinafter referred to as the “Titleholder”) whose registered office is at

a. If in South Sudan

Address:

City:

State:

Postal Code:

County:

Phone number:

Mobile:

Fax number
(if any):

Email address:

b. If outside South Sudan

Address:

City:

State:

Postal Code:

Country:

Phone number:

Mobile:

Fax number
(if any):

Email address:

3. Attestation:

(Note: when any attestation provided in this form is found to be false, the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I HEREBY ATTEST THAT THE LARGE-SCALE MINING LICENCE ANNUAL REPORT ATTACHED TO THIS FORM WAS PREPARED UNDER OUR SUPERVISION. THE INFORMATION AS PROVIDED ABOVE AND IN THE ATTACHED REPORT IS TRUTHFUL AND SUBSTANTIALLY ACCURATE IN ALL ITS DETAILS.

Manager's title :

Manager's name:

Signature:

Date:

Address:

City:

State:

Postal Code:

County:

Phone number:

Mobile:

Fax number

(if any):

Email address:

Titleholder (or Authorised
Director's) name:

Signature:

Date:

Address:

City:

State:

Postal Code:

County:

Phone number:

Mobile:

Fax number

(if any):

Email address:

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

149. FORM AR-6: Annual Employment and Training Report

(Regulation 77 of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Mining Licence Registration Code No.:

Dated seal here

Calendar year being reported:

Date report received:

Day

Month

Year

Attestation has been signed (*tick option*):

Yes

No

(Note: if attestation signature is absent, the report cannot be accepted)

Report is confirmed complete:

Receiving Officer's name:

Receiving Officer's signature:

1. Instructions:

This form shall be completed in full and signed by the Mining Licence Titleholder's Manager. This form shall be attached to the Employment and Training Annual Report. On this form report only matters pertinent to the registration code number reported above. Use a separate reporting form and a separate Employment and Training Report for each registered Mining Licence (combined reports are not permissible). This report is to be submitted annually during the term of the Mining Licence, no later than February 1.

The Employment and Training Report shall consist of: --

1. A cover page titled "Employment and Training Report", containing the Licence Year being reported, the Mining Licence registration code number, and the Mining Licence Titleholder's name.
2. A Section titled "Employment Information" wherein the following information as of the last day of the Licence year is provided:
3. the total number of the Mining Licence Titleholder's employees;
 - a. a breakdown of the total number of employees into the following categories: unskilled, skilled, clerical, technical and management;
 - b. the number and percentage of employees in each of the above categories who are South Sudanese;
4. a description of how in the coming year the Mining Licence Titleholder intends to reduce the number of employees who are not South Sudanese and the same information shall be reported for each contractor who undertakes substantial Mining Operations on behalf of the Mining Licence Titleholder.
5. A Section titled "Training Program Summary" describing in detail:
 - a. the Mining Licence Titleholder's training programs during the prior Licence Year;
 - b. any training done in fulfilment under obligations of the Mining Licence Titleholder's Community Development Agreement(s);
 - c. whether the training programs met the objectives set out in the prior Licence Year's Proposed Training Program, and if not, why not;
 - d. an estimate of the money spent by the Mining Licence Titleholder on training; and
 - e. any other information the Mining Licence Titleholder wants to include.
6. A Section titled "Proposed Training Program" describing in detail:
 - a. the Mining Licence Titleholder's training program plan for the next Licence Year;
 - b. specific training objectives and metrics to measure whether such objectives are being met;
 - c. the amount of money budgeted to implement the training program plan;
 - d. specific objectives hoped to be achieved; and
 - e. any other information the Mining Licence Titleholder wants to include.

2. Large-Scale Mining Licence Titleholder details:

Name:

(Hereinafter referred to as the "Titleholder") whose registered office in South Sudan is at

Address:

City:

State:

Postal Code:

County:

Phone number:

Mobile:

Fax number
(if any):

Email address:

3. Attestation:

(Note: when any attestation provided in this form is found to be false, the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I HEREBY ATTEST THAT THE ANNUAL EMPLOYMENT AND TRAINING REPORT ATTACHED TO THIS FORM WAS PREPARED UNDER MY SUPERVISION. THE INFORMATION AS PROVIDED ABOVE AND IN THE ATTACHED REPORT IS TRUTHFUL AND SUBSTANTIALLY ACCURATE IN ALL ITS DETAILS.

Manager's title :

Manager's name:

Signature:

Date:

Address:

City:

State:

Postal Code:

County:

Phone number:

Mobile:

Fax number
(if any):

Email address:

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

150. FORM AR-7 State Mineral Resources Advisory Coordination Committee

(Section 17 of the Mining Act, 2012 and (Regulation 16, 30 and 40 of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Type of Licence:

Dated seal here

Licence Registration Code Number:

Date report received:

Day

Month

Year

Report is confirmed complete:

Report results recorded in the
Licence Register On:

Receiving Officer's name:

Receiving Officer's signature:

1. Instructions:

This form shall be completed in full and signed by the Chairman of the State Mineral Resources Advisory Coordination Committee or his or her authorised representative. The committee shall report on this form whether it advises the approval of a Mineral Title application or its disapproval. If the Committee recommends disapproval the Committee should attach a detailed explanation. On this form report only matters pertinent to the application registration code number reported above. Use a separate reporting form for each registered application (combined reports are not permissible). The form shall be submitted to the Mining Cadastre Office.

2. This report addresses the following type of application: (tick option)

- Exploration Licence
- Small-Scale Mining Licence (not emergent from Exploration Licence)
- Large-Scale Mining Licence (not emergent from Exploration Licence)

3. State Mineral Resources Advisory Coordination Committee details

List all States whose State Mineral Resources Advisory Coordination Committees participated in this report

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

Date Mineral Title application registered: Day Month Year

Date meeting notice sent to State Mineral Resources Advisory Coordination Committee: Day Month Year

Date meeting held: Day Month Year

Quorum (at least 4 members of the committee): yes no

Committee meeting chaired by:

4. Decision of the Committee

I, the Chairman of the above Committee(s), attest that the decision of the Committee(s) was to advise the Minister to (please tick option):

approve the application

reject the application*

*If rejected, attach a detailed explanation of why.

Chairman's name:

Chairman's signature:

Date:

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

151. FORM AR-8: Large-Scale Mining Licence Monthly Report

(Regulation 48 of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Large-Scale Mining Licence Registration Code No.:

Dated seal here

Year Month

Date report received:

Day

Month

Year

Attestation has been signed (*tick option*):

Yes

No

(Note: if attestation signature is absent, the report cannot be accepted)

Report is confirmed complete:

Receiving Officer's name:

Receiving Officer's signature:

1. Instructions:

This form shall be completed in full and signed by an authorised director of the Large-Scale Mining Licence Titleholder and by its Mine Manager. This form shall be attached to the Large-Scale Mining Licence Monthly Report. On this form report only matters pertinent to the registration code number reported above. Use a separate reporting form and a separate report for each registered Large-Scale Mining Licence (combined reports are not permissible).

This form and its accompanying report shall be submitted monthly, not later than three (3) calendar days after the month end. Failure to submit a complete monthly report may result in the revocation of the Licence.

The Large-Scale Mining Licence monthly Report attached to this form shall be in such form and contain such information as may be specified in guidelines available from the Mining Cadastre Office and describe all Exploration Operations, discoveries, reserve estimates, Mineral Product production and sales for the month, rent and royalties paid, changes in Mining Operations, the Mine Manager’s name and contact details, accidents, status of Community Development Agreements and any other information as may be required.

2. Large-Scale Mining Licence Titleholder details:

Name:

(Hereinafter referred to as the “Titleholder”) whose registered office is at

a. If in South Sudan

Address:

City:

State:

Postal Code:

County:

Phone number:

Mobile:

Fax number
(if any):

Email address:

b. If outside South Sudan

Address:

City:

State:

Postal Code:

Country:

Phone number:

Mobile:

Fax number
(if any):

Email address:

3. Attestation:

(Note: when any attestation provided in this form is found to be false, the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I HEREBY ATTEST THAT THE LARGE-SCALE MINING LICENCE MONTHLY REPORT ATTACHED TO THIS FORM WAS PREPARED UNDER OUR SUPERVISION. THE INFORMATION AS PROVIDED ABOVE AND IN THE ATTACHED REPORT IS TRUTHFUL AND SUBSTANTIALLY ACCURATE IN ALL ITS DETAILS.

Manager's title :

Manager's name:

Signature:

Date:

Address:

City:

State:

Postal Code:

County:

Phone number:

Mobile:

Fax number

(if any):

Email address:

Titleholder (or Authorised
Director's) name:

Signature:

Date:

Address:

City:

State:

Postal Code:

County:

Phone number:

Mobile:

Fax number

(if any):

Email address:

FIRST SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS, 2015

152. FORM I-1 Identification of Mineral Title Area

(Regulation 9, 16, 21, 30, 40 and the Fifth Schedule of the Mining (Mineral Title) Regulations)

OFFICIAL USE

Type of Licence:

Dated seal here

Licence Registration Code Number:

Date received:

Day

Month

Year

The Cadastral Coordinates define a Polygon in conformity with the Fifth Schedule to the Regulations
(tick option):

Yes

No

Comment:

The Mineral Title Area requested is equal to or less than the Mineral Title Area maximum size limit.
(tick option):

Yes

No

Comment:

The Mineral Title Area requested is equal to or greater than the Mineral Title Area minimum size limit.
(tick option):

Yes

No

Comment:

Report is confirmed complete:

Yes

No

Receiving Officer's name:

Receiving Officer's signature:



1. Instructions:

This form shall accompany any application for a Mineral Title and any application to relinquish or enlarge a Mineral Title Area, and it should be completed in full and in accordance with the Fifth Schedule to the Regulations. It is used to identify the approximate size of the Mineral Title Area in CUs and the Cadastral Coordinates defining a Polygon that officially delineates the Mineral Title Area boundaries. A map plan of the Mineral Title Area is also required and is used for illustrative purposes only; such plan does not legally define a Mineral Title Area. The allowable maximum and minimum sizes of a Mineral Title Area are shown in the table below.

Note: the official boundaries of a Mineral Title Area are the straight-lines that connect the Cadastral Coordinates defining the vertices of the Polygon-shaped Mineral Title Area. Areas are calculated either in sq. km or cadastral units (CUs).

Mineral Title	Maximum area	Minimum area
Reconnaissance Licence	117,598 CUs	47 Cus
	~25,000 sq. km	~10 sq. Km
Exploration Licence	11,760 CUs	47 CUs
	~2,500 sq. km	~10 sq. Km
Small-Scale Mining Licence	5 CUs	5 Cus
	~1 sq. km	~1 sq. km
Small-Scale Mining Licence for State Natural Resources	5 Cus	5 CUs
	~1 sq. km	~1 sq. km
Large-Scale Mining Licence	no more than 235 Cus	no less than 5 cadastral Units
	no more than to cover the proposed mining area reasonably required for surface and or underground mining and treatment facilities and also to cover the proven, indicated and inferred resources with a maximum of ~50 km ²	no less than ~1 sq. km
Exploration and Mining Agreement	11,760 CUs	47 CUs
	~2,500 sq. km	~10 sq. Km
Artisanal Mining Licence	5 CUs	5 Cus
	~1 sq. km	~1 sq. km

Use a separate application form and a separate First Schedule Form I-1 [*Identification of Mineral Title Area*] for each application.

2. This form is being submitted for the following purpose (tick one option):

- Reconnaissance Licence Application
- Exploration Licence Application
- Small-Scale Mining Licence Application
- Large-Scale Mining Licence Application
- Retention Licence Application

- | | |
|------------------------------------|--------------|
| Relinquish Exploration Area | Licence No.: |
| Relinquish Small-Scale Mining Area | Licence No.: |
| Relinquish Large-Scale Mining Area | Licence No.: |
| Enlarge Large-Scale Mining Area | Licence No.: |

3. Submitter's Details

Titleholder (or Authorised Director's) name:

Signature:

Date:

Address:

City:

State:

Postal Code:

County:

Phone number:

Mobile:

Fax number
(if any):

Email address:

4. Mineral Title Area

State(s) where the Mineral Title Area is located

State 1:

State 2:

State 3:

5. County(ies) where the Mineral Title Area is located

County 1:

County 2:

County 3:

6. Payam(s) where the Mineral Title Area is located

Payam 1:

Payam 2:

Payam 3:

7. Mineral Title Area

Area may be calculated based on the Cadastral Unit estimation system below or using an electronic geographic information system (GIS) used or approved by the Mining Cadastre Office (*tick one option*)

Unit System

GIS System

Unit system

Cadastral Units before this request:

+ Cadastral Units to be added (enlargement): +

- Cadastral Units to be let go (relinquish): -

Cadastral Units (if request approved): =

x 0,2

Approximate area (CUs):

8. GIS System:

Describe the GIS system used:

Approximate area (CUs.):

10. Plan of area.

For illustrative and general orientation purposes only, a plan of the proposed area is required but shall not be used as a basis for the establishment of any Mineral Title Area. The establishment of a Mineral Title Area shall be based solely on Cadastral Coordinates defining a Polygon of Cadastral Units.

Attach a plan showing the location of the proposed Mineral Title Area drawn at a scale sufficient to show important detail; it should include:

- a. a title indicating the type of Mineral Title, the State(s) in which the Mineral Title Area is located and name of the applicant for or Titleholder of the Mineral Title to which the area relates;
- b. the boundaries of the proposed Polygon defining the Mineral Title boundary if the application is approved;
- c. if the application to which this form relates is for enlargement or relinquishment of area relating to an existing Mineral Title, the boundaries of the existing Mineral Title and the boundaries should the application be approved;
- d. a scale, either in the form of a scale bar or a ratio (e.g. 1:50,000);
- e. labelled graticules showing latitude and longitude and UTM (Universal Transverse Mercator) grid coordinates zone 35 North (for maps substantially west of longitude 30 degrees East) or UTM zone 36 North (for maps substantially east of longitude 30 degrees East), on WGS-84 datum;
- f. an arrow indicating true north;
- g. place names and any notable topographical features;
- h. roads, rivers, landmarks, habitation and other information that may aid location identification.

SECOND SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM AND MINING

THE MINING ACT, 2012

MINING (MINERAL TITLE) REGULATIONS 2015

153. Fees

Table 1

SSP

Reconnaissance Licence	
Application Processing Fee	28.000
Registration Fee	1.400

Table 2

Exploration Licence	
Application Processing Fee	30.000
Registration Fee	1.500
Base Amount per CU (for calculating minimum expenditure)	42,50
Annual Rent per CU (~20SSP/ km2)	4,30
Exploration Licence Term Renewal Application Processing Fee: (1st renewal)	45.000
Exploration Licence Term Renewal Application Processing Fee: (2nd renewal)	90.000
Late Application Term Renewal Filing Fee (1st renewal)	22.500
Late Application Term Renewal Filing Fee (2nd renewal)	45.000
Renewal Registration Fee (1st renewal)	2.250
Renewal Registration Fee (2nd renewal)	4.500
Application for Exploration Licence Relinquishment Processing Fee	6.000
Registration Fee for Relinquishment	300
Application for Exploration Licence Suspension Processing Fee	9.000
Registration Fee for Suspension	450

Table 3

Small-Scale Mining Licence	
Application Processing Fee	20.000
Registration Fee	1.000
Annual Rent per CU (~2500SSP/ km2)	532
Application for Term Renewal Late Filing Fee	10.000
Application for Term Renewal Processing Fee	10.000
Renewal Registration Fee	500
Application for Small-Scale Mining Licence Relinquishment Processing Fee	10.000
Registration Fee for Relinquishment	2.000

Table 4

Large-Scale Mining Licence	
Application Processing Fee	100.000
Registration Fee	10.000
Annual Rent per CU (~5000SSP/ km2)	1.063
Application for Term Renewal Processing Fee	100.000
Application for Late Term Renewal Filing Fee	50.000
Renewal Registration Fee	20.000
Application for Large-Scale Mining Licence Relinquishment Processing Fee	50.000
Registration Fee for Relinquishment	10.000
Area Enlargement Processing Fee	50.000
Enlargement Registration Fee	10.000

Table 5

Exploration and Mining Agreement	
Exploration and Mining Agreement Negotiations Process Application Fee	50.000
Exploration and Mining Agreement Registration Fee	10.000

Table 6

Licence Consolidation	
Application to Consolidate (Small-Scale) Mining Licences Processing Fee	10.000
Consolidation Registration Fee	2.000
Application to Consolidate (Large-Scale) Mining Licences Processing Fee	50.000
Consolidation Registration Fee	10.000

Table 7

Conversion	
Application to Convert a Licence Processing Fee	20.000
Conversion Registration Fee	4.000

Table 8

Mineral Title Transfer Application Processing Fee	
Exploration Licence	9.000
Small-Scale Mining Licence	6.000
Large-Scale Mining Licence	30.000

Table 9

Mineral Title Transfer Registration Fee	
Exploration Licence	1.800
Small-Scale Mining Licence	1.200
Large-Scale Mining Licence	6.000

Table 10

Surrender	
Application Processing Fee	10.000
Registration Fee	2.000

Table 11

Retention Licence	
Application Processing Fee	10.000
Registration Fee	2.000

Table 12

Miscellaneous	
Certified copy of any Mineral Title	250
Certified Copy/Extract of any File or Account Record per page	15

***Unless otherwise noted in the Regulations, all fees and payments in these tables are non-refundable and are to be paid at, or remitted to a dedicated treasury account.**

Table 13: Minimum Exploration Operations Expenditure* required per CU of Exploration Area

Licence Year	Factor
1	1 x base amount**
2	2 x base amount
3	3 x base amount
4	4 x base amount
5	5 x base amount
6 to 10	10 x base amount
10 to 15	20 x base amount

***all fees and payments in this table are non-refundable and are to be paid at, or remitted to a dedicated treasury account**

**** Base Amount see Table 2**

THIRD SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM, MINING

THE MINING ACT, 2012

THE MINING (MINERAL TITLE) REGULATIONS 2015

154. Annual Rent

	SSP per CU
Exploration Licence	4,30
Small-Scale Mining Licence	532
Large-Scale Mining Licence	1063

FOURTH SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM, MINING

THE MINING ACT, 2012

THE MINING (MINERAL TITLE) REGULATIONS 2015

155. Royalty Rates by assessed Minerals

Factor	Mineral
1	
2	Uranium,
3	
3,3	Precious Stones
4	
5	
6	Gold, PGM
7	
8	
9	Coal
10	Copper, Chrome, others
11	Construction material
12	
15	
20	

FIFTH SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM, MINING

THE MINING ACT, 2012

THE MINING (MINERAL TITLE) REGULATIONS 2015

156. Designation of Mineral Title Area

(Section [198] of the Mining Act, 2012 and Regulations 101 and 102 of the Mining (Mineral Title) Regulations)

(1) Cadastral system

- (a) For the purpose of establishing a cadastral system for Mineral Titles, Mineral Title applications and Mineral Resource Reserves under these Regulations, the entire surface of South Sudan is divided into Cadastral Units and specified in geographical coordinates of latitude and longitude on the WGS-84 datum.
- (b) For the purposes of area calculation a Cadastral Unit is deemed to have an area of 0,212588 square kilometres.
- (c) Applications specifying polygons that do not conform to the Cadastral Graticule established by sub-section 2(a) of this Schedule or do not conform to the specifications set out on sub-section 5 below shall not be accepted.

(3) Requirements for applications for Mineral Titles

- (a) Subject to the provisions of the Regulations, an applicant for a Mineral Title shall

submit in First Schedule Form I-1 [Identification of Mineral Title Area] to the Mining Cadastre Office:

- (i) the Cadastral Coordinates of all the vertices of the Polygon defining the Mineral Title Area being applied for, conforming to the Cadastral Graticule established under this Schedule, and

(ii) the approximate size of the Mineral Title Area in square kilometres either

calculated as the number of Cadastral Units times the deemed area of a Cadastral Unit or derived by an electronic geographic information system used or approved by the Mining Cadastre Office;

(b) the Cadastral Coordinates to be submitted by an applicant for a Mineral Title shall be

integer multiples of 15 seconds corresponding to the Cadastral Graticule and Polygons that do not conform to the Cadastral Graticule shall not be accepted.

(c) an application for a Mineral Title shall not include two or more isolated Polygons, Polygons in contact by only one vertex, or Polygons containing empty spaces.

(d) an application for Mineral Title shall include an integer number of Cadastral Units,

and no partial Units shall be allowed.

(e) where a Cadastral Unit subject to a Mineral Title application overlaps the national

borders or the boundaries of an area closed to mineral operations by Applicable Law, the shape and dimensions of the affected Cadastral Unit shall not be modified, but that part which is outside the national border or that is closed to mineral operations shall be deemed not to be part of the Mineral Title Area; and

(f) where a calculation is based on the number of Cadastral Units, such calculation shall

be based on entire Units irrespective of whether any part of any of the Cadastral Units is deemed not to be part of a Mineral Title Area.

SIXTH SCHEDULE

REPUBLIC OF SOUTH SUDAN

MINISTRY OF PETROLEUM, MINING

THE MINING ACT, 2012

THE MINING (MINERAL TITLE) REGULATIONS 2015

Guidelines should be prepared by the Directorate of Mineral Development for the preparation of all reports required to be prepared by Titleholders. An example is provided below:

157. Guideline for Exploration Licence Annual Report Organisation and Content

- (1) An Exploration Licence Annual Report shall,
 - (a) be written on a good grade of bond paper, with each page of text numbered;
 - (b) consist of (A4) size pages, except for drill logs, graphs, maps or other illustrations, which will be presented at a size and on a scale sufficient to show clearly all material information which the map, log, graph or illustration purports to show (a “Sufficient Size and Scale”);
 - (c) where these Regulations require inclusion of a map, log, graph or other illustration, such map, log, graph or other illustration shall be presented at a size and on a scale sufficient to show clearly all material information which the map, log, graph or illustration is required to show (a “Sufficient Size and Scale”)
 - (d) include digital copies of all data, maps, logs, graphs and illustrations in formats which can be easily imported into commonly used GIS or graphics software as appropriate
 - (e) express all measurements and map scales in metric units;
 - (f) be bound in durable binders that permit easy removal of the text; and
 - (g) be attested by a eligible geologist, geoscientist or a mining engineer (with experience in exploration and holding a bachelor’s degree or equivalent from a reputable university or school of mines) at the end of the report with the following words - "I certify that the work has been carried out under my supervision and this is an accurate report of the results obtained".
- (2) Exploration Licence annual reports on separate Exploration Licences or groups of contiguous Exploration Licences shall be bound in separate binders.

(3) An Exploration Annual Report shall contain the following information in the following order:

(a) on the front cover of the binder:

- (i) title of report giving the name of the Exploration Licence Titleholder for whom the work was performed, the Exploration Licence registration code number, the State(s) in which the Exploration Area is located, the name(s) and qualifications of the primary author(s) of the report and the Licence Year covered.

Example

Exploration Licence Annual Report
of Work Carried Out From January 2011 to December 2011
For Exploration Licence No. xxxxx

State of xxxx

by

John Smith, B.Sc. (Hons) (Geology)

for

Ace Exploration Corporation

February 2012

- (b) on the first page of the text:
 - (i) the information required in Regulation (3) of this Regulation;
 - (ii) the signature of the author(s) and date of the report;
- (c) table of contents which shall include:
 - (i) a list of each principle subdivision of the text with the corresponding page number;
and
 - (ii) a list of each appendix, plan, map, diagram, figure or other illustration by title and number indicating the corresponding number or location in the report;
- (d) executive summary;
- (e) an introduction that shall include:
 - (i) property index map clearly showing the boundaries of the Exploration Area in relation to recognisable topographic features;
 - (ii) a work index showing the location of the work performed, including the grid area or the area mapped, in relation to recognisable topographic features; and

- (iii) a brief description of the geographic and geologic setting of the Exploration Area, present land use, and the means of access to it;
- (iv) a brief description of previous work; and
- (v) the purpose and scope of present work;
- (f) summary of the results of the present work that should include detailed:
 - (i) technical data;
 - (ii) interpretations;
 - (iii) conclusions; and
 - (iv) Recommendations drawn from the results.
- (4) The detailed technical data required for all areas where such work is performed are as follows:
 - (a) for grid establishment, a map or maps showing the location of each established line;
 - (b) for photo geological or remote imagery interpretation:
 - (i) a review of the procedures, year and scale of air photographs/remote sensing data used, name of company that undertook the flying or source of air photographs/remote sensing data; the results and the interpretation of the results; and
 - (ii) maps, photographs or diagrams illustrating results and interpretations;
 - (c) for geological survey:
 - (i) a comprehensive review of all geological and mineralisation aspects observed (surface and subsurface) and results of sampling and assaying, relating these aspects to previous work where applicable;
 - (ii) a map or showing the outline of each outcrop/float boulders examined, rock types, attitudes of bedding and structures, mineralisation, sample locations and assay results and a table of formation; and
 - (iii) such other tabulated data, maps, graphs, profiles or sections as may be useful in presenting the results of work;
 - (d) for general prospecting of ground:
 - (i) a typed or hand-written description of observations; and
 - (ii) a map or maps showing:
 1. the location of each traverse line;
 2. the location and result of each instrument reading made;
 3. the location and analysis or assay result of each sample taken; and
 - (iii) such other tabulated data, maps, graphs, profiles or sections as may be useful in presenting the results of work;

- (e) for geophysical survey:
 - (i) a description of the method of procedure followed, including components measured, units of measurement, units in which the results are presented, array, transmitter location, correction for diurnal variation, flight line interval, ground speed and terrain clearance, where applicable;
 - (ii) the make, model and specifications of each instrument used;
 - (iii) where the method used is new and not described in readily available literature, a summary of the underlying theory and a full description of the type of instrument used, the methods of measurement and data reduction and the results from test areas;
 - (iv) an interpretation and evaluation of the results, relating them to the geology and topography of the test area and to previous work;
 - (v) raw electronic data; and
 - (vi) such other tabulated data, maps, graphs, profiles or sections as may be useful in presenting the results of work;
- (f) for an airborne geophysical survey:
 - (i) the data required in Regulation (4)(e) of this Regulation; and
 - (ii) maps or profiles showing the flight lines and either the actual numerical values obtained or the results in contoured form, whichever is more appropriate; and
 - (iii) such other tabulated data, maps, graphs, profiles or sections as may be useful in presenting the results of work;
- (g) for a ground geophysical survey:
 - (i) the data required in Regulation (4)(e) of this Regulation;
 - (ii) maps or profiles showing the numerical values obtained and the source locations and providing basic data where filtered or smoothed data are used; and
 - (iii) such other tabulated data, maps, graphs, profiles or sections, showing the data in contoured form or otherwise, as may be useful in presenting the results of the work;
- (h) for an airborne geochemical survey:
 - (i) the flight line interval, ground speed and terrain clearance;
 - (ii) the meteorological conditions;
 - (iii) the results of control surveys over known ore and barren ground; and
 - (iv) such other tabulated data, maps, graphs, profiles or sections as may be useful in presenting the results of work;
- (i) for a ground geochemical survey:

- (i) a description of the land, vegetation and soil, including type of topography, maximum and minimum elevations, drainage, types of vegetation and types and depths of soil;
- (ii) a description of the sampling procedure, including details of the material or horizon sampled and of the sample depth;
- (iii) where bedrock has been sampled, a detailed description of the rock type, alteration, structures, mineralisation etc.;
- (iv) where “float” has been encountered, a detailed description as in (iii);
- (v) for analyses:
 1. the name of the laboratory or chemist who performed the analyses;
 2. the mesh size fraction of the sample;
 3. the name and concentration of the reagents used for extraction of each element analysed;
 4. a description of the chemical procedure for analysing the samples, describing new methods in detail; and
 5. where testing has been done in the field, a description of the procedure;
- (vi) an interpretation and evaluation of the results, relating them to the geology, mineralisation, topography and soil types etc. of the test area and to previous work;
- (vii) where fewer than six elements have been analysed, maps or profiles showing the source location of each sample with the corresponding element, the unit of measurement and the numerical value obtained;
- (viii) where six or more elements have been analysed:
 1. a complete tabulated list or computer printout of all analytical data with the corresponding sample coordinates and technical information collected on site;
 2. a map showing the source location of each sample referred to in clause (A); and
 3. where significant variations have been found in the analytical data, a map or maps showing the analytical data in raw or contoured form; and
- (ix) maps, graphs, sections or other illustrations showing data in contoured form or otherwise as may be useful in presenting the results of the work;
- (j) for trenching, stripping or excavation of pits:
 - (i) description of how the work was performed;
 - (ii) the dimensions of each trench, area of stripping or pit, including the overburden and depth of bedrock where exposed; and
 - (iii) map or maps showing:

1. the outline of each trench, area of stripping or pit;
 2. a brief geological description of the bedrock and overburden; and
 3. the source location and assay results of each sample assayed;
- (k) for drilling:
- (i) for each drill hole, the grid coordinates, dip and azimuth, core or hole diameter, date and name of the company that performed the drilling;
 - (ii) for all drill holes, the relative collar elevations;
 - (iii) results of dip tests and down hole surveys, where available;
 - (iv) complete and clearly legible logs of all core or cuttings, listing all observed mineralisation and signed by the logger;
 - (v) where assays were performed, the complete results clearly correlated with the logs;
 - (vi) where geophysical logging was performed, the logs;
 - (vii) for diamond drilling, the location of the core storage; and
 - (viii) such other tabulated data, maps, graphs, profiles or sections as may be useful in presenting the results of work;
- (l) for shaft sinking, tunnelling and other underground work:
- (i) a description of how the work was performed and results obtained;
 - (ii) maps and sections at a scale of 1:500 or more detailed, showing the location of the work performed, detailed geology and mineralisation; and
 - (iii) such other tabulated data, maps, graphs, profiles or sections as may be useful in presenting the results of work;
- (m) for sampling and assaying, metallurgical or beneficiation studies, and petrographic, petrologic or mineralographic studies:
- (i) a description of the procedure for sample collection and preparation;
 - (ii) a review of test or study procedures, and the test results and the interpretation of the test results;
 - (iii) a map or maps distinctly showing the source location of each sample and the corresponding analysis or assay where applicable;
 - (iv) for metallurgical beneficiation studies, charts or diagrams illustrating procedures and results; and
 - (v) such other tabulated data, maps, graphs, profiles or sections as may be useful in presenting the results of work;

- (n) computation of reserves, if applicable, should include the grade and tonnage, method of reserve computation and any such data that may be useful in presenting the results of work;
- (o) for a control survey or topographic mapping:
 - (i) a description of the survey procedure; and
 - (ii) an accurate traverse map showing the location of the survey in relation to the boundaries of the Exploration Area;
- (p) for road construction:
 - (i) a description of how the work was performed;
 - (ii) the length and width of the road; and
 - (iii) the work index map required in Regulation (5)(a) of this Regulation; and
- (q) for all ground surveys, a program for protection, reclamation and rehabilitation of any disturbed areas caused as a result of Exploration Operations.

(5) Maps

- (a) Maps and other illustrations submitted with an Exploration Annual Report shall:
 - (i) not exceed a size of an A0 size sheet;
 - (ii) be so uncluttered and have such large and clear printing or symbols that they remain readily decipherable upon being reduced twofold;
 - (iii) have a light background
 - (iv) use black pattern or black number coding, that may be combined with light colour coding;
 - (v) indicate orientation with respect to geographic north on every plan map and index map;
 - (vi) indicate scales of coordinates on sections, profiles or similar diagrams; and
 - (vii) where appropriate, indicate in their lower right corner their identifying title, and appropriate bar scale and a legend.
 - (r) All illustrations shall be consecutively numbered.
 - (s) Page size illustrations shall be bound securely in the binder and larger illustrations shall be folded and inserted in an envelope that is fastened securely to the bound text or contained with the bound text in an expanding file with cover flap.
- (6) The final Exploration Licence Annual Report (covering the final Licence Year of the Exploration Licence) should contain the following information:--
- (a) Executive summary.
 - (b) Introduction.
 - (c) Summary of previous work.

- (d) Geology and mineralisation.
- (e) Summary of Exploration Operations work undertaken.
- (f) Summary of res
- (g) Computation of ore reserves for each deposit.
- (h) List of Exploration and Mine Development expenditure.
- (i) Conclusions and rec

Issued under my hand in this day THU. of 05th of the month of MAR. the year 2015 AD

Signed 

Hon. Stephen Dhieu Dau
Minister
Ministry of Petroleum and Mining
Republic of South Sudan
Juba

