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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART I: SECTION (1) - GENERAL

Government Notifications

L.D.-B 3/92 (III)

THE MINES AND MINERALS ACT, NO. 33 OF 1992

REGULATIONS made by the President of the Democratic Socialist Republic of Sri Lanka under section 64 of the Mines and Minerals Act, No. 33 of 1992 read with section 34 of the aforesaid Act and section 51 of the Nineteenth Amendment to the Constitution of the Democratic Socialist Republic of Sri Lanka .

MAITHRIPALA SIRISENA
President.

Colombo,
07th July, 2019

REGULATIONS

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

(1) by the repeal of regulation 5 thereof and the substitution therefor of the following:-

“5. (1) (a) An application for an Industrial Mining Licence under categories “A”, “B”, “C” and “D” shall be made in person by the holder of an Exploration Licence, in respect of an area for which an Exploration Licence has been issued to such person by the Bureau which shall be substantially in form 3:1 hereto.

(b) An application for the renewal or the surrender of an industrial Mining Licence under –



- (i) category “A” or “B” as the case may be, shall substantially be in Form 3:2 hereto;
- (ii) category “C” or “D” shall substantially be in Form 3:3 hereto:
 Provided however, the Bureau may consider waiving of the requirement of an Exploration Licence for-
 - (a) building material except off-shore sand relating to an application for Industrial Mining Licence under category “A”, “B”, “C” or “D”; and
 - (b) shell beds, mica, quartz, lime stone, calcite, dolomite, ball-clay, kaolin, feldspar and silica sand relating to an application for Industrial Mining Licence under category “C” or “D”.
 - (c) An application for the transfer of an Industrial Mining Licence under category “A” or “B” and grant as security such industrial Mining Licence for any encumbrance shall substantially be in Forms 3:4 and 3:5 respectively hereto.
- (2) The area covered by an Industrial Mining Licence shall comprise the area of the deposit and such additional area as may be required for plant, equipment and as waste management area and other installations essential for mining operation.
- (3) (a) An Industrial Mining Licence under category “A” shall be valid for such period as may be determined by the Bureau, based on the documentation of mineral reserves established by the Economic Viability Report as specified in Form 10.
- (b) An Industrial Mining Licence under categories “B”, “C” and “D” shall be valid for a period of not more than one year subject to renewal.
- (c) The holder of an Industrial Mining Licence under category “A” may submit an application to the Bureau for the renewal of the licence for such period as may be determined by the Bureau, having regard to the documents submitted by the holder of such Licence relating to available reserves and its commercial production.
- (4) Every such application for an Industrial Mining Licence for the renewal or transfer of such Licence under categories “A” and “B” or an application to grant as security such Industrial Mining Licence for any encumbrance shall be accompanied by the fee as specified in regulation 35 and all documents relating to the operation, including the documents referred to in regulation 13.
- (5) An Industrial Mining Licence under categories “A”, “B”, “C” and “D” shall grant to the applicant, the entitlement to explore for, mine, wash, clean, mechanical break, sort, store, trade in and for industrial Mining Licence Category A with special authorization of the Bureau, to export, in compliance with terms and conditions of relevant authorized minerals mined within the area specified in the licence which shall be categorized as follows:-

Category “A” – which shall include any one or more of the following criteria:-

- (a) the blasting method shall be multi-bore holes using high explosives and more than five (5) electric detonators and five (5) bore holes at a time;
- (b) the depth of a bore hole shall be more than three (3) metres;
- (c) the production volume shall be more than two thousand (2,000) cubes per month;
- (d) the machinery permitted to be used by the Bureau shall be dredgers, Track-drills, jack hammers, compressors, rock breakers, front-end loaders, excavators and backhoe loaders;
- (e) any other machinery to be used as permitted by the Bureau;
- (f) the mining area shall be more than ten (10) hectares;
- (g) the depth of mine shall be more than twenty five (25) metres;
- (h) the diameter of a bore hole shall be more than forty two (42) mm.

Category “B” – which shall include any one or more of the following criteria:-

- (a) the blasting method shall be multi-bore holes using high explosives and shall not exceed five (5) electric detonators and five (5) bore holes;
- (b) the blasting method shall be multi-bore holes using detonating cord, or expansion by non-explosives;
- (c) the depth of a bore hole shall not exceed three (3) metres;
- (d) the machinery permitted to be used by the Bureau shall be dredgers, jack hammers, compressors, rock breakers, front-end loaders, excavators and backhoe loaders;
- (e) any other machinery to be used as permitted by the Bureau;
- (f) the production volume shall not exceed two thousand (2000) cubes per month;
- (g) the depth of the mine shall not exceed twenty five (25) metres;
- (h) the mining area shall not exceed ten (10) hectares;
- (i) the diameter of the bore hole shall not exceed forty two (42) mm.

Category “C” – which shall include any one or more of the following criteria: -

- (a) the blasting method shall be single shot hole;
- (b) the depth of a bore hole shall not exceed three (3) metres;
- (c) the production volume shall not exceed thousand (1000) cubes per month;
- (d) machinery permitted to be used by the Bureau shall be jack hammers, compressors, rock breakers, front-end loaders, excavators and backhoe loaders;
- (e) the mining area shall not exceed two (2) hectares and the depth of the mine shall not exceed twenty five (25)metres.

Category “D” – which shall include any one or more of the following criteria: -

- (a) the blasting method shall be single shot hole;
 - (b) the depth of a bore hole shall not exceed One Decimal Five (1.5) metres;
 - (c) the production volume shall not exceed five hundred (500) cubes per month;
 - (d) machinery permitted to be used by the Bureau shall be jack hammers with compressors, front-end loaders and excavators;
 - (e) the mining area shall not exceed two (2) hectares and the depth of the mine shall not exceed twenty five (25) metres.
- (6) (a) The Licensee shall within a period of eighteen (18) months of the granting of an Industrial Mining Licence under category “A” or “B” by the Bureau, commence commercial production, as defined in the approved Economic Viability Report.
- (b) Where a Licensee is unable to commence commercial production within the specified time period may negotiate with the Bureau for an extension to commence such commercial production.

- (c) In the event of a holder of an Industrial Mining Licence under categories “A” and “B” fails to commence commercial production within the specified time period or within such extended period as may be granted by the Bureau shall be liable to have the Industrial Mining Licence granted to him terminated by the Bureau.

(2) in regulation 13 –

- (a) by the repeal of sub-regulation (1) thereof and the substitution therefor of the following:-

“(1) An application for an Industrial Mining Licence of categories “A” and “B” shall be accompanied by –

- (a) an Economic Viability Report containing such particulars, plans and maps as are specified in form 10 hereto; and
- (b) a Mine Restoration Plan containing such particulars as are specified in form 10 hereto and approved by the Bureau prior to granting of the Industrial Mining Licence”;

- (b) by the insertion immediately after sub-regulation (1) thereof of the following:-

“(1A) An application for an Industrial Mining Licence of categories “C” and “D” shall be accompanied by a Mine Rehabilitation Plan containing such particulars as are specified in form 10A hereto and approved by the Bureau prior to granting of the Industrial Mining Licence.”;

(3) in regulation 35(1)-

- (a) by the substitution for the item

“Issuance and renewal of Artisanal Mining Licence:

Category “A” Rs. 2000/- ha.

Category “B” Rs. 1000/-ha”

of the following item:-

“Issuance and renewal of Artisanal Mining Licence:

Category “A” Rs. 5000/- per ha per year;

Category “B” Rs. 2000/-per ha per year. ”;

- (b) by the substitution for the item

“Issuance and renewal of an Industrial Mining Licence:

Category “A” Rs. 15000/- ha.

Category “B” Rs. 5000/-ha”

Category “C” Rs. 2500/-ha

of the following item:-

“Issuance and renewal of an Industrial Mining Licence:

Category “A” Rs. 50,000/- per ha per year;

Category “B” Rs. 30,000/-per ha per year;

Category “C” Rs. 10,000/-per ha per year;

Category “D” Rs. 5000/-per ha per year;

Offshore sand-50% of the registration fee of other licence categories.”;

- (4) by the repeal of Forms 3.1, 3.2, 3.2(a) and 3.3 and by the substitution thereof of the following Forms respectively :-

[Regulation 5(1)]
Form 3.1

“INDUSTRIAL MINING LICENCE

CATEGORY “A”, “B”, “C” OR “D”

APPLICATION

1. Exploration Licence No: (where applicable) :
2. Individual:
 - (a) Name of Applicant / Authorized Agent:
 - (b) National Identity Card No:
 - (c) Address:
 - (d) Nationality:
 - (e) Employment and Name of employer:
 - (f) In Sri Lanka:
 - (i) Place of Business:
 - (ii) Residence:
3. Corporation (if Exploration Licensee, update of Form 2.1)
 - (a) Name of Company / Partnership:
 - (b) Country of Incorporation:
 - (c) Head Office/ Principal place of Business:
 - (d) In Sri Lanka – Address of Registered Company / Agent:
 - (e) Legal / Financial Data:
 - (i) Capitalization:
 - (ii) Articles of Association (attach):
 - (iii) Last three years Annual Reports (attach) :
4. Technical / Professional Data: (for category A, B & C only)
 - (a) Licenced boundary Survey (also attach 1:50,000 location map and metric identification Form 2.3)
 - (b) Professional / Technical credentials of Project team (attach)
 - (c) Economic Viability Report as specified in Form 10 (attach)
5. Type of Industrial Mining Operation:
 - (a) Blasting Method:
 - (b) Depth of Bore hole:
 - (c) Production Volume:
 - (d) Machinery to be used:
 - (e) If mining underground, depth of shaft/pit (feet/metres):
 - (f) Type of explosives to be used:

6. Details of licence area:

- (a) Name of Land: (attach copy of Deed and Survey Plan)
- (b) Land owners' name (if not owned by applicant, attach lease Agreement or an affidavit)
- (c) Name of village in which in land is situated:
- (d) GramaNiladhari Division:
- (e) Divisional Secretary's Division:
- (f) Administrative District:

7. Detailed Mine Restoration Plan (attach)

8. Nature of amount of bound (if any)

9. Names of Mineral / Minerals to be mined:

10. Licence fee receipt (attach)

I, am the undersigned, do hereby certify that the statements contained in this application are true and correct to the best of my knowledge and undertake to comply with the provisions the Mines & Minerals Act, No. 33 of 1992, and the Regulation made thereunder.

Date:

Signature:

Mine Manager:

Industrial Mining LicenceNo :

Period of Validity :

Royalty Payable :

Authorization by Director General:

Signature:

Director General:

Date:

[Regulation 5(1)]
Form 3.2

INDUSTRIAL MINING LICENCE – “CATEGORIES “A”AND “B”

APPLICATION RENEWAL

(to be **submitted** at least 90 days prior to the date of expiry)

1. (i) Licence Category and No:
(ii) Date of Expiry
2. Terms of Renewal:
First: Second :..... Third :Fourth : Others:
3. Proof of continuing economic viability as specified in Form 10:
4. Licence Fee Receipt (attach) :
5. Submission of Quarterly Mine Information Summary

Year/ Quarter	Date submitted
.....
.....
.....

I, the undersigned, do hereby certify that the statements contained in this application are true and correct to the best of my knowledge and undertake to comply with the provisions the Mines & Minerals Act, No. 33 of 1992, and the Regulation made thereunder.

.....
Signature
(Mine Manager)

Renewal approved:
Period of Validity:
Royalty payable:
Authorization by Director:

Date:

.....
Signature
(Director General)

SURRENDER

All terms and conditions of the licence have been satisfied.

Director General:
Date:

[Regulation 5(1)]
Form 3.3

INDUSTRIAL MINING LICENCE CATEGORIES “C” AND “D”

APPLICATION FOR RENEWAL

(To be submitted at least 30 days prior to the date of expiry of licence)

1. Licence Details:

- (a) Name of licensee/ Company:
- (b) National Identity Card No. / Business Registration No :
- (c) Address:
- (d) Licence No.:
- (e) Validity Period From To
- (f) Renewal Term:First / Second/ Third/ Fourth / Fifth / Other (specify)
- (g) Mineral(s) mined under the licence.....
- (h) Name of land where mine is located:
- (i) Grama Niladhari Division:
- (j) Divisional Secretary's Division:
- (k) Administrative District:

2. Details of mining Activities:

- (a) Number of days of operation during the year:
- (b) No. of employees:
- (c) If rock blasting was done, give details of quantities of explosives obtained during the licence period (attached copies of explosives permits)

Explosives / Permit No.				
Ammonium Nitrate Kg.				
Gelegnite / dynamite Kg.				
Black Powder Kg.				

(d) Total quantity of rock / mineral (s) mined from the quarry / mine:

<i>Year</i>	<i>Quarter</i>	<i>Quantity (cubes/ m³ mT)</i>

3. Details of processed and value added products:

Year: Quarter (s) :

<i>Production Grade</i>	<i>Quantity (cubes/ m³ mT)</i>	<i>Total Value Rs.</i>
1.		
2.		
3.		

I, the undersigned, do hereby certify that the statements contained in this application are true and correct to the best of my knowledge and undertake to comply with the provisions the Mines & Minerals Act, No. 33 of 1992, and the Regulation made thereunder.

.....
Signature
(Mine Manager)

Renewal approved:

Period of Validity:

Royalty payable:

Authorization by Director:

Date:

.....
Signature
(Director General)

[Regulation 5(1)]
Form 3.4

INDUSTRIAL MINING LICENCE - CATEGORY “A”OR “B”

APPLICATION FOR TRANSFER

01. Licence No:

02. Name of Transfer:

03. Transferee Information:

(a) Individual:

(i) Name of Applicant/ Authorized Agent:

(ii) Address:

(iii) Nationality:

(iv) Profession:

(v) In Sri Lanka:

(a) Place of Business:

(b) Residence:

(b) Corporation:

(i) Name of Company / Partnership:

(ii) Country of Incorporation:

(iii) Head Office / Principal Place of Business:

(iv) In Sri Lanka – Address of Registered Company / Agent:

(v) Legal / Financial Data:

(a) Capitalization:

(b) Articles of Association (attach) :

(c) Last three years Annual Reports (attach):

04. Technical/ Professional Data:

(a) Metric designation of area requested:

(Attach 1:50,000 location map and Unit Identification form 2.3)

(b) Professional / Technical credentials of Project team (attach) :

(c) Economic Viability Report as specified in Form 10 (attach):

05. Terms and conditions of Transfer:

06. Licence Fee Receipt (attach) :

I, the undersigned, do hereby certify that the statements contained in this Application are true and correct to the best of my knowledge and undertake to comply with the provisions of the Mines and Minerals Act, No. 33 of 1992 and the Regulations made thereunder.

Witness:

Signature
 (Transferee)

Approval of Director General:

Date:

Signature
 (Director General)”;;

(5) by the insertion of following new Forms immediately after Form 3.4;

[(Regulation 5(1)]
Form 3.5

“INDUSTRIAL MINING LICENCE - CATEGORY “A”OR “B”

APPLICATION FOR SECURITY ENCUMBRANCE

01. Licence No:
02. (a) Name of Licensee:
 - (i) Individual:
 - (ii) Corporation:
- (b) Address:
03. Name of mortgagee / lessee / otherwise:
04. Name of beneficiary:
05. Contractual, Economic, Financial Terms and Conditions (attach):
06. Registration with Securities Authority (attach)
07. Certification by acquire of security (attach):
08. For prescribed minerals:
 - (a) Recommendations of Director General:
 - (b) Approval of Minister/ Relevant Minister:

I, the undersigned, do hereby certify that the statements contained in this Application are true and correct to the best of my knowledge and undertake to comply with the provisions of the Mines and Minerals Act, No. 33 of 1992 and the Regulations made thereunder.

Witness:

Signature

(Licensee)

Approval of Director General:

Date:

Signature

(Director General)”;

- (6) in Form 10, by the substitution for the words “INDUSTRIAL MINING LICENCE” of the words “INDUSTRIAL MINING LICENCE (ONLY FOR CATEGORIES“A” AND“B”) ” ;
- (7) by the insertion immediately after Form 10, the following new Form 10A;

[Regulation 13 (1)]
 Form (10A)

**“INDUSTRIAL MINING LICENCE FOR CATEGORIES ‘C’ AND ‘D’
 MINE AND REHABILITATION PLAN**

(Please tick whatever relevant to your site and cut off unnecessary)

1. Name and Address of the Project Proponent:
2. Project Detail:
 - (a) Type of mineral/minerals proposed for excavation -
 - (b) District -
 - (c) Divisional Secretary's Division -
 - (d) Village -
 - (e) GramaNiladhari Division -:
 - (f) Relevant Police Station -
 - (g) Dead No. -
 - (h) Plan No. -
 - (i) Land authenticity – Private/Crown Land/ Forest Land / Land Reform Commission/Wild Life/Mahaweli Development Authority/Other (Please specify)
 - (j) Land Extend of proposed Mining Area -
 - (k) GPS Location of the boundary (if available) -
3. Aim of the Project
 - (a) Supply of materials for development projects ☐
 - (b) Commercial Purpose ☐
 - (c) Preparation of land for cultivation / construction purposes/ Other (please specify) ☐
 - (d) Land stabilization to prevent embankment failure / land slide hazards ☐
 - (e) Other (please specify) ☐
4. Mine Development Activities:
 - (a) Development of access roads outside the land / inside the land ☐
 - (b) Removal of existing vegetation covers. (Please specify the type of vegetation) ☐
 - (c) Removal of top soil / Transportation of top soil ☐
 - (d) Establishment of plants and machineries ☐
 - (e) Establishment of Sanitary facilities ☐
 - (f) Other (please specify) ☐

5. Mine Production Activities:

- (a) Expected monthly production (cubes) -
- (b) Type of mining operation:
- Open cast ☐
- Under -ground ☐
- (c) Expected height / depth of excavation -
- (d) Expected mining Duration -
- (e) Bore-hole depth (applicable for quarrying activities only) -
- (f) Expected no. of blasts per day (applicable for quarrying activities only) -
- (g) Type of Machineries

<i>Description of Machinery</i>	<i>Type/Make</i>	<i>No .of units</i>
Backhoe loader		
Jack Hammer		
Compressor		
Frontend loader		
Scraper		
Trucks		

6. Processing Activity (If applicable):

- (a) Availability of crushing/ Grinding / Milling Plant: Yes/ No

- (b) Product details:

Particle size (mm)	General Identity	
20-15 or 22-17	$\frac{3}{4}$	<input type="checkbox"/>
15-10 or 17-12	$\frac{1}{2}$	<input type="checkbox"/>
10-5 or 12-5	Chip gal	<input type="checkbox"/>
Less than 5	Quarry dust	<input type="checkbox"/>

7. Marketing and Sales plan:

<i>Product description</i>	<i>Expected monthly Production (cubes)</i>	<i>Unit Price (Rs.)</i>	<i>Expected Income (Rs.)</i>
$\frac{3}{4}$			
$\frac{1}{2}$			
Chip gal			
Quarry dust			
Total Income (Rs.)			

8. Operational costs:

<i>Cost center</i>	<i>Cost per month (Rs.)</i>
Salaries and wages	
Transportation	
Operational cost of machineries	
Maintenance cost	
Health & Safety	
Environment protection	
Rehabilitation	
Total Expenditure	

Expected profit per month Rs.

9. Capital costs:

<i>Cost center</i>	<i>Cost (Rs.)</i>
Land	
Building	
Equipment	
Working capital	

10. Social and Environment impact study:

- (a) No. of human settlements with in 100m radius -
- (b) Other structures (tower/bridges/water tanks/others) with in 100m radius -
- (c) Surrounding land use Pattern – Natural forest/scrubs/cover crop/human settlements/factories/ paddy fields

- (d) Environmentally important features in close proximity such as rivers, streams, forests, etc.

- (e) Precautionary measures to minimize social and environmental impact

<i>Source Impact</i>	<i>Precautionary methods</i>
Noise	
Dust	
Ground Vibration	
Air Blast Over Pressure	
Water quantity	
Surface & ground water	
Road usage	
Effect on habitats	
Impact on plants and trees	
Sociological Impact	

11. Mine Rehabilitation Activities

- (a) Develop bench system for slope stability ☐
- (b) Filling out excavated pit ☐
- (c) Re-vegetation ☐
- (d) Establishing drainage system to avoid contaminated water flow to the surrounding ☐
- (e) Other (Please Specify) -

.....
.....
.....

.....
Signature of the Project Proponent

.....
Date”;

- (8) in Form 11 of regulation 13 (2), by the substitution for the words “INDUSTRIAL MINING LICENCE (FOR CATEGORY A, & B) of the words “INDUSTRIAL MINING LICENCE (ONLY FOR CATEGORIES “A”, “B” AND “C”)”.

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