

In the Name of Allah, the Gracious, the Merciful

THE MINES AND QUARRIES ACT (1972)

In accordance with the provisions of article 14 of the republican order No. 5 the president hereby makes the following act: ,

1. TITLE AND COMMENCEMENT

This Act may be cited as "The Mines and Quarries Act, 1972" and shall come into force on the date specified by the Minister by an order to be published in the Gazette.

2. REPEAL

The Mines & Quarries Ordinance 1950 is hereby repealed. All licenses and leases granted under the Mines and Quarries Ordinance 1950 and remaining in force at the date of the coming into force of this Act shall be deemed as if granted under this Act.

3. DEFINITIONS

In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them:

'The Government': means the Government of the Republic of Sudan;

'The Minister': means the Minister of Energy and Mining;

'The Board': means the Mines and Quarries Board set up under section 6 of this Act;

'Mine': means any land in, upon or under which operations are undertaken for the getting of any mineral other than Quarried Material;

'Mineral': includes all natural mineral substances (other than the agricultural surface of the land) including mineral waters lying in, upon or under land which are capable of use for manufacturing or mercantile purposes, but excludes petroleum as defined in the Petroleum Resources Development Act, 1958 or any other law which replaces it;

'Quarried Material': means rock, stone (including limestone), gravel, sand and clay;

'Quarry': means any land, in, upon or under which operations are undertaken (whether by surface or opencast working or otherwise) for the getting of quarried material.

4. OWNERSHIP OF MINERAL RESOURCES AND QUARRIED MATERIAL

Save as hereinafter mentioned, the property in all minerals and quarried materials lying in, upon or under land or under territorial waters or upon the continental shelf of the Republic of Sudan, is vested in the Government which shall have the exclusive right of prospecting for and getting such minerals.

5. PLAN FOR PROSPECTING AND DEVELOPING MINERALS

The council of Ministers shall prepare the plan for the prospecting and development of Mineral resources and quarried materials of the Republic of Sudan, and the Council may delegate its powers to a special committee of ministers.

6 THE MINES AND QUARRIES BOARD

6.1 There shall be constituted a Mines & Quarries Board which shall be responsible to the Minister for carrying out the provisions of this Act in accordance with the policy laid down by the Government. The Board shall submit its recommendations to the Minister who shall take decisions upon them.

6.2 The Board shall consist of the following:

The Under Secretary of the Ministry of Energy and Mining (The Director of the Geological Research Authority of Sudan shall act as chairman during his absence).	Chairman
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Director of the Geological Research Authority of Sudan	Member
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Director of the Industrial Development Department	Member
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Director of the Survey Department	Member
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Commissioner of Lands	Member
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Representative of Ministry of Planning	Member
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Representative of Ministry of Treasury	Member
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Representative of Ministry of Economics and Trade	Member
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Representative of Ministry of Interior	Member
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Representative of Ministry of Justice	Member
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Representative of Ministry of Local Government	Member
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Three further members among whom one member shall be from the Union of Industries to be appointed by the Minister for a term of two years, which may be renewed.

The Board shall have a permanent secretary for executing its decisions.

7. LICENCES AND MINING LEASES

7.1 The board may issue, subject to the approval of the Minister, the following licences and leases:

- a) A general prospecting licence, authorising the holder to enter upon and prospect for minerals in the licensed areas.
- b) An exclusive prospecting licence, authorising the holder to enter upon the licensed area for the purpose of undertaking geological, geophysical, and test drilling and the getting of samples for testing their quality and feasibility.
- c) A Mining Lease authorising the Lessee to get minerals from the area comprised in the lease by means of all available scientific methods, and to sell or dispose of the minerals produced by any method not inconsistent with the provisions of this Act or any other Act.
- d) A Quarrying licence authorising the holder to get quarried materials from a quarry as provided for in the licence and to sell them in accordance with the provisions of this Act or any other Act.
- e) A mining lease for salt or gypsum authorising the holder to get salt and gypsum from the area comprised in the lease and to market them in accordance with the provisions of this Act or any other laws.

7.2 The Board may delegate its powers to the Chairman or any regional authority in connection with kiln and quarrying licences for the getting of sand and gravel.

8. TERMS OF LICENCES AND MINING LEASES

Every licence or lease issued hereunder shall include the following particulars:

- a) The mineral or minerals or in the case of a quarrying licence the quarried materials in respect of which it is issued;
- b) The area or areas comprised therein;
- c) The period for which it is granted including any periods for which it may be renewed;
- d) The conditions subject to which it is granted;
- e) The consideration payable therefore.

9. COMPLAINT AGAINST DECISIONS OF THE BOARD

An applicant for or a holder of a licence or lease may submit a complaint to the Minister against the decision of the board and the decision of the Minister in this respect shall be final and shall not be liable to appeal before the courts.

10. SPECIAL LEASES AND CONCESSIONS

10.1 The Minister may after consultation with the Board enter into agreements for the getting of mineral deposits under special circumstances.

10.2 The Minister may grant special concessions under the Development and Promotion of Industrial Investment Act, 1972 to the Lessee in the areas where mining conditions and transportation are difficult or for any other considerations.

11. PENALTIES

- 11.1a** Whoever prospects for minerals (other than quarried materials) without being in possession of a valid prospecting licence issued hereunder shall be liable to a fine which may amount to £S. 500 or to imprisonment for a term which may extend to one year, or to both.
- 11.1b** Whoever mines or attempts to mine any mineral (other than quarried material) without being in possession of a valid exclusive prospecting licence or a mining lease issued hereunder in respect of that mineral and covering the area mined or attempted to be mined shall be liable to a fine, which may amount to £S. 500 or to imprisonment for a term, which may extend to one year, or to both.
- 11.1c** Whoever quarries materials without being in possession of a valid quarrying License-issued hereunder shall be liable to imprisonment for a term which may extend to three months or to a fine which may amount to £S. 100. Provided that it shall not be an offence for a natural person to quarry quarried materials without being in possession of such licence, if the quarried materials are required solely for his own personal use and not for gain or for use in or for the purpose of any business of his, and in such case person shall not require a quarrying licence hereunder.
- 11.1d** Whoever being in possession of a valid licence or lease issued hereunder, commits any breach of the terms or conditions of such licence or lease shall be liable to a fine which may amount to £S. 100 and in addition the licence or lease shall be liable to cancellation.
- 11.2** The property in any mineral got by any person otherwise than in accordance with the provisions of this Act shall, as between such person and the Government, remain vested in the Government and such mineral or its value (including any profit made on its realisation) shall be recoverable by the Government accordingly.

12. SAVINGS

Nothing in this Act contained shall prejudice or affect:-

- a) The existing and recognised customary rights of the native inhabitants of any part of the Sudan to get certain minerals in certain areas for their own benefit without grant or licence from the Government;
- b) The rights and liabilities under the existing law of private owners or occupiers of the surface of any land affected by the provisions of this Act in respect of such surface.

13. POWER TO MAKE REGULATIONS

- 13.1** The Minister may make regulations for carrying out the Provisions of this Act and for, the fulfilment of its aims.
- 13.2** Without prejudice to the generality of the aforesaid, the regulations may provide for:
- a) the persons or organisations by whom and the manner in which applications for, licences and leases under this Act may be made.

- b) the fees to be paid on any such application and the amount, which shall be allotted to training, research and development in mining activities.
- c) the financial obligations (by Royalties or otherwise) subject to which licences and leases shall be granted.

