

## TITLE I

### STATE OWNERSHIP AND MINERAL RIGHTS

#### Paragraph I. General Rules

##### ARTICLE 1:

The State has absolute, exclusive, inalienable and imprescriptible ownership of all mines, including natural guano deposits, metal bearing sands, salt deposits, coal and hydrocarbon deposits and fields and other fossil substances except surface clays, regardless of property rights of natural or legal individuals over lands wherein they may be found.

Any person is, however, entitled, under Paragraph 2 of this Title, to dig test pits and to remove samples in the search for mineral substances, as well as to establish a concession for the search or mining of substances over which, under organic constitutional laws, concessions may be granted, with the sole exception of individuals mentioned in article 22.

##### ARTICLE 2:

A mining concession is a real and immovable right, distinctive and independent from property rights over the surface tenements, although owned by the same individual. Said rights may be claimed against the State and any other person and may be mortgaged or subject to other real rights and, in general, all acts and contracts. Said concession is subject to the same civil laws as all other immovables or properties, except insofar as contrary to the provisions of the organic constitutional law on mining concessions of this Code.

A mining concession may be granted for exploring or exploiting, the latter is also known as a mining claim. Whenever this Code refers to a mining concession or concessions it shall be understood that it therewith encompasses both types of mining concessions.

##### ARTICLE 3:

Buildings, facilities and other objects to be permanently used by their owner in the search separation and extraction of mineral substances shall be considered as appendant immovables

##### ARTICLE 4:

Should the State consider it necessary to retain the exclusive right to explore or to exploit substances subject to concessions, it shall act through companies or enterprises in which it holds an interest and said companies shall create or acquire the corresponding concessions, provided they are empowered to act, under constitutional provisions, in said manner.

ARTICLE 5:

Metallic and non-metallic and, in general, all fossil substances regardless of their natural state, may be subject to concessions or claims, including those in the subsoil of maritime waters under national jurisdiction, to which access may be had, through tunnels, from land.

ARTICLE 6:

Discarded ore and wastes are appendant to the concession from which they are extracted and tailings and slags are appendant to the works of origin.

A mining concession may be granted on claimable mineral substances in deads, tailings and slags together with other mineral substances within the limits of the requested concession, after said concession has expired or the facilities have been abandoned. This right, however, cannot be exercised unless the deads, tailings and slags lie on free and unencumbered lands.

When the deads or tailings and slags meet the requirements set forth in the second subsection hereof and are within the limits of a claim, they shall become part thereof.

ARTICLE 7:

Liquid or gaseous hydrocarbons, lithium or deposits of any kind in maritime waters under national jurisdiction or deposits of any kind entirely or partly embraced by areas which, under law have been classified as important, for mining reasons, to national security shall be excluded from mining concessions, without prejudice to mining concessions validly granted prior to their exclusion or the resolution that classifies them as of importance to national security.

ARTICLE 8:

The exploration for or exploitation of substances which, pursuant to provisions in the preceding Article, may be excluded from mining concessions, shall be directly undertaken by the State or its enterprises or be the object of administrative concessions or special agreements, subject to requirements and conditions to be defined, in each case in a Supreme Decree of the President of the Republic.

ARTICLE 9:

Concessions may be created on the substances over which a concession may be granted, found in an ore bed or deposit, even though it contains excluded substances.

The State shall be notified as to the existence of substances over which a concession may not be granted, found during the exploration, exploitation or processing of substances mined from the concessions. The State may demand that producers separate from mining products the share or portion of excluded substances which exist, in significant amounts, in said products and which can be economically and technically reduced or separated, for delivery to or sale on behalf

of the State. Until such time as when the State makes such a demand, it shall be assumed, and no evidence to the contrary shall be admitted, that excluded substances do not exist in significant amounts in the mineral products referred to above.

The State shall reimburse, prior to delivery, the costs incurred by the producer for said reduction and delivery and, in addition thereto, the cost of modifying existing or building supplementary facilities required for said reduction or separation within the country, in which case, it shall also pay damages resulting from said changes and construction of supplementary facilities. The last named, shall become State property.

Producers failing to comply with obligations imposed by this article shall be subject to a fine, applied or assessed by a Judge and shall, in all other regards, be subject to provisions in.

In any event, should excluded substances, delivery whereof has been requested by the State pursuant to the second subsection hereof, be transferred, the fine shall be one fourth of the value of the transferred substances, without prejudice to the obligation to deliver the price thereof, free from any deduction.

Reference herein to the State shall, in the case of lithium, be construed as made to the Comisión Chilena de Energía Nuclear (Chilean Nuclear Energy Commission) and, in the case of liquid or gaseous hydrocarbons, to the Ministry of Mines.

All issues related to the application or construction of this article shall be decided by the court of competent jurisdiction.

#### ARTICLE 10:

The State has the right to first refusal, at the customary market prices and terms, for the purchase of mineral products from mining operations in the country, when thorium or uranium is contained in significant amounts therein.

Should the abovementioned products be sporadically obtained, the producer thereof shall notify the Comisión Chilena de Energía Nuclear as to their extraction, to allow it to exercise the abovementioned right on behalf of the State and shall advise it as to the amount, quality and other product characteristics, market price and the manner, time and place of delivery. Said notice shall be construed as an offer to sell subject to a term and an undertaking not to dispose of the product during three months after said notice has been received.

The Commission may freely accept or reject, all or part of said offer. Should the offer be accepted, it shall set forth a period, not to exceed two months after the corresponding delivery of the product, for payment thereof.

The offer shall lapse if it is not accepted within the abovementioned three month period. Nevertheless, the offer shall not expire if within said three month period the Commission requests that the Judge appoint, after notifying the producer, an expert to determine the price and terms of the sale/purchase.

The Commission shall have one month, as of the date on which the expert notifies it as to his resolution, to accept all or part of the offer, under the terms determined by the expert. Should the Commission fail to act accordingly, the offer shall expire.

If the selfsame products are produced in a regular manner, their producer shall advise the Commission, in writing, and not later than September of each year, as to the monthly production schedules planned for the following calendar year, to allow the Commission to exercise, on behalf of the State, the first option to purchase.

The producer shall forthwith give the Commission written notice on all changes in the abovementioned schedules. The communication, which shall include all items set forth in the second subsection hereof, shall be construed as an offer to sell with a term and an undertaking not to dispose of the production for each month until the last day of the month wherein it was obtained.

The Commission may freely accept or reject all or part of the offer. Should it accept, the price for each delivery shall be paid within the two months following said delivery.

The offer shall expire if it is not accepted within the term set forth in subsection six hereof, and provisions in subsection four hereof shall be applied as to the rest.

#### ARTICLE 11:

A violation of the provisions set forth in the preceding article shall make the producer liable to a fine to be paid to the Treasury. The maximum amount of said fine shall not exceed the market value of the products involved. If the violation consists in the sale of the products to a third party within the term the Commission has to exercise its right to first refusal, the precise amount of the fine assessed shall be the maximum allowable amount of the fine.

The Commission shall impose the fine in administrative proceedings and the resolution thereon shall be enforced without further proceedings. The decision may be appealed to a Court of Appeals, within ten days after service of notice. The appeal shall be accompanied by a certificate of deposit, to the order of the court, for an amount equivalent to ten percent of the fine.

The court shall order that the Commission be given six days to state its case. After the Commission has filed a writ or in absence thereof, the court shall

hear a report by its Prosecutor and shall proceed to try the case. All further proceedings shall be governed by the rules on appeals on motions.

Should the court dismiss the appeal, the amount deposited shall be credited to the account of the Treasury.

ARTICLE 12:

For the purposes set forth in articles 9 and 10 it shall be construed that a substance has a significant presence in a mining product, i.e., that from a technical and economic standpoint it can be reduced or separated, when the greater total cost involved in the recovery thereof, according to proven technical procedures and the marketing and delivery of the recovered substance, are lower than its commercial value.

For the selfsame abovestated purposes, it shall be understood that "mining products" includes any previously extracted mineral substances, even if not yet processed.

ARTICLE 13:

Surface clay, sands, rocks and other materials which can be used as such for construction are not considered mineral substances and, therefore, not governed by the provisions of this Code.

Artificial salt deposits, collecting facilities built on the shores of the sea, banks of lakes or lagoons are not considered mineral substances and the right to exploit them belongs to the riparian owners, within the limits of their properties, extended directly outward towards the water and, for said purpose, pursuant to the rules set forth in article 651 of the Civil Code.

Paragraph 2

The Right to Dig Test Holes and to take Samples

ARTICLE 14:

Any person is entitled to dig test holes and to take samples in search for mineral substances, regardless of ownership or property rights over the tenements, except in lands included within the limits of a mining concession granted to a third party.

Damages resulting from the exercise of this right shall be compensated. The pertinent lawsuit shall follow the rules set forth in article 233.

ARTICLE 15:

Test holes may be freely dug in and samples taken from open and untilled land, regardless of the current holder or owner.

Written permission granted by the owner of the land or its current possessor or holder will be required in all other cases.

In the case of public or municipal lands permission must be requested from the pertinent Governor or Mayor.

When a petition is denied by the individual or official who must grant said permit or the exercise of the right mentioned in the first subsection is subject to an obstruction, an appeal may be filed with the court for a ruling.

Nevertheless, when houses and their outbuildings, or fields planted with vineyards or fruit trees are affected, only the owner may grant permission.

#### ARTICLE 16:

An authorization granted pursuant to the preceding article shall include the number of individuals authorized to participate in the search, and the obligations listed herein below:

1. That the work be performed wherever there are no unharvested fruits.
2. That the period for performing the work does not exceed six months, from the date of the permit.
3. That the applicant compensate all damages caused by or resulting from said activities. Should the affected party request it, the applicant shall establish, prior to entry, a court approved guarantee to ensure compliance with this obligation.

Should the applicant be incapable of exercising the abovementioned right within the period or term granted by the court the latter may postpone said authorization until a later date.

#### ARTICLE 17:

Without prejudice to the permits mentioned in article 15, mining activities on the sites mentioned hereinafter will require the written approval or approvals from the pertinent authorities listed hereinafter, granted in the manner set forth in each case:

- 1° The corresponding Governor, to mine in cities or villages, in graveyards, on beaches of enabled ports and of water catchments for cities; or settlements less than fifty meters, horizontally measured, from buildings, public roads, railroads, high tension power lines, cableways, conduits, river bank protection, water courses and public lakes and less than two hundred meters, horizontally measured, from dams, radio communication stations, antennas and telecommunication facilities.

The above mentioned permission shall not be required when the buildings, railroads, high tension lines, cableways, conduits, radio communication stations, antennas and telecommunication facilities are the property of the

party interested in such mining activities or when the owner thereof authorizes the interested party to undertake said mining activities.

Before granting such permission to execute mining activities within a city or settlement borders, the Governor shall listen to the relevant Secretario Regional Ministerial de Vivienda y Urbanismo (Regional Ministerial Secretary of Urbanism and Housing).

- 2° The corresponding Intendent, to mine in areas classified as national parks, national reservations or natural monuments.
- 3° The Dirección de Fronteras y Límites (The Office of Frontiers and Borders) to mine in areas declared to be border areas for mining activities purposes.
- 4° The Ministry of Defense, to mine less than five hundred meters from areas destined to store explosive or inflammable materials.
- 5° The Ministry of Defense, as well, for mining activities in military areas and enclosures under the jurisdiction of said Ministry, such as harbors and airports, or in areas adjacent thereto, up to three thousand meters, horizontally measured, provided said lands have been declared , pursuant to law, as necessary for national defense, and
- 6° The President of the Republic to engage in mining of guano deposits or sites declared to be of historical or scientific interest.

The measures design to protect the national interest, for national Defense, public safety or preservation of the above mentioned sites may be set forth when the permits or licenses mentioned above are granted.

Licenses mentioned in numbers 2°, 3° and 6°, excepting guano deposits will be required only when the statements to which they refer have been expressly made with regard to mining activities in a Supreme Decree setting forth also the corresponding boundaries. The Supreme Decree must also be signed by the Minister of Mines.

Provisions of article 162 of Decree with Force of Law N°338, 1960 shall be applicable also to officials or authorities granting the licenses mentioned in this provision.

#### ARTICLE 18:

A violation of the provisions of the preceding article shall be punished by a fine ranging from one to fifty Monthly Tax Units, without prejudice to compensation for damages. In the case of a second offense said fine shall be, at least, equivalent to twice the fine mentioned above.

Nevertheless, it may not exceed one hundred Monthly Tax Units.

Violations are subject to public action or accusation. The court shall be, in all cases, empowered to order a temporary interruption of work.

#### ARTICLE 19:

The right to dig and sample includes not only the right to examine the solid and to open it for investigation, but also the right to create temporary easements as may be necessary to the search for mineral substances on the surface tracts.

Said easements cannot exceed six months, from the date of the beginning of the exercise thereof.

Without prejudice to provisions in the preceding subsection, the creation of these easements, the exercise thereof, the corresponding compensation for damages and other characteristics shall be governed by the provisions of articles 122 to 125.

The authorization to which the final subsection of article 15 and article 17 refer must be attached to an application for the judicial creation or establishment of said easements.

No easements shall be necessary to drill test holes and to take samples in fiscal or municipal, open and untilled lands.

#### ARTICLE 20:

Without prejudice to provisions set forth in previous articles in this paragraph, all individuals are entitled to search for mineral substances, regardless of ownership over the affected tracts, except in lands encompassed in previously granted mining concessions, while employing, from outside or beyond the limits of said affected tracts, equipment, machinery or instruments thereto.

#### ARTICLE 21:

Without prejudice to rights granted the Comisión Chilena de Energía Nuclear (Chilean Nuclear Energy Commission) under special legal provisions and to the rights of the State over liquid or gaseous hydrocarbons, the Bureau (Servicio) is empowered to engage in geological studies pursuant to the provisions which govern its activities, provided it has obtained, according to this paragraph, the necessary approvals.

The courts shall regulate the exercise of this right and may require a deposit to guarantee the payment of damages, as requested by the Bureau or the owner or the current possessor or holder of the land. The State shall pay for all damages caused by the Bureau during said activities.

The Bureau may be authorized to engage in activities mentioned in the preceding subsection, within the limits or boundaries of a mining concession, at the sole discretion of the owner thereof.

All individuals engaged in basic geological exploration work shall provide the Bureau, should the latter request said information, data of a general nature obtained during said activities.

## TITLE II

### THE CAPACITY TO ACQUIRE MINING RIGHTS

#### ARTICLE 22:

All individuals may file mining claims or requests for mining concessions and acquire mining concessions, either in the process of being granted or thereafter, or shares therein or in companies governed by this Code.

Because of reasons based on national interest considerations, the foregoing does not apply to:

1. Justices of Appellate Courts, Judges and Secretaries of Civil Courts, Registrars of Mines and employees or officials of said Courts and Registries, with regard to tracts or concessions, totally or partially located in territories under their jurisdiction or that of their offices or shares in the abovementioned companies owning said concessions,
2. State officials or officers of State agencies or companies who, because of their positions, office or duties participate in granting mining concessions or have access to geological information or mining data on discoveries of minerals, up to one year after they have ceased to hold their position, and
3. The spouse of any of the abovementioned individuals, whose divorce is not final, or their legitimate children.

Nevertheless, they shall be entitled to acquire or become owners by inheritance or by virtue of a title extant prior to the cause of said prohibition.

#### ARTICLE 23:

The violation of any of the prohibitions set forth in the preceding article shall be subject, while the application, claim, concession or shares are in possession of the violator, to transfer to the individual first giving notice of the abovestated circumstances to the court of competent jurisdiction.

All persons referred to in numbers 1 and 2 of the preceding article, guilty of said violation, will be also barred from holding said offices for a certain period of time.

ARTICLE 24:

Males over 14 and females over 12 years old, women married under joint property rules and wastrels subject to interdiction may file claims or request concessions without requiring the consent or approval of their corresponding legal representatives

ARTICLE 25:

Rights acquired by minors over 14 and 12 years old, under the preceding article shall be included in their industrial private property. Rights acquired by women married under joint property rules shall become joint or common property, unless the provisions in article 150 of the Civil Code are applicable thereto.

TITLE III

THE OBJECT OF MINING CONCESSIONS

ARTICLE 26:

The object of a mining concession is all substances over which a concession may be granted lying within its limits.

ARTICLE 27:

A mining concession cannot be granted on substance existing in tracts already covered by mining concessions. The Judge shall watch that the prohibition herein mentioned is observed.

ARTICLE 28:

The territorial area of a mining concession comprises of a solid whose upper surface is, along a horizontal plane, a parallelogram with right angles and of an indefinite depth within the vertical planes that limit it.

The length or width of the parallelogram must have a M.U.T. north-south bearing.

The sides of the mining concession, at the discretion of the concessionaire shall, horizontally, measure one hundred meters or multiples thereof and those of a concession to explore shall also, horizontally, measure at a minimum, one thousand meters, or multiples thereof.

The area of a mining concession may not cover more than ten hectares and a concession to explore may not exceed five thousand hectares.

ARTICLE 29:

Subject to judicial permission or approval and, in either case, a report by the Bureau, a concession may be physically divided. Each of the resulting sections

must have the shape, the direction and, at least, the minimum dimensions of the sides and surface mentioned in the preceding article. Each of the resulting sections shall constitute a mining concession.

The division shall be effected in a public deed or in a testament, setting forth the Mercator Universal Transversal plane coordinates for each of the corners of the perimeter of each of the resulting concessions and the record of the judgement granting the concession and, whenever pertinent, the record of the previous concession. Furthermore, the record of title of ownership of the individual effecting the division shall also be included.

The public deed setting forth any transfer of title or the granting of title over one tract of the concession may serve as a basis for the division referred to in this article.

The will or the public deed and, in addition thereto, the resolution approving the division shall be recorded in the corresponding Register of the Registrar of Mines, and must also be annotated on the margin of the registration of the decision or resolution to which article 87 refers. A court approved map of the division, subject to a report of the Bureau, shall also be filed.

Until the registration mentioned in the preceding subsection has been effected, the physical division of the mining concession shall not be completed.

The concession, either granted or being processed, is also subject to an intellectual division or quota.

#### ARTICLE 30:

A mining concession shall not constitute or create any rights over deposits of any type in maritime waters subject to national jurisdiction which had to be encompassed to comply with rules on sides and minimum area and shape of the pertinent concession.

Likewise, a mining concession on substances existing below ground in maritime waters subject to national jurisdiction referred to in article 5, will not grant rights over orebodies mentioned in the preceding subsection.

## TITLE IV

### SPACE BETWEEN MINING CONCESSIONS

#### ARTICLE 31:

Lands surrounded by three or more claims, whereon another claim cannot be created due to failure to meet requirements on the shape and minimum area set forth in Article 28, shall be designated as excess lands and shall accede under law, at the time when the concession originating said space is granted, to the concession first claimed or considered to have been so claimed.

#### ARTICLE 32:

The concessionaire benefiting therefrom shall be entitled to record on the margin of the registration of the pertinent concession, the existence of said excess vacant space, provided a Judicial decree has been given and notice served on neighboring concessionaires. Said judicial decree shall provide for the filing of a map identifying the excess vacant space and the adjacent mining concessions.

Failure to complete the procedures mentioned above shall deprive the concessionaire benefiting therefrom of the right to claim said excess, whenever any of the mining concessions enclosing said vacant space expire or are extinguished.

The excess shall not increase the value of the fee of the mining concession to which it is attached and shall be considered as an integral part of said concession.

#### ARTICLE 33:

Whenever a mining concession is physically divided, the excess shall become part of the neighboring mining concession and if two or several concessions are adjacent, it shall be considered as part of the first one mentioned in the title or instrument of the division. The same rule shall apply when a vacant space or excess that benefits a concession that has been divided is created.

II

## TITLE V

### THE PROCEDURES FOR THE ESTABLISHMENT OF A MINING CONCESSION

#### Paragraph 1

#### The Application and the Mining Claim

#### ARTICLE 34:

Mining concessions shall be established by a judicial decree given following a non adversary proceeding, without the decisory participation of any other authority or third party.

Provisions in article 92 and 823 of the Code of Civil Procedure shall not apply to the establishment or creation of a mining concession and all issues or disputes arising during said proceedings shall be heard, in a separate proceeding, without interrupting the former. The court may, on its own motion, correct al procedural errors, except for actions void due to non-compliance with or expiration of deadlines.

The provisions in the preceding subsection are without prejudice to those in articles 61 to 70 and in article 84.

#### ARTICLE 35:

An action for the creation of a mining concession shall be brought in a writ, which in the case of a concession to explore is designated as a petition (pedimento) and for a concession to exploit as a claim (manifestación).

#### ARTICLE 36:

Neither a sponsoring attorney-at-law nor the granting of a power of attorney is required for filing the writ requesting a concession to explore, the filing of a claim or for the writ correcting errors referred to in the first subsection of article 49, without prejudice to fulfilling said requirements in the first writ submitted thereafter.

#### ARTICLE 37:

The Civil Court with competent jurisdiction over the site of the middle point shown on the petition for a concession to explore or the point of interest shown on the application for a concession to mine shall be empowered to hear requests for the creation of a mining concession.

#### ARTICLE 38:

An error incurred in the presentation or filing of a petition for a concession to explore or to mine submitted to a court lacking jurisdiction because of territorial reasons shall not affect the validity of said presentations provided the corresponding jurisdictional territories are not clearly and properly limited by natural

or ostensible lines at the central point indicated in the petition for a concession to explore or the point of interest in a request for a concession to mine.

ARTICLE 39:

Any person may file a petition for a concession to explore or mine on behalf of a third party, even if not empowered thereto, without having to comply with the provisions set forth in the third subsection of article 6 of the Code of Civil Procedure; nevertheless, the interested party must ratify, in the presence of the Secretary of the Court, all actions taken by the agent, within thirty days of the submission of the application to explore or the application to mine.

ARTICLE 40:

The validity of a petition to explore or a claim for a concession to mine shall not be affected by the fact that said application refers to land included in a previous application to explore or mine, without prejudice to preferential rights otherwise created.

ARTICLE 41:

The claim first filed will be preferred for the creation or establishment of a mining concession.

When said request is filed under a current concession to explore, said circumstance shall be stated in the application and only under said circumstances shall the date of the pertinent application to explore be considered or construed as the date of the application to mine.

The owner of record of the application to mine first submitted or filed or the filing so construed, shall be presumed to be the discoverer, unless force or deceit has been exercised or practiced to submit a request first or to delay a filing by the real discoverer.

If the claimant is an individual who engages in mining work by order or at the request of others, the claim shall be considered to have been submitted by the latter.

If any person files an application or claim on lands whereon said petitioner or claimant is engaged in mining work by order or at the request of a third party, the claim or petition shall be considered as submitted by the latter. The same rules shall apply in favor of the real discoverer, when the force or deceit to which the preceding subsection refers has been applied or used.

ARTICLE 42:

Actions on preferential rights granted by the final subsection of the preceding article must be exercised within three months of the publication of the application to explore or to mine.

ARTICLE 43:

The petition for a concession to explore shall set forth:

1. The name, nationality and address of the petitioner and, when pertinent, the name of the person acting as agent and, if individuals are involved, in addition thereto, the application shall state their profession or trade and marital status
2. The geographical coordinates or the M.U.T. of the central point of the surface of the concession requested, with a precision of a second or ten meters, respectively.
3. The designation or name of the concession to explore requested, and
4. The area, expressed in hectares, embraced by the surface of the concession. The surface or area cannot exceed five thousand hectares.

Each application can only refer to one concession to explore.

ARTICLE 44:

The claim for a concession to mine shall set forth:

1. The name, nationality and address of the applicant and, when pertinent, the name of the person acting as agent and, if individuals are involved, in addition thereto, The application shall state their profession or trade and marital status.
2. The location of the point of interest to the applicant, described in the manner set forth in the following article hereinbelow.
3. The number of mining claims requested and the name given to each of them.
4. The area, expressed in hectares, embraced by the surface of each concession. The total area of the group of concessions claimed in an application for a concession to mine cannot exceed one thousand hectares, and
5. When pertinent, the fact that the right granted under a concession to explore s being exercised.

ARTICLE 45:

The point of interest of a mining claim must be described by stating the province wherein it is located, and its geographical coordinates or the M.U.T. with a precision of one second or ten meters, respectively.

Nevertheless, when the aggregate area of the claims to be mined does not exceed one hundred hectares, the location of the point of interest may be described by indicating the more precise and characteristic features, the name of the orebody or deposit wherein it is to be found and the province wherein it is located.

ARTICLE 46:

The land claimed or petitioned is that embraced by an imaginary square drawn on a horizontal plane, whose diagonals intersect in the center or point of interest, as applicable, and the perimeter thereof exactly encloses the entire area petitioned or claimed. Two sides of this square shall have an M.U.T. northsouth bearing.

Nevertheless, the petitioner or claimant may decide that the area petitioned or claimed be included in an imaginary horizontal rectangle, whose diagonals intersect in the center or point of interest, as pertinent. The petition or claim shall state, for said purposes, the length of the sides and which of them shall have a north-south astronomical bearing. The length and width can not exceed a five to one ratio.

ARTICLE 47:

The Court Secretary shall record on the application to explore or to mine the date and hour of filing, shall enter said event in a specially numbered register and shall issue a receipt to the individual submitting such a claim, if requested.

ARTICLE 48:

The court shall review the application or mining claim and if according to provisions set forth in article 43 or articles 44 and 45, as the case may be, shall order their registration and publication.

ARTICLE 49:

If a petition or claim for exploration or mining rights does not fulfill the requirements set forth in article 43 or articles 44 and 45, as the case may be, the court shall expressly state their errors and shall instruct the claimant, or any of them if several, to remedy said faults within eight days, from the date of said resolution, and for all legal purposes the date of the original filing shall be the date of record.

After the faults have been corrected within the abovestated period the court shall apply the rules set forth in the preceding Article, if not, the request or claims shall be considered as not filed.

Nevertheless, if an application omits the coordinates of the center of the exploration concession applied for or if the mining claim omits the coordinates of the point of interest or its most precise and characteristic features, as the case maybe, the court shall order, without further proceedings, that the corresponding presentation be considered as not filed.

Under no circumstances can an error or imprecision incurred, when indicating the coordinates of the midpoint or point of interest, be corrected.

ARTICLE 50:

The Secretary shall issue a certified copy of a petition for exploration or mining rights, as the case may be, setting forth the date and hour of filing in the Court and of the resolution ordering that said petition be registered and published. Said copy shall also include, in the case mentioned in the first subsection of the preceding Article, the resolution ordering that errors be remedied and the writ whereby the Court orders were discharged.

ARTICLE 51:

Each petition for a concession to explore or a mining claim shall be subject to a fiscal tax stated in hundredths of the Monthly Tax Unit (Unidad Tributaria Mensual).

The tax, for each full hectare included in the petition for a concession to explore shall be equivalent to:

1. Half a hundredth, if the total area included in the application does not exceed three hundred hectares,
2. Two hundredths if the abovementioned area exceeds three hundred and does not exceed one thousand five hundred hectares,
3. Three hundredths if the abovementioned area exceeds one thousand five hundred and does not exceed three thousand hectares, and
4. Four hundredths if said area exceeds three thousand hectares.

The amount of the tax for each complete hectare included in a claim for a mining concession shall be equivalent to:

1. One hundredth if the total area claimed does not exceed one hundred hectares,
2. Two hundredths if said area exceeds one hundred and does not exceed three hundred hectares,
3. Four hundredths, if said area exceeds three hundred and does not exceed six hundred hectares, and
4. Five hundredths, if said area exceeds six hundred hectares.

The tax shall be paid within thirty days from the date of filing a petition for a concession to explore or the date of filing a mining claim in Court. Payment thereof

can be made in any bank or institution authorized to receive payment of taxes. The corresponding receipt shall state, in addition thereto, the court, the number of the file and the name of the concession or concessions.

ARTICLE 52:

Any person may request the registration or recording of a petition for a concession to explore or of a mining claim in the Register of Discoveries of the corresponding Registry of Mines. Said request shall consist of complete transcript of the copy referred to in article 50.

The hereinbefore mentioned publication shall be made once and shall comprise a complete transcript of the registration. The recording and publication must be made within thirty days from the date of the pertinent order.

ARTICLE 53:

The owner of record can begin all works required to establish the concession to explore as from the moment of registration of the pertinent application.

The owner of record can begin all necessary operations to explore the mine and to establish the claim as of the moment of registration for the mining claim. If said works or operations require the removal of substances which can be included in a concession, the claimant shall become the owner thereof.

Should the petitioner or claimant suffer interference by the owner of the surface tracts or any other individual, the court shall authorize the use of police force, provided the Bureau has issued a favorable report. Nevertheless, the court will not authorize the use of police force to carry out inspection work of a mine conceded to others if the Bureau is still to present a report on said concession.

ARTICLE 54:

The registered application for a concession to explore and a concession to mine are real, immovable, transferable and conveyable rights subject to the same rules applicable to other immovables.

Paragraph 2

Procedures to be Followed after Petitioning for a Concession to Explore

ARTICLE 55:

Within ninety days of the date of the resolution ordering the registration and publication of the petition, the petitioner or any of them, if more than one, shall request, in the pertinent proceedings a decision with regard to the concession to explore. The request may include all or part of the area being requested but, under no circumstances, may it include tracts located outside thereof.

Furthermore, the request shall state the M.U.T. coordinates of the corners of the surface of the concession tract, relating one of them, at least, as to distance and heading, to the midpoint indicated in the request or application.

The request shall include:

1. Receipt for payment of the filing fee,
2. Certificate for payment of the proportional fee, pursuant to article 144,
3. Certified copy of the record of the petition for a concession to explore,
4. A copy of the Official Bulletin of Mines wherein the registration was published,
5. A map of the configuration of the concession, the coordinates of the corners and the relation, as to heading and distance of the selfsame corner -linked in the application- to the midpoint.

The scale and other features of the map shall be determined by the Regulations.

#### ARTICLE 56:

The court shall examine the application and accompanying documents and if they meet the requirements set forth in the law shall order the remission of the file to the Bureau for a report.

Should the report note that any of the requirements whose violation or late performance voids the rights derived from the petition to explore have not been satisfied, the court shall reject outright said request and shall order, in an official communication to said purpose, that the pertinent registration be cancelled.

Should the court, however, observe omissions or defects that can be corrected, the court shall precisely indicate them and shall order that they be corrected within eight days of the date of the decree ordering said corrections if said corrections are made within the allotted time period, the court shall act pursuant to the first subsection, otherwise, according to the second subsection.

#### ARTICLE 57:

The Bureau shall report on the technical aspects related to the application and the accompanying map and, especially, whether the shape, size and heading of the surface of the concession requested is according to law and whether it lies within the land embraced by the petition.

The Bureau shall issue the abovementioned report within sixty days of receipt of the file.

If the report is favorable, the court shall grant the request and declare the concession to explore as established.

If, on the contrary, the report includes observations, the court shall order that the petitioner be notified. Said petitioner must, within thirty days of the date of the pertinent resolution, adjust the petition, the plan, or both, to comply with the observations of the Bureau or else state reasoned objections to said observations.

After the term granted under the preceding subsection has expired, the court shall decide, within sixty days, under penalty of committing a misdemeanor or misuse of authority. Should the court fail to comply with the above provision the petitioner shall, within the following fifteen days, request that the Court of Appeals correct said misdemeanor or misuse of authority and set a brief term within which the lower court must pronounce judgement. Should the petitioner fail to comply with obligations herein set forth the right to submit such a request shall lapse and any person may request that the corresponding record(s) be cancelled.

#### ARTICLE 58:

A judgement granting a concession to explore does not affect the rights vested pursuant to a concession to explore or to mine granted or established on the date of the petition which gave rise to the judgement.

Neither will rights derived from a concession to explore or to mine, even if pending at the time of judgement be affected if the filing of petition to explore or the petition to claim to mine was prior to the petition which gave rise to the judgement.

#### Paragraph 3

#### Procedures to be followed after Submitting a Claim for a Concession to Mine

#### ARTICLE 59:

Within two hundred to two hundred and twenty days after the date of filing a claim for a concession to mine, the claimant or any of them, shall submit, for inclusion in the corresponding file, a request that the mining claim or claims be surveyed. The request may embrace all or part of the land claimed but, under no circumstances, may it include lands lying outside the area covered by the said request .

Furthermore, the request shall state the M.U.T coordinates of each of the corners of the perimeter of the surface of the tract group or tracts claimed, relating one of them, at least, as to distance and heading, to the center of interest indicated in the application.

The request shall, likewise, designate the engineer or expert appointed to conduct the survey and the length and width of the tract claimed or of each of them, the name of known mining claims located nearby and, whenever possible, the names of their owners.

The request shall be accompanied by:

1. Certificate of payment of the claim fee,
2. Certificate of payment of the proportion of the charges set forth in article 144,
3. Certified copy of the recording of the claim,
4. Copy of the Official Mining Gazette wherein the abovementioned record was published, and
5. A map of the configuration of the concession or mining claim(s), the coordinates of each of the corners of the perimeter and the relation, with regard to heading and distance of the self-same corner -linked in the application- to the center of interest indicated in the application.

The Secretary shall issue a receipt for said writ, if requested by the claimant.

#### ARTICLE 60:

The court shall examine the survey petition and accompanying documents and if both are found to be according to law, shall order that it be published. The same resolution shall state the date of filing or understood to have been filed.

Should the examination show that any of the requirements, omission or late compliance, whereof results in the voidance of rights derived from the claim, have not been fulfilled, the court shall, on its own motion, reject the application and order, in an official notice to said purpose, that the record thereof be cancelled.

Should the court, however, note omissions or defects which can be corrected, the court shall precisely point them out and shall order that they be corrected within eight days of the date of the resolution ordering said correction. If the corrections are made within the designated time, the court shall act pursuant to the first subsection, otherwise, according to the second subsection.

The Secretary shall, for publication thereof, give a certified copy of the request and the decision that it be published. In the case of the preceding subsection, the copy shall also include the decree ordering the correction of omissions or errors and the writ complying with said decree.

The publication shall include the entire record and it shall be published once, within thirty days, of the date of the decree ordering publication thereof.

## Section 1

### Objections to the Application to Survey

#### ARTICLE 61:

An objection to the application to survey may be raised within thirty days of the date of publication mentioned in the final subsection of the preceding article.

The objection may be based only on:

1. That the survey is to cover lands embraced in either a petition or a concession to explore. The only person entitled to bring or commence an action in objection to said survey is one whose petition has been filed prior to the date on which the claim to the tract to be surveyed was filed or is construed as having been filed.

The objection shall be dismissed on the court's own motion if is not based or supported by a petition with a prior filing date or is not accompanied by an attested duplicate of said petition and, in turn, furthermore, by an attested duplicate of the request for judgement, of the judgement itself or of the decree granting an extension of the term of the concession. The objection will be dismissed in the same way if it does not include a sketch, signed by one of the engineers or experts mentioned in subsection two of article 71, that shows the collision of rights and aspirations of both parties over the land.

2. On a preferential right to survey pursuant to a claim having an earlier date of filing or considered as such.

The objection shall be dismissed on the court's own motion if it is not based or supported by a claim with a prior filing date or considered as such, or if not accompanied or supported by an attested duplicate of said claim. The objection will be dismissed in the same way if it does not include a sketch, signed by one of the engineers or experts mentioned in subsection two of article 71, that shows the collision of the aspirations of both parties over the land.

#### ARTICLE 62:

If an earlier claimant, or one considered as such, objects to the request for survey filed by a latter claimant, the objector must request, in the writ of objection, and under subsections two and three of article 59, the survey of his claim or claims.

The court shall examine the writ of objection and accompanying documents and, should they be correct, shall order that they be published. The same resolution or decree shall record the date of filing or considered as such. A

duplicate of the request and the decision thereon shall be given for publication thereof.

Should the review show that a requirement has been omitted, the procedure to be followed shall be as set forth in subsections two, three and four of article 60.

The publication referred to in subsection two shall be made according to provisions in subsection four and the final subsection of the abovementioned article 60.

The decision ordering the publication of the request for survey submitted by the objector shall also order that a duplicate thereof and supporting documents be sent to the Bureau, together with a duplicate of similar documents referring to the defendant.

#### ARTICLE 63:

The claimant of first date, or considered as such, who has already requested that a survey be made, must also object to any other surveys previously requested by other claimants. The writ of objection shall also include a petition for the accumulation or joining of files.

The court shall order that the petition for survey of the objector, if not previously performed, be published and that a duplicate of the abovementioned request and supporting documents be sent to the Bureau, together with the duplicate file of the defendant.

#### ARTICLE 64:

The writ of objection to a survey shall be included in the record wherein the writ requesting said survey has been filed and, in addition thereto, the objector shall in the same writ submit his own request for a survey or, in turn, request, pursuant to the preceding articles, a joining files, as pertinent.

Should several objections be submitted, based on the second cause listed in article 61 against a request for a survey or if the writ requesting a survey filed by one or several objectors is, in turn, objected to, the court shall rule on all of them in a single judgement, pursuant to provisions in the second subsection of article 69.

#### ARTICLE 65:

If a later claimant request a survey before an earlier one or one considered as such, the later shall lose, allowing the former to benefit therefrom, the preferential right to survey should he fail to file an objection in due time.

The earlier owner of record of a petition or of a concession to explore failing to bring in due time an action under number one of article 61, shall lose the rights derived from his petition or concession on land on which a claim has been established by someone have been sued.

ARTICLE 66:

The earlier claimant or one considered as such, may object to a request for a survey filed by a latter claimant, even though the request for a survey may have been filed by the former before a similar request by the latter. In said case the objector shall, furthermore, comply with the provisions set forth in article 63.

In the same way, the earlier claimant or the claimant considered as such may elect to note said circumstance in the file of the more recent claimant, with regard to all or part of the lands embraced by a request for survey of the later.

ARTICLE 67:

If an earlier claimant or one considered as such files an objection action invoking the cause listed in subsection two of article 61, and his objection is dismissed, said claimant cannot raise, at a later date, an action of nullity based on numbers six or seven, as pertinent, of article 95.

ARTICLE 68:

All the objections referred to in article 61 shall be governed by the rules of procedure stated in article 233. In such proceedings the objector shall be considered the plaintiff and the only admissible defense which may be filed by the defendant shall be the fact that the latters request for survey does not embrace tracts included in the petition, in the concession to explore, or in the request for survey on which the action is based.

Any other defense and any peremptory exception to which the defendant might be entitled may be brought only by said defendant, as actions, in a separate suit.

An appeal on a final judgement on an objection shall have both a devolutionary and suspensive effect.

ARTICLE 69:

A judgement sustaining an objection based on the first grounds set forth in article 61, shall state that the defendant may not survey within the perimeter of the petition, of the concession to explore or of the portion thereof that has not been waived, as pertinent.

A judgement sustaining an objection based on the second grounds set forth in article 61 shall acknowledge the preferential right of the first claimant to survey a tract or tracts according to the request in the corresponding or pertinent application, and, insofar as it does not thereby affect said preferential right, it shall also acknowledge the right of the losing party to survey pursuant to its own application fully respecting, however, the preferential right of the winning party.

The rules set forth in the preceding subsection shall apply when the court must rule on more than one objection.

#### ARTICLE 70:

After an objection is filed pursuant to article 61 and not until the corresponding judgement is given, the parties thereto may not interrupt the proceedings for more than three months. Should said term elapse without the parties having taken useful measures to expedite proceedings, any person may request that the court declare, by virtue of a certificate given by the Secretary, that the rights of both parties are void and that an order be given to cancel the corresponding registrations or records. Nevertheless, the voidance will not affect, in any case, the concession to explore and the petition already granted.

After a decision on an objection or opposition proceedings becomes final and until a judgement granting permission to survey is given, none of the parties to said proceedings and authorized to survey shall be entitled to interrupt, for a period exceeding three months, the establishment of the pertinent mining property or properties. Should said period elapse without the interested party taking any useful measures to further the establishment of said properties, any person may request that the decision on voidance referred to in the above subsection be given, in the manner and with scope therein set forth.

Anyone interested therein may request that the engineer or expert deliver the minutes and plan to the Judge who shall set a term for said purpose.

The proceedings may be renewed at any moment, provided the voidance thereof has not been requested. Nevertheless, the right to request that said nullity be declared shall continue until the judgement ending the proceedings becomes final or, as pertinent, a decision on the establishment of a claim is pronounced.

A judgement that solves the request on voidance shall be subject to the same remedies available against a final judgement. The appeal on the judgement that rejects the voidance will be granted with a devolutionary effect only.

Section 2  
On The Survey

ARTICLE 71:

The survey will be carried out after the term for submitting objections has expired, provided none has been filed. Otherwise, it shall be carried out when the decision dismissing objections or the judgement determining the location of the mining properties of the party or parties whose right to survey has been acknowledged becomes final.

The survey shall be made by any civil mining engineer appointed by the interested party or by an expert selected by said party from a list of said experts annually appointed for said purpose, for each region, by the President of the Republic, at the suggestion of the National Director of the Bureau.

No objections shall be entered during the survey.

ARTICLE 72:

The survey shall determine the location, in the field, or the corners of the surface of the mining claim or claims or properties, according to the M.U.T. coordinates set forth for each of them in the application for survey or pointed out during the survey itself, pursuant to the rights mentioned in the following article.

Pursuant to article 95 it shall be legally presumed that the survey was performed on the same date that the pertinent request was submitted.

ARTICLE 73:

The engineer or expert shall not, under any circumstances, encompass existing mining claims in the survey.

The engineer or expert that breach the prohibition mentioned in the preceding paragraph and in awareness of the infringement will suffer the penalty of minor imprisonment in the minimum degree and the cumulative penalty of suspension of its job or public position or profession.

The survey operations may encompass all or part of the areas requested be included but, under no circumstances, tracts located outside of the perimeter stated in the said request. The number of mining claims, the area of one or more of them, or both, may be reduced for said purposes.

The corresponding criminal action is a private one and the person in charge of the concession that directly supports the superposition could only execute it.

ARTICLE 74:

The properties shall be surveyed in the manner stated in the request or with the eliminations pointed out by the applicant, provided they are pertinent under the provisions in the preceding article.

To comply with provisions in article 28, the survey shall be positioned according to the M.U.T. meridian of the site.

The engineer or expert shall place solidly built and plainly visible markers, at least, on each of the corners of the mining concession or of the perimeter of the group of mining concessions.

Section 3

Record of Survey Proceedings

ARTICLE 75:

Once the operation is completed, the engineer or expert shall prepare a record with a precise, clear and detailed description of the manner in which it was executed and the manner in which the M.U.T coordinates of the corners were determined.

The names, location and owners of neighboring mining properties will be included, whenever possible.

The record shall be signed by the engineer or expert.

ARTICLE 76:

When two or more mining properties claimed in a single petition are surveyed, said operation will be carried out jointly and the properties shall be laid out in a manner which places them in contact, at least, at one point.

For said purposes a single or joint record and a single or common map shall be drawn, wherein the location and limits of each of the mining claims shall be identified, in a detailed manner.

ARTICLE 77:

The engineer or expert shall also prepare three copies of a plan of the mining tract or tracts surveyed, showing the M.U.T. coordinates of the corners of the perimeter of the mining tract or group of tracts, of the unique features thereof and the neighboring mining properties.

The Regulations (of the Code) shall set the scale and other characteristics of the maps and accompanying data to be submitted to the Bureau.

ARTICLE 78:

The owner of record, or any of them, if several, shall submit three copies of the record and of the survey map of the property or group of mining tracts within fifteen months of the date of filing a claim in court.

This obligation shall not be applicable to anyone who currently is or has been a party to an objection suit based on any of the grounds mentioned in article 61.

ARTICLE 79:

The record and map shall be sent by the court to the Bureau and the latter shall submit a report thereon.

The Bureau shall prepare a report on technical aspects of the survey operations, as well as on the map and, with special regard as to whether the shape, size and direction of the surface of the mining tracts surveyed are according to law, whether they are within the tract claimed as well as whether they are included in the survey application and whether the markers have been placed correctly.

The Bureau shall have sixty days, from the date on which the file was received, to file a report.

ARTICLE 80:

The Bureau shall, in the selfsame report mentioned above, state whether the survey embraces, wholly or partly, one or more previously claimed mining properties, the corners whereof are determined or have been indicated to said Bureau by M.U.T. coordinates or one or more mining tracts being claimed and whose claimants of record enjoy a preferential right to survey and is a party in one of the suits referred to in articles 62 and 63.

The report shall state the M.U.T. coordinates of the corners, referred to in article 83.

ARTICLE 81:

If the report of the Bureau does not include objections, the court shall approve the establishment of the mining concession or concessions.

ARTICLE 82:

Should the Bureau object, in its report, to technical aspects mentioned in Article 79, subsection two, the court shall notify the interested party in order that the latter, within eight days from the date of said resolution he contest said objections or within sixty days, calculated in the same manner, correct them. The court is empowered to grant a single extension of not more than an additional sixty days for said purposes.

After the objections have been, within the allotted time, contested or corrected, the court shall proceed according to subsection one of article 79 and, after receiving a report from the Bureau, shall authorize the establishment of the mining claims or else reject any petition or request thereto.

Nevertheless the Judge may not, regardless of the circumstances, declare as established the mining claim or claims surveyed if they embrace tracts located outside lands mentioned in the request for a survey or outside the tracts claimed.

#### ARTICLE 83:

Should the Bureau indicate in its report that one or more of the events referred to in Article 80 have occurred, the judge shall order that, within thirty days from the date of said order, the interested party publish a summary prepared by the Secretary, stating that the Bureau has reported said events, the M.U.T. coordinates of the corners indicated in the request or record of the survey, both of the mining claims of the interested party as well as those of the party or parties affected by said circumstances, the names of either or both and, insofar as possible, the name of the affected party or parties.

Once the publication have been done, its content should be notified to the person or persons under the name or names the mining claims are registered in the corresponding Registrars of Mines.

The service of notice shall be practice personally according to Title VI, First Part of the Code of Civil Procedure.

#### ARTICLE 84:

Within sixty days of the date of the above mentioned publication each of the affected parties may submit a writ to be included in the file of the interested party objecting to the establishment of a mining claim or claims by the latter.

The objection may shall be dismissed outright, if not supported by a certified copy of the request for a survey or the record of said survey and, when applicable, a copy of the pertinent plan, if the law at that time would have made it mandatory to do so.

The objection shall be governed by the rules of procedure stated in article 233 and the objector shall be considered as plaintiff. The Bureau's report will serve as basis for a refutable presumption and it is the defendant who must prove that the land included in the survey of his mining claims is not totally or partially occupied by the mining claim or claims of the plaintiff or, as pertinent, that the rights of the parties over the land in which the preference has been alleged have been extinguished.

Provisions of article 70 shall be applicable to the defendant in these proceedings.

A decision ordering the establishment of the mining claim by the defendant shall be given when the decision dismissing each and every submitted in the suit becomes final.

The decision accepting part of a claim made in the suit shall determine the tracts which the defendant may again survey.

The decision allowing the entire suit shall declare void the rights of the interested party and shall order the cancellation of the pertinent records.

The affected party bringing forward an action based on this article may not later claim the nullity under numbers 6 or 7, as pertinent, of article 95.

#### ARTICLE 85:

The court shall examine the record and if it meets all legal requirements shall order that the mining claim be established.

Should the court note the existence of errors or violations which cannot be corrected, the application to establish a mining claim shall be denied and the order given that the pertinent registrations be cancelled.

Should the errors or violation be rectifiable an order shall be given that they be corrected within a prudently set term and the court shall, in fact give a judgement ordering the creation of the mining claim. If the correction is not made within the allotted time the court shall, without further hearings, proceed pursuant to the preceding subsection.

#### Paragraph 4

#### The Judgement Granting a Mining Concession

#### ARTICLE 86:

Should the court note at any moment during the proceedings to establish a mining claim and prior to the judgement creating said property that any of the requirements or actions, for which the court pursuant to article 82 or this Code has set a dead line, have not been satisfied or taken, the court shall declare the rights originating from the petition or claim to be null and void and shall order that the pertinent registrations be cancelled.

Should any person point out to the court the fact that one of the dead lines to which the preceding article refers has not been met and, nevertheless, a judgement granting a concession has been given, said concession shall not be construed as created until the judgement has been submitted to the Court of Appeals for review and been confirmed. Should the Court of Appeals approve or confirm the decision, the concession shall be considered to have been granted. If it is overturned it shall declare that the rights derived from the petition to explore or

mine are thereby annulled and voided and shall order that the pertinent registrations be cancelled. The review shall be in chambers.

The right to point out errors in procedure, under the preceding subsection, shall be voided after the court has given a judgement.

After the judgement granting the concession has been dictated, all procedural errors and voidances shall be construed as corrected. Without prejudice to this, any judgement solving the granting of the concession will be judicially notified to the parties.

Once the judgement is absolutely final, according to the provisions established in article 174 of the Code of Civil Procedure, the matter is adjudged. Nevertheless, the exception that the matter is adjudged, that emanates from a judgement granting a concession, cannot be opposed to anyone who has promptly started an issue in a separate trial based on the second subsection of article 34, nor from whom has the right to make use of any of the nullity actions established in article 95.

#### ARTICLE 87:

The judgement granting a concession shall set forth the name, address and profession or activity of the petitioner or claimant and those of the current holder of record of the petition or claim, as evidenced by the record, the date of filing of the petition or claim or the date to be construed as the filing date and the requests therein included, the publication dates of the petition or claim and the request to survey, as pertinent, the date of the report(s) of the Bureau and the date of publication of the extract referred to in Article 83, if said publication was pertinent, and the dates of registration of the petition or claim and, if applicable, of the registration of said rights on behalf of the current owner of record.

The judgement shall also set forth the name of the concession and the M.U.T. coordinates of each of the corners of the perimeter of the concession to explore or of the mining claim or group of claims, as pertinent.

Furthermore, the judgement shall state the grounds on which it is based, it shall approve the plan of the concession to explore or the tract or tracts comprising the concessions to mine and the survey record thereof, shall declare the concession to explore or the mining concession or group of concessions as established, it shall order that the summary to which Article 90 refers be published, it shall order the registration of the judgement and of the record of the survey, as pertinent, and the filing of the corresponding plans.

#### ARTICLE 88:

The current owner or holder of record of the petition to explore or mine or of the mining claim shall be the sole person entitled to file remedies against a judgement deciding on the creation of a concession.

ARTICLE 89:

The registration ordered pursuant to the final subsection of article 87 must be requested within one hundred and twenty days of the date of the judgement of the first instance or the decree ordering that a finding on the appeal be put into effect, as pertinent.

The bearer of certified copies of the instruments referred to in the following subsection shall be empowered to request registration.

ARTICLE 90:

The summary of the judgement must include:

1. The name of the court and number of the file,
2. The date of the judgement and the nature of the concession,
3. The name, profession or activity and address of the petitioner or claimant and, when pertinent, of the concessionaire,
4. The date of presentation of the petition or claim or the date when it shall be construed as having been filed and the registration of the former or the latter,
5. The name of the concession to explore or of the concession of the tract or tracts to be mined, and
6. The M.U.T. coordinates of each of the corners of the concession to explore or the mining concession or concessions.

The extract shall be published on the first working day of any month. Nevertheless, it shall be published prior to filing a request for registration, according to the first subsection of the preceding Article.

Without prejudice to the provisions in the foregoing subsection, the Bureau shall publish, on the first working day of the month of June of each year, for public information, a list of the concessions granted during the previous calendar year, classified according to municipalities. The publication shall include the items listed in numbers 1, 2, 5 and 6 of the first subsection, on each concession to explore and each mining claim or group of claims.

## TITLE VI

### THE EFFECTS OF A JUDGEMENT GRANTING A CONCESSION

#### ARTICLE 91:

A judgement granting a concession is the title thereto and shall grant possession over the concession.

After the judgement has been registered, possession shall be subject to the rules of registered possession.

#### ARTICLE 92:

The rights created by the petition and the claim the concession and real rights thereon shall be conveyed by public deed.

The delivery of rights derived from the petition and the claim and the delivery of the concession shall be made by recording the title in the corresponding Register of the Registrar of Mines.

Similarly, other real rights on the concession shall be created in like manner and their delivery shall be effected by entering them in the pertinent registers. Nevertheless, the delivery of easements shall be made according to provisions in article 698 of the Civil Code.

The delivery of shares in companies subject to this Code shall be made pursuant to provisions in article 178.

Transmission or conveyance of the concession and of the rights derived from the petition and from the claim, shall be subject to the provisions in article 688 of the Civil Code.

#### ARTICLE 93:

The holder or possessor of a mining concession may acquire it by acquisitive prescription and the owner or proprietor there of shall lose it in like manner.

Possession required for said purposes shall, under the rules of regular prescription, be two years, and four years in the case of extraordinary or special prescription.

The decision declaring or acknowledging prescription must be entered in the corresponding Register of the Registrar of Mines.

The provisions in article 96 shall apply to the correction of errors in the creation of mining concessions.

The interruptions granted under law to certain individuals, both in acquisitive as well as with regard to extinctive prescription, shall not be taken into account after a lapse of four years.

ARTICLE 94:

Possessory actions and action for recovery based on possession may be brought in connection with mining concessions and other real rights thereon.

ARTICLE 95:

The only causes for declaring a mining concession null and void are listed hereinbelow:

1. Error by an expert while surveying the claim,
2. Fraud or deceit while surveying the claim,
3. Violation of rules on shape, bearing, area or sides or upper section of a concession to explore,
4. Violation of rules on the shape, bearing, area or sides or upper section of a claim,
5. Establishment of a concession to explore with the inclusion of tracts located outside the tracts applied for in the petition for a decision, or the establishment of a mining concession with the inclusion of tracts outside of the claims requested in the survey,
6. The creation of a mining claim with the inclusion, during the survey, of tracts already included or included as a result thereof, in another survey the date whereof is assumed to be prior to the date of survey of the former, pursuant to the second subsection of article 72,
7. The creation of a mining claim with the inclusion of lands previously included in another claim, with due regard for the provisions in the preceding number, and
8. The creation of a concession to explore including tracts already included, or included as a result thereof, in another application for a concession to explore, submitted on an earlier date.

ARTICLE 96:

Actions for nullity under numbers 1 to 7 of the preceding article shall be extinguished pursuant to the statute of limitations within four years from the date of publication of the extract mentioned in article 90.

The publication of the extract mentioned in article 90 or the registration of the decision granting the concession cannot be contested after the abovementioned term has expired.

Title to a concession shall be cleared of any error when the term of the statute of limitations has expired and, in addition thereto, it shall be construed that the decision and recording thereof have always produced the effects set forth in article 91 both for the decision and recording thereof.

The judgement which, pursuant to numbers 6 and 7 of the preceding article, declares that the actions for nullity to which they refer have expired shall at the same time, declare that the claim affected by the overlapping has also expired.

The action for nullity mentioned in number 8 of the preceding article shall expire if the interested party fails to file the objection to which N° 1 of article 61 refers to.

Nevertheless, this prescription shall not extinguish the concession of the party entitled to file the action that has lapsed, with regard to the portion that does not overlap and, whenever pertinent, the provisions in article 98 shall apply.

#### ARTICLE 97:

Anyone having a current interest therein, with the exclusion of the owner thereof, may request the voidance or nullity of a mining concession, based on one of the grounds listed in article 95.

It shall be understood for said purposes that an interest is current when it existed when the error on which the action to declare void is based was incurred and, in addition thereto, it continues to exist at the time said action is brought.

For the abovestated purposes it shall be construed that the interest is current if it existed at the time the defect on which the action is based was incurred and, in addition thereto, is still in existence at the time said action is brought.

#### ARTICLE 98:

In cases listed under numbers one and three and following of article 95, the defendant whose concession has been voided shall be entitled to correct the application requesting a decision and the plan of the concession to explore or the record and plan of the survey of the claim, as pertinent, when the factual basis of the judgement declaring the nullity make such a correction feasible.

The corrections referred to in the preceding subsection may not revoke the decision on nullity and must, furthermore, respect the perimeter of the surface of the concession to explore indicated in the petition requesting a decision or of the surface of the surveyed claim or group of claims, as pertinent.

The provisions in articles 57 and 86 to 90 shall apply after the corrections regarding the concession to explore have been made, and after the corrections to the claim have been made, the provisions in article 71, subsections two and three, articles 72 to 77, 79, 81, 82 and 85 to 90 shall apply.

## TITLE VII

### THE REGISTRAR OF MINES

#### ARTICLE 99:

An office for keeping a Register of Mines shall be established according to provisions in the Regulations.

Said regulations shall set forth the duties and functions of the Registrar of Mines, and the manner and formalities of the record.

The Register of Mines shall be subject, when applicable, to the same provisions as the Register of Deeds of the Real Estate Record Office, without prejudice to the special provisions set forth in this Title.

The Registrars of Mines shall keep the following records, in addition to the Repertoire:

1. The Register of Discoveries,
2. A Register of Ownership,
3. A register of Mortgages and Encumbrances,
4. A Register of Interdictions and Prohibitions, and
5. A stockholders Record.

#### ARTICLE 100:

The documents listed hereinbelow shall be recorded in the Register of Discoveries:

1. The petition, the claim and transfer and conveyance of the rights derived from said instruments and actions, and
2. The judgement granting a concession to explore and the transfer and transmission thereof.

ARTICLE 101:

The documents listed hereinbelow shall be recorded in the Register of Deeds of the Real Estate Record Office:

1. The judgement granting and the record of survey proceedings of the mining concession and the transfer and conveyance of the rights therefrom derived, and the judgement declaring or acknowledging its prescriptive acquisition, and.
2. The partnership agreement referred to in article 201 and amendments to said agreements.

ARTICLE 102:

The titles of legal mining companies created by virtue of law shall be recorded in the Register of Discoveries or in the Register of Deeds of the Real Estate Record Office.

ARTICLE 103:

Trusteeships, mortgages, easements, usufructs, loans, promises to sell and other encumbrances which, at times, may burden or affect a petition, a claim or a concession shall be recorded in the Register of Mortgages and Encumbrances.

ARTICLE 104:

Liens, suits, prohibitions or injunctions, interdictions and, in general, all disabilities or prohibitions, either by agreement, law or court order which in any manner encumber or limit the freedom to dispose of all or part of the rights derived from a petition, claim or concession shall be recorded in the Register of Interdictions and Prohibitions.

ARTICLE 105:

The Stockholder's Record shall be exclusively used to register not only companies governed by this Code and their establishment but also the transfer and transmission of their shares, the encumbrances and prohibitions affecting them and other entries set forth in the Regulations.

This Record shall be supplemented by an Index of Companies and Partners, in alphabetical order.

ARTICLE 106:

The Registrar of Mines shall send the Bureau certified copies of registrations in the Record of Discoveries, the record in the Register of the Real Estate Record Office of judgements creating claims and of the registration of transfers and transmissions entered in any of said Registers. The Registrar shall also send copies, including marginal notes of all records cancelled or amended by Court order. Said obligation shall be discharged not later than eight working days after said registrations, cancellations or amendments.

## TITLE VIII

### RIGHTS AND OBLIGATIONS OF MINING CONCESSIONAIRES

#### Paragraph 1

##### General Provisions

#### ARTICLE 107:

The owner of record shall be empowered to engage in works required for exploring or, as pertinent, exploiting the mine, according to the type of concession involved, after the concession has been established.

#### ARTICLE 108:

The owner of record of a concession to explore or to mine, provided they have been duly established, may object to works in which the owner of record of another concession to explore may attempt to undertake, when the petition or claim of the latter is of a later date than that of the objector.

The owner of record of a mining claim being established may not be disturbed during the exploration and the establishment of title, by the owner of a concession to explore whose title is of a later date than that of the former claim.

#### ARTICLE 109:

The concessionaire shall have the right to impose the easements referred to in paragraphs 1 and 2 of Title IX.

#### ARTICLE 110:

The owner of record of a mining concession is entitled, by operation of law, to use waters found in the works within the limits of the concession, to the degree said waters are required for exploratory work, exploitation and processing, according to the type of concession said owner might engage in. These rights are inseparable from the mining concession and are extinguished therewith.

#### ARTICLE 111:

The use of other waters required for exploratory work or the processing of mineral substances shall be governed by the provisions in the Water Code and other applicable laws.

#### Paragraph 2

##### Special Rights and Obligations of the Owner of Record of a Concession to Explore

#### ARTICLE 112:

The Concession to explore shall have a term of two years, after the date of the judgement declaring the establishment thereof.

Nevertheless, the concessionaire may request, prior to the expiration of the original two year term a single extension for another two year period to run after the final date of the first term, provided the request for an extension waives rights over at least half of all lands covered by the concession. The court shall, in said event, approve the request and grant the extension, after receipt of a report of the Bureau.

An extract of the decision granting the extension shall be published once, within thirty days thereof, and shall state the M.U.T. coordinates of the corners of the lands retained Said extract shall also be annotated on the margin of the record of the concession and the plan shall be filed, all of the foregoing within the same period indicated above.

The request shall identify the M.U.T. coordinates of the corners of lands affected by the waiver. Copy of the plan mentioned in subsection three of article 55, showing said area, shall be attached to the request.

The abandoned area shall, necessarily, embody a parallelogram with right angles, and one of its sides will be any of the sides of the concession.

The owner of record wishing, during the first two years of a concession, to physically divide said concession and extend the duration thereof for an additional two years, shall be required to first discharge the obligations set forth in the preceding subsections.

The relinquishment shall not affect rights derived from claims previously filed by the concessionaire over said lands.

#### ARTICLE 113:

During the term of the concession only the owner of record shall enjoy the right, within its boundaries, to freely dig test pits and engage in other exploratory works. The exercise of this right shall be subject to the limitations set forth in articles 14,15, subsection two and following, 16, number three; and 17, in this paragraph and the provisions on Mine Regulations and Safety. The owner of record shall become owner only of the substances he needs to take and over which concessions may be granted to exercise this right.

The rights to which the preceding subsection refers, are without prejudice to the provisions in article 108.

#### ARTICLE 114:

During the term of a concession to explore, only the owner of record may file claims with the limits thereof.

#### ARTICLE 115:

Should the owner of record of a concession to explore engage, either directly or through an agent, in mining operations or reach an agreement with a

third party thereto, the concession to explore shall be declared null and void. In said event, the court shall declare the lands to be open and free and shall order that the corresponding record be cancelled.

The owner of record who knowingly allows any person to engage in mining operations within the limits of his concession to explore shall be fined between 50 and 200 Monthly Tax Units, a fine to be doubled in the case of a second offense. The court shall order, however, the immediate termination of said operations.

Any person may report violations described in the preceding subsections.

It shall be construed, for purposes stated in this article, that mining operations are being engaged in when mineral substances are mined to profit thereby.

### Paragraph 3

#### Special Rights and Duties of the Owner of Record of a Mining Claim

#### ARTICLE 11 6:

The owner of a concession shall have the exclusive right to freely explore and mine his claim, without any limitation except those set forth in articles 14, 15, final subsection, 17, in paragraph 2 of Title IX and in the provisions on Mine Regulations and Safety.

The concessionaire shall become owner of all mineral substances mined within the limits of the claim and which may be mined at the time of the establishment of said claim or thereafter.

It shall be construed that substances have been mined from the time of separation of the natural orebody in which they were located, or from the moment of seizure in the case of wastes, slags and tailings, referred to in article 6.

#### ARTICLE 117:

Should the owner of record of a claim benefit, in a separate operation, from substances mentioned in subsection one of article 13, any person entitled thereto may demand that they be delivered, paying the costs therein involved, as long as they are on the lands wherefrom they originated, without prejudice to criminal actions which may be brought.

#### ARTICLE 118:

The concessionaire shall be required to maintain and preserve the markers placed on the corners of the claim or group of claims and shall not be allowed to change or place them elsewhere, without becoming liable to a penalty or fine which cannot be lower than 10 and cannot exceed 200 Monthly Tax Units, without prejudice to criminal responsibilities if said owner acted willfully and maliciously.

Any person who breaks, changes or relocates State landmarks shall suffer imprisonment ranging from 61 days to 5 years.

ARTICLE 119:

When markers are, for any reason whatsoever, destroyed or broken, the court, at the request of any of the neighboring owners or claimants shall order that they be properly replaced and shall be empowered to apply the fines and penalties set forth in the preceding article.

The same procedures shall apply when a marker has been altered or relocated, without prejudice to criminal fines and penalties.

Should the perimeter of a claim or of several claims surveyed as a group, change as a result of a waiver or expiry, the markers of the new perimeter shall be placed, within three months after said event, and failure to do so will be subject to the penalties set forth in the preceding article.

The same shall apply to the conveyance of one or several claims surveyed as a group or the physical division of a claim.

## TITLE IX

### ON EXPLORATION AND MINING OPERATIONS

#### Paragraph 1

#### On easements encumbering surface tenements or tracts

#### ARTICLE 120:

At the time the pertinent concession is established and in order to contribute to convenient and unconstrained exploration and operation, surface tenements shall be subject to the following encumbrances:

1. To occupation, as may be required, by ore, overburden, tailing and slag piles, ore separating and processing facilities, communication systems, conduits, channels, dams and ponds, pipelines, housing, buildings and other supplementary and ancillary facilities,
2. To those encumbrances created in favor of concessionaires for public electric services, under the corresponding laws, and
3. To the right of way and occupancy by roads, railroads, airfields, pipelines, tunnels, inclined planes, aerial cable cars, conveyor belts and any other system used to connect the concession to public roads, processing facilities, railroad stations, airfields and inhabited settlements.

#### ARTICLE 121:

The same easements applicable, under this Title, to mining concessions may be applied in favor of ore processing facilities.

#### ARTICLE 122:

The easements shall be created after assessment of ah damages to the owner of the lands or, as pertinent, to the servient concession, or to any other person.

#### ARTICLE 123:

The creation of an easement, the use thereof and the corresponding damages to be paid shall be defined by agreement between the interested parties, evidenced by a public deed, or by court decision. It may be agreed or decided that the damages be paid in a lump sum or periodically.

Easements and rights of way and occupation shall be recorded in the Register of Mortgages and Encumbrances in the Office of the Recorder of Deeds or Mines, as pertinent, before they shall be claimed or held against third parties.

ARTICLE 124:

Easements are by essence transitory, they may not be applied for purposes or ends which differ from those for which they were created and they shall cease when said use is ended. They may be expanded or restricted, as required by the activities which are the object of the correspondent concession or facilities.

ARTICLE 125:

The Court may authorize the applicant, during the pertinent proceedings, to make immediate use of the requested easements, provided a sufficient bond is posted or guarantee created to cover damages for which he may become liable.

Paragraph 2

Mutual Easements Between Mining Concessions

ARTICLE 126:

A mining concession granted one of the easements or rights acknowledged in this Title is, in itself, subject to the encumbrance that said easement also be used by another concession or processing facility and, in general, to any encumbrance which might benefit another concession or processing facility.

Said encumbrances may not, in any manner, seriously prevent or obstruct the exploration or exploration of the concession burdened thereby.

Provisions in the preceding paragraph on the creation, application or use, rights claimed against third parties, duration and damages to be paid shall apply to easements and rights mentioned in this paragraph.

ARTICLE 127:

Mining concessions shall be especially subject to easements such as mining works designed to provide or improve ventilation, drainage or access to other mining concessions or processing facilities.

Drift or gallery shall be construed to mean any works with the abovestated object.

ARTICLE 128:

In the event a drift must begin within a third party concession or must penetrate said concession and the owner of record of a concession or establishment requiring said easement or right of way cannot reach an agreement with the owner of the servient claim, the first named owner of record shall be entitled to request that a court of competent jurisdiction order the establishment of said easement.

The court shall order during the pertinent proceedings that an expert report on the following:

1. If the works are possible and useful,
2. If the drift can be dug in another location, without incurring excessively greater costs, and
3. If the exploration or mining of the concession through which it must penetrate is not obstructed or excessively hindered.

The expert shall prepare a report and attach thereto a plan showing the direction and size, in his opinion of the drift within the servient concession.

ARTICLE 129:

Each of the parties may appoint an expert to submit reports to the court on the abovementioned issue

ARTICLE 130:

The experts appointed by the interested parties shall submit their reports within eight days after the court appointed expert has submitted the report. After said term has expired the court shall decide, even if the experts appointed by the parties have not filed their reports.

ARTICLE 131:

Should the court decide for the petitioner, it shall determine the direction to be followed by the drift and maximum size thereof, within the limits of the servient concession.

If the decision does not follow the suggestions of the court appointed expert, the court shall order that a new plan be drawn, showing the heading and size of the drift, as set forth in the decision thereon.

ARTICLE 132:

A party digging a drift, shall not, within the limits of the servient concession, change the heading or the size defined for the drift, unless a new easement is granted, pursuant to above described procedures.

ARTICLE 133:

The owner of record of the servient concession has the right to visit the drift, whenever convenient and may appeal to the court, as in the case of article 140.

ARTICLE 134:

The party drilling a drift, shall compensate the damages suffered by the owner of record of the servient concession and, at the latter's request, create a guarantee before engaging in works.

ARTICLE 135:

The owner of record of the servient concession shall refrain from touching the buttresses of the drift and from extracting ore, within the limits of the concession, when said activities might endanger the drift, unless the buttresses are adequately reinforced.

The party drilling a drift shall compensate the expenses and all damages derived from compliance with this provision.

ARTICLE 136:

Should mineral substances be found in a third party concession, said substances shall not be exploited. The substances which must be removed from the tunnel shall be delivered to the owner of record, after deducting removal costs, unless said owner refuses delivery thereof, in which case they shall accede to the party drilling the drift. Likewise, should the drift penetrate a concession to explore of a third party, the removed substances shall remain in the field.

ARTICLE 137:

A drift draining a third party concession, which benefits thereby, shall be entitled to require that the benefiting party pay, at the discretion of the defendant, the value of the benefit or the cost of obtaining said benefit in some other manner, as determined or assessed by an expert witness.

If a drift drains two or several concessions, or if a concession is drained by two or more drifts, the amount to be paid shall be distributed among the concessions or drifts, provided they benefit therefrom, in proportion to the benefit received or contributed, as pertinent.

Payment may be demanded only on products from the concession drained.

ARTICLE 138:

Any road built on a mining concession may be used by other such mining concessions or processing facilities. Repair and maintenance costs shall be distributed proportionately, according to the use made thereof.

Interested parties shall appoint, for said purpose, a committee which shall determine the annual share to be contributed by each concession or processing facility towards the repair and maintenance of the road.

Any difficulties arising in connection with the foregoing shall be settled by the court, under procedures set forth in article 234.

Paragraph 3  
On Penetration

ARTICLE 139:

Miners are enjoined from penetrating third party concessions with their works. Any penetration or trespass shall be subject to payment of the net price of ores removed and to payment of all damages.

If the ores are still in possession of the violator, the affected party may demand restitution thereof, after payment of the removal costs and be entitled furthermore to require payment for damages.

If removal was made with willful misconduct, payment or the ores removed or restitution thereof shall not be subject to any deduction, without prejudice to criminal actions against the violator responsible for theft or the driftway.

Willful misconduct will be assumed when the penetration exceeds ten meters, perpendicularly measured from the vertical plane of the limit of the penetrated concession, or the violator has objected to or has obstructed a court decreed inspection.

ARTICLE 140:

A miner suspecting penetration or fearing flooding or collapse, due to the poor condition of a contiguous or nearby concession or due to work in progress, shall be entitled to visit the operations, accompanied by an expert witness.

In the event of refusal or obstruction, the court may authorize said inspection, without further procedures than a summons to an appearance to be held with the party answering the summons. Only a decision dismissing such a request may be appealed.

ARTICLE 141:

The interested party may request that the court, as a precautionary measure or prior to giving a decision order that seals be affixed, work to which the request refers be interrupted or that other pertinent safety measures be ordered.

To give said orders, the court shall receive a report from an expert witness appointed for said purpose.

## TITLE X

### ON COMPLIANCE WITH REQUIREMENTS TO WORK A MINE, THE EXTINGUISHMENT AND THE LAPSING OF MINING CONCESSIONS

#### Paragraph 1

#### Requirements to Work a Mine

#### ARTICLE 142:

A concession to work a mine shall be based on payment of an annual license fee the amount of said fee shall be one tenth of a Monthly Tax Unit, for each full hectare, in the case of a concession to mine, and, one fiftieth of said unit for the same area, in the case of a concession to explore. The owners of record of the concession whose principal economic interest is, however the non-metallic substances or metallic placers therein or thereon and the owners of record of concessions on substances found in salt beds shall pay an annual fee equivalent to one thirtieth of a Monthly Tax Unit for each full hectare, the regulations shall determine the manner in which said owners of record shall evidence the above stated circumstances entitling them to said benefits and shall define the substances considered as non-metallic for said purposes and which are to be for the selfsame purposes, considered as metal placers.

Concessions to mine in actual exploitation owned or rented by small or artesian miners, shall paid an annual license fee of a ten thousandth of a Monthly Tax Unit for each full hectare. For this purposes small or artesian miners are all natural persons that exploit one or more concessions to mine, personally or with a maximum of 12 or 6 dependants respectively, as well as the Legal Mining Societies or Cooperative Enterprises that do not count with more of 12 or 6 dependants, respectively and each partner or privies work personally in the exploitation. The indicate requirements, and the circumstances that the miner have all the authorizations and easements necessities to exploit, will allowed him to require from the Service the recognition to pay this special license; the bylaw will establish the procedure, the background, sworn declaration and terms that will be applicable to entreat the benefit. That recognition will last two annual payment periods, and at the end of them, it could be solicited again, complying with the requirements.

For the purposes indicated above, will be enough that only one of the mining concessions owned or rented, are exploited for a small or artesian miner to be presumed that all the mining concessions included in the same record of survey, are exploited the same way. Anyhow, in case of Legal Mining Societies or Cooperative Enterprises the presumption will be applicable only to the mining concessions owned by them.

In any circumstance, small miners and artesian miners, natural persons, could obtain this benefit for a surface bigger than 100 hectares or 50 respectively,

considering the mining concessions owned or rented for consanguinity relatives until de 2nd grade an affinity relatives until the 3erd degree, unless the affinity relatives are concessionaires of mining concessions located in different communes of the ones owned or rented for the person entreating the benefit. In the case of Legal Mining Societies and Cooperative Enterprises, the boundary of 100 hectare will be applicable at the mining concessions owned by them.

If the special license benefit established in the second paragraph is entreat in favor of one or more rented concessions, such benefit could only be approved for the concession or concessions in which the exploitation work takes place.

For this purposes the contract shall identify, unmistakably, such concessions.

The Service will publish annually, a list of the beneficiary concessions and the beneficiary persons.

**ARTICLE 143:**

Payment shall be in advance and during March of each year, in any bank or institution authorized to receive payment of taxes.

**ARTICLE 144:**

Payment of the license fees shall begin after a decision on the establishment of a concession to explore has been requested or when an application to survey a claim has been filed, at which time the first fee, mentioned in the following subsection, shall be paid.

The amount of the first fee shall be proportionate to the period between the date of a request for a decision or for a survey, as pertinent, and the last day of the following February.

After the fee mentioned in the preceding subsection has been paid, payments shall be effected annually at the time and in the manner set forth in the preceding article.

**ARTICLE 145:**

Fees paid on concessions, or portions thereof, relinquished, released, extinguished, lapsed or abandoned under article 112 shall not be reimbursed.

**Paragraph 2**

**Effects of Failure to Pay the License Fee to Work a Mine**

**ARTICLE 146:**

Should the concessionaire fail to pay the fee within the designated period, judicial procedures to publicly auction the concession shall be instituted.

The obligation to pay the fees may be demanded only from the corresponding concession.

The abovementioned action shall lapse within three years, after the 1st. of April of the year wherein said fee should have been paid.

ARTICLE 147:

The General Treasurer of the Republic shall notify, before July 1<sup>st</sup>, of each year, each of the courts having competent jurisdiction as to the mining concessions that have failed to pay the corresponding fees and shall specify their name and location, the owner listed in the corresponding record and the amount due.

Until procedures set forth in the preceding subsection have been complied with, payment of the fee may be made without the surcharge mentioned in the second subsection of article 149.

After the list has been received, the court shall set a date and time for the auction and shall order the resolution thereto and that the list be advertised on two separate days. The General Treasury of the Republic shall order that the advertisements be published, and shall pay the cost thereof, without prejudice to provisions in article 150.

The auction may not be held before 30 days after publication of the last advertisement.

Any person may request that errors or omissions incurred by the Treasury in preparing the list mentioned in the first subsection, be corrected prior to the auction. The court shall act advisedly. The abovementioned corrections shall be advertised in the manner set forth in subsection three and rules set forth in subsection four shall also apply.

The Secretary shall certify in the record that the advertisements have been published in the manner and within the precedingly stated period.

ARTICLE 148:

All concessions on which fees have not been paid and are listed under the same number in the corresponding list shall be auctioned as a single lot.

To participate in the auction, each bidder shall make a deposit to the order of the court and shall accompany a receipt for the amount equivalent to the value owed for fees on all concessions auctioned in the corresponding lot or group, or shall deposit said value, before the auction, with the court Secretary.

ARTICLE 149:

The minimum amount for auctioning each lot shall be the value of the unpaid fees.

The owner of the concession shall not be allowed to bid thereon. Nevertheless, by payment of an amount equivalent to twice the unpaid amount, said concession may be struck from the list of concessions to be auctioned.

ARTICLE 150:

To complete the price of the auction the bidder shall pay the corresponding portion of the court costs, in proportion to the price of the sale, as assessed by the Secretary, shall submit evidence of payment of the overdue fees and shall deposit the balance, if any, in the account of the court. The balance shall be delivered to the previous concessionaire.

ARTICLE 151:

The auction does not make the bidder owner of the ancillary facilities or objects designated as appendant immovables, under article 3; the right to reclaim them, however, lapses after one year after the date of entering the deed evidencing the award. After said period has elapsed they shall become the property, by operation of law, of the owner of the concession, without cost.

ARTICLE 152:

Should the bidder fail to complete the price of the auction within eight days after the date thereof, the award shall be voided under law and the court shall apply the guarantee and shall order that the concession or lot be, once again, offered for sale.

ARTICLE 153:

All other procedures pertaining to the auction, the corresponding minutes thereof, the deed evidencing the award and registration shall be governed by procedures set forth in the Code of Civil Procedure on the auction of attached immovables.

ARTICLE 154.

The conveyance to the new owner of the auctioned mining concession shall be effected and subject to all registered or recorded encumbrances on it.

ARTICLE 155:

If there are no bidders on the concession or lot, the court shall declare the lands to be free and shall order that the pertinent record or registration in the Registrar of Mines be cancelled.

This resolution will be judicially notified to the parties.

The right to repossess goods mentioned in article 3 shall, in said event, expire three months after the establishment of a claim to mine on the lands whereon said goods are located.

After said period has expired they shall, by operation of law, become the property of the owner of the concession without cost.

ARTICLE 156:

The General Treasurer of the Republic shall send, prior to July 1<sup>st</sup> of each year, a list to each Registrar of Mines, setting forth all the mining concessions located within the jurisdictional territory of said Registrar and on which fees have been paid for that year, as well as names and location thereof, the name of the owner listed in the corresponding record and the amount paid. The Registrars shall file said lists.

Without prejudice thereto, the General Treasurer of the Republic shall keep said lists open to inspection by any person wishing to examine said lists.

ARTICLE 157:

Judges, Secretaries and other officials charged, under this Title, with certain duties and the performance of certain acts shall discharge and perform them without the necessity of being required thereto.

The corresponding Court of Appeals, on its own motion or at the request of any petitioner, shall review compliance with this article.

ARTICLE 158:

The General Treasurer of the Republic shall also oversee the correct publication of the hereinbefore mentioned advertisements or notices and compliance with other procedures for auctions, until performance thereof has been discharged.

Auction costs shall be for the account of the Treasury, without prejudice to provisions in article 150.

ARTICLE 159:

The Bureau shall be charged with the supervision of all acts and procedures under this Title. The General Treasurer of the Republic shall send to the Bureau a certified copy of the lists referred to in articles 147 and 156.

The Bureau shall also maintain a list of the current mining concessions, as well as the lists mentioned in the above subsection and other data necessary for identifying land embraced by mining concessions, and shall notify the pertinent authorities of any violation or omission.

### Paragraph 3

#### Other Grounds for Voidance of Mining Concessions

##### ARTICLE 160:

The mining concession shall be voided if the pertinent entry of the decision granting said concession is not applied for within the term set forth in article 89.

##### ARTICLE 161:

Furthermore, the concession to explore shall be voided pursuant to provisions in subsection one of article 115.

##### ARTICLE 162:

Mining concessions may be waived or released, without prejudice to third party rights to object to waivers which could affect their interest therein.

Said waiver shall be set forth in a public deed and shall be completed by the cancellation of the pertinent records, according to an order thereto given by a court of competent jurisdiction.

The same capacity and other authorities required to dispose shall be required for the waiver or relinquishment of a mining concession.

The Regulations shall determine the requirements to be met by a party waiving or relinquishing a concession, the information to be submitted to the court, in order that it may allow the records to be cancelled, advertisements to be published to protect third party rights, the manner in which said parties may object to a waiver affecting their rights and the procedures to be followed in dismantling and replacing markers, according to the scope of the waiver or relinquishment.

The foregoing is without prejudice to the abandonment referred to in subsection two of article 112.

### Paragraph 4

#### Payment of Fees and Effects of Said Payment on Taxes

##### ARTICLE 163:

The value of mining license fees shall apply to the exclusive benefit of the Treasury and shall not be considered as cost for taxation purposes. Nevertheless, in the case of miners or mining companies filing statements according to their actual taxable income subject to First Category Taxes, as reflected in trustworthy accounting records, the mining fees paid on claims or the preceding concession to explore, during the five years immediately preceding the year of start up of mining operations shall, for taxation purposes, be considered as organization expenses referred to in article 31, N°9 of the Income Tax Law and, as such, shall be amortized in the manner set forth in said provision, properly adjusted under the rules defined in article 41, N° 7 of the selfsame law. It shall be assumed, by

operation of Law, that exploitation of the mine has commenced when the owner thereof or some third party has engaged in any of the acts referred to in subsection one of article 166.

#### ARTICLE 164:

Starting in the year wherein the claim begins to be mined, either by the owner or a third party, amounts paid before that the General Treasurer of the Republic comply with the disposition established in the first paragraph of the article 156 as a mining license fee, shall be considered as a voluntary temporary payment under article 88 of the Income Tax Law and, after proper adjustment pursuant to rules set forth in the aforementioned provision, shall be credited only to the following taxes, as pertinent:

1. To withholdings to which miners and mining companies are subject to, under article 74, N° 6 of the Income Tax Law,
2. To the mandatory provisional payments affecting mining companies, under article 84,(d)of the Income Tax Law, or
3. To the First Category Tax on royalties, leases or any similar payment or obligation in favor of the owner of record of a mining claim worked by a third party.

The credits mentioned above, in numbers 1 and 2, may be claimed only with regard to withholdings and mandatory provisional payments affecting sales during the twelve months immediately following the month during which the mining fees should have been paid, and reimbursements or credits may not be claimed or applied to balances, which could not be credited in the abovestated manner.

The credits mentioned above, may be claimed also for the sellers that exploit concessions owed by others at any title, when the contract impose the payment of the mining concession fee, in such event, the credits mentioned in number three of the first paragraph will not take place in favor of the holder of the mining concession give to a third parties for its exploitation.

#### ARTICLE 165:

Ore buyers and buyers of mineral products shall require that any person requesting the credits to which article 164, N°1 refers, exhibit or show the original receipt evidencing payment of mining fees. Said buyers shall record, on the back of said receipt the information listed below:

1. Date of the credit,
2. Amount to be credited, properly adjusted pursuant to article 88 of the Income Tax Law,

3. Balance, to be credited to future taxes, and
4. Mining claim of origin of the ores or substances, as set forth by the seller.

ARTICLE 166:

It shall be assumed, by operation of law, for all purposes set forth in article 164, that mining of a claim has begun when the owner or third parties, as pertinent, sell ores or mining products from said claim.

Exploitation pursuant to provisions in the preceding subsection in a single claim, among several included in the same survey, and belonging to the same owner shall be sufficient to assume, by operation of law, that all claims are being mined and that, hence, all provisions in articles 163 and 164 are applicable to the owner thereof.

If the claims of a single owner included in a single survey, embrace an area exceeding one thousand hectares, the owner thereof may apply or claim a deduction only for the value of fees paid on 1000 hectares.

## TITLE XI

### CONTRACTS AND QUASI CONTRACTS

ARTICLE 167:

Agreements or contracts on mining concessions or mineral substances shall be subject to general legal rules, unless amended by provisions in this Code.

ARTICLE 168:

To define the location and limits of a mining concession in a contract or in official files it shall be sufficient to note the data in the record or entry of the pertinent petition, claim or decision granting a concession.

#### Paragraph 1

#### Promise to Sell and other Agreements

ARTICLE 169:

The agreement or contract on a promise to sell a mining concession or of a share therein or actual portion thereof, or a promise to sell shares in a company governed by the Code and, in general, any other right specifically governed by this law shall be valid, even though the execution of the sales contract may be at the discretion of the party that promises to buy.

Any person to whom the thing may be, under any title, conveyed or transferred, shall be bound to execute the sale, in the same manner as the party that undertook said commitment, if the agreement has been executed by public

deed, registered or recorded in the Register of Mortgages and Encumbrances or, as pertinent, in the Stockholders Record.

Furthermore, if an act is executed or an agreement entered into affecting or limiting or which might limit or affect the tenure, possession or ownership over the promised object, while the promise or covenant is still pending, the act or promise shall be voided ipso facto or by the mere fact that the sale is executed, unless the party promising to buy states his willingness to abide by it, substituting himself in the rights and duties or obligations of the predecessor in ownership.

The provisions in subsections two and three hereof shall apply also to the promise to sell and to an option on goods or properties mentioned in subsection one hereof. In the event of this last named agreement, the mere acceptance of an irrevocable offer shall suffice to complete the proposed sale. Nevertheless, both the offer and acceptance thereof must, in all cases, be made in a public deed.

ARTICLE 170:

Rescission or annulment of an agreement for the sale or barter of a concession or share therein or actual portion thereof shall not apply, under rules on heavy damages, i.e., the value of the property is less than half of the price charged.

ARTICLE 171:

A lease or of the right to use and enjoy the fruits of a property (usufruct) shall be construed as meaning that exploitation according to title shall represent the legitimate use and enjoyment thereof and the tenant or user shall not be responsible for the decrease in mineral substances resulting from the aforesaid exploitation.

The foregoing is without prejudice to compliance with Regulations on Mining Safety and Security.

Paragraph 2  
On Partnerships/Companies

ARTICLE 172:

Partnerships/companies may be organized in the manner set forth in other Codes or special laws, to explore for or to mine mineral substances.

In addition thereto, mining partnerships/companies may be organized pursuant to provisions in this paragraph.

## Section 1

### Mining Partnerships/Companies resulting from an Event General rules

#### ARTICLE 173:

The fact that a joint petition or claim is filed by two or more persons or the fact that a quota or share in a mining concession, formerly registered under the name of a single individual is recorded by two or more persons, is sufficient, by operation of law, to create a legal entity.

The company shall bear the name of the concession and shall mention the mining area wherein it is located.

The address of the company shall be the city where the record of the concession, included in the name of the company, pursuant to the preceding subsection or following article, is maintained. The partners shall be empowered to change this address to another city. Nevertheless, said change of address cannot be brought against third parties, unless it has been recorded alongside the second registration to which article 176 refers.

#### ARTICLE 174:

The company/partnership may encompass two or more concessions, provided the partners are the same and have an equal share in each of them; in said event, the company shall be named after the first concession mentioned in the title.

#### ARTICLE 175:

The social assets shall be understood as divided into one hundred shares, distributed among the partners according to their interest or shares in the concession.

#### ARTICLE 176:

Whenever a title, mentioned in article 173, resulting in the establishment of a company is entered in the Office of the Registrar of Mines, said title, after recording in the Register of Discoveries or of Deeds, as pertinent, shall be again registered under the name of the company which is, thereby, created, and, immediately thereafter, the names of the persons comprising the company shall be entered in the Stockholders Record, setting forth opposite their names the number of shares or fractions thereof, as applicable.

When a jointly filed petition or claim does not set forth the proportion being requested for each of the partners, it shall be construed that it shall be equally distributed among them. The same rule shall be applied to transfers or conveyances which do not set forth the proportions to be distributed in a concession acquired by several partners.

#### ARTICLE 177

After a concession has been entered under the name of the company, the latter becomes owner thereof and the partners shall retain a share, movable right or interest therein.

#### ARTICLE 178:

The delivery of the shares shall take place by entering the title in the Stockholders Record of the Registrar of Mines, mentioned in article 176. The title thereto shall be evidenced by public instrument.

The adjudication of the shares shall be made always in a public deed, to be entered in the manner described above.

The last will and testament shall be entered in the case of estates, bequests or legacies. The transfer and delivery of shares shall be effected without prejudice to liens and obligations encumbering them.

The transfer of shares shall be subject to rules set forth in article 688 of the Civil Code.

#### ARTICLE 179:

The heirs shall appoint, at the request of any interested party, a joint administrator of the concession after the death of the owner thereof and until such time as the registrations ordered in article 176 have been completed, pursuant to procedures and with the effects set forth in rules of procedure.

The heirs shall appoint, after the death of one of the partners, a joint agent to represent them in the company, until the shares are distributed.

#### ARTICLE 180:

The partners are not personally liable to third parties for social obligations, and, are responsible or liable to the company only as partners, secured by unreceived benefits and products and their shares therein.

#### Board Meetings

#### ARTICLE 181:

All company business shall be transacted and decided during meetings, to be held at the company address.

#### ARTICLE 182:

All partners must be summoned to company meetings. Summonses will be made by an advertisement published on two occasions.

In addition thereto, partners with homes in the city or place of address of the company, set opposite to their names in the Stockholders Record, will be notified

by registered letter sent by the court Secretary and said mailing will be entered on the record. Failure to mail said letter shall not void the summons.

The meeting must be held not sooner than eight days after the date of the last advertisement.

ARTICLE 183:

Any of the partners or the manager may request that the court summon a meeting. Any objection thereto must be submitted not later than the day before the meeting and shall be taken and decided without further procedure on the court's motion. The appeals taken against the resolutions or decisions mentioned in this article shall be heard without suspensive effect.

ARTICLE 184:

The summons shall state the purpose of the meeting, the place, date and hour, where and when it shall be held and the name of every partner holding ten percent, at least, of the shares in the company.

The meeting will be held in the City or place of the company's address, unless a resolution to the contrary was approved during a previous meeting, by a majority of not less than two thirds of the company shares.

Resolutions adopted without summonses or during meetings which did not comply with or meet the requirements listed under the first subsection hereof, and in articles 182 and 183 or not included in the notice, not at the company address or at a place, date or hour not mentioned in the notice, shall be void.

An action to declare void must be brought only within three months of the date on which the meeting was held.

ARTICLE 185:

Provisions in previous articles notwithstanding, the meeting may be held at any place and without need to summon such a meeting, when all shares in the company are present.

A meeting evidenced by public deed, executed by persons representing all the shares in the company, shall be considered valid.

ARTICLE 186:

One or more persons, representing at least, the absolute majority of shares in the company shall be required to convene a meeting.

If said majority is not present or represented at the first summons, a second call will be issued, stating said circumstances and the meeting may be convened with the attending members and it shall be empowered to adopt the pertinent resolutions.

The second meeting shall be held not earlier than eight days after the date of the second advertisement or notice summoning a second meeting.

ARTICLE 187:

The meeting shall be chaired by whoever represents or holds the largest number of shares and should several members have the same right, the president shall be chosen by lot.

ARTICLE 188:

Resolutions shall be adopted by the absolute majority of shares present, without prejudice to legal exceptions. Resolutions shall be recorded in the minutes, to be signed by at least one of those voting in favor or appointed by the meeting thereto.

The court shall decide ties, whatever may be their cause, with due consideration to the law and the interests to the company.

ARTICLE 189:

A sale and any of the contracts mentioned in article 169 or affecting a mining concession or interest therein must be favorably voted by, at least, two thirds of the company shares.

To create a mortgage or enter into an exchange contract (avío) or to deliver any title authorizing the exploitation of a concession shall require a resolution adopted by an absolute majority of the company shares, except in the case set forth in subsection two of article 211 governed by provisions in the preceding subsection.

All objections may be entered, within thirty days of the date of the meeting, in the court of the company address, to any of the agreements indicated in the preceding subsections. Said court shall grant the objection if it is evident that the proposed agreement is harmful to company interests.

ARTICLE 190:

When the object of the meeting shall be the adoption of any of the abovementioned agreements or contracts or the allocation of quotas for the cost of maintaining, exploring or exploiting the concession, a Notary Public shall attend the meeting and certify the identity of the participants, the resolution adopted and the voting thereon Said requirement shall not be mandatory in the case indicated in subsection two of article 185 and, in said case, it shall be assumed that the resolutions were unanimously adopted, unless stated otherwise in the pertinent public instrument.

A transcript of the minutes, certified by the attending Notary Public, or, if pertinent, of the public deed, shall be entered in the Office of the Registrar of Mines, where the entries mentioned in article 176 were made. Said official shall certify said entry alongside the record of the company filing. Until such procedures

have been completed, the corresponding resolutions may not be claimed or held against third parties or partners failing to attend the meeting .

## Management

### ARTICLE 191:

The partners shall appoint, during the meeting, one or more managers to manage the company, and shall determine their responsibilities, remuneration and terms of office.

The transcriptions on the appointment of a manager shall be set forth in a public instrument or be evidenced in the manner stated in subsection two of article 185. The public instrument shall be entered alongside the entry in the Stockholders Record mentioned in subsection one of article 176.

Until said formalities have been completed, the appointment shall not be exceptionable against third parties.

### ARTICLE 192:

The manager is an agent of the company and, therefore, shall act according to the terms of his mandate.

Without prejudice thereto, the manager does not have any additional power other than those with which managers are vested, such as: pay debts and collect credits of the company, provided both are part of the ordinary business thereof, sue debtors, file actions designed to recover possession and interrupt prescriptions or application off the statute of limitations, acquire materials required for the exploration or mining of the claim or processing its products, enter into and terminate work contrasts, demand in favor of the concession, easements to which it is entitled and accept those which, under law, may be imposed thereon and sell ores mined.

For all other acts not listed hereinabove the manager shall require special authority granted by the meeting.

### ARTICLE 193:

Unless the partners appoint a special representative, the manager shall represent the company and be in charge of all issues or questions related, in whatever manner, to public authorities.

Said manager shall be in charge, furthermore, of representing the company in courts of law, under the rules of the Code of Civil Procedure applicable to administrators or managers of civil or commercial companies.

Until such time as the manager is appointed, the principal stockholder shall be vested with the powers granted to the manager under the two preceding

subsections. If two or more partners have equal rights, the appointment shall be made according to the alphabetical order of their family names and, if necessary, of their maternal surnames and given or Christian names provided the appointee is capable of exercising said functions.

ARTICLE 194:

The benefits shall be distributed in proportion to the number of shares held by each partner.

The meeting shall decide on the time of distribution of the benefits or, should it fail to decide the issue, whenever the manager considers it advisable.

The distribution shall be in ore, pulp or money, as decided by the partners. Should they fail to reach an agreement, the distribution shall be in money.

Nevertheless, one or more persons representing, at least, one fourth of the shares in the company, may demand that their quota or share be delivered in their own ores or pulps, after reimbursement of the pertinent costs.

Contributions to Expenditures

ARTICLE 195:

The partners shall contribute proportionately, according to the number of shares held in the company, to expenses necessary for maintaining and exploring a concession to explore and the claim, as well as to the exploitation thereof.

A resolution of the meeting, adopted by, at least, an absolute majority of the shares in the company and, next, advertised and notified pursuant to provisions in article 182 shall be required to determine the amount of the abovementioned contributions.

The provisions in article 189, subsection three shall be applicable to the abovementioned resolution. The period within which objections may be filed, however, shall start after the second advertisement referred to in the preceding subsection.

All objection may not be granted when the contribution or contributions requested shall be applied to expenditures listed in the first subsection hereof.

Contributions shall be paid, if no term has been set therefore, within 30 days after publication of the second pertinent advertisement.

## Failing to Pay

### ARTICLE 196:

The partner failing to pay the agreed shares of the costs, shall be considered as having failed to contribute thereto.

In said event, the manager of the company shall be empowered to dispose of ores, pulp or moneys of the partner who failed to contribute, still held by the company, in an amount equivalent to that required to cover the amount due.

Should the products to which the preceding subsection refers be inexistent or should their amount be insufficient for payment of the amount due, the manager shall apply to said payment the shares of the non-contributing partner. This action may also be brought by any of the contributing partners, on behalf of the company.

### ARTICLE 197:

The action granted under the final subsection of the preceding article shall be brought in executive proceedings filed against the non-contributing partner. A certified transcript of the minutes or of the public deed evidencing the meeting and the resolution adopted to assess said charges shall be sufficient title thereto.

The only defenses or exceptions which the defendant may file are:

1. Insufficient or improper jurisdiction of the court,
2. Lack of capacity or of authority of the plaintiff or his agent,
3. Litispendence,
4. That the charges assessed were not decided pursuant to articles 182, 183 and 184, provided the period to file objections or the pertinent proceedings is still pending,
5. That the resolution or assessment does not meet the requirements of subsections one and two of article 195, provided the period to file objections or the pertinent proceedings are still pending,
6. That the amount being charged is greater than the one corresponding to the number of shares,
7. Payment of the amount due,
8. A legally adopted resolution or agreement, exempting the defendant from the contribution being demanded,
9. Res judicata, and

10. That the company is holding ores, pulps or moneys that are property of the defendant.

ARTICLE 198:

After the judgement ordering execution proceedings becomes executable or is omitted, due to the fact that objections have not been filed, the share or shares of the non- contributing partner shall be sold at a public auction. The minimum amount shall be the amount due and the balance, if any, shall be delivered to the owner, after deducting the auction and court costs.

The non-contributing partner may interrupt the auction by payment, at any time, of the amount due and the incurred expenses and court costs.

If there are no bidders, the share or shares of the non- contributing partner shall be proportionately divided among the other partners, according to the number of shares held by each of them and said partners shall be liable in like manner, for the assessment against the non-contributing partner.

Termination of the Company

ARTICLE 199:

The only causes or grounds for termination of the company shall be:

1. The sale, termination or voidance of all concessions, of which it is the owner and
2. The acquisition or consolidation by one person of all shares representing its assets.

## 2nd Section

### Companies Resulting from an Agreement thereto

#### ARTICLE 200:

Companies may also be organized or incorporated to prospect a concession to explore or to explore a claim, or to exploit the latter and process ores therefrom, in which case they shall be governed by the provisions set forth in the 1st. Section of this Paragraph and, in addition thereto, the rules set forth hereinbelow.

#### ARTICLE 201:

The company shall be organized, incorporated and evidenced by public deed, an extract of which shall be entered in the Register of Real Estate of the Office of the Registrar of Mines of the company address.

Said public instrument shall, in all cases, set forth:

1. The names of the partners and the name, address, object and term of the company,
2. The manner in which it shall be managed,
3. The division of company assets in shares and their total distribution among the partners, and
4. The conveyance or transfer of the concession to the company.

Other covenants or agreements entered into by the partners may also be included in the selfsame instrument.

The record shall include an extract of the particulars mentioned in subsection two hereof.

#### ARTICLE 202:

The partners in companies mentioned in this section shall guarantee the contributions for which they became liable under the agreement with all their property.

Payment of contributions agreed to thereafter shall be secured exclusively with undistributed benefits or products and by their shares.

The partners shall not be liable to third parties for obligations incurred by the company, unless a stipulation to the contrary has been made.

#### ARTICLE 203:

This company shall terminate pursuant to the grounds listed in article 199 and, in addition thereto:

1. When the term thereof or the condition therefor has expired or been fulfilled, as set forth in the agreement, and
2. By resolution of the partners, adopted in the manner set forth in the partnership agreement.

ARTICLE 204:

In the event of liquidation, the company shall be liquidated by the manager, unless the partnership agreement states or the partners decide otherwise.

For said purposes, the liquidator shall comply with the rules set forth in the Code of Commerce for liquidating general partnerships.

It shall be understood that the legal existence of the company shall continue for the liquidation thereof.

ARTICLE 205:

The rules set forth in the preceding Section shall apply, to all circumstances not foreseen in the partnership agreement or, as pertinent, in this Section.

Paragraph 3  
Exchange Contract

ARTICLE 206:

An exchange contract is an agreement whereby a party undertakes to give or do something to assist in the exploitation of a claim and accept repayment in kind only, with the product thereof or a section of the claim.

ARTICLE 207:

The exchange contract shall be in writing and may not be held against third parties unless set forth in a public deed, registered in the Register of Mortgages and Encumbrances of the Office of the Registrar of Mines wherein the claim is recorded.

ARTICLE 208:

The exchange contract may be executed for a specified or unspecified period of time or for one or more works in the claim.

ARTICLE 209:

When the exchange contract is unspecific, any of the parties thereto may terminate it at his discretion.

A party to an exchange contract shall maintain his credit for the amount of money disbursed under the agreement, to be paid with the products of the mine, without prejudice to other creditors with stronger claims.

ARTICLE 210:

When the exchange contract is specific, the miner or creditor may terminate the agreement at any moment: the miner by relinquishing ownership over the claim in favor of the lender and, the creditor, by written waiver of the credit.

In the foregoing circumstances, the miner shall relinquish ownership over the claim in favor of the creditor in a unilateral statement, evidenced by public deed, registrar in the Register of Deeds of the corresponding office of the Registrar of Mines.

ARTICLE 211:

The parties may stipulate that payment of what is due to the creditor be made in ore, pulp or money, with the agreed to bonuses and without limitation.

The parties may also stipulate, that to effect payment the lender shall acquire ownership or title to a share as high as fifty percent of the claim. Such stipulation is equivalent or shall be construed as a promise to sell, compliance whereof may be demanded by the lender, pursuant to article 169, after compliance with the obligations undertaken by the latter.

ARTICLE 212:

The contributions to be made by the lender shall be delivered as stipulated and in the absence of a stipulation, as required by the operations. Should the lender refuse to comply or delay compliance for more than fifteen days, the miner may demand payment, after proper judicial notice, in the pertinent manner or else, take a loan from another party for the account of the original lender or else enter into a new exchange agreement which shall enjoy a preference over the first agreement.

ARTICLE 213:

The management of the claim shall be undertaken by the miner during the term of the exchange agreement, unless otherwise stipulated.

Nevertheless, should the miner allocate the other uses the money or supplies provided by the lender, without the latter's consent, the lender shall be entitled to manage the claim, without prejudice to criminal actions which may be brought against the miner.

The lender shall have the same rights mentioned above, in case of careless or wasteful management by the miner, who thereby endangers the rights of said lender.

ARTICLE 214:

If, after the supplies have been exhausted, the claim is overdrawn, the lender shall be empowered to undertake the management thereof and to continue to supply said claim until full repayment has been made, with preference over any other lender. The foregoing shall apply not only to amounts due under the original

agreement but also under the new agreement, to the bonuses and in the manner set forth in the previous agreement.

Nevertheless, should the lender refuse to supply or support the claim, the miner shall be allowed to stipulate with a third party another agreement, which shall be preferred to the first named.

ARTICLE 215:

A lender or supplier or miner, not managing the claim shall be allowed to visit it, inspect the works, examine the accounting records and supporting documents and to submit comments and objections to the works being performed and accounts. Said rights may be exercised whenever convenient, either directly or through an agent.

A request for the designation of a judicially appointed intervener, empowered to receive the net amounts due to the petitioner may be submitted to the court.

ARTICLE 216:

Should the lender entitled to manage a claim fail to maintain it in good working order or if fraudulent management is proven, or should the management thereof be careless or wasteful, then, under said circumstances, the lender shall be deprived of the right to manage, without prejudice to criminal actions which may be brought against said manager, whose only right shall be limited to the appointment of an intervener, as in the case and vested with the powers set forth in the preceding article.

Paragraph 4  
On Mortgages

ARTICLE 217:

A mortgages on a mining concession shall be governed by the same provisions applicable to mortgages or other real estate and, particularly, by the provisions in this Paragraph.

ARTICLE 218:

Mortgages shall not be created on mining concessions whereto title has not been recorded.

ARTICLE 219:

A mortgage on a claim encumbered by a registered exchange or loan agreement shall be devoid of any effect, until such time as the lender agrees to postpone his rights to those of the mortgages and said postponement is duly entered in the pertinent Register.

ARTICLE 220:

A mortgage on a concession shall also affect the goods or materials mentioned in article 3 hereof, without prejudice to liens thereon, unless otherwise stipulated.

Liens may be established or created on all other movables to be used in the exploration or exploitation of the concession and, if pertinent, on mineral substances mined from the deposit, and said goods or substances may continue to be held by the debtor, subject to the provisions on industrial liens or security not subject to removal, as agreed.

ARTICLE 221:

A mortgage on a concession does not vest the creditor with the rights set forth in article 2427 of the Civil Code, unless the damages or losses are due to fraud or willful misconduct of the debtor.

ARTICLE 222:

An estimate of the value of a mortgaged concession shall not be required to offer it in an auction.

The minimum bid for the first auction shall be the value assessed by joint agreement of the parties and should they fail to reach said agreement, said minimum shall be the amount of the mortgage credits thereon, in addition to the court costs.

## TITLE XII

### REPOSSESSION ACTIONS ON ORES

#### ARTICLE 223:

Under no circumstances may ores acquired from persons mining concessions or dealing in ores be, in said area, repossessed.

#### ARTICLE 224:

The purchase of ores, stolen or taken by force, from individuals not mentioned in the preceding article, shall be equivalent to an assumption of concealment or accessory after the fact, when said sale and purchase has been made without written evidence thereto, signed or executed by the parties and signed by two known witnesses setting forth, in addition thereto, the type, grade and weight of the ore sold, the stipulated price and the date of the transaction.

#### ARTICLE 225:

After the theft or forceful removal has been proven, the court shall order, in the event mentioned above, that the ores be returned, after the claimant shows that the ores claimed are the same as those in his claim.

## TITLE XIII

### ON THE RIGHTS OF CREDITORS

#### ARTICLE 226:

Notwithstanding the rights of mortgage creditors, the concession of the debtor, property considered to be appendant immovables under article 3 hereof, and supplies located in the concession may not be embargoed nor sold.

The foregoing rules shall not apply when the debtor is a corporation

The debtor may, however, consent the embargo and sale, provided said consent is evidenced during the same proceedings.

#### ARTICLE 227:

Ores already mined from a deposit shall be subject to embargo.

Should the proceeds prove to be insufficient to offset the amounts due, the creditor may request that the court deliver the claim to him for management under judicial supervision, until payment is completed with the products thereof.

ARTICLE 228:

Should the claim fail to yield enough to pay for costs and repayment of the loan, the creditor may request court approval to manage the claim under an exchange agreement and, at the same time, hold a preferential right to be repaid, not only for amounts invested in this last named agreement, in addition to regular interest thereon, but also to preferential repayment of the original credit.

ARTICLE 229:

The rules set forth in articles 215 and 216 shall apply to the management by the creditor, in the two circumstances of the preceding article.

ARTICLE 230:

In the event of bankruptcy of a miner, the creditors shall be required to exercise the rights with which the foreclosing party is vested, under the preceding rules.

Lenders under an exchange agreement shall have preferential rights to manage the claim and to enter into said exchange agreements in the pertinent order.

After the claim has been sold, creditors shall be entitled to repayment according to the general rules on preferences or priorities. Parties to an exchange agreement shall be preferred in the inverse order, the last agreement over the previous ones, according to the date of record of their titles.

## TITLE XIV

### ON JURISDICTION, IN GENERAL AND PROCEDURES

ARTICLE 231:

A Civil Judge of the First Instance with jurisdiction over the center point set forth in the petition or point of interest indicated in a claim shall be vested with powers sufficient to decide on all issues, of a litigious or non litigious nature, in adversary or voluntary proceedings, with reference to petitions, claims, a concession to explore or to exploit.

Nevertheless, all issues of a litigious or non litigious nature, related to administrative or judicial concessions, either granted or being subject to proceedings on the date this Code is enacted, shall be decided by a court with jurisdiction over the site of the concession or, when pertinent or applicable, the site of the finding indicated in the claim.

The foregoing shall be without prejudice to other rules set forth in this Code or special rules enacted in other laws.

ARTICLE 232:

The petition and the claim shall be entered in the Register of Discoveries of the Office of the Registrar of Mines in the territory of his jurisdiction, whereon the center or point of interest, as pertinent, is located.

The selfsame recorder shall enter all other data or acts howsoever related to the petition and the concession to explore derived therefrom and the corresponding claim and concession.

ARTICLE 233:

All suits on rights governed by the rules set forth in this Code or regarding petitions, claims, concessions to explore or mine and not subject to other procedures under this law, shall be filed according to the rules established for summary proceedings.

When sufficient grounds exist thereto, a suit being heard under rules applicable to summary proceedings, may continue to be heard according to rules applicable to ordinary proceedings. The application for a change in procedures shall be taken as a procedural motion.

ARTICLE 234:

Nevertheless, all issues related to matters considered under subsection seven of article 9, subsection three of article 15, number three of article 16 and subsection one of article 18 on the legal basis and amount of damages mentioned, subsection one of article 21; article 108, article 117, article 119 and the final subsections of articles 184, 188 and 189 shall be heard under the special rules for very brief and summary proceedings set forth in the following article.

The same provision on procedural rules shall apply to all matters dealing with the establishment or creation, exercise and termination of easements governed by this Code, the pertinent payment for damages and guarantees or securities.

ARTICLE 235:

The very brief and summary rules to be followed in events mentioned in the preceding article shall be as follows:

1. After a suit has been filed, the court shall hold a hearing on the fifth working day after the last notice has been served. The term shall be extended if the defendant is not in the venue of the court, according to the rules on extensions set forth in article 259 of the Code of Civil Procedure,
2. The hearing shall be held with the attending parties and answering briefs and evidence shall be submitted and given during said hearing. The parties wishing to call witnesses shall file, before noon of the day prior to the hearing, a list of witnesses to be called,

3. Should the court consider it advisable, an expert shall submit a report. Said expert shall be appointed by agreement between the parties and should they fail to reach an agreement thereon, the court shall make the appointment. The court shall determine the term during which the expert shall submit the report,
4. A decision shall be given within five days of the date of the hearing or the filing of the report, as pertinent,
5. The final decision may be taken in appeal but said appeal shall not suspend the application or execution thereof, unless the court, in a reasoned decision which, in turn, shall not be subject to appeal, shall grant the remedy with both effects. All other decisions shall be unappealable, and
6. The appeal shall be governed by the rules on motions and shall enjoy preference for a hearing and decision.

ARTICLE 236:

The period or term stated in days, with regard to judicial adversary proceedings brought under this Code, shall be suspended during public holidays.

## TITLE XV

### GENERAL PROVISIONS

ARTICLE 237:

The terms granted by this Code for judicial proceedings shall be considered as deadlines, whenever the expression "of" or "within" is used.

ARTICLE 238:

A special supplement to the Official Gazette, to be designated as the Official Bulletin of Mines shall be published. All notices to be given pursuant to this Code shall be published therein. Said Bulletin shall be published separately or in conjunction with the Official Gazette, on the first working day of each month and the first working day of each week.

The Ministry of Mines shall supervise the correct publication of the Bulletin and compliance with the applicable rules.

ARTICLE 239:

Whenever this Code orders that a document, plan or sketch be filed or entered, the corresponding official shall comply by attaching it to or entering it in the corresponding record or file, in the same manner as a Notary Public when filing public instruments and shall, in like manner, issue certificates and transcripts.

ARTICLE 240:

Whenever this Code uses the expression "Organic Constitutional Law" it shall be construed as a reference to Law N° 18.097, the organic constitutional law on mining concessions and when it uses the expression "Bureau" (Servicio) it shall be construed as a reference to the "Servicio Nacional de Geología y Minería", and, whenever and in any manner it sets forth that the geographical or M.U.T. coordinates be indicated, the first shall be given within an accuracy of one second and the other, within an accuracy of ten meters. Nevertheless, a petition for judgement on an application for a concession to explore, a petition for a survey on a mining claim and statements regarding coordinates to be made during additional proceedings shall refer to M.U.T. coordinates, within an accuracy of centimeters.

ARTICLE 241:

The Bureau shall maintain an Official National Record of Mining Claims. To assist in the preparation thereof the Bureau shall maintain a national record, including, among other items the M.U.T. coordinates of the concessions, the corners whereof shall be determined by said coordinates.

The abovementioned record shall include both concessions established pursuant to said system of coordinates as well as those established under a different system, whose corners shall henceforth be indicated by M.U.T. coordinates.

The record shall be exclusively based on the transcripts or duplicates which Registrars shall send to the Bureau, pursuant to provisions in article 106.

ARTICLE 242:

The expression included in subsection one of article 74 of the Sanitary Code, "explore nor request mining claims" shall henceforth read: "undertake mining work or activities".

ARTICLE 243:

Notwithstanding provisions in article 127 of the Mining Code of the year 1932, the full and timely payment of the four last consecutive fees in the Treasury, formerly or currently authorized to receive payment thereof, shall entitle the person under whose name the claim is entered to request that a court of proper jurisdiction, pursuant to the last subsection of article 231, declare that the pertinent record of the minutes of the survey is still current, provided that on the date said request is submitted, said record has not been cancelled nor have any judicial requests for said cancellation been recorded alongside said registration.

The payment of the fees may be certified by the pertinent receipts or other public instruments.

The court shall order that the request be published in the Official Bulletin of Mines, within thirty days after the date of the resolution. Any interested person may object within thirty days, after the date of the advertisement. Said objection shall be

governed by the rules set forth in article 235 of this Code and the only grounds therefore shall be the existence on the date of the petition to which the first subsection hereof refers to of an exclusive concession to explore or a previously granted concession to explore or claim or a filed request to survey, in which case the objection shall affect only the claim or claims object of the request, totally or partially affected by the pertinent concession, claim or request for survey, the objection may be brought, further thereto, pursuant to the existence of a claim on the abovementioned date and, in said event, the objection shall affect only the claim object of the request wherein the objector can prove is located the point of interest indicated in connection with his own claim.

The fact that a resolution has been given stating that the record is still current shall be registered alongside the pertinent entry. Said entry shall allow a construction by operation of law that proper protection is extended to the claim for the duration of the period covered by the last evidenced payment.

#### ARTICLE 244:

All legal or regulatory provisions contrary or incompatible with the provisions in this Code are hereby revoked. Subject to special repeal are:

1. The Mining Code, enacted under D.L. N°488, August 24, 1932 and amendments thereto,
2. Law N° 12.576,
3. D.L. N°1.090, 1975, amendments thereto and regulations,
4. D.F.L. N° 191 of the Ministry of Finance, published in the Official Gazette on May 20, 1931,
5. Articles 5 and 6 of Law N°16.319,
6. D.L. N°1 .759, 1977,
7. D.L. N° 3.060, 1979,
8. Law N° 10.263,
9. Supreme Decree N° 917 of the Ministry of Trade and Economy, published in the Official Gazette on July 12, 1952, and
10. DL. N° 448, 1974.

## TRANSITORY PROVISIONS

### 1st. ARTICLE:

The incorporation of mineral substances in the object of a claim shall, in the following cases, be subject to the rules set forth hereinafter:

1. It a claim over deposits in which substances mentioned in subsection one of article 3 of the Mining Code of 1932 coexist with a claim or claims over one or more substances mentioned in subsection two of said Article, the claim over substances mentioned in subsection one of the abovementioned Article 3 shall include coal in its object, as well as other substances over which by virtue of Law N° 18.097 concessions may be granted and which are to be found in the overlapping section,
2. It the overlapping takes place between a claim to substances referred to in subsection one of Article 3 of the Mining Code and a concession or claim on coal, the first named shall also include ah other substances on which concessions may, by virtue of Law N° 18.097 be granted, found in the overlapping sections,
3. If the overlapping takes place between two or more claims on substances mentioned in subsection two of Article 3 of the Mining Code of 1932, the claim whose minutes or survey were first entered shall include substances on which concessions may be granted and which had not heretofore been so granted as well as those on which concessions may be, by virtue of Law N° 18.097, granted, existing or to be found in the overlapping section,
4. It the overlapping takes place between a claim on substances mentioned in subsection two of Article 3 of the Mining Code of 1932 and a concession or claim on coal, the first named shall include al substances not granted in concession as well as those on which concessions may be, by virtue of Law N° 18.097 granted and which are to be found in the overlapping sections,
5. If only one claim or administrative concession for exploitation exists, said concession shall include al subjects on which a concession had not been granted and which may be the subject or object of a concession, under Law N° 18.097,
6. If a claim on substances mentioned in subsection one of Article 3 of the Code of 1932 coexists with a concession on coal and either of them lapses or is terminated, the object of the surviving one shall henceforth include substances on which concessions may be granted, under Law N° 18.097 to be found in the area or overlapping areas, even if, in addition thereto, two or more claims coexist on substances mentioned in subsection two of the aforementioned article 3,

7. If one or more of the claims on substances mentioned in subsection two of article 3 of the Code of 1932 lapse, the overlapping claim on substances mentioned in subsection one of this article shall include in its object the corresponding substances, to be found in the overlapping section. Nevertheless, if the claim that lapses is one on substances mentioned in subsection one of the abovementioned article 3, the claim on substances mentioned in subsection two of this Article whereon the minutes of the survey were first entered shall include in its object the substances which corresponded to the lapsed claim, and
8. If only claims over substances mentioned in subsection two of article 3 of the Code of 1932 coexist and one of them should lapse, the claim with the earliest date of entry of the survey shall include in its object the substances in the lapsed claim, found in the area where the overlapping continues to exist.

The provisions in the foregoing subsection are without prejudice to claims established by application of the provisions in the following article or under claims filed prior to the enactment of this Code, all of which shall be construed, for the purposes set forth in said subsection, as established prior to the moment wherein the provisions of the selfsame subsection shall become applicable.

The provisions hereof shall apply when this Code becomes applicable, in the events stated mentioned under numbers 1, 2, 3, 4, and 5, or when, under numbers 6, 7 and 8 the claims lapse. The provisions in subsection one of this Article shall not affect the claims referred to in the previous subsection, since said provisions apply only as of the moment wherein the claim being processed is established or when the rights derived from the pertinent claim are extinguished.

The provisions shall apply, in all events, by operation of law, without requiring thereto a judicial decision or entry nor recording of any kind whatsoever.

## 2nd. ARTICLE:

The Chilean Nuclear Energy Commission and the Development Corporation (Corporación de Fomento de la Producción) shall be the only agencies entitled to submit petitions and file claims on thorium and uranium, in the case of the first named and, in the case of the second named, on nitrate and analogous salts, iodine and chemical compounds of these products, coal in the case of article 219 of the Code of 1932 or guano which, by virtue of provisions in subsections two and following of article 3 of Law N° 18.097 can be the object of a concession. Nevertheless, the Commission and the Development Corporation shall be entitled to exercise these rights only regarding substances mentioned in this article which are not covered or subject to a mining claim or administrative concession, currently in force; the owners of record of these administrative concessions shall be subject to the provisions in the following subsections and the owners of record of mining claims shall be subject to provisions in transitory article 7.

Within 180 days, of the enactment of this Code, the owners of record of judicially granted concessions and the owners of record of administrative concessions to explore or to exploit, as well as petitioners of record for said concessions, shall submit claims on the granted or requested substances, under penalty of having their rights lapse in the stated period. When said claims cover the same lands they shall be preferred according to the date of filing of the pertinent applications for a concession, the creation or establishment thereof or the initiation of the pertinent procedures.

If, as a result of the foregoing provisions, a claim is superimposed or overlaps one or several others, the rules set forth in the 1<sup>st</sup> and 3<sup>rd</sup> transitory articles shall be applied.

Furthermore, the claims established as a result of provisions in the first or second subsections shall have as their object all substances on which concessions may be granted, found therein. Nevertheless, in the pertinent section, the claim shall have as its object only the substance or substances set forth in the first subsection which were mentioned or indicated in the claim or the substance or substances whereon the pertinent concession or claim was granted or filed, when said claims overlap or are overlapped by previously established claims or established as a result of claims or requests for concessions filed prior to the enactment of this Code.

### 3rd. ARTICLE:

When, by virtue of provisions in articles 82 and 83 of the Code of 1932 or the preceding transitory Articles, two or more claims or administrative concessions for exploiting coexist on the same land, either totally or partially overlapping each other, their owners of record shall deliver to each other the substances which correspond to each other, mined during their operations, and each operator shall bear the cost of the removal thereof and each owner shall bear the costs and investments required for separating the ores belonging to each of them; the separation shall be performed by the operator according to the requirements of his production and in such a manner as necessary to hold him harmless. Should the owner refuse or fail to pay for said costs and investments in advance, said owner shall waive the right to claim the pertinent substances and the operator shall become owner thereof, free of charge.

Disputes between two or more owners of record, in the application of the foregoing subsection or during their mining operations, shall be submitted to the decision of an arbitrator, as mentioned in the final subsection of article 223 of the Organic Code of Justice. In this last event, the arbitrator shall prefer the exploratory or mining works which, together with all other works of the same owner of record in the deposit have a greater global economic and social significance and shall decide on the amount and manner of payment of the assessed damages, said amount not to exceed twice the investment in the investment in the postponed works. Said assessed damages shall include the decreased supplies or flow to facilities built to process the ores mined from the postponed works.

4th. ARTICLE:

Until such time as the Regulations on this Code, as well as others, required for the application hereof are enacted the rules set forth in article 222 of the Mining Code of 1932, the Regulations thereof, approved by Decree N° 2228, December 21, 1932, the Regulations on Mine Security and Safety, approved under Decree N° 32, February 28, 1969, the Regulations on Building and Operation of Dams for Tailings, approved by Decree N°86, July 31, 1970, the regulations on Standards for Surveying Mining Claims, approved by Supreme Decree N°2211, September 7, 1937, and others enacted for the application of the referenced Code shall continue to be applied, insofar as they do not contradict provisions herein.

5th. ARTICLE:

The procedures for establishment of mining claims, still pending on the date this Code begins to be applied, shall continue to be governed by the Code of 1932. Nevertheless, in cases in which field work of the survey has not begun, the system of M.U.T. coordinates shall be used.

6th. ARTICLE:

In order that the corners of the surface of a claim established or which might be established pursuant to applicable legal provisions in force prior to this Code may be defined by M.U.T. coordinates, they shall be governed by the rules set forth in the following subsections.

The Bureau shall, within six months following the first year of application of this Code, prepare and open to inspection by the interested parties a transitory list of claims, classified according to region or zone, and the data identifying and fixing the location of the claims mentioned in the preceding subsection, either completely or partially in the pertinent region or area. In the event that the Bureau has determined the referenced coordinates, they shall also be set forth.

The fact that the temporary list for a particular region or area is on sale or available for inspection by the interested parties shall be advertised by the Bureau in notices published on different days in the Official Bulletin of Mines and, likewise, in two different and nationally distributed newspapers. The six advertisements shall be published within the same calendar month it shall be construed that the temporary list is available for inspection by the interested parties on the date of the last of the abovementioned publications.

Interested parties shall have a term set by the President of the Republic, of not less than six months, after the date on which the temporary list has been opened for inspection:

1. To include in the temporary list their established claims, for which purpose they shall submit or attach duplicates or transcripts of the minutes of the survey and indicate the M.U.T. coordinates of the corners,

2. To state the M.U.T. coordinates of the corners of their claims, in the event that said corners have not been set forth in the temporary list, and

3. To indicate M.U.T. coordinates different from those shown on the temporary list, if they should disagree with any of the aforementioned coordinates.

The M.U.T. coordinates indicated by the interested parties, pursuant to provisions in the preceding subsection, shall be based on records of survey minutes or replacement of markers, or on entries in the records evidencing the existence of additional lands ("demasías"). All interested parties shall state the manner in which the coordinates were determined, as required by the Regulations.

After the period mentioned in subsection four has expired, the Bureau shall examine the data or information submitted by the interested parties, pursuant to the procedures, periods and for the regions or areas determined, in each case, by the President of the Republic and, as pertinent, shall proceed to:

1. Strike from the pertinent temporary list the claims therein listed without M.U.T. coordinates and on which the interested parties have failed to state said coordinates, after due notice to the affected parties,
2. Enter on the National Register of Mining Concessions, mentioned in article 241, the claims for which the temporary list has mentioned M.U.T. coordinates, provided the interested parties have not indicated other coordinates,
3. Enter on the selfsame record, the claims included in the temporary list with M.U.T. coordinates different from those indicated by the interested parties, provided the Bureau has accepted the coordinates stated by the parties,
4. Enter on the Register the claims submitted by the interested parties, provided the Bureau has accepted the coordinates indicated by the parties,
5. Advise the interested parties that their claims have been registered, with the coordinates indicated by the parties as a substitution for the ones previously shown on the temporary list and, in addition thereto, whether the said coordinates were accepted or rejected by the Bureau, and
6. Advise the interested parties on the inclusion of their claims on the Register, with a statement on the coordinates indicated by the interested parties and on whether they were accepted or rejected by the Bureau. In this last event, the Bureau shall indicate the M.U.T. coordinates estimated by the Bureau or the fact that the Bureau has not made any estimate thereon.

Within thirty days after expiry of the period set by the President of the Republic pursuant to subsection four, the Bureau shall notify the interested parties,

under numbers 1, 5 and 6 by advertisements published in the manner set forth in subsection one hereof.

Any person affected by any of the decisions of the Bureau, as a result of duties imposed by subsection six, may file an objection with the court within one year after publication of the last advertisement mentioned in the preceding subsection. The objection shall be filed in a court of competent jurisdiction, pursuant to the final subsection of article 231, notice thereof shall be given by advertisements published on separate days in the Official Bulletin of Mines, and said objections shall be decided after hearing a report of an expert witness and due notice to the Bureau, as well as to all other persons who could be affected should the objection be granted. The Bureau and affected parties may file an objection until such time as a decision is given, and the objection shall be heard pursuant to article 235. The decision cannot be within three months, of the date of the last advertisement being published.

The claims, whose M.U.T. coordinates are set or determined by court decision, shall be entered on the National Register of Mining Concessions. Should the judicial decision on the objection, to which reference is made in subsection eight hereof, fail to determine the M.U.T. coordinates of a mining claim, it shall be stricken from the temporary list.

The M.U.T. coordinates entered on the record shall be construed as definitive and, for all legal purposes, shall determine the location of the pertinent claims.

The indication of M.U.T. coordinates of a mining concession in the National Register of Mining Concessions shall not imply acknowledgment of the legal existence thereof.

By virtue of the provisions in subsection two of the 2<sup>nd</sup> transitory article of the Political Constitution, all claims which, at the end of the proceedings defined in the preceding subsections, are not entered on the National Register of Mining Concessions, shall be extinguished.

#### 7th. ARTICLE:

Mining claims in force, on nitrate and analogous salts, shall subsist as such and, for all legal purposes, shall be governed by the applicable provisions in this Code. Nevertheless, the obligation created under article 142 shall be applicable thereto, only after March 1<sup>st</sup> 1989.

The owners of record of concessions and petitioners for concessions to which the final section of subsection one and subsection two of transitory article 2 refer shall not be subject to payment of the license fee on claims to which Article 51 refers, when filing the corresponding claim or claims.

## FINAL TITLE

### FINAL ARTICLE:

This Code shall begin to be applied sixty days after publication.

**NOTE:** In conflict between the Spanish and English versions, the Spanish version will always prevail. For all purposes the official text of the Mining Code is the one published by the Editorial Jurídica de Chile.