

REPUBLIC OF VANUATU

CHAPTER 190

THE QUARRY (PERMIT) (REGULATIONS) ORDER No. 17 OF 1991

An Order to make provision concerning the application for and grant of quarry permits and matters related thereto.

IN EXERCISE of the powers conferred by section 88 of the Mines and Minerals Act [CAP. 190], I, DANIEL YAMYAM, Minister of Lands, Geology, Minerals, Rural Water Supply and Hotel Development hereby make the following Regulations:-

INTERPRETATION

1. (1) In these Regulations, unless the context otherwise requires:-

"building minerals" means mineral substances and rocks commonly used for building, road making or agricultural purposes;

"Commissioner" means the Commissioner for Mines and Minerals appointed under section 6(1) of the Mines and Minerals Act [CAP. 190].

"quarry" means any area excavated for the purpose of working for profit building minerals;

"quarrying" means any operation of obtaining or extracting building minerals by any mode or method;

"working for profit" means producing minerals for use or sale.

(2) Nothing in these Regulations shall prevent the extraction of building minerals on land from which it has been the practise of the custom owner to extract such building minerals for customary purposes provided that the building minerals are not subsequently sold for use outside the land from which they are extracted and that the extraction and production of such building mineral is not, in the opinion of the Commissioner, disproportionate to or change from local and customary traditions, is not unsafe, nor is it detrimental to the public interest.

APPLICATIONS

2. (1) Subject to regulation 1 (2), an application for the grant or renewal of a quarry permit to extract building minerals shall be made to the office of the Commissioner, Port Vila.
- (2) All applications for the grant of a quarry permit shall include:-
- (i) full name, address and nationality of applicant;
 - (ii) in the case of a company, full names, addresses and nationalities of the directors;
 - (iii) details of the area for which the permit is sought, not exceeding 0.5km, illustrated by a sketch plan, at a scale of not less than 1:2000, whose boundaries shall be straight lines, and whose coordinates shall be fully defined in a manner acceptable to the Commissioner;
 - (iv) details of the building minerals to be quarried and proposed programme of working;
 - (v) the term for which the permit is required;
 - (vi) certification of a valid land lease and approval of the custom owner and lawful occupier of the area subject to the application.
- (3) The Commissioner may, by notice served on the applicant, require further information in respect of an application as he considers relevant or necessary. The applicant shall comply with the notice.
- (4) The Commissioner shall not grant any permit unless a copy of the application has been exhibited for a period of not less than 30 days at the headquarters of the Area Council of a Local Government Council having the land which is the subject of the application, and the Commissioner has taken such other steps as are necessary to publicize the application and shall take into account any objections received, either then or at any other time, in deciding the application, but may reject the application whether or not any objections are received.

QUARRY PERMIT

3. A quarry permit shall be in the form set out in the Schedule 1 to this Order.

FEE

4. The fee payable for a quarry permit shall be 50,000 VT per year payable annually in advance.

REVOCAATION

5. The Commissioner may revoke the quarry permit at any time if he considers it to be in the public interest to do so, or if he is satisfied that the quarrying operations are liable to disturb public order.

STATISTICAL RETURNS

6. (1) The holder of a quarry permit shall forward to the Commissioner, within one month of every quarter year ending the 31st day of March, the 30th day of June, the 30th day of September and the 31st day of December, a return showing the amount of material obtained from each quarry, the nature of the material, the saleable value of such material and such other information as the Commissioner may require.
- (2) The Commissioner or an officer authorized in that behalf by the Commissioner shall have the right of entry at all times to the quarry permit area and may take such steps as are necessary to ensure true and accurate returns are submitted to the Commissioner.

RELINQUISHMENT

7. A quarry permit may be relinquished at any time by written notification to the Commissioner.

RESTORATION OF LAND

8. Unless the Commissioner otherwise specifies, the quarry permit holder shall remove, within 60 days of the expiry or relinquishment of the Permit, any camp, temporary buildings or machinery erected or installed by him and make safe the area covered by his permit, to the satisfaction of the Commissioner.

ROYALTY

9. The royalty payable in respect of the building minerals extracted under a Quarry Permit shall be paid to the Commissioner quarterly, that is to say, by the 31st day of March, the 30th day of June, the 30th day of September and the 31st day of December in each year and shall be 5 percent of the gross market value of the total quantity of the building mineral extracted.

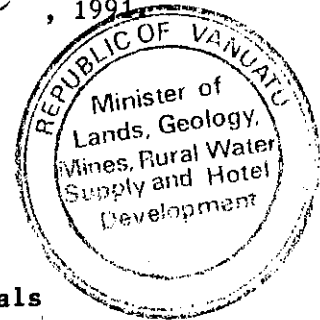
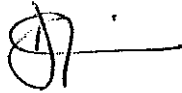
PENALTY

10. Any person or body corporate who extracts building minerals from any land and who is not a holder of a valid quarry permit is guilty of an offence and is liable on conviction to a fine not exceeding VT.200,000 or to a term of imprisonment not exceeding 12 months or to both such fine and imprisonment.

COMMENCEMENT

11. This Order shall come into force on the date of its publication in the Gazette.

MADE at PORT VILA, this *5th* day of *August*, 1991



DANIEL YAMYAM
Minister of Lands, Geology, Minerals
Rural Water Supply and Hotel Development

SCHEDULE 1

REPUBLIC OF VANUATU

QUARRY (PERMIT) (REGULATIONS) ORDER No. OF 1991

QUARRY PERMIT

Permit No.

1. The Commissioner, exercising his powers under Section 62 of the Mines and Minerals Act, Cap. 90 of the Laws of the Republic of Vanuatu ("The Act"), hereby grants to

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the exclusive right to quarry

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in the areas set out in Annex 1 for a period of
beginning and ending

2. This permit is subject to the conditions and provisions of Annex 2, as well as all conditions imposed by Law.

3. The permit holder shall pay to the Commissioner in each year during the term of the permit an annual fee of 50,000 Vatu payable on the 1st January of each year, the first payment being made on issue of the permit for the year in which the permit is issued.

4. The royalty, to be paid quarterly to the Commissioner shall be five (5) percent of the gross market value of the total quantity of building mineral extracted.

DATED this

day of

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Commissioner for Mines and Minerals

ANNEX 1

Description of Area

ANNEX 2

Programme and Manner of Work