

In the Name of Allah the Gracious The merciful

The Mineral Wealth and Mining (Development)
Act, 2015

In accordance with the Provisions of the Interim Constitution of the Republic of the Sudan, 2005 passed by the National Assembly and Signed by the President of the Republic the following Act :-

Chapter I

Preliminary Provisions

Title and commencement

1. This Act may be cited as “the Mineral Wealth and Mining (Development) Act, 2015”, and shall come into force as of the date of signature.

Repeal and Saving

2. The Mineral Wealth and Mining (Development) Act, 2007 shall be repealed; provided that :-
 - (a) The regulations, rules and orders made thereunder shall remain in force until revoked or amended in accordance with the Provisions of this Act.
 - (b) The Mineral prospecting licences, certificates of registration of exploration and prospecting areas, mining contracts, salt and gypsum extraction contracts and measures, arrangements made thereunder shall remain in force until revoked or amended in accordance with the provisions of this Act.

Interpretation

3. In this Act, unless the context otherwise requires, :-

“Exploration”, means the intensive investigation, and expansion in testing the earth surface and subsurface, rivers, lakes, continental shelf, territorial water and the contiguous area by all

the geological, geophysical or geochemical surveys or remote sensing and all other necessary surveys, drilling of all types and means and all activities which are applied extensively in such areas which lead to knowledge of the extent of the occurrence of mineral materials, and other ores materials by specifying places, degrees and forms of their concentration, reserves, and particulars at the prospecting or licenced areas, the same shall include such as may be necessary of studies, other detailed laboratory tests to evaluate and determine the feasibility of economic exploitation thereof.

“Prospecting”, means the group of preliminary activities exploration activities of mineral ores, and other mining materials , for testing the surface or subsurface of the earth, rivers, lakes , continental shelf territorial waters and the contiguous areas by all the geological, geophysical, geochemical or otherwise which lead to knowledge of the extent of the occurrence of mineral ores , and their physical and chemical characteristics or otherwise, or make trenches or shafts or testing channels to verify its existence or the probability of its existence ;

“Licensing”, means the Licence granted from the Ministry to any person for prospecting or exploring mining materials;

“Mining”, means extraction of minerals and ores materials from the surface or subsurface of the earth, rivers , lakes, continental shelf, territorial waters or the contiguous areas, from non-renewable materials and ores or viens, one strata or rock mass or rock contacts or coral reefs including all kinds of conventional geological and industrial operations applied in mines to determine places of ores and other mineral materials, and extract, collect, transport and process the same by using engineering physical, chemical metallurgical and biological technologies and otherwise for the purpose of separating the components of elements or mineral concentrations and directly transforming the same through any type of treatment to a mineral or industrial component or otherwise ;

"Competent Authority", means the Ministry or the Authority (GRAS) as the case may be;

“Rocks and industrial minerals”, mean any rock, or solid material of natural source existing on the surface or subsurface of the earth, rivers, lakes, continental shelf , territorial water or the contiguous area, which can be transformed by different industrial or mining processings to an industrial product like cement inputs, ceramic , agro-minerals, gypsum, talc, salt and otherwise in exclusion to ores and organic substances ;

- "Licencing Contract," means the licencing contract provided for in Section 14;
- "Committee", means the Technical Committee for Mining, established under the provisions of Section 21;
- "Council", means the Higher Council for Mining established under the provisions of section 4;
- "Director", means the General Director of Geological Researches Authority (GRAS);
- "Minerals", mean all mineral materials of natural origin, composed of elements and non-organic chemical compounds, which have specific chemical compounds and elements and specific physical status, including precious minerals, metals and industrial minerals fossils , precious and semi-precious stones, salt, gypsum, meteorites, limestone to extract radioactive minerals, coal, granite, shale, saltpeter, potas, chemical materials, white sands and black sands, or any other materials which cannot grow by planting ;
- "Mine", means a trench or a shaft in the surface or subsurface of the earth, which, has been driven on an engineering basis, and operations are to be conducted on or below it for the purpose of extracting mineral materials, other than quarries materials, including lands where the utilities necessary for mines business

erected thereon like roads, airdromes, other means of transportation, offices, laboratories, where houses and camps used for mining purposes in its different names;

“Mining materials”, mean minerals and their ores, rocks, and strata containing thereof, minerals mineral deposits existing on earth surface or subsurface, rivers, lakes, continental shelf, territorial water or the contiguous area which can be used for different utilizations like mineral water or any other materials such as the Ministry may confirm that they are mineral materials in exclusion of quarries materials, oil and natural gas;

“Authority”, means the Geological Research Authority of the Sudan (GRAS);

“Ministry”, means the Ministry of Minerals;

“Minister”, means the Minister of Minerals.

Chapter II

The Council

Establishment and Constitution of the Council

4. There shall be established a Council to be known as " the Higher Council for Mining" , and shall be constituted as follows :-
- | | |
|--|----------|
| (a) The President of the Republic | Chairman |
| (b) Minister of Minerals | member |
| (c) The Minister of Interior | member |
| (d) The Minister of Justice | member |
| (e) The Minister of Finance and National Economy | member |

- (f) The Minister in the Higher Council for Decentralization Governance member
- (h) The Minister of Environment, Forests and Physical development member
- (i) The Minister in the National Investment Authority member
- (l) The General Manager of the National Security and Intelligence member
- (k) The Minister of Animal and Fisheries Wealth member
- (l) The Minister of Transportation member
- (m) The Minister of Roads and Bridges member
- (n) The Minister of Tourism, Antiquities and wild Life member
- (o) The Minister of Agriculture and Irrigation member
- (p) The Minister of Industry member
- (q) The Minister of Health member
- (r) The Minister of Care and Social Security member
- (s) The Minister of Science and Communication member
- (t) the Governor of the Bank of Sudan member
- (u) The General Manager, geological Research Authority of the Sudan (GRAS) member
- (v) The Under secretary, Ministry of Minerals member
and rapportur
- (w) Four persons of competence and expertise in minerals filed members
- (x) Governors of the states which their mining issues are presented before the Council ad hoc members

Functions and Powers of the Council

5.(1) The Council is the highest authority, responsible for mining affairs, without prejudice to the aforesaid, the Council shall have the following functions and powers , to :-

- (a) approve policies and general plans of mining suggested by the Minister;
- (b) lay down strategies pertinent to mining and mineral wealth;

- (c) consider the national Interests in the projects of local , regional and international dimension;
 - (d) furnish attractive climate for investment in minerals sector and removing impediments;
 - (e) strive to remove Intersections between the different levels of governance and investors and local communities in co-ordination with the states and units in connection;
 - (f) strive to preserve environment and cultural heritages and antiquities in co-ordination with the competent bodies;
 - (g) remove intersections between the functions of the competent bodies.
- (2) The regulations shall determine the organization and mandates of the meetings of the Council .

Meetings of the Council

- 6.(1) The Council shall convene twice a year, and it may convene for an emergent meeting upon a call of the chairman or upon a written request from one third of the members.
- (2) The quorum shall be constituted by the presence of half the members.
- (3) The decisions shall be passed by the majority of the attending members, and in case of equality of votes the chairman shall have a casting vote.

Disclosure of Interest

7. Any member who has direct or Indirect interest on any issue presented before the Council for consideration, shall disclose the nature of such interest to the Council and he may not participate in any deliberations or any decision to be passed by the Council on the layed issue.

Chapter III

Ownership of mineral materials and organization of exploitation thereof

- 8.(1) The ownership of all mineral materials existed on the earth surface or sub-surface, lakes, continental shelf, territorial waters and Contiguous zone, shall vest on the State and it shall have the exclusive right for exploration and Prospecting of all mineral materials and dispose thereof.
- (2) (a) The President of the Republic upon recommendation of the Minister, may make a decision to prohibit exploration or prospecting of minerals or mineral materials of special importance to the national economy, and in such case all licences of exploration, prospecting and previous mining contracts shall be revoked ;
- (b) The licencees which their licences have been revoked subject to paragraph (a) shall be fairly compensated, and where the license or the contract is revoked the licencee or the contractor shall be offered fair compensation, and where no agreement for compensation has been reached, an arbitration tribunal shall be constituted of a representative of both the licensee and the Authority (GRAS), and an elected president to be agreed upon by the parties, and its decision shall be final and binding to both parties.
- (3) The President upon recommendation of the Minister, may expropriate the ownership of the land in accordance with the provisions of the Land Expropriation Act, 1930.
- (4) With regard to the provisions of other laws , the Authority (GRAS) may keep the spaces where works of exploration and prospecting for mineral materials or whatever connected therewith, are carried on, during the execution of such works, and it may entrusted the same to others, or by partnership, subject to such conditions as it

may be prescribed by the regulations, in accordance with the provisions of this Act.

Lands, river and marine areas to be specified

9. With regard to the provisions of other laws, the Minister upon approval of the President of the Republic may make a decision to seize lands owned by the State, and marine and river areas, for mining reserve, and he may determine the activities permissible in such areas to utilize the same in a suitable time for mining purposes, in accordance with the provisions of this Act.

Chapter IV

Mining organization

Information upon discovering mining materials

- 10.(1) Any person who by coincidence discovers a mineral or ore of mining materials, shall inform the Ministry, thereof in writing.
- (2) The Committee shall register the right of discovery to the informer and he shall have the priority right for obtaining exploration licence for such mineral or ore of mining materials, provided that he shall present an application for licence within four months of the date of informing the Committee of such discovery, together with satisfying the conditions provided for in section 12.

Prohibition of exploration, Prospecting and mining without licence

11. A person is not allowed to do exploration, prospecting or mining without obtaining the necessary licence, in accordance with the provisions of this Act.

Conditions for obtaining Licence

- 12.(1) There shall be required for granting exploration or prospecting Licence or concluding mining contract, the following conditions, :-

- (a) presenting a certificate of registration, where the applicant is a company, business name or a branch of a foreign company ;
 - (b) providing the financial ability for fulfilling contractual obligations;
 - (c) possession of competence and sufficient experience in the field of mining;
 - (d) presenting clearance certificate from Taxation and Zakat;
 - (e) presenting a certificate from the competent bodies to the effect that the area is clear of conflicts;
 - (f) abidance by payment of fees.
- (2) There shall be required for conclusion of traditional mining contract, the applicant shall be :-
- (a) of Sudanese nationality;
 - (b) not below 18 years old;
 - (c) registered to the Authority (GRAS) or its state branches;
 - (d) paid the Prescribed fees.

Issuance and renewal of Licence

- 13.(1)The Minister shall issue an exploration and prospecting licence upon recommendation of the Committee, the regulations shall determine the conditions of renewal.
- (2)Where the Authority (GRAS) decided the site or part thereof, is ready for production the Minister may conclude a mining contract or agreement or any amendments thereof, the licence shall be valid to the part which was not being ready for mining, for the remaining period of licence, or for the period such as may be recommended by the Corporation, subject to the conditions as may be prescribed by the regulations.

Types of licences and mining contracts

- 14.(1) Types of licences and mining contracts shall be as follows :-
- (a) general licence for prospecting, which guarantees to whom it may be issued the right to enter the area covered by the

licence, and take surface samples for studies purpose, other than areas which have been licenced to others as exclusive exploration areas, or with respect to which a mining contract is concluded.;

- (b) exclusive exploration licence which guarantees to whom it may be issued the exclusive right of exploration in the area covered by licence, including conducting geological, geochemical and geophysical investigations, prospective drilling works and taking samples for making the necessary analysis, technical and technological necessary studies, under the supervision of the Authority (GRAS);
- (c) mining contract, which guarantees to whom it may be issued the right of extracting the mining materials covered by the contract in the licenced area, by all scientific, technical and technological means, under the supervision of the Authority (GRAS) and marketing such production or disposing of the same, in accordance with the provisions of this Act and the regulations made thereunder .
- (d) small mining contract, which guarantees to the contractor the right of extracting the mining materials covered by the contract in the licenced area, by the means to be specified by the Authority (GRAS), and marketing the production or disposing thereof in accordance with the provisions of this Act or the regulations issued thereunder;
- (e) traditional mining contract, which guarantees to the contractor the right of extracting specific mineral by traditional means in the area to be specified by the contract, and marketing the same, in accordance with the provisions of this Act and the regulations issued thereunder ;
- (f) extracting minerals and industrial rocks contract, which guarantees to the contractor the right of extracting, manufacturing and marketing such materials in the area to be specified by the contract, in accordance with the

provisions of this Act and the regulations issued thereunder .

- (2) The Director shall sign licences and mining contracts upon approval of the Minister.

Conclusion of agreements

15.(1)The Minister upon recommendation of the Committee may conclude special agreements with any company under which it shall be granted a licence of exploration of any mineral or mining materials on the basis of partnership or division of production or any other form, in accordance with the conditions to be specified by the regulations.

- (2)The Minister may issue directions for granting preferential privileges provided for in the agreements mentioned in subsection (1), in accordance with the provisions of the National Investment(Encouragement) Act 2013 .

Prohibition of Surpassing Licencing limits

16.(1) The licensee for exploration or mining shall be forbidden from excavating for ore or other mining ores other than the mining ores which he has been granted the licence for exploration or mining thereof.

- (2)Where exploration or mining for the ore the object of licence, becomes impossible , the licensee shall obtain a new licence by adding the mineral or minerals associated therewith.

Right for obtaining mining contract

17.(a) The licensee for exploration during the licencing period, shall have the right to obtain a mining contract on all the licenced area or part thereof, subject to such conditions and safeguards as may be provided for in this Act ;

- (b) Where the mining contract contains more than one mineral, and no mining has been conducted for one or more of such minerals, the licensee shall be notified in writing of the necessity of conducting mining for the other minerals provided for in the contract ;
- (c) Where the licensee has not been abode by the provisions of subsection (b) the Committee after the expiry of 90 days of the date of notification, may recommend revocation of the mining contract for such minerals, provided that such revocation shall not affect the contract for extracting the primary Mineral .

Revocation of contracts, licences and agreements

18. The Minister upon recommendation of the Committee, may revoke contracts, licences and agreements in any of the following situations :-
- (a) breaching of any of the items of the licence, contract or the conditions of the agreement;
- (b) the licence, contract or agreement has not been utilized for the purposes that the contract, licence and agreement granted therefor.

Responsibility of licensee

19. The licensee for exploration or mining shall be solely responsible before others for the whole damage caused by his works, and shall incur any compensation resulting from suits or demands or proceedings taken by others in this respect .

Fees and leases

- 20.(1) Fees shall be imposed on prospecting and exploring licences, mining contracts, Salinas, gypsum quarries and all kinds of certificates issued subject to the provisions of this Act, according to the schedule attached to this Act.

(2)The regulations shall determine the financial return for leases on one square kelometer or any other module out of the exploration or prospecting area or mining contract, any part of such modules shall be deemed a whole module, the Minister may change such financial return upon approval of the Minister of Finance and National Economy, on a condition that it shall be passed by the National Council .

(3)The Minister may change the fees rates specified in the schedule attached to this Act from time to time upon approval of the Minister of Finance and National Economy, on a condition that it shall be passed by the National Council .

Chapter V

Technical Committee

Establishment, formation and supervision of the Committee

21.(1) There shall be established a Committee to be known as the Technical Mining Committee , and shall be responsible to the Minister for the performance of its business, to be formed by a decision of the Minister, from the under secretary as a chairman and a membership of the General Director of the Authority (GRAS) and a number of members representing the bodies in connection and those who possess experience, knowledge and interest in mineral wealth affairs.

(2)The Committee shall adhere to the supervision of the Minister.

Functions and powers of the Committee

22. The Committee shall have the following functions and powers ;
to:-

- (a) receive and study any application with relation to mining;
- (b) recommend to the Minister granting licences for exploration prospecting, Salinas, gypsum quarries and otherwise, conclusion and renewal of mining contracts and agreements ;

- (c) recommend to the Minister tax exemptions according to the concluded agreements to submit the same to the competent bodies ;
- (d) prepare proposal of policies, plans , general programmes for exploration, prospecting and mineral materials to submit the same to the Minister ;
- (e) form sub-committees to assist it in the performance of its tasks and functions, provided that it shall include representatives of local communities;
- (f) lay down internal regulations for the organization of its business, procedure and meetings;
- (g) assume any other functions provided thereto by the Minister.

Functions of the Chairman of the Committee

23. The Chairman shall be responsible for following-up the performance of the Committee's business, and take such measures as may be necessary to enable it to achieve its functions. Without affecting the generality of the foregoing the Chairman shall have the following functions and powers to :-
- (a) follow-up the implementation of the decisions of the Committee;
 - (b) supervise the procedure and conditions of inviting individuals, local and foreign mining companies and other corporate bodies participating in the negotiations concerning the conclusion of agreements of prospecting, exploration, mining, contracts or obtaining licences for exploration, prospecting of mining materials;
 - (c) submit draft agreements of prospecting, exploration or mining to the Minister for signature ,after satisfaction of negotiations, legal and other necessary aspects;
 - (d) any other functions as may be assigned to him by the Committee.

Chapter VI

General provisions

Preparation of records and registration of applications

24. The Committee shall prepare records to register the names of applicants for licences of prospecting and exploration, and records of the names of owners of mining contracts and agreements , and licencees for prospections and explorations, such as may be prescribed by the regulations.

Confidentiality of reports, Information and particulars

25. The reports obtained subject to licence or mining contract, and all the particulars and information shall be confidential, the licencee shall not publish the same, the Competent Authority may make use of such reports, information and particulars.

Protection of environment

26. With respect to environment laws which organize the same, whoever carries licence or mining contract shall preserve the environment of the area included in the licence or the mining contract, and protect it from polution, environmental damage caused by mining deposits of all kinds, in accordance with the provisions of this Act or the regulations issued thereunder.

Control and Inspection

- 27.(1) The competent body at the Ministry shall have the right to enter the area included in the licence under the provisions of this Act, and assume inspection and control in order to ensure that the licencee is in compliance with the conditions of the licence, and they may supervise and follow up the technical, financial and administrative aspects concerning mining operations and measures regarding using, and abidance by Insurance of equipments, machineries and staff, and taking safety measures

concerning mines, against the different risks in mining business according to the safeguards and provisions of any other private law in connection, and submit a report thereof.

- (2) The competent body responsible of inspection at the Ministry shall assume environmental supervision and preservation thereof in co-ordination with the Ministry of Environment, Forests and Physical development, and issue certificates of environmental impact .

Termination or suspension of activity

28.(1) The Ministry may make the necessary decisions for termination or suspension of any operation, or using any machineries or equipments , or exercising any activity inside the area included in the Licence , contract or agreement made in accordance with the provisions of this Act, in any of the following situations :-

- (a) occurrence of negative impacts on the safety of the employees of the licensee or otherwise;
- (b) occurrence of damage to environment or belongings, or crucial damage to any area.

- (2) The Competent Authority shall terminate or suspend the termination or suspension order where the reasons thereof are no more existed, and the regulations shall prescribe the terms and measures concerning the same.

Reporting of Antiquities

29.(1) With regard to the Protection of Antiquities Act, 1999, the Licensee shall notify the Ministry of every antiquities, old buildings or artistic artcrafts he finds, whether they are antiquities or might be antiquities, inside the boundaries of the licenced or contracted area, immediately after he found the same, and shall stop all operations of prospection, exploration or mining which may cause damage thereof.

- (2) The Authority (GRAS) shall address the Archeological Public Corporation to consider the notification mentioned in sub-section (1) and the report thereabout.
- (3) The licensee shall not continue the operation of prospecting, exploration or mining in the archeological site save after the approval of the Archeological Public Corporation and under its supervision, where it does not approve, the operations shall immediately be stopped in the archeological site, or the licence or contract shall be revoked.
- (4) Where the licence or the contract is revoked, the licensee or the contractor shall be fairly compensated, and where no agreement for compensation has been reached, there shall be constituted an arbitration tribunal from a representative of the licensee and a representative of the Authority (GRAS) and a head to be agreed upon by the two parties, the decision of the arbitration tribunal shall be final and the two parties shall abide thereby.

**Application for reconsideration of the
decisions of the Minister**

30. Every licensee or an applicant for licence who has been aggrieved by the decision of the Minister, may according to the Provisions of this Act, submit an application to the Minister for re-consideration of the decision thereof within thirty days of the date of his notification of the decision.

Chapter VII

Final provisions

Contraventions and sanctions

- 31.(1) There shall be deemed to have committed a contravention every person who :-
- (a) does not carry on the activity during the period specified by the licence or the contract ;

- (b) does not abide by paying the fees or the rent during the period specified by the licence or the contract;
 - (c) breaches any of the conditions, measures or obligations set out in the licence , agreements or regulations;
 - (d) does not allow inspection or control teams to do their work such as may be provided for under the provisions of this Act.
- (2) The Minister where any of the contraventions mentioned in sub-section (1) has been committed, may inflict any of the following sanctions :-
- (a) termination of the activity ;
 - (b) suspension of the licence or the contract;
 - (c) termination of the licence, contract or agreement.

Offences and penalties

- 32.(1) There shall be deemed to have committed an offence every person who :-
- (a) carries out prospecting or exploration of mineral materials without being in possession of a valid licence, and shall be punished with imprisonment for a term not exceeding two years or with fine to be prescribed by the court, or with both ;
 - (b) carries out mineral extraction operation or attempts to extract mineral materials or minerals without being in possession of a mining contract, shall be punished with imprisonment for a term not exceeding three years or with fine to be determined by the court or with both;
 - (c) refuses to provide the Competent Authority with the information and particulars regarding the actual produced quantities of minerals or mining materials, and shall be punished with imprisonment for a term not exceeding five years or with fine to be determined by the court or with both;

- (d) provides the Competent Authority with unsound information with bad intention in any application, report, or document required to be presented under the provisions of this Act or the regulations, and shall be punished with fine not less than one hundred thousands pounds, without affecting any severer penalty provided for in any other law.
- (2) Upon conviction in any of the cases provided for in subsection (1), the court shall adjudge confiscation of the minerals or the mining materials with respect to which the offences has been committed, and confiscation of the profits resulting therefrom, and machineries and equipments used in collection, extraction, processing and transporting the same, whether raw material or product, inside or outside the area, for the State benefit.

Competent court

33. The criminal general court shall be the competent court to consider the contraventions of the Provisions of this Act and the regulations made thereunder.

Power to make regulations

34. The Minister may make regulations such as may be necessary for the implementation of the provisions of this Act upon approval of the National Council . Without prejudice to the generality of the foregoing, such regulations may provide for the following :-
- (a) financial conditions regarding leases and the manner of payment, upon approval of the Minister of Finance and National Economy;
 - (b) preparation of records and registration of applications;
 - (c) organization of the traditional mining;
 - (d) measures for control and inspection.

The Schedule¹
(See Section 14)

No.	Subject	Presented Service	Fees in Pounds
1	License for general discovery	a. Fees for application and consideration b. Fees for issuance	3000 7000
2	Licence for Exclusive exploration	a. Fees for application and consideration b. Fees for issuance	3000 12000
3	Mining license	a. Fees for application and consideration. b. Fees for issuance. c. Fees for renounce and transfer	3000 15000 50000
4	Small mining license	a. Fees for application and consideration b. Fees for issuance c. Fees for renounce and transfer	3000 10000 50000
5	Traditional Mining Contract	a. Fees for application and consideration b. Fees for issuance c. Fees for adaptation of situations d. Fees for new contracts	3000 7000 4000 15000
6	Minerals and artificial rocks Contract	a. Fees for application and consideration b. Issuance fees c. Fees for renounce and transfer	3000 10000 50000
7	Certificates fees	a. For samples up to 20 kelogram b. Raws export c. Other certificates	100 500 200

¹ Act No. (40) 1974 .