



GOVERNMENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO  
MINISTRY OF ENERGY AND ENERGY INDUSTRIES

# GUIDELINES FOR APPLYING FOR A MINING LICENCE

## **REQUIREMENTS FOR A MINING LICENCE:**

The following is a detailed listing of all of the requirements by the Ministry of Energy and Energy Industries (MEEI) for sole traders, partnerships and companies interested in applying for a Mining Licence, and the procedure for processing these applications. All required items are to be submitted in an envelope addressed as follows:

Attn: Permanent Secretary  
Chairman, Minerals Advisory Committee  
Ministry of Energy and Energy Industries  
International Waterfront Centre,  
Level 26, Tower C,  
#1 Wrightson Road,  
Port of Spain,  
Trinidad and Tobago

Please note that the MEEI is unable to consider the grant of a Licence unless all requirements are met.

**Failure to submit all required documents within the timeframes specified in the Minerals (General) Regulations, 2015 ("Minerals Regulations") will result in the refusal of the application.**

## ***THE FIRST PHASE OF THE APPLICATION PROCESS***

In accordance with Regulation 5 of the Minerals Regulations, the following four items are required for submission for every application for a licence:

### **1. APPLICATION FORM**

All Applicants must submit a properly completed Application Form as prescribed under Regulation 5 of the Minerals Regulations. All relevant sections of the form must be completed AND the Application Form must be accompanied by the items referred to at 2- 4 below.

This form must clearly indicate who is ultimately responsible for the licence (whether it is a Sole Trader, Partnership, or Company).

For your convenience, the form can be found on the MEEI's website at <http://www.energy.gov.tt/application-form-for-a-mining-license/>.

### **2. APPLICATION FEE**

The licence application or licence renewal fee is currently TT\$ 1,000.00 in accordance with Schedule 4 of the Minerals Regulations.

The fee is non-refundable and is to be paid to the Accounts Unit of the MEEI. A copy of the receipt must be included with the Application Form.

### **3. EVIDENCE OF THE APPLICANT'S FINANCIAL CAPACITY TO UNDERTAKE THE OPERATIONS**

Examples of suitable documentation include a letter from a reputable financial institution indicating that the applicant possesses the financial capacity to undertake the operations for which the licence is being sought (dated within the last six (6) months), or audited financial statements for the past three (3) financial years.

### **4. EVIDENCE OF THE APPLICANT'S TECHNICAL CAPACITY TO UNDERTAKE THE OPERATIONS**

Such evidence may include certificates and other professional qualifications of the Applicant and/ or the proposed Quarry Manager.

The MEEI **strongly recommends** that Applicants submit as many of the other documents listed on page three of the prescribed form at the time of application as possible. Kindly note that Applicants have ninety (90) days from the date of submission of the Application Form to submit all required outstanding documents including the documents listed at 5 - 8 below, in accordance with Regulation 6(4) of the Minerals (General) Regulations 2015, or the application shall be deemed invalid in accordance with that Regulation.

## *THE SECOND PHASE OF THE APPLICATION PROCESS*

### **5. PROOF OF TITLE**

#### 5.1. Title Documents;

This document applies to privately owned land and shows that the Applicant has the right to occupy the surface of the said land. If the title documents are not in the name of the Applicant, then a lease or permit will be required (see 5.2 below).

#### 5.2. Lease / permit (where the Applicant is not the owner or sole owner of the land);

This document applies to land that is not wholly owned by the Applicant. If the land is privately owned, then the Applicant must enter into a legal agreement with the land owner to occupy the land. In the case of State Lands, documentary evidence of a valid lease with the Commissioner of State Lands must be provided. The duration of this agreement must cover the licence processing period and the licence validity period. It is recommended that the first agreement should span at least seven (7) years. The agreement should clearly state that the Applicant has the authorisation to conduct mining operations on the said land.

#### 5.3. Eight (8) Originals of a Survey Plan;

5.3.1. Registered by the Director of Surveys (Private land); or

5.3.2. Approved by the Director of Surveys (State land).

The survey plan reflects the exact acreage that is to be licensed. The survey plan must show the GPS co-ordinates (with the datum specified) for at least four (4) of the survey irons that generally reflect the perimeter of the acreage. This document will form part of the Mining Licence; therefore, it must be a comprehensible plan providing adequate details at an appropriate scale (e.g. 1:5,000). All maps should contain suitable legends and where possible should be printed on 8.5" x14" or 11" x17" sized paper.

Applicants are asked to note that no licence can be granted for mining of State Lands without the prior written consent of the Commissioner of State Lands, in accordance with Section 8 (2) of the Minerals Act, Chapter 61:03.

#### 5.4. Proof of Ownership of Mineral Rights

This refers to the ownership of minerals below the surface of the land and is separate from the ownership of the surface area.

If the mineral rights are privately owned by someone other than the Applicant, then the Applicant would need to enter into a legal agreement with the owner of the mineral rights, and provide a copy of this agreement with the application for a licence.

Where the mineral rights are owned by the State, successful Applicants will be required to pay royalties to the State at the rates prescribed in Schedule 5 of the Minerals Regulations. The MEEI will advise of the location for making royalty payments.

## **6. COMPANY/BUSINESS DOCUMENTS**

- 6.1. Certificate of Incorporation / Certificate of Continuance / Certificate of Business Registration (from Registrar General's Office)

In accordance with the Companies Act, Chapter 81:01, no persons, entities or other groups may engage in any trade or business for gain in Trinidad and Tobago unless incorporated in accordance with the provisions of that Act through registration with the Registrar General or formed under some other written law.

Applicants must ensure that the name on the Application Form exactly matches the name on the Incorporation / Continuance / Registration documents.

- 6.2. Organisational Structure for Mining operations;
- 6.3. The most recent Land and building taxes receipt (applicable to private land only); and
- 6.4. Board of Inland Revenue (BIR) number and Value Added Tax (VAT) Registration number of the Applicant(s) as well as the relevant Income Tax and VAT Clearance Certificates as issued by the BIR, where applicable.

In addition to the company documents explicitly requested on the *Application for a Mining Licence Form*, applicants who are Limited Liability Companies are also required to submit the following documents:

- 6.5. Articles of Incorporation
- 6.6. Notice of Directors
- 6.7. Notice of Secretary
- 6.8. Notice of Registered Address
- 6.9. Pay as You Earn (PAYE) File Number
- 6.10. Form C Income Tax Regulation
- 6.11. National Insurance Board (NIB) Registration Certificate
- 6.12. NIB Clearance Certificate

## **7. OTHER REGULATORY APPROVALS FOR MINING (QUARRYING) OPERATIONS**

- 7.1. Certificate of Environmental Clearance (CEC) (from the Environmental Management Authority (EMA));

All Applicants who do not possess a valid CEC at the time of submission of the application, including those Applicants who were previously issued letters from the EMA indicating that

no CEC was needed, are required to apply to the EMA for a CEC to determine whether or not the proposed operations are exempt from the requirement to obtain a CEC.

7.2. Final Planning Permission (from the Town and Country Planning Division (T&CPD)); and

7.3. Water Abstraction Licence (from the Water and Sewerage Authority of Trinidad and Tobago (WASA)).

These documents are required to ensure that the operations are in accordance with the requirements of other State regulatory entities in accordance with section 47(2) of the Minerals Act. Official documentation from each of these entities is mandatory, even if it is to the effect that permission is not required.

## **8. TECHNICAL DOCUMENTS**

8.1. Mine Design Plan (to be completed using MEEI's template);

8.2. In the case where the EMA determines that a CEC as mentioned in 7.1 is not required for the conduct of mining operations by an Applicant, a Rehabilitation Plan must be completed and submitted (using MEEI's template); and

8.3. In the case of 8.2 above, the Applicant must also submit a letter from the EMA indicating that a CEC is not required, to the MEEI, as per 7.1 above. Such letter must be dated within six months prior to the date of the application.

These documents will outline the full scope of the operations. Particular details from these documents will be incorporated in the Mining Licence and shall form a part thereof. Templates for the Mine Design Plan and Rehabilitation Plan are available on the MEEI's website at: <http://www.energy.gov.tt/services/application-forms/>

## **9. ASSOCIATED FEES/PAYMENTS**

Should the application be successful, the following payments / postings will be required:

### **9.1 ANNUAL LICENCE FEE**

The Annual Licence Fees are calculated in accordance with Schedule 4 of the Minerals Regulations. The MEEI will advise on the timeline for these payments.

### **9.2 ROYALTY PAYMENTS**

These sums are to be paid where the State owns the mineral rights. The rates for royalties are indicated in Schedule 5 of the Minerals Regulations. The MEEI will advise on the timeline for these payments.

### 9.3 REHABILITATION BOND &

### 9.4 PERFORMANCE BOND

The rates for the above bonds are set as per Schedule 4 of the Minerals Regulations. The MEEI will provide templates for the preparation of the bonds and will advise on the duration and deadlines for submission of the bonds. Only bonds that are posted with an institution approved by the MEEI will be accepted.

## 10. NOTE TO APPLICANTS

Applicants are advised that under **Section 45 (1)** of the **Minerals Act, Chapter 61:03**, it is an offence, *inter alia*, to mine any mineral without a licence issued under the said Act.

You may direct all enquiries regarding applications for Mining Licences to the Minerals Division of the MEEI at 225-4334 - extension 2275. You may also refer to the attached flowchart showing, in diagrammatic format, the above procedure for processing of applications for licences for further information.

Please be guided accordingly.

**MINISTRY OF ENERGY AND ENERGY INDUSTRIES**  
**JUNE 2017**