



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

MINES AND MINERALS
NCI, No. 33 OF 1992

[Certified on 28th July, 1992]

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Mines and Minerals Act, No. 33 of 1992

[Certified on 28th July, 1992]

L.D.-0.41/90

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE GEOLOGICAL SURVEY AND MINES BUREAU TO REGULATE THE EXPLORATION FOR, MINING, TRANSPORTATION, PROCESSING, TRADING IN OR EXPORT OF, MINERALS ; FOR THE TRANSFER TO SUCH BUREAU OF THE FUNCTIONS OF THE DEPARTMENT OF GEOLOGICAL SURVEY ; FOR THE REPEAL OF THE SALT ORDINANCE (CHAPTER 211) THE RADIO ACTIVE MINERALS ACT, No. 46 OF 1968, AND THE MINES AND MINERALS LAW, No. 4 OF 1973 ; AND TO PROVIDE FORMATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows

1. . This Act may be cited as the Mines and Mineral;; Act, No. 33 of 1992, and shall come into operation on such date (hereinafter referred to as the " appointed-date ") as the Minister may appoint by Order published in the Gazette.

Short title
and date of
operation.

PART 1

ESTABLISHMENT, POWERS AND FUNCTIONS OF THE GEOLOGICAL SURVEY AND MINES BUREAU

2. (1) There shall be established a Bureau which shall be called the Geological Survey and Mines Bureau (hereinafter referred to as the " Bureau ").

Establishment of the Geological Survey and Mines Bureau.

(2) The Bureau shall by the name assigned to it by subsection (1) be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

3. The administration and management of the affairs of Board of the Bureau shall be vested in a Board of Management appointed in the manner provided in section 4 and the Board of the of Management may for that purpose exercise and discharge all the powers and functions of the Bureau.

4. (1) The Board of Management (hereinafter referred to as the " Board ") shall consist of the following five members :—

Members of the Board of Management

(a) three members appointed by the Minister from among persons who appear to the Minister to have knowledge of Geology, Mining or Business Management ;

(b) one member appointed by the Minister in consultation with the Minister in charge of the subject of Finance ; arm

(c) the Director of Geological Survey and Mines appointed under section 6.

(2) A person shall be disqualified from being' appointed, or from continuing, as a member of the Board if he is, or becomes, a Member of Parliament or a member of, a Provincial Council or a local authority.

(3) Where a member of the Board appointed under paragraph (a) of subsection (1), is by reason of illness, infirmity or absence from Sri Lanka temporarily unable to perform the duties of his office, the Minister may having regard to the provisions of paragraph (a) of subsection (1) appoint another person to act in his place.

(4) The Minister may without assigning any reason therefor remove any member of the Board appointed under paragraph (a) of subsection (1) from office. The removal of any such member of the Board shall not be called in question in any court.

(5) A member of the Board appointed under paragraph (a) of subsection (1) may resign from the Board by a letter addressed to the Minister.

(6) Subject to the provisions of subsections (4) and (5), the term of office of a member of the Board referred to in paragraph (a) of subsection (1) shall be three years :

Provided that, a member of the Board appointed in place of a member who resigns or is removed or otherwise vacates office, shall hold office for the unexpired part of the term of office Of the member whom he succeeds.

(7) Any member of the Board vacating office by egluxion of time shall be eligible for reappointment.

(8) (a) The Minister shall appoint a Chairman of the Board from among the members appointed under paragraph (a) of subsection (1) of this section.

(b) The Chairman may resign from the office of Chairman by a letter addressed to the Minister.

(c) The Minister may without assigning any reason therefor remove the Chairman from office and such removal shall not be questioned in any court.

(d) Subject to the provisions of paragraphs (b) and (c) of this subsection, the term of office of the Chairman shall be his period of membership in the Board.

5. (1) The Chairman shall preside at all meetings of the Board at which he is present. In the absence of the Chairman from any meeting of the Board, the members present at such meeting shall choose from among themselves another member to preside at that meeting.

The chairman and the conduct of business.

(2) The /quorum for any meeting of the Board shall be three.

(3) The Chairman at any meeting of the Board shall have in addition to his vote, a casting vote.

(4) Subject to the other provisions of this Act and any regulation made thereunder, the Board may regulate the procedure in regard 'to its meetings and the transaction of business at such meetings.

6. (1) The Minister shall appoint in consultation with the Board, a person having at least ten years of professional experience as geo-scientist or as a Mining Engineer and other prescribed qualifications, as the Director of Geological Survey and Mines.

Director of Geological Survey and Mines.

(2) The Director of Geological Survey, and Mines (hereinafter referred to as the " Director " } shall, be the principal technical officer oif the Bureau and shall subject to the general direction of the Board on matters of policy, be responsible for the conduct of geological surveys, and the administration of this Act.

(3) The Director shall hold office for a period of six years from the date of his appointment and shall be eligible for reappointment :

Provided however that the Director shall retire from office on reaching the age of sixty years.

(4) The terms and conditions of service of the Director shall be specified in the contract of service entered into by him with the Bureau.

(5) The Director shall not be removed from office except for good and sufficient cause.

7. No act or proceeding of the Board shall be deemed to be invalid by reason only the existence of a vacancy among its members or any defect in the appointment of any of its members.

Board may act despite vacancy,

8. (1) The Board may delegate to the Chairman, Director or an employee of the Bureau any or all of the powers, duties and functions conferred or imposed on, or assigned to, the Bureau by this Act, other than the power conferred by this subsection.

Delegation of powers of the Board.

(2) Every person to whom any power is delegated under subsection (1), shall exercise such power subject to the general or special directions of the Board.

Members of the Board to disclose interest in any project undertaken or contract to government by the Bureau.

9. A member of the Board who is directly or indirectly interested, financially or otherwise, in any project, undertaking or contract made, or proposed to be made, by the Bureau shall disclose the nature of his interest at the earliest possible opportunity at a meeting of the Board. Such disclosure shall be recorded in the minutes of the Board, and such member shall not take part in any deliberation or decision of the Board with respect to that project undertaking or contract, unless the Board otherwise directs.

Remuneration of the members of the Board.

10. All or any of the members of the Board shall be remunerated in such manner and at such rates as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

Seal of the Bureau.

11. (1) The seal of the Bureau shall be in the custody of the Chairman.

(2) The seal of the Bureau may be altered in such manner as may be determined by the Board.

(3) The seal of the Bureau shall not be affixed to any Instrument or document except in the presence of two members of the Board both of whom shall sign the instrument or document in token of their presence.

Functions of the Bureau.

12. The functions of the Bureau shall be---

- (a) to undertake the systematic geological mapping of Sri Lanka and the preparation of geological maps ;
- (b) to identify and assess the mineral resources of Sri Lanka ;
- (c) to evaluate the commercial viability of mining for, processing and export of, such minerals
- (d) to regulate the exploration and mining for minerals and the processing, trading in and export of such minerals, by the issue of licences ;
- (e) to advise the Minister on measures to be adopted for the promotion of the extraction and production of minerals, on a commercial basis.