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[1253]

GOVERNMENT OF FIJI

MINING (AMENDMENT) DECREE 2010
 (DECREE NO. 39 OF 2010)

IN exercise of the powers vested in me as President of the Republic of Fiji and the Commander in Chief of the Republic of Fiji Military Forces by virtue of the Executive Authority Decree of Fiji 2009, I hereby make the following Decree—

A DECREE TO AMEND PART II OF THE MINING ACT (CAP 146) TO ENABLE THE GRANTING OF SPECIAL PROSPECTING LICENCES IN RESPECT OF THE SEABED AND FOR THAT PURPOSE TO PROVIDE A GRID SYSTEM FOR SUCH PROSPECTING PURPOSES

Citation and commencement

- 1.—(1) This Decree may be cited as the Mining Act (Amendment) Decree 2010.
- (2) This Decree shall commence on the date appointed by the Minister by notice in the *Gazette*.

New section 17A

2. The Act is amended by inserting a new section 17A after section 17—

“17A.—(1) In this Part, the definition of “land” in Section 2 of the Act shall not apply to licences granted under section 18(1) (c), and the following shall apply—

“land” includes water and land covered by water, and:

- (a) any interest in land;
- (b) inland waters including the bed of any river, stream, estuary, lake or swamp;
- (c) the foreshore, being that area between the mean high water spring level of the sea and the mean low water spring level of the sea.
- (d) the seabed and the deep seabed and subsoil of the area between the mean low water spring level of the sea and the outer boundary or boundaries of the exclusive economic zone within the meaning of the Marine Spaces Act (Cap. 158A).

- (2) The extended definition of “land” in subsection (1) shall be applicable only to the issuance of special prospecting licences”.

Graticulation of earth's surface and constitution of blocks

- 3.—(1) For the purpose of special prospecting licences sought and grounded in respect of land covered by water as defined in section 17A(1)(b)(c) and (d) hereof the surface of the earth shall be deemed to be divided into particular sections each of which is bounded—

- (a) by portions of two meridians of longitude that are separated by six minutes of longitude from each other and are each separated by six minutes, or any multiple of six minutes, of longitude from the meridian of Greenwich;
- (b) by portions of two parallels of latitude that are separated by six minutes of latitude from each other and are each separated by six minutes, or any multiple of six minutes, of latitude from the Equator.

- (2) Each such graticular section or any part thereof that is within a designated area shall constitute a block.

4. In all other respects the Mining Act shall apply mutatis mutandis.

GIVEN under my hand this 20th day of July 2010.

EPELI NAILATIKAU
 President of the Republic of Fiji

**Annex II. Fees Structure for Administration of Licences for Deep
Sea Mineral Exploration**

	Description	Initial Fees (F\$)	Revised Fees (F\$)	PNG Fees (Kina)
1	Application Fee for Exploration Licence (EL)	189.00	189.00	
2	Annual Licence Fee (Per Block1 Term 1)	114.00	2283.00	90 (\$F65.25)
3	Preparation Fee For Exploration Licence (EL)	758.00	758.00	
4	Application for Extension of Exploration Licence (Term	378.00	378.00	
5	Annual Licence Fees (Per Block Term 2)	228.00	4,566.00	180 (\$F130.50)
6	Application for Extension of Exploration Licence (Term	567.00	567.00	
7	Annual Licence Fee (Per Block Term 3)	342.00	11,922.00	470 (\$F340.75)
8	Application for Prospector's Right	152.00	152.00	
9	Filing Application for Approval of Transfer or	1334.00	1334.00	
10	Filing Application for Approval of Transfer or	2668.00	2668.00	
11	Filing Application for Approval of Transfer or	6670.00	6670.00	
12	Deposit of Duplicate Power of Attorney	132.00	132.00	
13	Registration of Tribute Agreements	132.00	132.00	
14	Duplicate or certified copy of any other documents	228.00	228.00	
15	Duplicate or certified copy of Exploration Licence	342.00	342.00	

¹ Each graticulated block is 6 minutes X 6 minutes. Each applicant is permitted a maximum number of 50 Blocks per application. Note also that each Term is for a period of two years.