

자원개발 진출 가이드

스리랑카

kotra

Korea Trade-Investment
Promotion Agency

머리말

우리공사는 지난 8월 호주, 뉴질랜드, 인도네시아 등 아시아대양주 지역에 대한 자원개발 현지진출 방법과 절차를 소개하는 '아시아·대양주 자원개발진출가이드 I'을 1차로 발간한 바 있습니다.

그동안 동지역은 풍부한 자원부존에도 불구하고 호주, 인도네시아 등 몇몇 나라를 제외하고는 대다수의 국가가 열악한 인프라 및 투자환경으로 인해 우리기업의 진출이 활발하지 못하였습니다. 그러나 향후 정치안정과 투자여건이 우호적으로 조성될 경우 미얀마의 원유, 파키스탄의 천연가스와 같이 아시아·대양주 지역의 자원개발 사업기회와 유망성은 다른 어느 지역보다 높다고 할 수 있겠습니다.

이번에 발간하는 '아시아·대양주 자원개발진출가이드 II'에서는 진출 유망 대상국에 필리핀, 베트남, 미얀마, 태국, 스리랑카, 말레이시아, 파키스탄 7개국을 추가하여 각국의 부존자원 및 자원개발 현황, 자원개발 제도 및 절차, 우리기업의 유망 진출분야 및 시사점 등을 수록하였습니다. 아울러 현지 자원개발 관련 법령 및 각종 행정서식 등 실무적인 자료 등을 부록으로 첨부하여 현지진출시 실질적인 참고자료로 활용될 수 있도록 하였습니다.

아무쪼록 금번자료가 우리기업이 아시아대양주지역으로 자원개발 사업 진출시 유용한 길잡이가 됨으로써 해외자원확보라는 소기의 성과를 달성하는데 큰 도움이 되었으면 하는 바램입니다.

끝으로 이번 책자가 발간될 수 있도록 현지에서 자료수집 및 보고서 작성에 힘써주신 아시아대양주 한국비즈니스센터와 자원건설플랜트팀 여러분들의 노고에 진심으로 감사를 드립니다.

2008년 12월

해외사업본부장 박기식

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자원개발 진출환경

I. 자원개발 진출환경

■ 세계 자원보유 및 생산 면에서 주재국의 위상

- 스리랑카는 광물자원의 주요 생산국으로 분류될 수는 없으나 산업용 광물질 및 암석들은 비교적 풍부한 편임.
- 비광물질 혹은 산업광물들이라 불리는 갈철강(Ilmenite), 금홍석(rutile), 지르콘(Zircon), 흑연(Graphite), 보석류(Gems), 석영(Quartz), 운모(Mica), 소금(Salt) 등은 제법 많은 양을 부존하고 있음.

■ 자원개발 정부정책 방향

- 스리랑카 광물자원개발 승인은 경제적, 환경적 효익과 더불어 궁극적으로 국가에 어떠한 영향과 결과를 초래하느냐의 검토 결과를 가장 중요하게 여기며 이 결과에 따라 건별로 국회의 인준을 얻어 확정함.
- 국회는 프로젝트 검토 결과를 토대로 Private(사), Public(공) 혹은 Mixed(혼합형) 형태의 개발 허가를 인준함.
- 과세율이 정부차원의 자원개발 정책에 가장 중요한 결정요인인데 이것은 과세율이 프로젝트의 성패에 영향을 미치기 때문임.
- 정부가 보유하고 있는 부존 데이터들은 오래된 측정방식 및 장비들을 이용하여 산출된 몇 십 년을 넘은 정보로서 정확성이 떨어짐. 이에 스리랑카 정부는 일정 광물개발에 관심 있는 업체들의 제안(Proposal)을 받으면 건별로 관계부처의 심층 조사를 거쳐 개발권

(Exploration License)을 발급하며, 광물의 수출형태 및 수출량 등을 명시 혹은 제한함.

■ 민간 및 외국인 투자 동향

- 광물자원 개발에 대한 민간 혹은 외국인 투자는 저조한 상태임.
- 외국인 투자의 일례로 스리랑카 정부와 약정서를 체결하고 비료생산의 주요 원자재인 암인산염(Rock Phosphate) 개발권을 획득한 투자자가 있음. 하지만 정부는 이 외국인 투자자에게 수출을 금지하고 내수로만 판매하라는 약정과 어긋난 ‘법정지시(Court Order)’를 내린 상태임. 이는 비싼 수입품으로 영향을 받게 될 농업 보호책에서 내린 결정으로 사료됨.

■ 인근국과의 관계

- 스리랑카는 문화적, 경제적으로 인근국가들과 아주 친밀한 우호 관계를 유지하고 있고 인도와 몰디브는 SAARC(South Asia Association for Regional Corporation) 동맹 국가들임.
- 자원개발로 인한 주변국간의 특별한 마찰이나 이해관계는 없는 것으로 파악됨.



부존자원 현황

II. 부존자원 현황

■ 석유·가스 및 전략광종

○ 석유

- 정부는 인도와 접한 인도양 마나 해분(Manner Basin)을 유전개발 지역으로 확정하고 8개 구역으로 분류하여 국제 입찰을 위한 홍보를 시작하였음.
- 8개 구역 중 2개 구역은 각각 인도 및 중국에 개발권을 수여하고 나머지 6개 구역 중 3개 구역에 대한 국제 입찰이 2007년 9월 시행되어 조만간 최종 낙찰자가 발표되리라 기대됨. 2008년 1월에 마감한 입찰에 총 6개 업체가 참가함.
- 2-D Seismic Survey를 시행한 노르웨이 기업 TGS NOPEC은 석유와 가스가 발견된 침전석(Sediment's Rock)이 존재한다고 보고하고 있음.
- 유전 및 가스 개발계획은 스리랑카에 극히 새롭고 초기 단계이기 때문에 등급 및 매장량 등에 대한 정보는 확보되어 있지 않음.

○ 가스

- 상기 석유개발 탐사 도중 해분에서 가스가 발견되었다는 보고는 있지만 정부의 공식적인 발표는 없음.

○ 유연탄

- 스리랑카 지질조사부(Geological Survey Department)는 유연탄의 부존량이 약 5천만 톤(Wet Basis)인 것으로 보고하고 있음.

- 매장지는 4m 두께, 34km² 면적으로, 콜롬보 북쪽 서해안 늪지대 (Maturajawela Swamp)에 위치하고 있음.
- 수분의 함유도가 80~90%인 유연탄을 건조시키는 것이 가장 심각한 문제점이며 수분 함유도가 10~15%로 건조되기까지 10~12일이 걸림.
- 결국 저품질의 유연탄이므로 에너지자원으로 분류할 수는 없음.

○ 우라늄, 토륨

- 우라늄은 구체적으로 발견되지는 않았으나 1979년 및 1983년 IAEA/지질조사부 합동 보고서에 의하면 Kaloya, Galgamuwa, Polonnaruwa, Rukam-Mahaoya, Kalmunai, Hanguranketha, Passara, Rakwan 등을 유력한 우라늄 매장지로 보고함.

○ 철

- 65에이커에 해당하는 Buttala 수림지대에서 철광석이 발견되었으며 매장량이 1평방킬로미터당 1백5십만 톤 추정 (약 4천만 톤)
- 스리랑카 정부는 내수용으로 개발할 제철회사를 설립하려는 계획을 가지고 있으며 일일 1,000톤 채굴 계획으로 향후 200여 년간 스리랑카 자체 수요를 충족할 수 있을 것으로 낙관하고 있음.
- 세계 제1의 품질을 자랑하는 Buttala 철광석은 92%가 산화철(Iron Oxide)임.

○ 동(Copper-Magnetite)

- 1971년 스리랑카 북동쪽 Seruwila에서 자력(magnetite)이 함유된 동철광석(copper-iron ore)이 발견되었으며 매장량은 대략 4백만 톤으로 추정됨. 매장량의 40%가 철이며, 동은 약 1.5~2.0% 가량인 것으로 추정

- 광석 개발을 위해 높은 설비비가 요구되는 반면, 세계적으로 수요 감소 현상을 보여 개발이 저조한 상태임.

■ 주재국 대표적 부존자원 현황

- 철의 매장량은 4천만 톤으로 알려져 있는데 옛부터 스리랑카산 강철은 유명한 ‘아라비아의 다마스커스검’에 사용될 정도로 고품질로 인정받았으며 매장량에 비해 소수의 양만이 개발됨.
- 광사(Mineral Sand)는 4백만 톤 가량 매장되어 있으며 트린코말리(Trincomalee) 북쪽에 70% 이상의 갈철광(Ilmenite)이 매장
- 갈철광(Ilmenite) 3백만 톤, 금홍석(Rutile) 6백만 톤, 지르콘(Zircon) 4백만 톤에 이르는 매장지가 최근 트린코말리 북쪽 또다른 지대에서 발견된 바 있음.
- 스리랑카산 흑연(Graphite)은 탄소 함유율 97~99%로 세계 최고의 품질임. 대량의 매장량에도 불구하고 연간 8,000~10,000톤의 수출만이 이루어지고 있으며 내수용 소규모 연필 제조업을 제외하고는 흑연 산업은 존재하지 않음.
- 시멘트 산업의 기초가 되고 있는 제3기중신통석회석(Miocene limestone) 또한 매장되어 있음.
- 암인산염(Rock Phosphate)으로 개발될 수 있는 인회석은 아누라다푸라(Anuradhapura) 인근 Eppawela에 약 6천만 톤 매장
- 고품질의 운모, 카올린, 장석, 석영, 그리고 규사가 상당량 매장되어 있고 대량의 백운석과 대리석도 부존

- 스리랑카는 브라질, 버마, 남아프리카공화국, 태국과 함께 세계 최대의 보석 부존 국가로 손꼽힘. 가장 대표적인 부존 보석은 루비와 사파이어이고, 비록 소량이지만 오직 우랄(Ural) 산간지대에서만 발견된 알렉산더 보석(alexandrite)이 스리랑카에서도 발견되고 있음.
- 세라믹 산업의 기초 광물들인 Ball Clay, Calcite, Feldspar, Kaolin, Silica Sand, Vein Quartz의 매장량도 풍부하며 세라믹 제조 산업이 발달되어 있음.

〈스리랑카 주요 자원 보유 현황〉

(단위: 톤)

| | 광물 | 보유량 | 비고 |
|----|----------------------------|----------|-------------------|
| 1 | Iron Ore | 40백만 | 200년 총족분 |
| 2 | Limestone | 100백만 이상 | 60~80년 총족분, 대량 매장 |
| 3 | Apatite | 25백만 | 대량 매장 |
| 4 | Ilmenite, Rutile, Monazite | 5백만 이상 | 대량 매장 |
| 5 | Feldspar | 3백만 | 대량 매장 |
| 6 | Kaolin | | 보유량 미확인 |
| 7 | Ball Clay | | 보유량 미확인 |
| 8 | Alluvial Clay | | 보유량 미확인 |
| 9 | Cement Clay | | 보유량 미확인 |
| 10 | Quartz | | 보유량 미확인 |
| 11 | Mica | | 보유량 미확인 |
| 12 | Dolomite | | 보유량 미확인 |
| 13 | Calcite | | 보유량 미확인 |
| 14 | Shell | | 보유량 미확인 |
| 15 | Graphite | | 보유량 미확인 |
| 16 | Salt | | 보유량 미확인 |
| 17 | Gems | | 보유량 미확인 |
| 18 | Dimension Stone | | 대량 매장 |

〈스리랑카 주요 자원 생산 현황〉

(단위: 톤)

| | 2002 | 2003 | 2004 | 2005 |
|------------------------|-----------|-----------|-----------|-----------|
| Mineral Sands | | | | |
| Ilmenite | nil | nil | 1,335 | 36,303 |
| Rutile | nil | nil | 2,798 | 8,162 |
| Zircon | nil | nil | 12,826 | 23,587 |
| Ceramic Raw Materials | | | | |
| Kaolin | 8,613 | 9,073 | 16,233 | 9,914 |
| Ball Clay | 28,431 | 33,405 | 30,699 | 38,873 |
| Feldspar | 28,866 | 32,586 | 38,600 | 45,492 |
| Vein Quarts | 7,857 | 18,139 | 20,916 | 24,286 |
| Silica Sand | 11,776 | 32,312 | 32,849 | 37,778 |
| Calcite | 4,602 | 5,510 | 4,830 | 4,344 |
| Construction Materials | | | | |
| Limestone | 848,093 | 990,725 | 993,521 | 971,146 |
| Dimension Stone | 6,577 | 9,752 | 4,111 | 3,747 |
| Inland Coral | 3,156 | 1,638 | 2,396 | 2,246 |
| Sea Shells | 1,550 | 1,730 | 1,124 | 1,943 |
| Fertilizer Materials | | | | |
| Dolomite | 64,584 | 82,950 | 88,434 | 137,187 |
| Apatite | 38,775 | 40,171 | 43,520 | 41,811 |
| Other Minerals | | | | |
| Graphite | 3,619 | 3,387 | 5,374 | 5,133 |
| Mica | 1,161 | 1,674 | 1,365 | 1,800 |
| Salt | 73,784 | 81,791 | 78,135 | 67,029 |
| Gypsum | 967 | 691 | na | 66 |
| Gem (carats) | 7,664,208 | 3,702,321 | 3,013,951 | 5,234,640 |

〈스리랑카 자원 매장 분포도〉

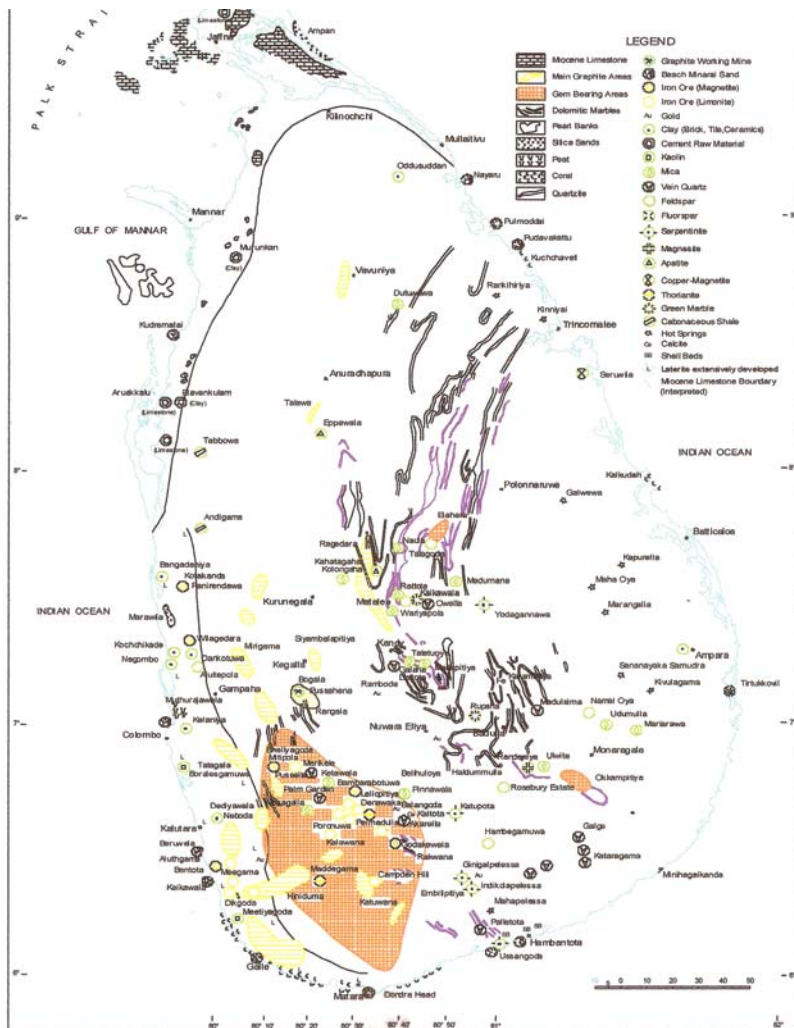


Fig. 1. Mineral Resources Map of Sri Lanka



자원개발 현황

III. 자원개발 현황

1. 탐사/생산/개발 동향

■ 진행 중인 자원탐사/개발/생산 사업

○ 자국 투자

- Lanka Iron Ore(Private) Limited : 스리랑카 기업으로 최근 Buttala 지역에 발견된 철광석 매장지의 광석 채굴 및 제철 사업을 진행하고 있음. 곧 콜롬보 주식시장을 통하여 기업을 공개할 예정임.
- Uva Magnetite(Private) Limited/General Metal Company(Private) Limited : 스리랑카 기업으로 철광석(원자재) 수출을 목적으로 설립됨.

○ 외국/BOI 투자

| 개발/생산 분야 | 개발주체/제휴업체 | 진척도 |
|--|--|-----|
| Mine & Processing of Ilmenite, Garnet, Zircon, Rutile for Export | U.A.E. & Sri Lanka 합자 | AA |
| Sea-Sand Mining & Washing for construction industry | Belgium & Sri Lanka 합자 | AA |
| Mine & Processing of Garnet, Silica | Korea | AA |
| Manufacturing of value added Calcium Carbonate | Sri Lanka | AA |
| Silica, Quartz | Mirama Quartz (Pvt) Ltd - Sri Lanka | ACO |
| Mine & Processing of Ilmenite, Garnet, Zircon, Rutile | Western Garnet Industries (Pvt) Ltd - USA & Sri Lanka 합자 | ACO |

| | | |
|---|--|-----|
| Diamond shaped quartzite sand | Zhida Minerals N.W.P. (Pvt) Ltd. - Sri Lanka | ACO |
| Mine & Manufacturing of value added quartz products | Shinin Lanka Company (Pvt) Ltd.- Taiwan & Sri Lanka 합자 | AI |
| Exploit, Mine & Processing of Mica | Hitechmica Lanka (Pvt) Ltd - India | AI |
| Sprinklers & value added Graphite products | R.S. Products (Pvt) Ltd - UK & Sri Lanka 합자 | AI |
| Mine & Processing of Silica, Quartz | Ceylon Quartz Ind. (Pvt) Ltd - Japan & Sri Lanka 합자 | CO |
| Refining of Kaolin, Ball Clay | Micro Minerals (Pvt) Ltd - Sri Lanka | CO |
| Export of Silica, Quartz | Ceyquartz MBI (Pvt) Ltd - Japan & Sri Lanka 합자 | CO |
| Silica, Quartz | Alchemy Boulders (Pvt) Ltd - Sri Lanka | CO |
| Ilmenite, Monoxide, Zircon, Rutile | Alchemy Heavy Metals (Pvt) Ltd - China & Sri Lanka 합자 | CO |

주 : AA = Awaiting for Agreement with BOI to be signed

ACO = Awaiting for commencement of Commercial Operation

AI = Awaiting for project implementation

CO = in Commercial Operation

■ 현지 주요 메이저 기업의 해외자원개발 전략 최근 추이

- TGS NOPEC(노르웨이) : 마나 해분의 석유 탐사를 완료했으며 탐사 보고서 및 입찰서류 완료. 입찰서류 구입비로 미화 1백만 불 소요
- 2008년 1월 마감한 첫 3유전개발 구역 입찰 관련, 총 3개 업체가 6개의 입찰에 참가, 최종 낙찰자 발표를 기다리고 있음.
- Cairn from India : Block 1 & 2에 입찰

- Oil and Natural Gas Corporation(ONGC) Videsh from India : Block 1에 입찰
- Neco Resources from Cyprus. : Block 1, 2 & 3 모두 입찰
- 입찰에 참가하지는 않았지만 스리랑카 정부가 개발 1구역을 중국에 지정한 상태이므로 곧 해당 중국 유전개발업체가 활동을 시작할 것으로 예상함.

2. 외국인 자원개발 투자현황

■ 국별 외국인 자원개발 투자현황

| 국명 | 활동기업 수 | 광석 | 내용 |
|-----|--------|------------------------------------|--|
| 벨기에 | 1 | Sea-Sand | 내수 건설시장 공급용 Mining & Washing |
| 중국 | 1 | Ilmenite, Monoxide, Zircon, Rutile | 스리랑카 투자자와 합자 수출용 Mine & Processing |
| 인도 | 1 | Mica | 탐사, 개발, 가공 |
| 일본 | 2 | Silica, Quartz | 스리랑카 투자자와 합자 수출용 탐사 및 개발, 가공 |
| 한국 | 3 | Sea-Sand, Quartz, Ilmenite, Rutile | 내수 건설시장 공급용 Sea-sand Mining & Washing, 석영(Quartz)개발, Mineral sands (Ilmenite, Rutile) 개발 |
| 대만 | 1 | Quartz | 스리랑카 투자자와 합자 Mine & Manufacturing of valued added quartz |

| | | | |
|------------|---|--|---|
| 영국 | 1 | graphite, sprinklers | 스리랑카 투자자와 합자 Mine & Manufacturing of valued added graphite, sprinklers |
| 아랍에 미리트 | 1 | Ilmenite, Garnet, Zircon, Rutile | 스리랑카 투자자와 합자 수출용 Mine & Processing |
| 미국 | 1 | Ilmenite, Garnet, Zircon, Rutile | 스리랑카 투자자와 합자 수출용 Mine & Processing |

■ 광종별 외국인 자원개발 투자현황

| 자원 | 투자 국가 |
|----------------------------------|------------------|
| 석유개발 | 인도, 중국, 사이프러스 |
| Ilmenite, Garnet, Zircon, Rutile | 아랍에미레이트, 미국, 중국 |
| Sea-Sand | 벨기에, 한국 |
| Silica, Quartz | 한국(2), 대만, 일본(2) |
| Mica | 인도 |
| Graphite | 영국 |

3. 우리나라 참여현황 및 전망

- 스리랑카 자원 개발에 참여한 한국업체는 총 3개 업체로 조사되었으나, 이 3개 업체의 투자자는 사실상 동일인으로 파악됨.
- 스리랑카의 광물 부존내용이 다소 한정적이라 외국인 투자자의 관심을 끌기에는 역부족임. 또한 정확한 부존현황을 볼 수 있는 자료

가 매우 부족한 상태에서 일정 광물의 개발을 위해서는 기초적인 탐사부터 시작해야 하는 실정인 바, 외국업체들의 참여 사기를 더욱 저하시키고 있음. 상기 사유 및 홍보 미비로 한국업체의 관심과 참여 또한 저조하다고 판단됨.

- 이미 개발에 참여한 한국업체들은 그다지 널리 알려지지 않은 스리랑카의 자원 부존현황 및 미래가능성과 더불어 추후 경쟁이 두려워 외부에 알려지는 것을 환영하지 않는 실정임.



자원개발 제도 및 절차

IV. 자원개발 제도 및 절차

1. 자원개발 법령 및 제도

■ 현지 정부의 자원개발 정책 기조

- 스리랑카 정부의 정책상 자원개발에 대한 외국인 투자 제한은 없음.
다만 외국인 투자 허가는 제한적 지분 40%까지 승인하며 그 이상의 지분을 요구하는 경우는 스리랑카 투자청(BOI)이 Investment Incentives Under Section 17 of BOI Law를 바탕으로 판단 후 조건부(Conditional Approval) 승인함.
- 자원개발 투자 허가는 경제적, 환경적 영향 및 국가에 미치게 될 결과에 대해 건별 심사 후 국회의 인준을 얻어 승인

■ 자원개발 관련 법령 및 제도 변화

- National Mineral Policy(Ministry of Industrial Development)
- Mines and Mineral Act No. 4 of 1973
- Mines and Mineral Act No. 33 of 1992 : 탐사/개발/무역/운송 허가서 발급에 관한 법령

■ 자원개발 관련 각종 인허가 절차 및 허가 기간

- 자원개발 관련 인허가는 탐사권(Exploration Licenses(EL)), 광업권(Mining Licenses), Reserved Minerals(RML), Trading License(TDL),

Transport Licence로 크게 나뉘지며 신청서 접수 후 허가 승인까지의 기간은 프로젝트에 따라 차이가 있지만 대략 1~2년이 소요됨.

- 탐사권(EL) : 일반적 탐사권으로서 탐사자격증을 득한 자는 탐사권에 명시된 자원(들)을 탐사할 수 있음.
- 광업권(Mining Licenses)
 - AML(Artisanal) : 이 광업권은 10헥타르를 넘지 않는 면적에 25m 깊이 이상 개발을 하지 않는다는 조건하에 허락함. 허가서에 명시된 자원들의 개발, 가공, 무역을 할 수 있음.
 - a. "A" 카테고리 : 하기 조건 중 1개 이상 해당할 경우
 - 조건 : 1) Bore-hole 깊이가 1.5m 미만
 - 2) 월생산량 : 최저 100m³, 최고 600m³
 - 3) 기계를 사용하지 않음.
 - b. "B" 카테고리 : 하기 조건 중 1개 이상 해당할 경우
 - 조건 : 1) Bore-hole 깊이가 1.5m 미만
 - 2) 월생산량 : 최고 100m³
 - 3) 기계를 사용하지 않음.
 - c. 신청서류
 - 1) 신청서
 - 2) 토지등기 사본(임대계약서 혹은 토지 주인의 서술서)
 - 3) 지적도 사본
 - IML(Industrial) : 이 광업권은 허가서에 명시된 자원들의 개발, 가공 그리고 무역을 할 수 있음.

a. "A" 카테고리 : 하기 조건 중 1개 이상 해당할 경우

- 조건 : 1) 시굴방법 : Multi-Borehole
 2) Bore-hole 깊이가 3.0m 이상,
 3) 월생산량 : 1,500m³ 이상
 4) 다양한 기계들을 사용

b. "B" 카테고리 : 하기 조건 중 1개 이상 해당할 경우

- 조건 : 1) 시굴방법 : Single Borehole
 2) Bore-hole 깊이 : 최저 1.5m, 최고 3.0m
 3) 월생산량 : 최저 600m³ 최고 1,500m³
 4) Jack Hammer만 사용

c. "C" 카테고리 : 하기 조건 중 1개 이상 해당할 경우

- 조건 : 1) 시굴방법 : Single Shothole
 2) Shot-hole 깊이 : 1.5m 미만
 3) 월생산량 : 600m³ 미만
 4) Jack Hammer만 사용

d. 신청서류

- 1) 신청서
- 2) 토지등기 사본(임대계약서 혹은 토지 주인의 서술서)
- 3) 지적도 사본
- 4) 경제력 보고서(Economic Viability Report)

○ Reserved Mineral(RML) : 보호(Reserved)로 묶인 자원의 탐사, 개발, 가공, 무역은 부처 장관의 허락을 득하여 허가됨.

○ Trading License(TDL) : 광물 자원의 구매, 저장, 가공, 무역을 허가하는 허가서. 수출의 경우는 GSMB (Geographical Survey & Mine Bureau) 이사의 특별 허가를 득하여야 함.

- a. "A" 카테고리 : 수출용 무역
- b. "B" 카테고리 : 내수용 무역
- c. "C" 카테고리 : 수공으로 제작된 벽돌 및 lime 무역
- d. 신청서류
 - 1) 신청서
 - 2) 토지등기& 지적도 사본(토지 주인의 서술서)
 - 3) 채광업자의 서신
 - 4) 광업권 사본

○ Transport License(TPL) : 광물자원 운송 허가는 허가된 운송량에 한하며 기간도 일정기간만 유효함. 운송 시 운송권 외에 탐사권, 개발권, 그리고 무역권 증명서들을 소지하여야 함.

- 신청서류 : 1) 신청서
 - 2) TPL 카드
 - 3) 광업권을 득한 자의 동의서

○ 광물자원의 수출 : 광물 자원의 수출은 GSMB(Geographical Survey & Mine Bureau) 이사의 특별 허가를 득하여야 함.

■ 개발계약의 형태 및 절차

- 외국인 투자업체가 스리랑카 광물자원 개발에 참여하고자 하면 먼저 스리랑카 파트너를 섭외하고 광산을 확보한 다음 스리랑카 투자청(BOI)에 사업 구상을 설명하고 사업 신청서를 제출함.
- 광산의 소유자(개인, 지방정부, 중앙정부)가 파트너가 될 수도 있으며 광산 소유자가 파트너가 되지 아니할 경우 임대 계약을 맺을 수 있음.
- 투자청은 신청서에 의거 관계 부처(GSMB, 환경청, 지방정부 등)의 허가를 득한 후 국회의 최종 인준을 득한 후 개발을 허가함.
- 모든 광물은 국가 소유임. 통상적인 개발권은 기간을 명시하며 시효가 만료되면 모든 권리는 광산 소유자에게 귀속됨.
- 개발을 위해 투자자가 구입한 기자재들은 투자자의 권리로 남음.

2. 자원개발 관련 규제 및 인센티브

■ 자원개발 기업 의무, 탐사·개발 규제사항 등 법상 규제

- 모든 광물은 국가 소유이며 광물자원 개발 및 관리의 주관 부처는 중앙 정부임.
- 광물자원은 재생 불가능한 자원이므로 어떠한 개발 행위도 국가에 최대의 이익을 미쳐야 한다는 것이 가장 중심적인 개발 기준
- 현재뿐 아니라 미래를 위해서도 자원은 비축 및 보호되어야 함.

- 모든 광물자원 개발 프로젝트는 National Environmental Act No. 47 of 1980에 의거, 허가를 득하여야 하며 일부 광물자원은 CSMB의 허가 취득 후 개발이 이뤄져야 함.
- 광물개발을 다양화하여 단순 개발, 가공뿐만 아니라 광물을 기초로 한 제조업으로 육성, 발전시키고자 함.
- 광물(원자재)의 수출은 특별 허가를 득하여야 하며 가치가 부여되지 않은 원자재 상태로 수출되는 것은 금지함.

■ 수출·판매 부과금, 로열티 등 세제상 규제

- 로열티
 - Gem Industry - 경매가의 2.5% 징수
 - Precious Metal - 수출가 혹은 고시가의 4%
 - Industrial Metal (내수용) - 수출가 혹은 고시가의 3%
 - Industrial Metal (수출용) - 수출가 혹은 고시가의 4%
 - Construction Materials - 수출가 혹은 고시가의 1%
 - Dimension Stone (수출) - 수출가 혹은 고시가의 4%
 - Base & Other Metals - 수출가 혹은 고시가의 3%
- 로열티 요율은 BOI와 네고가 가능함. (인센티브의 한 종목)

■ 환경관련 규제

- 개인, 기업, 기관, 단체, 정부 어느 누구도 특정지역 저수지, 수로 등의 강둑, 보호구역 안에서는 탐사, 개발, 모래 채취, 보석 채취 등의 행위를 할 수 없음.

- 오염 및 공해를 발생시키고, 환경에 피해를 가져오는기자재들을 탐사, 개발, 모래채취, 보석채취 등에 사용하는 것은 금지

■ 외국인 투자시의 인센티브, 감면 또는 특혜

- 외국인 광물자원 개발 투자에 대하여 스리랑카 투자청(BOI)는 고정된 인센티브 지급율을 제시하고 있지 않음. 감면, 특혜 등의 인센티브는 사업의 규모 및 자국에 얼마나 유익을 가져오느냐에 따라 건별로 결정됨.
- 투자자는 정부와 인센티브 조건을 협상할 수 있음.

3. 자원개발 관련 인프라 현황

■ 운송 인프라

- 스리랑카의 운송 인프라는 전국적으로 잘 발달되어 있으며 주된 운송수단은 철도와 육상도로임. 도로 인프라 개선 및 확장은 국가가 가장 관심을 가지고 추진하는 사업이므로 앞으로 더욱 발달될 것으로 기대됨.
- 국내 수상 운송수단은 발달되어 있지 않고, 화물기 운송수단은 가격이 높을 뿐만 아니라 그 운행이 규칙적이지 못하므로 실효성이 없음.

■ 노동력 조달

- 스리랑카의 인구수는 약 2천만 명이며, 15세~64세 사이의 노동 가능한 인구는 약 1천4백만 명, 고용인구는 노동 가능인구의 57%에 해당하는 8백만 명 가량임.
- 많은 노동인구가 존재하므로 노동력 조달에는 어려움이 없지만 저급 노동자들은 생산성이 저조하며 근무 상태가 규칙적이지 못한 고질적인 문제를 갖고 있음.
- 탐사 및 가공분야에 종사할 수 있는 고급인력이 다수로 조달에 문제 없음. (2005년 기준 문자해독율 92.5%의 고급 노동력)

■ 기술력 수준

- 스리랑카 내 자원개발 관련 보유한 기술력은 거의 전무함.
- 최근 바다모래 채취사업과 관련, 벨기에가 기술을 지원하는 것으로 알려져 있고, 2008년 1월 마감한 1차 석유개발 입찰에 낙찰된 Cairn India가 석유개발 관련 최신 장비 및 기술들을 소개할 것으로 기대되고 있음.
- 최근 국제 입찰로 콜롬보항 건설 공사를 수주한 현대건설의 협력업체가 항만공사에 필요한 돌들을 공급하고자 스리랑카에 진출함에 따라 다년간의 경험과 최신의 광산개발 기계들을 이용한 효과적이며 친환경적인 광산개발 기술을 선보이고 있음.

4. 자원개발 유관기관/기업/네트워크

■ 정부 및 지방 주무부처

| 기관/기업명 | 주소 | 담당자 | 홈페이지 및 이메일 | 전화 및 팩스 |
|---|---|---|---|--|
| Board of Investment of Sri Lanka (BOI) | West Tower, World Trade Center, Colombo - 1. Sri Lanka | Mr. A.M.C. Kulasekera (Deputy Director General - Investment Promotion) | www.boi.lk kulasekaraa@boi.lk | 전화: 9411-2448105 팩스: 9411-2346337 |
| Geological Survey & Mines Bureau | Senanayake Building, No. 4, Galle Road, Dehiwala. Sri Lanka. | Dr. D.M.D.O. Kithsiri Dissanayake-Director | gsmb@slt.lk | 전화: 9411-2721920 / 2725745 팩스: 9411-2721920 |
| Central Environmental Authority | No.104, Denzil Kobbekaduwa Mawatha, "Parisara Piyasa", Battaramulla. Sri Lanka. | Mr. M.A.A.N. Hemakumara - Director | maan@cea.lk | 전화: 9411-2872263, 2872278 팩스: 9411-2872347 |
| Ministry of Environment & Natural Resources | No. 82, Sampathpaya, Rajamalwatta Road, Battaramulla. Sri Lanka | | www.menr.lk | 전화: 9411-2882112~3 팩스: 9411-2877288 |
| Ministry of Industrial Development (Corporation Division) | 73 /1, Galle Road, Colombo - 3. Sri Lanka | Mrs. Indika Ranathunge - Asst. Director | www.industry.gov.lk indikaranathunge@yahoo.com | 전화: 9411-2345565 팩스: 9411-2329727 |

■ 유력 입찰·개발 관련 현지 에이전트

| 기관/ 기업명 | 주소 | 담당자 | 홈페이지 및 이메일 | 전화 및 팩스 |
|---|---|--|--|--------------------------------------|
| The Maharaja Organisation (Projects) Ltd. | 146 Dawson Street, Colombo 2, Sri Lanka | Mr. Nimal S Cooke - Executive Director | www.maharaja.lk nimalsc@sltnet.lk | 전화: 9411-2447306 팩스: 9411-2477304 |
| Aitken Spence Plc | 52 Maligawatte Road, Colombo 10, Sri Lanka | Dr. Rohan M Fernando - Director | www.aitkenspence.lk rmfernando@aitkenspence.lk | 전화: 9411-2308308 팩스: 9411-5335573 |
| Hemas Holding Plc | 36 Bristol Street, Colombo 1, Sri Lanka | Dr. Irshad Musheen - Director | www.hemas.com musheen@hemas.com | 전화: 9411-4731305 팩스: 9411-2347659 |
| John Keells Holding Plc | 1st Floor, 130 Glennie Street, Colombo 2, Sri Lanka | Mr. aruna Rajapakse - Director | www.aitkenspence.lk waruna.jkh@keells.com | 전화: 9411-2306248 팩스: 9411-2306215 |
| Hayleys Advantis Ltd. | 400 Dears Road, Colombo 10, Sri Lanka | Mr. Shantha Amndra - General Manager | www.hayleys.com shantha.amendra@hayleysadvantis.com | 전화: 9411-2697814 팩스: 9411-2687503 |

* 유전개발부분 현지 파트너임.

■ 금융기관

- 스리랑카의 금융기관들은 모두 중앙은행(Central Bank)의 통제를 받음.
- 세계적인 외국계 은행들이 100여년 넘게 이곳에서 영업활동을 하고 있으며 대표적으로 HSBC, Citibank Group, American Express (Nations Trust Bank), Deutsche Bank, Standard Chartered Bank, Indian Overseas Bank 등이 있음.

- 스리랑카 정부은행으로는 National Development Bank(NDB), DFCC, National Saving Bank, Bank of Ceylon, People's Bank 등이 있음.
- 개인은행들도 활발한 영업 활동을 하고 있으며 신용도도 높은데 대표적으로 Hatton National Bank(HNB), Seylan Bank, Commercial Bank, Sampath Bank 등이 있음.
- 은행 이외 기타 금융기관이 활성화되어 있으며 고금리 저축상품 및 상대적으로 수월하고 편리한 융자 상품을 제공
- 은행 융자는 물적 담보가 원칙이며 신용 담보는 처음 거래자일 경우 기대하기가 어려움. 통상 은행 융자비율은 총 금융액의 2/3 은행 부담, 1/3 투자자 부담으로 이루어지며 2/3에 해당하는 은행 부담액도 부동산 등 물적 담보 및 투자자 개인 확약(personal guarantee)을 요구하는 경우가 일반화되어 있음.

■ 주요 활동기업

- Offshore Sand Mining & Supply : 벨기에와 현지 자본의 합자 회사로서 투자청과의 투자허가 약정서 체결을 위한 마지막 단계에 있음. 이 회사는 현지 건설시장 수요에 턱없이 부족한 강모래 수요를 대리 만족시키기 위하여 바다모래를 채취하여 가공 후 현지 건설시장에 공급할 것을 목적으로 하고 있음.
- (주)태길 개발 : 콜롬보항 건설공사를 수주한 현대건설의 협력업체로서 항만 공사에 필요한 돌을 공급하고자 스리랑카에 진출했으며 다년간의 광산개발 경험과 최신 장비 보유

- Cairn India : 스리랑카 최초로 마나 해분지역의 석유개발에 참가하는 동 사는 혁신적인 최신 기술 도입과 더불어 미화 1억불 가량 투자 예정



우리기업의 자원개발 유망 진출분야 및 시사점

V. 우리기업의 자원개발 유망 진출분야 및 시사점

1. 전략개발 분야 및 우리기업의 참여방안

- 스리랑카 광물자원 개발분야는 외국인 투자업체들에게 좋은 투자 기회를 보장함.
- 기술이 발달된 한국과 부존자원을 갖고 있는 스리랑카 사이에 상호 간 좋은 보완이 될 수 있으리라 전망
- 인회석(Apatite)을 이용한 인산염(Phosphate) 비료사업, Ilmenite, 석영(Quartz) 개발사업, 세라믹 제조업, 흑연 관련 사업 등은 한국의 투자자들이 관심을 보일만한 사업들임.

2. 진출 시 유의점 및 참고사항

- 스리랑카 광물자원 개발 분야는 스리랑카 현지 업체와의 합자가 불가피함으로 현지 파트너 선정에 특별한 심려를 기울여야함.
- 문화적 배경이 틀린 사람들끼리 파트너 관계를 형성하므로 상대의 문화와 사고를 이해하려는 배려와 인내심이 요구됨.
- 현지 파트너의 해석된 정보에만 의지하지 말고 직접 관계부처를 방문하여 정보의 내용을 재확인할 필요가 있음.



부 록

VI. 부 록

1. 광업법

< MINES AND MINERALS ACT>.

A law to provide for the vesting of the absolute ownership of certain minerals in the republic, to regulate the mining of, prospecting for, collection, processing, sale and export of minerals, to provide for the health, safety and welfare of workers in mines, to enable the compulsory acquisition or requisition of immovable or movable property for any corporation established to develop the mineral industry, and to make provision for other matters connected with or incidental to the matters aforesaid.

Law Nos,
4 of 1973

[24th February , 1973]

Short title.

1. This Law may be cited as the Mines and Minerals Law.

PART I

OWNERSHIP OF MINERALS AND GRANT OF LICENCES

Ownership of minerals.

2. (1) Subject as hereinafter provided the absolute ownership of all minerals is hereby vested in the Republic.

(2) The provisions of subsection (1) relating to the vesting of minerals shall have effect notwithstanding any right of ownership or otherwise which any person may have to the soil on or under which minerals are found or situated.

This Law not to affect certain Acts.

3. The provisions of this Law shall not apply to any mineral to which the provisions of the State Gem Corporation Act or the Ceylon Petroleum Corporation Act or the Radioactive Minerals Act, apply.

Mining, &c., to be under the authority of a license.

4. (1) No person shall mine, prospect for, process, collect, remove, sell or export any mineral except under the authority of a license issued in that behalf under the provisions of this Law and the regulations made thereunder:

Provided that any person who prior to the date of commencement of this Law had commenced to mine, prospect for, process or collect any mineral may, notwithstanding that he is not the holder of a license, continue to do so for a period of three months from that date or, where he has applied for a license within such time, until the final determination of his application, but any mineral mined after that date shall not be removed from the mine or disposed of except with the prior written permission of the Director.

(2) A license issued to any person under this Law to mine any mineral may transfer to the licensee the ownership of any mineral mined under the authority of the license.

Application for license.

5. Every application for a license or the renewal of a license under this Law shall be made to the Director in the prescribed form and shall be accompanied by such documents as may be prescribed.

Issue of license.

6. (1) On receipt of an application made under section 5 for a license, the Director may issue a license on payment of the prescribed fee or may refuse to issue a license.

(2) A license issued under this Law shall be in such form as may be prescribed and shall be

subject to any conditions set out therein.

(3) Any license issued under this section shall remain in force for such period as shall be specified therein and shall be renewable.

(4) A license issued under this Law shall not be transferable.

Appeal from refusal to grant license.

7. Any person aggrieved by the decision of the Director refusing to issue or renew a license may, within thirty days of such refusal, appeal to the Minister against such refusal. The decision of the Minister on such appeal shall be final and conclusive and shall not be called in question in any court of law by way of writ or otherwise.

Termination of license.

8. (1) Where the holder of a license being a limited liability company becomes bankrupt or is adjudicated an insolvent or goes into liquidation, the license and all rights conferred by such license shall terminate forthwith.

(2) Where the holder of a license dies or becomes bankrupt or is adjudicated an insolvent, the license and all rights conferred by such license shall terminate forthwith.

(3) Where the holder of a license being a partnership is dissolved such license and all rights conferred by such license shall terminate forthwith.

(4) Where the holder of a license is a partnership and one of the partners die such license and the rights conferred by such license shall terminate forthwith :

Provided, however, that where the death of one of the partners does not operate as to dissolve a partnership the license and the rights conferred by such license shall remain unaffected.

Cancellation of license.

9. The Director may cancel a license- (a) if any of the conditions specified in such license is contravened;

(b) if any specific direction given to the holder of a license is not carried out;

(c) if wasteful mining is carried on despite prior warning against such mining; or

(d) where mining operations have been suspended for a period of over six months without the permission of the Director.

Opportunity to show cause cancellation of license.

10. Before a license is cancelled the Director shall give an opportunity to the holder of such license to show cause either cancellation of in person or by representative against the cancellation of such license.

Right of appeal against cancellation.

11. A person aggrieved by the decision of the Director canceling a license may within thirty days of such cancellation appeal to the Minister against such cancellation. The decision of the Minister on such appeal shall be final and conclusive and shall not be called in question in any court of law by way of writ or otherwise,

Ownership of minerals on termination or cancellation of license.

12. Where a license terminates or is cancelled under the preceding provisions of this Law, the ownership of all minerals mined under the authority of such license and not disposed of on the date of such termination or cancellation shall vest in the Director who shall give directions as to their disposal,

Restriction of the Director's powers to issue licenses.

13. (1) The Director shall not issue a license to any person- (i) without the approval of the Minister, to mine or prospect for any mineral upon- (a) any burial ground or cemetery within the meaning of the Cemeteries and Burial Grounds Ordinance;

(b) any land forming part of an aerodrome or any land situated within such distance of an aerodrome as may be prescribed;

(c) any land reserved for a railway track or any land situated within such distance of a railway track as may be prescribed;

(d) any land situated within such distance of a tank or bund as may be prescribed;

(e) any reservation belonging to the Republic within the meaning of the State Lands Ordinance; or

(f) the foreshore within the meaning of the State Lands Ordinance ; or

(ii) without the approval of the Minister and the Minister in charge of the subject of Defence, to mine or prospect for any mineral upon any land vested in such Army, Navy or Air Force; and

(iii) without the approval of the Minister and the Minister in charge of the subject of Local Government, to mine or prospect for any mineral upon any land vested in any local authority.

(2) In addition to any conditions that may be imposed by regulations made under this Law, the Minister or Ministers, as the case may be, may approve the grant of any license under subsection (1), subject to such further conditions as may be determined by such Minister or Ministers. Where approval is granted subject to any conditions, the Director shall cause such conditions to be specified in the license.

Areas in respect of which no licenses shall be issued.

14 The Director shall not issue a license to any person to mine or prospect for minerals upon-

(a) any land situated within the distance prescribed under section 24 of the Antiquities Ordinance; and

(b) any land declared under section 33 of that Ordinance to be an archaeological reserve for

the purposes of that Ordinance.

PART II

ADMINISTRATION

Administration of this Law.

15. The Director of Geological Surveys shall be the officer in charge of the administration of this Law.

Delegation of Director's powers and duties.

16. The Director may delegate any of the powers or duties conferred on him by or under this Law to any officer either generally or specially and such officer shall be empowered to exercise such power or perform such duty.

Powers of Director.

17. Subject to the provisions of this Law the Director shall have the power to- (a) inspect any mine and carry out such investigation or survey as he deems necessary;

(b) supervise mining operations and give directions as to the working of any mine;

(c) ascertain whether any nuisance has or is being caused as a result of mining operations;

(d) take such steps or give such directions for the purpose of enforcing the provisions of this Law or to abate or remove any nuisance ;

(e) examine books, records and other documents relating to any mine or mining operations;

(f) to collect samples or specimens of minerals from any mine;

(g) to obtain any information from any person employed in any mine or engaged in any mining operations.

Recovery of fees.

18. The Director may demand, receive and recover all fees which may become due in accordance with the provisions of any regulation made in respect of the issue or renewal of licenses.

Right of entry into mines.

19. The Director or any officer to whom he has delegated any power under section 16 may at all reasonable hours enter any mine or land where mining operations are being carried on and may exercise- (a) in the case of the Director, any of his powers; and

(b) in the case of any officer, such powers as may be delegated to him.

Powers to require. production of records

20. The Director may require the holder of a license to produce for his perusal and examination such records, books and other documents, including production and sales records, as he deems necessary:

Provided, however, that the holder of a license shall not be compelled to produce records relating to unpatented processes or processes upon which research work is being carried out.

Surveys and prospecting by Director.

21. (1) For the purposes of carrying out any surveys or ascertaining the existence of minerals the Director or any officer authorized in that behalf in writing by the Director may- (a) enter at all reasonable hours any land, other than unalienated land belonging to the Republic, with such machinery as may be necessary for the purpose of carrying out such surveys or for the searching of such minerals;

(b) break up the surface of the land or sink such bore-holes as may be necessary to ascertain the existence of minerals; and

(c) collect and remove such samples and specimens of soil, rocks or minerals as he deems necessary.

(2) The Director shall in writing and by notification published in the Gazette give the owner and occupier of the land notice of his intention to enter such land for the purpose specified therein at least fourteen days before the date of such entry.

(3) The Director shall take all reasonable precautions to minimize the damage to the land and inconvenience to the owner and occupier thereof.

(4) The owner, occupier or both such owner and occupier of the land, as the case may be, shall be paid such compensation in respect of any damage caused as may be determined by the Director.

(5) The Director shall at the termination of the survey cause all machinery and equipment to be removed from such land and all excavations to be covered.

Surveys or prospecting on lands belonging to the Republic.

22. No prospecting for minerals on unalienated land belonging to the Republic shall be carried out by the Director without the concurrence of the Minister in charge of the subject of Lands.

Special power of Director.

23. (1) Where the Director is satisfied that due to any flooding or caving that has occurred or is likely to occur in any mine or by reason of the non-compliance of the provisions of this Law there is danger of injury to any person in any mine or in the vicinity of a mine he may by order in writing served on the licensee or manager of the mine prohibit further work to be carried out in such mine, until he revokes such order after being satisfied that the cause for the danger has been removed.

(2) An order served under subsection (1) shall take effect as soon as it is served.

(3) Where any mine is worked in contravention of an order served under subsection (1) the manager as well as the licensee shall be guilty of an offence.

Prevention of wasteful mining.

24. Where the Director is satisfied that wasteful mining methods are being used in any mine, he shall give directions to the manager of such mine not to use such mining methods and may give directions as to the methods to be used to prevent wasteful mining and the manager shall comply with such directions.

Annual inspection of machinery.

25. The Director shall cause the machinery used in every mine to be inspected and tested once in every period of twelve months by any engineer authorized by him in writing.

PART III

GENERAL DUTIES OF LICENSEES AND MANAGERS

Appointment of manager.

26. (1) The licensee of a mine shall- (a) in the case of a mine opened prior to the date of commencement of this Law within one month of such date, and

(b) in the case of a mine opened on or after such date within one month of the date of such opening, appoint a competent person as manager who shall have the control and management of the mine.

(2) Where any manager relinquishes or is removed from office, the licensee shall within one month of such date appoint a new manager.

(3) The name and address and details of qualifications and experience of any person appointed as manager under this section shall be communicated to the Director.

Furnishing of information as to opening of mine.

27. The manager of every mine opened after the date of commencement of this Law shall within one month of such date furnish the Director with the following information:- (a) the location of the mine;

(b) the date on which the mine was opened;

(c) details of the minerals to be mined;

(d) a programme of work proposed to be carried out during the first three months;

(e) the quantity of minerals proposed to be mined during the first three months; and

(f) the purposes for which the minerals are to be utilized.

Quarterly returns.

28. The manager of every mine shall, in the months of January, April, July and October in each year, furnish the Director with the following:- (a) details relating to the output of minerals during the preceding three months;

(b) the number of workers employed during the preceding three months;

(c) the depth of the mine at the end of the preceding three months ; and

(d) information relating to any accidents that may have occurred during the preceding three months.

Programme on mining operations.

29. The manager of every mine shall at the beginning of each year furnish the Director with a detailed programme of the mining operations proposed to be carried out in that year.

Log book and register.

30. The manager of every mine shall keep in such form as may be approved by the Director-

(1) a log book for the use of the Director and other officers;

(2) a register of all persons employed in the mine showing in respect of each such person- (a) his address and the name and address of his closest relative;

(b) the nature of his employment; and

(c) his hours of work and periods of rest; and

(3) a register or map showing in what part of the mine any worker is employed at any particular time.

Restrictions on the sinking of shaft

31. No shaft in a mine shall be sunk within twenty feet of any other shaft without the written permission of the Director, and no shaft shall be sunk within two hundred feet of the centre of any public road or path or railway line.

Ventilation.

32. (1) The licensee or manager of a mine shall not employ any worker in any underground working in the mine, which, in the opinion of the Director, is not adequately ventilated.

(2) The prescribed precautions against noxious gases shall be adopted in every mine before work is resumed in any shaft which has remained unused for any period exceeding such time limit as may be prescribed.

Ladders, c.

33. All ladder ways, traveling roads, windlasses, brakes, ropes, winding gear, and timbering shall at all times be kept in a state of proper repair and efficiency.

Approved baskets and slings

34. For the purpose of raising and lowering miners and materials in the shafts, no basket, cage or bucket shall be used which is not of a pattern approved by the Director. Chairs shall not be used in any mine for the purposes of any hoist or lift or hauling or winding machinery.

Timbering, fencing and other precautions.

35. In every mine- (1) all shafts, adits, levels, galleries and underground passages shall, at all times when necessary, be timbered and supported, in a manner capable of ensuring the safety of all persons working in or passing through them;

(2) all such fencing shall be erected and maintained as may be necessary to prevent any danger or damage to man or beast;

(3) such ladder ways or other means shall be provided and maintained as will furnish effectual means of exit from any underground working, or of ascent or descent without the aid of winding machinery;

(4) the mouth of every shaft, which for the time being is out of use or used only as an airshaft, shall be surrounded with a substantial wall or fence;

(5) every abandoned shaft shall be filled in as soon as it ceases to be required for any further use ; and

(6) every shaft which is not being worked shall be kept securely fenced until it is filled in.

Restrictions on storage of explosive and inflammable substances.

36. (1) No blasting powder, high explosives or petroleum or other inflammable oil in bulk, or other substance of an explosive or dangerous nature, shall be stored, placed, or used in or near any mine or mining area or building, except in such place, in such quantities, in such manner, and under such conditions, as may be prescribed.

(2) No detonator, match or fuse or highly inflammable substance or liquid shall be stored

together with any other explosive or inflammable substance or liquid in or near any mine or mining area or building.

Information as to accidental explosions, c.

37. When any accidental explosion, ignition, outbreak of fire or irruption of water or gas occurs in or about a mine, the licensee or manager of the mine shall give such notice of the occurrence to such authorities, and in such form, and within such time, as may be prescribed.

Notice of serious accidents.

38. If in any mine any accident occurs which causes the death of any person or any bodily injury to any person resulting in incapacity to work during the seven days immediately after the accident, or which is of such other nature as may be prescribed, the manager of the mine shall, within forty-eight hours from the occurrence of the accident, send notice of the accident to the Director in such form as may be prescribed.

Satisfactory level of production to be maintained.

39. The Manager of every mine shall take all such steps as may be necessary to maintain such level of production as the Director considers satisfactory, and shall carry out any direction given by the Director for maintaining such level of production.

Suspension of production-

40. Where production ceases or is suspended in any mine, the manager of such mine shall in writing notify the Director of such cessation or suspension and state the reasons for such cessation or suspension.

Discovery of other minerals

41. Where any person authorized by a license to mine any mineral specified in such license discovers any other mineral which he is not authorized by such license to mine, he or the manager of such mine shall notify the Director of such discovery and shall carry out any directions given by the Director with regard to the mining, storage and disposal of such mineral.

PART IV

HEALTH, SAFETY AND WELFARE OF WORKERS IN MINES

Restriction on employment of females.

42. No female, irrespective of age, shall work or be engaged or permitted to work underground at any time in any mine.

Restriction on employment of young persons.

43. (1) No young person shall work or be engaged or permitted to work underground in a mine except as hereinafter provided.

(2) No young person who has not completed the age of sixteen years shall work or be engaged or permitted to work underground in any mine.

(3) On the application of any young person who has completed the age of sixteen years and who wishes to work in a mine, or of the parent or guardian of such young person, or of the manager, of the mine where the young person wishes to work, the medical officer shall examine the young person, and if he is satisfied that that person has completed sixteen years of age and is fit for a full day's work in a mine, shall issue a certificate of fitness accordingly.

(4) No young person shall work or be engaged or permitted to work in a mine, unless a certificate of fitness issued in respect of that young person is first deposited with the manager of the mine.

(5) At the time of the engagement of a young person as a worker, the manager of the mine shall issue to the young person a token bearing a reference to the certificate of fitness deposited under subsection (4).

(6) No young person shall work or be permitted to work in a mine unless he carries on his person while he is at work the token issued to him under subsection (5).

(7) Any young person working in a mine may, at the instance of an Inspector of Mines or of any

other officer duly authorized by the Director, be examined at any time by the medical officer, and if upon such examination he is found to be no longer fit to work in the mine, his certificate of fitness shall be revoked by the medical officer.

(8) Every young person whose certificate of fitness is revoked under subsection (7) shall forthwith be discharged from employment by the manager of the mine.

Hours of work for young persons.

44. (1) No young person shall work or be permitted to work during the night in any mine.

(2) No young person shall be ordered or compelled to work underground in a mine for more than eight hours on any one day, inclusive of one hour for meals and rest, or for more than forty-four hours during any six consecutive days.

(3) The hours of work of every young person in a mine shall be so arranged that they shall not spread over more than ten hours on any one day.

(4) No young person shall work or be permitted to work in any mine on any day on which he has already worked in any other mine for the maximum number of hours prescribed by subsection (2) for any one day.

Hours of work for adults.

45. (1) No adult worker shall be ordered or compelled to work underground in a mine for more than eight hours on any one day, inclusive of one hour for meals and rest, or for more than forty-eight hours during any six consecutive days.

(2) The hours of work of every adult worker in a mine shall be so arranged that they shall not spread over more than ten hours on any one day.

(3) No adult worker shall work or be permitted to work in any mine on any day on which he has already worked in any other mine for the maximum number of hours prescribed by subsection (1) for any one day.

(4) In the case of mines generally, or of any one or more specified mines, other limits extending the hours of work of adult workers set out in subsection (1) may be prescribed by regulation ; and this section in its application to such mine or mines,

shall accordingly be construed as if, for the limits set out in subsection (1), the limits so prescribed had been substituted.

Time spent in descent and ascent.

46. For the purposes of this Law, the time spent by a worker in descending a mine and ascending there from shall be deemed to be time spent in work underground in the mine.

Sanitary and medical equipment.

47. (1) There shall be provided for the use of the workers in each mine, in such manner and according to such standards and specifications as may be prescribed- (a) a supply of water fit for drinking and water for washing;

(b) latrine accommodation; and

(c) a supply of splints, bandages and other medical requirements.

(2) On the premises of every mine in which workers are ordinarily employed- (a) there shall be provided and maintained, for the purposes of first-aid treatment in the event of an accident, a special room conforming to such standards and fitted with such equipment of stretchers, instruments, drugs and accessories as may be prescribed; and

(b) a member of the permanent staff, trained in first-aid treatment up to such standard as may be prescribed, shall be on duty at all times when any work is carried on below ground in the mine.

Regulation in respect of health, safety and welfare of workers.

48. The Minister may by regulation provide for other matters relating to the health, safety and welfare of workers in mines.

PART V

CORPORATIONS FOR DEVELOPING MINING INDUSTRY

Provisions of this Law to apply to corporations established to develop mining industry.

49. Where the Minister establishes a Corporation by Order made under section 2 of the State Industrial Corporations Act for setting up and carrying on an industrial undertaking for the purpose of mining or prospecting for, processing, sale and export of any mineral specified in the Order, the provisions of this Law shall, in addition to the provisions of that Act, apply to such Corporation. An industrial undertaking for any such purpose is hereinafter referred to as a "specified undertaking".

Power of Minister by Order to vest in the Corporation exclusive rights to engage in or carry on specified undertaking.

50. (1) The Minister may, from time to time, by Order published in the Gazette declare that, with effect from such date as shall be specified in the Order, the right to engage in or carry on any specified undertaking of the Corporation as shall be specified in that Order shall vest exclusively in such Corporation. Any such Order may be amended, varied or revoked by the Minister by a like Order.

(2) So long as an Order made by the Minister under subsection (1) is in force in respect of any specified undertaking of the Corporation specified in such Order, no person other than such Corporation shall engage in or carry on such specified undertaking.

Notice of claim or disclaimer in respect of property required for purposes of the Corporation.

51. (1) Any officer of the Corporation authorized by the Minister may, by notice (in this Law referred to as a "notice of claim ") published in the Gazette, declare that such immovable or movable property, other than money, as has been, or is being, or is, or was intended to be, used by any person for the purpose of engaging in or carrying on any undertaking which is similar or substantially similar to any specified undertaking of the Corporation, is required for the purposes

of the Corporation. Such property is in this Law referred to as " notified property " .

(2) The publication of a notice of claim made under subsection (1) in respect of any property shall be conclusive proof that such property is required for the purposes of the Corporation.

(3) Where a notice of claim is published under subsection (1), any officer of the Corporation authorized by the Minister may from time to time, by notice (in this Law referred to as a " notice of disclaimer ") published in the Gazette, disclaim the need, for the purposes of the Corporation, of the whole or any part of the property included in the notice of claim and specified in the notice of disclaimer.

(4) No person shall lease, hypothecate, alienate, transfer or dispose of in any manner whatsoever to any person, other than the Corporation, the whole or any part of (a) any property which is specified in a notice of claim and is not disclaimed by a notice of disclaimer; or

(b) any rights in respect of that property.

(5) Any lease, hypothecation, alienation, transfer or disposal made or effected in contravention of the provisions of subsection (4) shall be null and void, and shall be of no force or avail in law.

(6) Any person shall, if requested by any authorized officer so to do, furnish to such person as shall be specified in the request information with regard to any movable or immovable property included in a notice of claim as shall be so specified.

(7) Any person who (a) leases, hypothecates, transfers or otherwise disposes of any notified property in contravention of subsection (4); or

(b) willfully fails to furnish the information referred to in subsection (6), or who willfully withholds all or any part of such information, or who furnishes information knowing such information to be false or inaccurate; or

(c) willfully or negligently destroys or damages or causes to be destroyed or damaged any notified property; or

(d) removes, changes the situation or location, or alters the character, or causes such removal, change or alteration, of any notified property, shall be guilty of an offence under this Law.

(8) Regulations may be made under this Law (a) empowering any person authorized in that behalf by the Corporation to inspect any notified property, and requiring the persons in whose possession or custody such property is to allow and assist the inspection thereof;

(b) providing that a report as to the condition of any notified property may be made, and may be subsequently amended, by or under the authority of the Corporation;

(c) providing for the service of copies of such report or any amendment thereof on persons having an interest in the property to which the report relates;

(d) requiring persons on whom copies of the report or any amendment thereof have been served to notify the Corporation whether or not they are in agreement with such report or amendment, and, if they are not in agreement, to specify any objections they may have and the grounds of such objections and to produce all documents relied on by them in support of such objections;

(e) prohibiting the making of any improvements or alterations to any notified property without the prior approval of the Corporation; and

(f) providing for all matters connected with or incidental to the matters aforesaid.

(9) For the purposes of this section, the expression " authorized officer " means the Chairman of the Board of Directors, or any Director or officer of the Corporation authorized in that behalf by such Chairman.

Compulsory transfer to the Corporation of certain property.

52. (1) The Minister may, by Order (in this Law referred to as a " vesting Order") published in the Gazette, vest in the Corporation, with effect from such date as shall be specified in the Order, any such notified property as has not been disclaimed by a notice of disclaimer.

(2) Before a vesting Order takes effect, the Minister may from time to time, after consultation with the Board of Directors, alter, by Order published in the Gazette, the date on which such vesting Order takes effect.

(3) A vesting Order shall have the effect of giving the Corporation absolute title to any property specified in the Order with effect from the date specified therein and free from all encumbrances.

Requisitioning of notified property for the purpose of the Corporation.

53. (1) The Minister may by Order (in this Law referred to as a " requisitioning Order ") published in the Gazette, requisition, with effect from such date as shall be specified in the Order, any notified property as is movable or immovable property in order that it may be temporarily used by the Corporation for the purposes of any specified undertaking of the Corporation.

(2) Before a requisitioning Order takes effect, the Minister may from time to time, after consultation with the Board of Directors, alter, by Order published in the Gazette, the date on which such requisitioning Order takes effect.

(3) A requisitioning Order shall have the effect of authorizing the Corporation, with effect from the date specified in the Order, to take possession of the property specified in the Order and to use such property temporarily for the purposes of any specified undertaking of the Corporation.

(4) Where any property is requisitioned by a requisitioning Order, the Minister may, by Order (hereinafter in this Law referred to as a " derequisitioning Order ") published in the Gazette, derequisition such property with effect from such date as shall be specified in the derequisitioning Order.

(5) Before a derequisitioning Order takes effect, the Minister may from time to time, after consultation with the Board of Directors, alter, by Order published in the Gazette, the date on which such derequisitioning Order takes effect.

(6) Where, immediately before the date on which any property is requisitioned for the Corporation, a person, other than the owner of such property, was entitled to possession of such property under the terms of any lease, that lease shall be deemed for all purposes to have expired on that date.

(7) Where any property is derequisitioned by a derequisitioning Order, such Order shall be deemed to have the effect of reviving any lease subsisting on the date on which the property was requisitioned, and any question which may arise as to any right, title or interest, in or over that property shall be determined accordingly.

Compulsory acquisition of requisitioned property.

54. Where any property requisitioned for the Corporation is permanently required for the purposes of any specified undertaking of the Corporation, such property may be vested in the Corporation by a vesting Order.

Revocation of vesting Orders.

55. (1) Not with standing that any movable or immovable property has vested in the Corporation by virtue of a vesting Order, the Minister may, at any time before a determination as to compensation is made in respect of that property under this Law, by subsequent Order published in the Gazette (in this section referred to as a " divesting Order") revoke that vesting Order.

(2) The following provisions shall apply in any case where a vesting Order in respect of any movable or immovable property is revoked by a divesting Order: (a) that property shall be deemed never to have vested in the Corporation by virtue of that vesting Order, and any question which may arise as to any right, title or interest, in or over that property shall be

determined accordingly;

(b) that property shall be deemed to have been and to be property which was requisitioned by a requisitioning Order with effect from the date on which that vesting Order took effect and was derequisitioned by a derequisitioning Order with effect from the date of the revocation of that vesting Order;

(c) all claims made under this Law to the compensation payable in respect of that property and all proceedings taken under this Law in regard to such claims before that vesting Order was revoked shall be deemed to be null and void, and fresh claims to compensation in respect of that property may be made under this Law, and fresh proceedings in regard to such fresh claims to compensation in respect of that property may be taken under this Law.

(3) The preceding provisions of this section shall have effect notwithstanding anything in any other provision of this Law or in any other written law.

Taking possession of property vested in or requisitioned for the Corporation.

56. (1) Any officer of the Corporation specially or generally authorized in that behalf by the Chairman of the Board of Directors may take possession of any property vested in or requisitioned for the Corporation.

(2) Any officer of the Corporation authorized in that behalf by the Chairman of the Board of Directors shall, by notice given to the person in occupation or in possession of any property vested in or requisitioned for the Corporation or exhibited in some conspicuous place on or in the vicinity of such property, (a) inform such person that such authorized officer intends to take possession of such property for and on behalf of the Corporation on such date and at such time and place as shall be specified in the notice; and

(b) require any person interested or his authorized agent to be present on the date and at the time and place so specified, and to allow and assist such authorized officer to take possession of such property for and on behalf of the Corporation.

Where such property is a motor vehicle, the notice aforesaid may be given to the registered owner of that vehicle within the meaning of the Motor Traffic Act and to any person whose name is registered with the Registrar of Motor Vehicles instead of being given to the person in possession of that motor vehicle.

(3) Any notice required to be given to any person under the preceding provisions of this section shall be deemed to be given to him if such notice is sent to him by registered letter through the post.

(4) Any person who contravenes any requirement of any notice given to him under this section shall be guilty of an offence under this Law.

Prevention of or obstruction to taking possession of property for and on behalf of Corporation.

57. (1) Every person who (a) prevents, obstructs, or resists, or

(b) directly or indirectly causes anyone to prevent, obstruct or resist,

any person from or in taking possession, under section 56, of any property for and on behalf of the Corporation shall be guilty of an offence under this Law.

(2) Where an officer authorized by the Chairman of the Board of Directors under section 56 to take possession of any property for and on behalf of the Corporation is unable or apprehends that he will be unable to take possession of such property because of any obstruction or resistance that has been or is likely to be offered, he shall on his making an application in that behalf to the Magistrate's Court having jurisdiction over the place where that property is ordinarily kept or situated, be entitled to an order of the Court directing the Fiscal to deliver possession of that property to him for and on behalf of the Corporation.

(3) Where an order under subsection (2) is issued to the Fiscal by a Magistrate's Court, he shall forthwith execute that order and shall in writing report to the Court the manner in which that order was executed.

(4) Where an order under subsection (2) is issued to the Fiscal by a Magistrate's Court, the execution of such order shall not be stayed in any manner by reason of any step taken or proposed to be commenced in any court with a view to questioning, varying or setting aside such order.

(5) For the purpose of executing an order issued by a Magistrate's Court under subsection (2), the Fiscal or any person acting under his direction may use such force as may be necessary to enter any place where any movable property to which that order relates is kept and seize such movable property, or to enter any land, building, structure or other immovable property to which that order relates and eject any person in occupation thereof, and to deliver possession of such movable property, land, building, structure or other immovable property to the person who is authorized to take possession thereof for and on behalf of the Corporation.

Compensation in respect of property vested in the Corporation.

58. The amount of compensation to be paid under this Law in respect of any property vested in the Corporation shall be determined in accordance with the following provisions: (a) where such property consists of land, the amount of compensation shall be equal to the price which in the opinion of the Chief Valuer such property (excluding any buildings standing thereon) would have fetched if it had been sold in the open market on the day on which that property was vested in the Corporation.

(b) Where such property consists of any building, anything attached to the earth or permanently fastened to anything attached to the earth, or any other fixed asset, or any vehicle or furniture, the amount of such compensation shall be (i) where the owner of the property immediately prior to its vesting purchased it and the actual amount paid by him for such property, other than for any land, can be ascertained, such amount less any sum which the Chief Valuer considers reasonable for the depreciation of the property, or

(ii) the net book value of such property as shown in the last audited balance sheet prior to the date of its vesting in the Corporation, less any sum which the Chief Valuer considers reasonable for the depreciation of the property since the date of preparation of such audited balance sheet,

which ever is less.

(c) Where such property consists of any movable property (other than vehicles and furniture) or any current asset, the amount of such compensation shall be the actual cost incurred in the purchase or production of that property or the price which in the opinion of the Chief Valuer such property would have fetched if it had been sold in the open market on the day on which it was vested in the Corporation, whichever is less.

(d) Where such property is any right, interest or benefit in any movable or immovable property derived under the terms of any arrangement (formal or informal), lease or notorially executed instrument, the amount of such payment shall be the actual price paid by the holder or his predecessor for the acquisition of such right, interest or benefit:

Compensation in respect of property requisitioned for the Corporation.

59. In respect of any property requisitioned for the Corporation, the Corporation shall pay compensation equal to the amount which might reasonably be expected to be payable for the temporary use of such property.

No compensation for damage or loss incurred by reason of the fact that the exclusive right to engage in or carry on any specified undertaking is vested in the Corporation.

60. No person shall be entitled to compensation for any loss incurred by him, whether directly or indirectly, or by way of business or otherwise, by reason of the fact that the exclusive right to engage in or carry on any specified undertaking has been vested in the Corporation by virtue of the operation of the provisions of section 50 or any Order made there under.

interest on compensation.

61. Any compensation payable, less any deductions that may be made from such compensation under this Law, shall carry interest, as from the date on which it accrues due until payment, at such rate as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

Date of commencement of accrument of compensation

62. The compensation payable in respect of any property shall be considered as accruing due from the date on which that property was vested in or requisitioned for the Corporation.

Mode of payment of compensation

63. The mode of payment of compensation shall be determined by the Minister in consultation with the Minister in charge of the subject of Finance.

Determination of compensation.

64. (1) The Board of Directors shall refer to the Chief Valuer the determination of compensation payable in respect of any property, and such Valuer shall submit his determination to the Board of Directors.

(2) The Chief Valuer shall, before making his determination of the compensation payable in respect of any property, give the person from whom that property was acquired or requisitioned for the Corporation, as well as the Chairman of the Board of Directors, an opportunity to adduce before such Valuer, by himself or by a representative authorized by him in that behalf, evidence with regard to the value of that property.

(3) The Board of Directors shall communicate in writing to the person from whom any property was acquired or requisitioned for the Corporation the determination of the compensation payable in respect of that property made by the Chief Valuer.

(4) The Board of Directors shall cause a notice to be published in the Gazette and in at least one newspaper, specifying the compensation that it proposes to pay in respect of any property, being the compensation determined by the Chief Valuer, and inviting any person who had any interest in that property, immediately before that property was vested in or requisitioned for the Corporation and who claims any compensation in respect of that property to communicate to the Chairman of the Board of Directors his claim in writing, stating the nature and the basis thereof, before such date as shall be specified in the notice.

Payment of compensation

65. (1) Where no claim to the compensation payable in respect of any property is received in response to the notice under section 64 from any person other than the person from whom that property was acquired or requisitioned for the Corporation, the Chairman of the Board of Directors shall cause such compensation, less any sum required by or under this Law to be deducted therefrom, to be paid to the person from whom that property was so acquired or requisitioned.

persons entitled thereto.

Provision for cases where compensation is not accepted c.

66. Where any compensation payable to any person under this Law is not accepted by him when it is tendered to him, or where such person is dead or is not in existence or is not known, it shall be paid to any District Court or Primary Court, according as the amount of compensation exceeds or does not exceed one thousand five hundred rupees, to be drawn by the person or persons entitled thereto.

Deductions from compensation.

67. (1) Where a person is entitled to compensation in respect of any property vested in or requisitioned for the Corporation, the Board of Directors shall pay from the amount of such compensation to the Commissioner-General of Inland Revenue any sum certified under the hand of the Commissioner-General of Inland Revenue to the Corporation to be due from such person as any tax or levy under any written law which is or was administered by the Commissioner-General of Inland Revenue.

(2) For the purposes of this section, the expression " compensation" includes any interest which has accrued due on such compensation.

PART VI

GENERAL

Curtailment of production.

68. The Minister may, if he considers it necessary to do so in the national interest, direct the

owner and manager of any mine to curtail production of any mineral to such extent as he may specify.

Acquisition of immovable property.

69. (1) The Minister may, where he is satisfied that the holder of a license has been unable to acquire any land or any right in any land for the purposes of mining, approve by Order published in the Gazette the acquisition of such land or any right in such land.

(2) Where an Order is so published in terms of subsection (1) such property shall be deemed to be required for a public purpose and shall accordingly be acquired under the Land Acquisition Act and be transferred under that Act to the holder of the license.

(3) Any sum payable for the acquisition of any land or any right in any land under the Land Acquisition Act or as compensation shall be paid by the holder of the license.

Provisions regarding land belonging to the Republic and termination or revocation of license.

70. Any land belonging to the Republic alienated under the State Lands Ordinance to the holder of a license shall on the termination or cancellation of the license under the preceding provisions of this Law revert in the Republic together with any improvements effected thereon and no person claiming through, from or under such license holder shall have any claim to or claim any interest in such land or be entitled to any compensation for any such improvements.

Liability of licensee, agent and manager of mine.

71. (1) The licensee or his agent and the manager of a mine shall be responsible for taking all such measures as may be necessary for ensuring that all operations carried on in the mine or in connexion therewith are conducted in accordance with the provisions of this Law and of the regulations made there under and applicable to such mine.

(2) In the event of any contravention of any of the provisions referred to in subsection (1), in addition to the person committing the contravention, the licensee or his agent and the manager of the mine shall be deemed to be guilty of such contravention, unless he proves that he had

taken all reasonable precautions to prevent such contravention.

Offences.

72. (1) Every person who fails, neglects or refuses to comply with any direction given in pursuance of this Law by the Director or an officer to whom the power to give such direction is delegated by the Director shall be guilty of an offence under this Law.

(2) Every contravention of any of the provisions of this Law or any regulation made there under or any of the conditions attached to a license issued under this Law shall be an offence under this Law,

(3) Every person who obstructs, hinders or delays the Director while exercising any power or performing any duty conferred or imposed by this Law or any officer while exercising any power or performing any duty delegated to him under section 16 shall be guilty of an offence under this Law.

Penalties.

73. Every person who is guilty of an offence under this Law shall be liable, on conviction after summary trial before a Magistrate (a) in the case of a first offence, to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment; and

(b) in the case of a second or subsequent offence, to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment.

Offences by bodies of persons.

74. Where an offence under this Law is committed by a body of persons, then (a) if that body of persons is a body corporate, every director and officer of that body corporate; or

(b) if that body of persons is a firm, every partner of that firm,

shall be deemed to be guilty of that offence:

Regulations.

75. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Law.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations (a) in respect of all matters stated or required to be prescribed or in respect of which regulations are authorized or required to be made; and

(b) in respect of all matters relating to licenses, including the rights of license holders, the conditions subject to which licenses are issued and the duration for which they are issued.

(3) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on such date as may be specified in the regulation or if no such date is so specified on the date of such publication.

(4) Every regulation made by the Minister shall be brought before Parliament as soon as may be after the publication thereof by a motion that such regulation be approved.

(5) Every regulation which Parliament refuses to approve shall be deemed to be rescinded with effect from the date of such refusal but without prejudice to the validity of anything previously done there under.

(6) Notification of the date on which any regulation made by the Minister is deemed to be rescinded shall be published in the Gazette.

Interpretation

77. In this Law, unless the Context otherwise requires

" adult" means a person who has completed his eighteenth year;

"current asset" means cash and any asset acquired for the purpose of sale or for the purpose of producing any article for sale and includes any such asset in any stage of producing;

"day" means a period of twenty-four hours beginning at midnight;

" Director" means the Director of Geological Surveys; " fixed asset" means an asset acquired for continuous use in the business, and not for conversion into cash;

" local authority " includes a Municipal Council, Urban Council, Town Council or Village Council;

" manager" means the person, whether paid or unpaid, who has effective charge and control of a mine;

" medical officer" means a Government Medical Officer;

" mine " means any excavation made on or below the surface of the ground for the purpose of searching for or obtaining any mineral;

" mineral" means any naturally occurring substance, whether in solid, liquid or gaseous form, in or on the surface of the earth or in the continental shelf but does not include hydrocarbons and water;

" night" means the period between seven o'clock in the evening and six o'clock in the morning;

" prescribed " means prescribed by regulation made under this Law;

"worker" means any person employed whether for wages or not, in any of the actual processes or operations in a mine, or in cleaning any part of machinery or premises, or in any other processes or operations, but does not include any person employed solely in a clerical capacity;

" young person " means a person who has completed his fourteenth but has not completed his eighteenth year. (Section 76 repealing the Mines and Machinery Ordinance, 1896, is omitted.)

Royalties

Royalties shall be payable in respect of all minerals mined, processed or otherwise acquires under the authority of an Exploration, Mining or Trading Licence , by the following persons:

- a) A holder of a Mining Licence who mines and / or processes minerals prior to sale, or who exports minerals produced in a processed or unprocessed state, or incorporates such minerals into semi-finished or finished products, or consumes such minerals;
- b) A holder of a Trading Licence who purchase minerals, which have not been processed, from another licensee and processes such minerals prior to the sale thereof;
- c) A holder of an Exploration Licence who with the approval in writing of the Secretary removes and sells minerals for cash-flow purposes, in association with an approved advanced exploration programme.

Every holder of a licence referred above and maintain specific books of account of the minerals or mineral bearing substance taken from a mine showing –

- A) the quantities of material extracted with a chronological record of all mineral extraction activity;
- B) the sale records from mill or other processing plants or holders of Trading Licences;
- C) all other facts and circumstances necessary for the purpose of ascertaining the amount of royalties payable.

For the purpose of calculating royalty and the payments thereof the value of the output of a mine over any period shall be :-

- a) the actual market value of the output as determined from the sales records; or
- b) where there is no clear means of ascertaining the actual market value or where there is

no established market price, the amount determined by the Director as representing the value of the output, less the prorated deductions permitted.

On or before the twentieth day of the fourth month following the end of each calendar year, each licensee liable to pay royalties shall deliver to the Director and where there is default in the payment of such royalties, interest shall be paid thereon, at such rate as may be determined by the Bureau from time to time, until payment in full.

Royalties from sales or determined market value of mine output, shall be as a percentage of that value as follows:

| | | |
|------------------------------------|---|-------------|
| Precious Metals | - | 4 per cent |
| Industrial Minerals (not exported) | - | 3 per cent |
| Industrial Minerals (exported) | - | 4 per cent |
| Building Materials | - | 1 per cent |
| Dimension Stone (exported) | - | 4 per cent |
| Base and other Metals | - | 3 per cent. |

Additional clarification of market values of mine output, allowable deduction and / or royalty payment arrangements may be negotiated within the framework of an Investment Agreement.

2. 서식 견본

■ 광업법 신청서

INDUSTRIAL MINING LICENCE CATEGORY A/B/C

APPLICATION

1. Exploration Licence No : (where applicable) : _____

2. Individual :

- (a) Name of Applicant / Authorized Agent : _____
- (b) National Identity Card No : _____
- (c) Address : _____
- (d) Nationality : _____
- (e) Employment and Name of employer : _____
- (f) In Sri Lanka
 - (i) Place of Business : _____
 - (ii) Residence : _____

3. Corporation (if Exploration Licensee, update of Form 2.1)

- (a) Name of Company/Partnership : _____
- (b) Country of Incorporation : _____
- (c) Head Office/Principal place of Business : _____
- (d) In Sri Lanka – Address of Registered Company/Agent : _____
- (e) Legal/Financial Data
 - (i) Capitalization : _____
 - (ii) Articles of Association (attach) : _____
 - (iii) Last three years Annual Reports (attach) : _____

4. Technical/Professional Data : (for category "A" & "B" only)

- (a) Licenced boundary Survey (also attach 1:50000 location map and metric identification Form 2.3)
- (b) Professional/Technical credentials of Project team (attach)
- (c) Economic Viability Report as specified in FORM 10 (attach)

5. Type of Industrial Mining Operation

- (a) Blasting Method
- (b) Depth of Bore hole
- (c) Production Volume
- (d) Machinery to be used
- (e) If mining underground, depth of shaft/pit (feet/meters)
- (f) Type of explosives to be used

6. Details of licence area

- (a) Name of Land (attach copy of Deed and Survey Plan)
- (b) Land owners' name (if not owned by applicant, attach lease Agreement or an affidavit)
- (c) Name of village in which land is situated
- (d) Grama Niladhari Division
- (e) Divisional Secretary's Division
- (f) Administrative District

7. Detailed Mine Restoration Plan (attach)

8. Nature of amount of bond (if any)

9. Names of Mineral/Minerals to be mined

10. Licence fee receipt (attach)

I, am the undersigned, do hereby certify that the statements contained in this application are true and correct to the best of my knowledge and undertake to comply with the provisions the Mines & Minerals Act No. 33 of 1992, and the Regulation made thereunder.

Date : _____

Signature : _____

Mine Manager : _____

Industrial Mining Licence No : _____

Period of Validity : _____

Royalty Payable : _____

Authorization by Director :

Date : _____

Signature : _____

Director : _____

스리랑카 자원개발진출가이드

발행인 | 조 환 익

편집인 | 박 기 식

발행처 | KOTRA

발행일 | 2008년 12월

주 소 | 서울시 서초구 염곡동 300-9
서초우체국 사서함 101호

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* 낙장, 파본은 교환해 드립니다.