

**PEKELILING PENGARAH TANAH DAN GALIAN SELANGOR
BILANGAN 2/1964**

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RENEWAL OF MINING LEASES

It has been brought to the notice of state Government that applications for renewal of Mining Leases, though made within the prescribed period, the renewal has been delayed resulting in the land continued to be worked after expiry of the leases. From a legal point of view workings on the expired leases should cease, but in the interest of the tin mining industry and the hardship encountered thereby it was felt not fair to stop operations on the land as the fault did not lie with the miner.

2. In order to clear all legal complications arising out of renewal of Mining Leases, the state Executive Council, at its meeting held on 16th May, has formulated the following policy:-

- (1) In general it is desirable, as much in the interest of administrative efficiency, as of the tin mining industry, that renewals of Mining Leases should be effected by way of extension of the terms of the leases rather than by the issue of a fresh lease:
- (2) Since a decision to extend the term of the Mining Leases would be inoperative if taken after the term of the leases had expired the Collector should, in the case of an application for renewal made in good time, (that is to say, not less than twelve months prior to the date of expiry of the leases) submit the report thereon to the Executive Council not later than six months prior to the date of expiry. If it is not possible for the Council to finalize advice on the application on submission, whether because the Collector has not been in a position to make recommendations in full or for any other reason, the Council should in appropriate cases advise approval of the application in principle in order that the lessee may plan his mining operations or the continuance thereof without delay. Whether such advice is tendered or not the application should be re-submitted to Council not later than two months from the date of expiry of the lease. If the Council is still unable to tender final advice then an interim extension of twelve months or such other period as may appear suitable should be recommended;
- (3) Where the application is late, an endeavor should be made to follow the procedure set out in the preceding paragraphs wherever possible. The application should, however, in any event be submitted

for the consideration of Council not later than two months prior to the date of expiry of the terms of the lease or immediately on receipt of the application, if it is more than ten months late;

- (4) Where the fact that a final decision on application for renewal cannot be taken before the expiry of the terms of the leases is due in whole or in substantial part to negligence or delay on the part of the lessees than no approval in principal or interim extension should ordinarily be granted. Further, if the land is being worked all mining operations thereon should cease on the expiry of the leases and should not be permitted to be resumed unless and until renewal has been approved and a Mining Certificate or Mining Leases issued; and
- (5) Where on application for renewal of a Mining Lease is made after the date of the expiry of the term thereof the application should be rejected summarily but the applicant may if he wishes submit a fresh application for a Mining Lease.

3. Collectors of Land Revenue are now advised to adopt the above policy when applications for renewal of Mining Lease are received. The effectiveness of the policy will, to a large extent, depend on its application by the Collectors. If it is applied as intended, there will be little trouble and, in fact, will be the solution to the delay over the renewal of Mining Leases.

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