NOTIFICATION
Dated Peshawar, the 25th June, 2018
No. SO(Appeal)/MDD/6-1(D&R)/2018/KC.- The following draft rules, which the Government of the Khyber Pakhtunkhwa in exercise of the powers conferred by subsection (2) of section 103 of the Khyber Pakhtunkhwa Minerals Sector Governance Act, 2017 (Khyber Pakhtunkhwa Act No. XXXVI of 2017) for the information of persons likely to be affected thereby and notice is hereby given that the said rules together with any objection or suggestion with respect thereto, which may be received within a period of fifteen (15) days from the date of publication of this notification in the official Gazette by the Secretary to Government of the Khyber Pakhtunkhwa, Minerals Development Department and shall be taken into consideration. After the expiry of the said period:

THE HYBER PAKHTUNKHWA
MINOR MINERALS PERMIT RULES, 2018.

1. Short title and commencement.— (1) These rules may be called the Khyber Pakhtunkhwa Minor Minerals Permit Rules, 2018.

   (2) These shall come into force at once.

2. Definitions.— (1) In these rules, unless the text or context otherwise requires,-

   (a) “Act” means the Khyber Pakhtunkhwa Minerals Sector Governance Act, 2017 (Khyber Pakhtunkhwa Act No. XXXVI of 2017);

   (b) “Form” means the Form appended to these rules;

   (c) “permit” means a temporary permit granted for such a period as provided in rule 4; and

   (d) “person” means an individual, firm or a company, who applies for a permit under these rules.

   (2) Words and phrases used in these rules but not defined shall have the same meanings as are assigned to them in the Act.
3. **Application for grant of permits.**— (1) A person desirous of obtaining a permit for minor minerals shall submit an application to the Licensing Authority on the Form appended to these rules.

(2) The application Form shall be accompanied by-

(a) application processing fee (non-refundable);
(b) sketch of the area;
(c) copy of computerized valid National Identity Card of the individual, Directors of the Company, or Partners of the firm, as the case may be;
(d) National Tax number;
(e) Bank statement or property certificate;
(f) duly registered partnership deed, in case of firm; and
(g) the Articles and Memorandum of Association alongwith certificate of incorporation, in case of a Company.

(3) Incomplete applications shall not be accepted by the Licensing Authority.

(4) Applications received under sub-rule (1) shall be scrutinized by the Licensing Authority or its authorized officer and availability of the area applied for shall be confirmed by the Licensing Authority before the grant of permit.

(5) In case of approval of the application, the person shall be informed through an offer letter duly conveyed through registered mail on the address given in the application Form:

Provided that the Licensing Authority shall specify the period within which the offer letter is to be accepted or complied with.

(6) In case the person accepts the offer, he, while complying with the terms and conditions of the offer letter, shall deposit the permit fee, as determined by the Licensing Authority, within seven days from the date of issuance of the offer letter.

(7) The officer authorized by the Licensing Authority shall issue allotment letter immediately after compliance of the offer letter.

(8) In case of non-compliance of the offer letter within the specified period, the offer letter shall be taken as withdrawn.

4. **Period of permit.**— The permit shall be valid for such period, not exceeding one month and may be renewed for such further period, not exceeding two terms of one month each.
5. Determination of permit fee.--- The permit fee shall be determined on the basis of spot inspection by a Committee constituted by the Licensing Authority for assessing the quality and quantity of the minor minerals. The Committee shall also ascertain the circumstances given in rule 6.

6. Circumstances in which the permit may be granted.--- The permit for a minor minerals may be granted in any of the following circumstances, namely:
   (a) in case of fresh discovery of minor minerals bearing area, till the formulation of auction blocks;
   (b) where minor minerals are excavated for the use in a public project from an area outside the auction blocks; and
   (c) any other area, which is not included or cannot be included due to locational difficulties, in an auction block.
"FORM"

(Reference: sub rule (1) of rule 3 of the Khyber Pakhtunkhwa
Minor Minerals Permit Rules, 2018)

Application Form for the Permit of Minor Minerals

1. Name of applicant:
2. Address:
3. Contact No:
4. CNIC No.
5. Passport No (in case of foreign nationals).
6. NTN No.
7. Details of the area:

Documents to be attached.

(i) Original copy of Treasury Challan No. ________________ dated ________________ for Rs. 10,000/- (Rupees Ten Thousands only) as application processing fee (non-refundable) under the Head of Account “C 03847” deposited in the State Bank of Pakistan/National Bank of Pakistan/Government Treasury at

(ii) Attested copy of valid CNIC.
(iii) Sketch of the area;
(iv) Bank statement or property certificate;
(v) Passport No. (in case of foreign nationals)
(vi) National Tax number (if applicable);
(vii) A copy of Memorandum and Articles of Association along with an attested copy of the Certificate of Incorporation in Pakistan (in case of a company).
(viii) Authenticated copy of partnership deed duly registered with the registrar concerned (in case of partnership firm only).

Dated: ________________

Signature of the applicant

Secretary to
Government of the Khyber Pakhtunkhwa,
Minerals Development Department.

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