

Ministerial Regulation No. 19, B.E. 2516 (1973)

Issued in Accordance with the Minerals Act B.E. 2510

Translation

By virtue of Section 6 and Section 17 of the Minerals Act B.E. 2510 amended by the Minerals Act (No. 2) B.E. 2516, the Minister of industry has issued the Ministerial Regulations as follows:

CHAPTER 1**Qualifications of the Applicant for Atchayabat, Prathanabat, and License****Article 1**

For the minerals other than gold, the applicant for Exclusive Prospecting Atchayabat, Special Atchayabat, Provisional Prathanabat, and Prathanabat shall have the following qualifications and characters:

(As amended by the Ministerial Regulation No. 64 (B.E. 2530))

- (1) Not being less than 20 years of age.
- (2) Having a domicile or residence in the Kingdom.
- (3) Being a member of the Mining Council.
- (4) Not being a person of unsound mind, mental infirmity, incompetence, or quasi-incompetence.
- (5) Not being a bankrupt person.
- (6) Having never received a revocation of the application or a cancellation of the Exclusive Prospecting Atchayabat, Special Atchayabat, Provisional Prathanabat or Prathanabat with the exception that more than 12 months has elapsed since the last issuance of the revocation or cancellation, or with the exception that the reason for the revocation or cancellation is not a result of the applicant's or the revoked person's fault.
- (7) Having never been punished for the violation of Section 25 or Section 43 of the Minerals Act B.E. 2510, with the exception that more than 12 months has elapsed since the punishment is over.

In case the applicant is a juristic person, they shall have the qualifications and characters as specified in (2), (3), (6), and (7).

The provision under paragraph (3) shall not be applicable to the governmental body or state enterprise applying for Exclusive Prospecting Atchayabat, Special Atchayabat, Provisional Prathanabat, or Prathanabat.

Article 1 bis

The applicant for Special Atchayabat, Provisional Prathanabat and Prathanabat for prospecting and mining for the gold ore within the area specified by Ministry of Industry shall have the following qualifications and characters in addition to the provisions according to Article 1 (3), (6), and (7).

- (1) Being a company
- (2) Having the registered capital no less than 50 million Baht, or registered capital plus the assets altogether no less than 50 million Baht.
- (3) Having sufficient tools, machinery, equipment, and specialists to be able to prospect for the reserves as well as to operate a gold mine.

In case the applicant does not have the qualifications specified in (3) above, there must be another company accredited by Department of Primary Industries and Mines, which is qualified according to (3) and has relationship both in capital investment and management with the applicant. The accredited company shall guarantee sufficient supply of tools, machinery, equipment, and specialists for prospecting and operation of a gold mine.

For the submission of an application, the applicant shall provide the evidence indicating the above qualifications and characters together with the application form.

(As amended by the Ministerial Regulation No. 64 (B.E. 2530))

Article 1 ter

The applicant for Special Atchayabat, Provisional Prathanabat, and Prathanabat for the gold mine outside the area specified by the Ministry of Industry shall have not only the qualifications according to Article 1 (1) to (7), but also the ones under Article 1 bis. (3), or Article 1 bis paragraph 2.

In case the applicant is a company, it shall have the qualifications and characters in accordance with Article 1 (3), (6), (7) and Article 1 bis (3) or Article 1 bis paragraph 2.

For the submission of an application, the applicant shall provide the evidence indicating the above qualifications and characters together with the application form.

(As amended by the Ministerial Regulation No. 64 (B.E. 2530))

Article 2

The following qualifications are required for the applicant for a Mineral Purchase License, Mineral Storage License, Mineral Processing License, Metallurgical Processing License, Mineral Import License and Mineral Export License:

- (1) Not being less than 20 years of age.
- (2) Having a domicile or residence in the Kingdom.
- (3) Being a member of the Mining Council.
- (4) Not being the person of unsound mind, mental infirmity, incompetence, or quasi-incompetence.
- (5) Not being a bankrupt person.
- (6) Having never received a revocation of the application or cancellation of the License, with the exception that more than 12 months has elapsed since the last issuance of the revocation or cancellation, or with the exception that the reason for the revocation or cancellation is not a result of the applicant's or the revoked person's fault.

The applicant who is a juristic person shall have the qualifications and characters as specified in (2), (3), (5), and (6).

The provision under (3) is not applicable to the applicant, which is a governmental body or state enterprise.

(As amended by the Ministerial Regulation No. 52 (B.E. 2526))

Article 2 bis

Except for the Licenses specified in Article 2, the applicant for other Licenses shall have the following qualifications:

- (1) Not being less than 20 years of age
- (2) Having a domicile or residence in the Kingdom
- (3) Not being the person of unsound mind, mental infirmity, incompetence, or quasi-incompetence.
- (4) Not being a bankrupt person.
- (5) Having never received a revocation of the application or cancellation of the License, with the exception that more than 12 months has elapsed since the last issuance of the revocation or cancellation, or with the exception that the reason for the revocation or cancellation is not a result of the applicant's or the revoked person's fault.

The applicant who is a juristic person shall have the qualifications as specified in (2), (4), and (5).

(As amended by the Ministerial Regulation No. 52 (B.E. 2526))

Article 3

The provisions under the Ministerial Regulation No. 19 (B.E. 2516) issued under Minerals Act B.E. 2510, which is later on amended by the Ministerial Regulation No. 30 (B.E.2517) issued under Minerals Act B.E.2510, that are repealed or amended by this Ministerial Regulation, will remain in force for the consideration of the application for an Exclusive Prospecting Atchayabat, Special Atchayabat, Provisional Prathanabat, Prathanabat, and all other Licenses submitted before or on the date this Ministerial Regulation becomes effective.

(As amended by the Ministerial Regulation No. 52 (B.E. 2526))

CHAPTER 2

Rules, Procedures, and Conditions Concerning Application for Atchayabat, Prathanabat and Licenses

Article 3

For the submission of an application for an Exclusive Prospecting Atchayabat, the applicant shall enclose document as specified in the application form as well as the following items.

- (1) The map designating the prospecting area in the application form, the boundary of which shall have all sides superimposed on the grid lines of the military map with the scale of 1:50,000 or 1:25,000, and also providing the U.T.M. coordinates at a corner of the map.
- (2) Enclosed evidence indicating sufficient capital investment for the prospecting as prescribed by the Department of Primary Industries and Mines, together with the prospecting plan and methods that provide a list of items as prescribed in the Ministerial Regulation issued under Section 17 (3) of the Minerals Act B.E.2510

(As amended by the Ministerial Regulation No. 69 (B.E. 2534))

Article 4

For the submission of an application for a Special Atchayabat, the applicant shall enclose the evidence as specified in the application form and present additional items as follows:

- (1) The map designating the prospecting area in the application form, the boundary of which shall have all sides superimposed on the grid lines of the military map with the scale of 1:50,000 or 1:25,000, and also providing the U.T.M. coordinates at a corner of the map.
- (2) Enclosed evidence indicating sufficient capital investment for the prospecting, together with the prospecting plan and methods that provide a list of items as prescribed in the Ministerial Regulation issued under Section 17 (3) of the Minerals Act B.E.2510.
- (3) Presentation of the prospecting obligations by specifying the expenses for yearly prospecting during the valid life of an Atchayabat.
- (4) Presentation of the detailed special benefits intended to offer to the state in return, such as financial consideration, scholarship, or grant to the government, upon obtaining Special Atchayabat.

Article 5

To apply for Prathanabat, the applicant needs to enclose documental evidence as specified in the application form, as well as to provide the following:

- (1) The map designating the mining area in the application form, the details of which shall include a map scale, map direction, and the indicated distance of all sides, together with the U.T.M. coordinates of any one corner of the map.
- (2) Evidence on capital investment
- (3) When the competent official has demarcated the Prathanabat area, the applicant shall hand in the proposal and plan for the mining project that provides a list of

items as specified in the Ministerial Regulation issued under Section 17 (3) of the Minerals Act B.E.2510.

Article 6

An application for a Provisional Prathanabat shall be submitted only after the completion of all the processes in Article 5.

Article 7

For the submission of an application for a Mineral Processing License and a Metallurgical Processing License, the applicant shall enclose evidence specified in the application form and additional items as follows:

- (1) The map designating a mineral processing area or a metallurgy processing area, as the case may be.
- (2) The flowchart and mineral processing method, or the flowchart and metallurgical processing method, as the case may be, indicating a list of items as prescribed in the Ministerial Regulation issued under Section 17 (5) of the Minerals Act B.E. 2510.

Article 8

For the submission of an application for any other License, the applicant shall enclose the evidence specified in the application form.

CHAPTER 3

Rules, Procedures, and Conditions for Renewal of a Mineral Processing License and Metallurgical Processing License

Article 9

For a renewal of a Mineral Processing License or Metallurgical Processing License, the application shall be submitted at least 60 days before the expiration date of the License.

Given on the 25th day of July B.E.2516

Signed by General K. Seevarar

Minister of Industry

Remark: The reason to promulgate this Ministerial Regulation originates from Section 6 of the Minerals Act B.E. 2510, as amended by the Minerals Act (No 2.) B.E. 2516, which sets the applicant's qualifications, rules, procedures, and conditions required for applying for an Exclusive Prospecting Atchayabat, Special Atchayabat, Prathanabat, Provisional Prathanabat, Licenses, and also in renewal of a Mineral Processing License and Metallurgical Processing License.

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