

GUYANA

No. 1 of 2003

REGULATIONS
MADE UNDER
THE MINING ACT
(No. 20 of 1989)

IN EXERCISE OF THE POWERS
CONFERRED UPON ME BY
SECTION 136 OF THE MINING ACT, 1989,
I HEREBY MAKE THE FOLLOWING REGULATIONS -

Citation.

1. These Regulations, which amend the Mining Regulations, may be cited as the Mining (Amendment) Regulations 2003.

Interpretation.

2. Regulation 2 of the Principal Regulations is hereby amended by the insertion of the following definitions in the proper alphabetical order -

“Chair” means the participant country of the Kimberley Process Certification Scheme elected to preside over all Plenary meetings, ad hoc working groups and other subsidiary bodies, which might be formed until the conclusion of the next annual Plenary meeting;

“conflict diamonds” means rough diamonds used by rebel movements or their allies to finance conflict aimed at undermining legitimate governments or causing or facilitating

unrest and stability in a territory;

"diamond" means a natural mineral consisting essentially of pure crystallised carbon in the isometric system, with a hardness on the Mohs (scratch) scale of 10, a specific gravity of approximately 3.52 and a refractive index of 2.42;

"export" means the physical leaving or taking out of any part of the geographical territory of Guyana;

"import" means the physical entering or bringing into any part of the geographical territory of Guyana;

"importing authority" means the authority or body designated by Guyana into whose territory a shipment of rough diamonds is imported to conduct all import formalities and particularly the verification of the accompanying Kimberley Process Certificates;

"Kimberley Process Certificate" means a forgery resistant document with a particular format which identifies a shipment of rough diamonds as being in compliance with the requirements of the Kimberley Certification Scheme;

"parcei" means one or more diamonds that are packed together

and that are not individualised;

“rough diamonds” means diamonds that are unworked or simply sawn, cleared or bruted and fall under the Relevant Harmonised Commodity Description and Coding System 7102.10, 7102.21 and 7102.31;

“shipment” means one or more parcels that are physically imported or exported;

Revocation and substitution of regulation
203 of the Principal Regulations.

3. Regulation 203 of the Principal Regulations is hereby revoked and the following regulations substituted therefor -

“Preparation for and export of
rough diamonds.

203. (1) (a) Precious stones lodged at the office of the Commissioner as provided in regulation 202 shall, unless the Commissioner otherwise directs, be weighed, checked with the permits relating thereto by an officer, who shall fasten the receptacle containing them with string or tape, seal the same with wax, seal the ends of the string or tape with wax and seal the ends of the string or tape with the leaden plier seal

stamped "Guyana Geology and Mines Commission" or "Kimberley Process Certificate Guyana" in the case of rough diamonds. No receptacle containing precious stones or rough diamonds, which does not bear either seal shall be tendered for export; and

- (b) The number of the certificate in respect of rough diamonds shall be embossed on the Kimberley Process seal and such seal shall correspond in number with the certificate issued by the Guyana Geology and Mines Commission and Guyana Revenue Authority, Customs and Trade Administration.

- (2) The export of rough diamonds shall be subject to the Kimberley Process Certification Scheme and all shipments overseas shall meet the following requirements -

- (a) have a Kimberley Process Certificate of Guyana signed by the exporter or his duly

authorised representative, issued and validated by the Commission and the Customs and Trade Administration;

- (b) all information on the certificate shall be in conformance with the provisions of regulation 202, together with the dates of issuance and expiry of the certificate;
- (c) the certificate shall have an accompanying import confirmation slip to be completed by the importing authority of the territory to whom the shipment of rough diamonds is exported. The number of both the certificate and confirmation slip shall correspond; and
- (d) in relation to exports of rough diamonds, the diamond exporter shall sign a declaration that the rough diamonds being exported were legitimately obtained in Guyana or another territory which is a Kimberley Process participant and were not obtained from any

source or activity which is engaged in the trade
of conflict diamonds.

Completion of sealing of rough
diamonds for export.

- 203A. (1) All rough diamonds which are for export shall be placed in a parcel in a receptacle and sealed in a transparent tamper-proof security bag. The sealing shall be done by a duly authorised representative of the Guyana Geology and Mines Commission in the presence of an officer of the Customs and Trade Administration and the exporter or his representative.
- (2) The parcel in the said sealed security bag shall have an accompanying Kimberley Process Certificate to be given to the importing authority at the country of importation.
- (3) Every exporter who is found guilty of a breach of regulations 202 to 203D, inclusive, shall be liable on summary conviction to a fine of one million dollars and imprisonment for a maximum of five years.

Shipment to non-Kimberley
Process participants allowed.

- 203B. Rough diamonds may be exported only to -
- (a) countries which are participants of the Kimberley

Process Certification Scheme;

- (b) non-participating countries during such periods of time as may be approved by the Chair of the Kimberley Process and with such modifications to the procedures as the Chair may require.

Establishment of a
computerized database.

203C. (1) The Commission, in collaboration with the Customs and Trade Administration, shall establish a secure computerized database which collects and maintains information in relation to export of shipments of rough diamonds. Such information shall -

- (a) state the relevant official production and export data for each exporter;
- (b) state instances where enforcement of penalties occurred including name of exporter and penalty awarded;
- (c) note receipt and contents of all import confirmation certificate statistics on exports,

imports and classification of rough diamond exports,

(d) with any other relevant statistics, be published quarter yearly and shall be made available to analysts and any interested persons;

(e) state all transactions done by the exporters and traders of rough diamonds.

(2) The Commission shall maintain a register of all exporters and traders in rough diamonds and shall record therein particulars in relation to the status of licences issued to such categories of persons.

Retention of records by
exporters and traders in rough
diamonds

203D. (1) All rough diamond traders and exporters shall maintain records of production and export listing the names of trading clients, their licence number, amount and value of diamonds sold and purchased or exported. The records shall be retained for a period of no less than five years from the date of transaction.

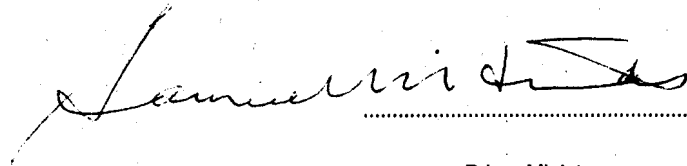
- (2) All information in paragraph (1) shall be entered into the computerized database as provided for in regulation 203C."

Amendment of the Second Schedule to the
Principal Regulations.

- 4. The Second Schedule to the Principal Regulations is hereby amended by the insertion after the last fee stated of the following -

"For issuance of a Kimberley Process Certificate and for sealing of shipment.....\$5,000.00".

Made this 18th day of February, 2003.



Prime Minister.