



The Falkland Islands Government

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Consultation on regulating Prospecting and Exploring for Gold and Similar Minerals

Introduction

The Falkland Islands Government (FIG) is proposing to introduce regulations and supporting guidance to allow prospecting and exploring for gold and similar minerals to take place in the Falkland Islands. Previous similar activity which took place from the late 1990s to early 2000s was licensed under the older Mining Ordinance 1918. Some expressions of interest have been received for resuming similar exploration activity.

The new regulations are required because whilst the Falkland Islands has legislation that covers searching for and extracting minerals in the Falkland Islands (the Mining Ordinance 2005), the legislation states that anyone wanting to do so must have a licence issued by FIG. No regulations were produced in 2005, and currently there are no regulations that would enable such a licence to be applied for or granted.

The proposed regulations and supporting documents would allow an application to be made for a licence to search for gold and similar minerals, and for such activity to be appropriately regulated. This will allow interested commercial parties to explore for gold and similar minerals, following on from similar previous activity. Any commercial parties wishing to explore for gold and similar minerals must still seek the consent of landowners to access privately owned land and a licence does not confer a right of access.

Scope of regulations

Please note: the proposed framework does not cover stone, sand, gravel, chalk, flint or calcified seaweed (referred to as “common minerals”). While there is a need to enable access to these minerals (an activity which is also currently prohibited under the Ordinance but cannot be licenced), the regulatory framework for extracting these minerals is still being developed. The overall policy approach to common minerals is to ensure that the level of regulation is commensurate with the level of activity and associated risk. It is anticipated that this consultation will be available during the first half of 2022.

The proposed framework also does not cover extraction of gold and similar minerals, only prospecting and exploration. It is intended that regulations to govern an extractive industry for gold and similar minerals (which would be significantly more complex) would only be developed in the event there was evidence of a commercially viable project.

Consultation

The Department of Mineral Resources is responsible for regulating all activity under the Mining Ordinance 2005. The Department is therefore consulting on the proposed draft regulations and supporting documents. These documents lay out the legislative proposals, and associated guidance for the application process, consultation and review, approvals, and describe conditions that may be applied to any licence if granted.

The draft supporting documents (which can be downloaded from: www.falklands-oil.com) consist of:

- the proposed regulations which set out the regulatory framework and the conditions that could be applied to most licences,
- a draft application form
- guidance on making an application, and
- guidance on how licence conditions may be applied by the Department of Mineral Resources.

Copies of current legislation in force in the Falkland Islands can be obtained from the Statute Law Database which can be found at: www.legislation.gov.fk

Comments are welcome on all the documents referred to above and must be submitted by **Friday 18 February 2022**. All comments received by the close of consultation will be taken into account.

It is intended that the final version of the regulations and supporting documents will be considered by Executive Council following consideration of the comments returned.

Comments must be made in writing, and can be emailed, posted or hand delivered to:

Director of Mineral Resources, P O Box 893, Ross Road, Stanley, Falkland Islands

or by email to: info@mineralresources.gov.fk