

**NEWFOUNDLAND AND LABRADOR
REGULATION 65/02**

**Voisey's Bay Nickel Company Limited Matte
Plant Exemption Order
under the Mineral Act
(O.C. 2002 - 329)**

(Filed October 7, 2002)

Under the authority of section 31.1 of the Mineral Act, the Lieutenant-Governor in Council makes the following Order.

Dated at St. John's , October 7, 2002 .

Deborah E. Fry
Clerk of the Executive Council

ORDER

Analysis

1. Short title
2. Interpretation
3. Exemption
4. Suspension of exemption
5. Termination of exemption

Short title

1. This Order may be cited as the Voisey's Bay Nickel Company Limited Matte Plant Exemption Order

Back to Top

Interpretation

2. (1) In this order

(a) "Act" means the Mineral Act ;

(b) "development agreement" means the Development Agreement made as of September 30, 2002 among Her Majesty the Queen in Right of Newfoundland and Labrador , the lessee and Inco Limited;

(c) "lessee " means Voisey's Bay Nickel Company Limited; and

(d) "production order" means the Voisey's Bay Nickel Company Limited Primary Production Order.

(2) In interpreting this Order, the terms "construction completion date", "government", "matte", "matte plant", "mine", "nickel concentrate" and "proponent" have the meanings given to them in the development agreement.

Back to Top

Exemption

3. (1) Subject to sections 4 and 5, if the proponent has constructed the matte plant, the lessee shall be exempt from the provisions of the production order with respect to shipments of nickel concentrate commencing on the construction completion date.

(2) The exemption under subsection (1) shall continue as long as the matte plant is operating and treating matte in sufficient quantities so that the tonnage of contained nickel in the matte processed by the matte plant is not less than the tonnage of contained nickel in the nickel concentrate shipped out of the province as permitted by this order, both on an annual basis and in total, over the life of the mine.

(3) The lessee shall provide to the government an annual accounting of the tonnages referred to in subsection (2) in respect of each year on or before the last day of February of the following year utilizing the assaying procedures set out in Schedule 4.13.2 of the development agreement.

[Back to Top](#)

Suspension of exemption

4. The exemption under subsection 3(1) shall be suspended while the matte plant is not operating, except during reasonable and necessary periods of routine maintenance and vacation shutdown of the matte plant in accordance with reasonable and prudent industry practices.

[Back to Top](#)

Termination of exemption

5. The exemption under subsection 3(1) shall terminate on the earlier of the date that

(a) the matte plant has, in the sole opinion of the government acting reasonably, ceased commercial operations; and

(b) the exemption is rescinded under subsection 31.1(3) of the Act.

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