



THE UNITED REPUBLIC OF TANZANIA

THE MINING ACT, CAP. 123

**(THE MINING REGULATIONS OF 2018
MADE UNDER THE MINING ACT AS
AMENDED BY ACT No. 7 OF 2017)**



**THE MINING ACT
(MINERAL RIGHTS): REGULATIONS, 2018**

[G.N. No. 1 OF 2018]

**THE MINING (MINERALS AND MINERAL CONCENTRATES TRADING):
REGULATIONS, 2018**

[G.N. No. 2 OF 2018]

THE MINING (LOCAL CONTENTS): REGULATIONS, 2018

[G.N. No. 3 OF 2018]

THE MINING (RADIOACTIVE MINERALS): REGULATIONS, 2018

[G.N. No. 4 OF 2018]

THE MINING (MINERAL BENEFICIATION): REGULATIONS, 2018

[G.N. No. 5 OF 2018]

THE MINING (GEOLOGICAL SURVEY): REGULATIONS, 2018

[G.N. No. 6 OF 2018]

**THE MINING (AUDIT AND IMPECTION OF RECORDS),
REGULATIONS: 2018**

[G.N. No. 7 OF 2018]

**THE EXECUTIVE AGENCY (TANZANIA MINERAL AUDIT AGENCY),
(DISESTABLISHMENT): ORDER, 2018**

[G.N. No. 8 OF 2018]

**THE EXECUTIVE AGENCY (GEOLOGICAL SURVEY AGENCY)
(DISESTABLISHMENT): ORDER, 2018**

[G.N. No. 9 OF 2018]

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THE UNITED REPUBLIC OF TANZANIA

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THE MINING (MINERAL RIGHTS) REGULATIONS, 2018

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THE MINING ACT,
(CAP 123)

REGULATIONS

(Made under Section 112)

THE MINING (MINERAL RIGHTS) REGULATIONS, 2018

PART I
PRELIMINARY PROVISIONS

- | | |
|----------------|---|
| Citation | 1. These Regulations may be cited as the Mining (Mineral Rights) Regulations, 2018. |
| Interpretation | 2. In these Regulations, unless the context otherwise requires- |
| Cap. 123 | “Act” means the Mining Act;
“Commission” means the Mining Commission established by the Act;
“superficial deposits” means mineral deposits occurring at shallow depth not exceeding fifty meters and extending laterally over a wide area;
“mid market rate of exchange” means the equivalent value of the foreign currency other than the US Dollar of the expenditure that was increased on specified date as prospecting expenditure. |

PART II
MINERAL RIGHTS

- | | |
|--------------------------------|---|
| Application for mineral rights | 3.-(1) An application for a mineral rights under Division A shall be made to the Commission by filling in |
|--------------------------------|---|

Mining (Mineral Rights)

GN. No. 1 (contd.)

Form No. MRF. 1, specified in the Second Schedule to these Regulations and submitted to the Commission in duplicate.

(2) An application for a mineral rights under Division B shall be made to the Commission by filling in Form No. MRF. 2 specified in the Second Schedule to these Regulations and be accompanied by a sketch plan of a mining area applied for, showing geographical coordinates in Arc 1960 datum and dimensions in hectares and submitted to the Commission in duplicate.

(3) On receipt of application, the Commission shall record the date and time of receipt.

Renewal of mineral rights

4.-(1) An application for renewal of mineral rights under Division A shall be made to the Commission by filling in Form No. MRF.3 and application for renewal of mineral rights under Division B shall be made in Form No. MRF. 4 respectively specified in the Second Schedule to these Regulations and submitted to the Commission in duplicate.

(2) An Application for renewal of a mineral right shall be accompanied by a plan of the mining area under application drawn on a topographic map to a scale of 1:50,000 showing geographical coordinates in Arc 1960 datum and dimensions of the applied mining area.

Primary Mining licence

5.-(1) Application for primary mining licence shall be made to the Commission by filling Form No. MRF.5 and primary mining licence shall be issued or granted in Form No MRF.6 respectively specified in the Second Schedule to these Regulations.

(2) Any person wishing to renew a primary mining licence shall submit in duplicate an application to the licencing authority by filling in Form No. MRF. 7 specified in the Second Schedule to these Regulations.

Shapes of mining area

6.-(1) Subject to these Regulations, the shape of a mining area that is the subject of a mineral rights may be-

- (a) a square; or
- (b) rectangular, the length of which shall not exceed five times its width and bounded by lines running North-South or East-West.

(2) The mining area may be of regular shape and or orientation, as the Commission may determine in particular case after being satisfied that it is not practicable to comply with sub-paragraph (a) or (b) of sub-regulation (1).

Size of mining
area

7. For the purpose of these Regulations, the size of each mining area that would be the subject of a mineral rights shall be for-

- (a) a prospecting licence for metallic minerals, energy minerals, industrial minerals and kimberlitic diamond, the maximum areas during the initial prospecting period shall be 300 sq. km (30,000 hectares);
- (b) a prospecting licence for building materials and gemstones excluding kimberlitic diamond, the maximum area shall be 5 sq. km (500 hectares);
- (c) a special mining licence for mineral deposits other than superficial deposits the maximum area shall be 35 sq. km (3,500 hectares);
- (d) a special mining licence for superficial deposits, the maximum area shall be 70 sq. km (7,000 hectares);
- (e) a mining licence for metallic minerals, energy minerals, industrial minerals and kimberlitic diamond, the maximum area shall be 10 sq. km (1,000 hectares);
- (f) a mining licence for building materials or gemstone excluding kimberlitic diamond the maximum area shall be 1 sq. km (100 hectares);
- (g) a primary mining licence for all minerals other than building materials, the maximum size shall be 10 hectares; and

- (h) a primary mining licence for building materials the maximum size shall be 5 hectares.

Demarcation
and pegging

8.-(I) Every area of land which is subject to a mineral rights under Division A, B or C shall be pegged and demarcated as follows-

- (a) by erecting a post that shall be securely placed in the ground at each corner of the relevant area;
- (b) each post shall-
 - (i) project not less than two metres (2m) from the ground;
 - (ii) be conspicuous with clear marks or writings that state the owner, type or mineral right with the licence number;
 - (iii) state the dimensions and area covered under the licence;
- (c) at each corner of the licence area, two trenches shall be excavated to show the direction of the boundary of the licence area which shall not be less than 1 metre in length and 50 centimetres in depth along the boundary lines forming each corner of the licence area; and
- (d) the holder of a mineral right must maintain in all posts boundary indicators and markers such as trenches and notices on the licence area in the positions required by these Regulations during all time the licence is held.

(2) Notwithstanding sub-regulation (1), where it is not possible to satisfy requirements of sub-regulation (1), the holder of a mineral rights may, with approval of the Commission, erect any other permanent marks.

(3) Any person who contravenes any provision of this Regulation commits an offence and shall on conviction be liable to a fine not exceeding twenty million

shillings.

Minimum
expenditure

9.-(1) The amount per square kilometre or per hectare which the holder of a prospecting licence shall expend annually on prospecting operations in the licence area shall not be less than an amount equal to the amount prescribed under sub-regulations (2) and (3).

(2) The amount for the purpose of sub-regulation (1) shall, where the prospecting licence is for all minerals other than gemstones, industrial minerals or building materials be-

- (a) in the case of the initial prospecting period, an amount per square kilometre of five hundred US Dollars (US\$ 500);
- (b) in the case of the first renewal period, an amount per square kilometre of two thousand US Dollars (US\$ 2000); and
- (c) in the case of the second renewal period, amount per square kilometer of six thousand US Dollars (US\$ 6000).

(3) The prescribed amounts for the purpose of sub-regulation (1) shall, in the case of a prospecting licence for industrial minerals building materials, be one hundred US Dollars (US\$ 100) per square kilometre.

(4) The prescribe amount for the purpose of sub-regulation (1) shall, in the case of a prospecting licence tor gemstones, be two hundred and fifty US Dollars (US\$ 250) per square kilometre.

Holder of a
prospecting
licence to keep
accounts

10.-(1) A holder of a prospecting licence shall keep full and proper accounts in of all expenditure incurred in the prospecting licence area in respect of prospecting operations supported by receipts, vouchers and such other documentary evidence of expenditure as the Commission may require.

(2) Where, expenditure on prospecting operations has been incurred in Tanzania shillings or in

any foreign currency other than US Dollars the amount of such expenditure shall be entered into books of account kept by the licensee pursuant to sub-regulation (1) in US Dollars at the mid market rate of exchange between the currency in which the expenditure was incurred and US Dollars, as published by the Bank of Tanzania and applicable on the day on which the expenditure was incurred.

Fees and rents

11.-(1) All fees related to applications for grant, renewal, transfer, suspension, surrender, search or conversion of mineral rights and annual rents payable shall be as specified in the First Schedule to these Regulations.

(2) Where the Schedule specifies the amount of fees in US Dollars and the applicant wishes to pay in Tanzanian shillings, for the purpose of ascertaining the amount payable, there shall be applied the mid-market rate of exchange between Tanzanian shillings and US Dollars as published by the Bank of Tanzania and applicable on the day on which the application was made.

Suspension

12.-(1) The holder of a primary mining licence or a person duly authorized by the holder may apply to the Commission in whose area the primary mining licence is situated for the suspension or partial suspension of operations.

(2) The Commission may allow or reject the application.

(3) An application shall be made in duplicate in Form No. MRF. 8 prescribed in the Second Schedule to these Regulations and a certificate of suspension shall be issued in the Form of MRF. 9 specified in the Second Schedule to these Regulations.

(4) The Commission may grant a renewal of a certificate of suspension for such periods as may be endorsed by him on the certificate.

(5) The holder of a primary mining licence shall

keep a certificate of suspension posted conspicuously at the licence area during the period of suspension.

Amalgamation

13.-(1) Where a person who holds in respect of contiguous areas two or more primary mining licences and wishes in respect of each of those licences to apply pursuant to section 58 of the Act for conversion of the licences into a single mining licence the holder may before making application for conversion apply to the Commission to amalgamate the primary mining licences into a single mining area.

(2) An application to amalgamate primary mining licences shall be made in duplicate to the Commission in Form No. MRF.10 specified under the Second Schedule to these Regulations and the Commission if satisfied that the application is in order, issue a certificate of amalgamation in a Form MRF.11 specified under the Second Schedule to these Regulations.

(3) A certificate of amalgamation may be issued by the Commission pursuant to this Regulation notwithstanding the fact that following amalgamation, a single mining area exceeds the maximum area for a primary mining licence prescribed under paragraphs (g) and (h) of Regulation 5.

Conversion of
primary mining
licences

14.-(1) An application pursuant to section 58 of the Act for conversion of a primary mining licence to a mining licence shall be submitted in duplicate to the Commission.

(2) An applicant for conversion, whose application is granted, shall surrender to the Commission a primary mining licence.

Mining (Mineral Rights)

GN. No. 1 (contd.)

Surrender of
primary mining
licence

15.-(1) Subject to these Regulations, the holder of a primary mining licence who wishes to surrender a primary mining licence shall apply to the Commission responsible for the mining area by giving a three months notice.

(2) An applicant shall fill in Form No. MRF. 12 specified in the Second Schedule in duplicate and pay all arrears in respect of annual rents and royalty as conditions for surrendering a primary mining licence.

(3) Where the Commission is satisfied that conditions of these Regulations have been complied with, it shall give consent to the surrender.

Information and
reports

16.-(1) The holder of a primary mining licence shall, on or before the end of one month of a calendar year submit to the Commission written report setting forth-

- (a) the name of the holder;
- (b) the date and the licence number;
- (c) the nature of the operations being conducted on the area during the preceding months;
- (d) the average number of persons employed on the area in mining or prospecting operation during the preceding months;
- (e) the amount paid in wages to persons actually engaged in mining or prospecting operations on the licence area or in supervision of such operation during the preceding months,
- (f) the nature and value of any machinery or plant brought in or removed from the area from the date of the previous report;
- (g) the kind and quality of minerals obtained during the preceding months and the manner by which they have been disposed of;
- (h) particulars of any death or accident which have occurred at the licence area employees during the preceding months, and

- (i) any further information or particulars that the licencing authority may require.

Reserved areas

17.-(1) Where pursuant to section 16 of the Act, the Minister has designated an area as an area reserved exclusively for prospecting and mining operations by persons holding primary mining licences, the designated area shall be divided by the Commission into numbered blocks which, so far as the boundaries of the area permit, be rectangular or square in shape.

(2) A map of the area so divided shall be published in the *Gazette* by the Commission for public information and a copy shall be exhibited in the office of the Commission who is responsible for the designated area.

(3) The Commission shall appoint, for the designated area, an Allocation Committee composed of:

- (a) the District Commissioner for the district who shall be the Chairman;
- (b) the Resident Mines officer who shall be the Secretary;
- (c) a member of Parliament of the respective area;
- (d) the Chairman of the local government authority of the relevant town district, municipal or city;
- (e) the Executive Director of the relevant town district, municipal or city; and
- (f) two persons appointed after consultation with the Regional Administrative Secretary.

(4) An eligible person who wishes to apply for a primary mining licence in a designated area shall submit application in duplicate in the form issued by the Allocation Committee together with the prescribed fee specified under the First Schedule to these Regulations.

(5) The Allocation Committee shall be responsible for allocating primary mining licences in respect of the designated area to eligible applicants.

(6) In making allocations, the Allocation Committee shall have regard to the orderly development of the mining industry in Tanzania and take account of-

- (a) the technical competence of applicants;
- (b) the relevant experience of applicants in conducting mining operations;
- (c) the financial resources of applicants;
- (d) the acceptance by the applicant to obtain a written consent of the lawful occupier in the designated area; and
- (e) the need to ensure that people living in the vicinity of the designated area secure a reasonable share of the mineral resources discovered in the designated area

(7) For the purpose of this Regulation, the term an eligible person means a person who is not disqualified from holding a primary mining licence under section 8(2) of the Act.

Assignment of mineral rights

18. Where pursuant to section 9 of the Act, the holder of a mineral right wishes to assign that mineral rights to another person the assignor shall until the provisions of the transaction has been completed in accordance with the Act continue to be liable for compliance with the provisions of the Act and of these Regulations including a requirement for payment of fees and rents.

Overlapping applications

19.-(1) Where two or more applications are received by authorized officer in respect of areas which are partially or wholly overlapping on the same day during the hours of business such applications shall be deemed to have been received simultaneously so that the priority between them over the overlapping area shall be determined by inviting successful applicants to submit to the Commission by such date bids which state the bidding premium and schedule of payment in a period not exceeding six months.

(2) Subject to sub-regulation (1), at the time of opening the bids, all bidders shall be invited to witness and the successful applicant with the highest bid shall be deemed to have priority over the other bidder.

(3) Where there are more than one highest bids, the Commission shall determine the priority by determining the best payment schedule submitted by the applicants.

(4) Where there are two or more applications for licences over the same areas which are partially or wholly overlapping, the priority will be determined by the date and time of receipt of applications.

PART III
TRANSITIONAL PROVISIONS

20.-(1) All pending applications shall be deemed as applications made under the Mining Act.

(2) The primary mining licence shall be granted by Commission for the duration of seven years.

(3) Applicants for prospecting licence shall be required to state the type of mineral applied for as categorized under section 28 of the Mining Act.

(4) Application for prospecting licence with Preliminary reconnaissance period shall be deemed to be an application for prospecting licence under section 28 of the Mining Act.

(5) Application for gemstone mining licence shall be deemed to be application made under section 49 of the Mining Act.

(6) Application for special mining licence shall be deemed to be application made under section 41 of the Mining Act.

(7) Applicant holding twenty or more valid prospecting licences shall in respect of pending application be treated in accordance with section 8(6) of the Mining Act.

Pending
applications

Cap. 123

Mining (Mineral Rights)

GN. No. 1 (contd.)

(8) There shall for avoidance of doubt, be no additional fees payable in respect of applications and preparations of pending mineral right applications.

Cancellation of retention licence

21.-(1) All retention licences issued prior to the date of publication of these Regulations are hereby cancelled and shall cease to have legal effect.

(2) Consequent upon cancellation of retention licence under sub-regulations (1), rights over all areas which were subject of retention licences are hereby and without further assurance reverted to the Government.

Revocation of GN No 405 of 2010

22.The Mining (Mineral Rights) Regulations, 2010 are hereby revoked.

Mining (Mineral Rights)

GN. No. 1 (contd.)

FIRST SCHEDULE

(Made under Regulation 10(1))

FEES AND RENTS

		US\$	Tshs
1.	Application fees		
(a)	Prospecting licence for metallic minerals, energy minerals and kimberlitic diamond	100	
(b)	Prospecting licence for building materials and gemstones excluding kimberlitic diamond	100	
(c)	Prospecting licence for industrial minerals	50	
(d)	Special licence	2000	
(e)	Mining licence	1000	
(f)	Mining licence for building material	500	
(g)	Primary mining licence		20000
(h)	Transfer of primary mining licence	100	
(i)	Transfer of shares in a primary mining licence	100	
(j)	Search in register for every one hour or part thereof	50	
(k)	Registration of any document with of the Commission	200	
(l)	Approval of any document by the Minister	200	
2.	Application fees for renewal		
(a)	Prospecting licence for metallic, minerals, energy minerals and kimberlitic diamond	100	
(c)	Special licence	1000	
(d)	Mining licence	500	
(e)	Mining licence for building materials	500	
(f)	Primarily mining licence		20000
3.	Application for a certificate of suspension		
(a)	Work in the mineral rights under Division C		10000
(b)	Work in mineral right other than mineral rights under Division C	100	
4.	Application for a certificate of amalgamation		
(a)	Primary mining licence		50000
5.	Application for a certificate of amalgamation		
(a)	Part or whole of the primary mining licence area		20000
(b)	Part or whole of the area of a mineral right other than a primary mining licence	200	
6.	Preparation fees		
(a)	Prospecting licence for all minerals	200	

Mining (Mineral Rights)

GN. No. 1 (contd.)

(b)	Mining licence for all mineral	500	
(c)	Special mining licence	1000	
(e)	Primary mining licence		20000
7.	Annual rents payable for all mineral rights other than mineral rights under Division D	US\$ sq. km	
(a)	Prospecting licence for metallic minerals, energy minerals and kimberlitic diamonds for initial period	40	
(b)	Prospecting licence for building material	40	
(c)	Prospecting licence for gemstones excluding kimberlitic diamond	40	
(d)	Annual rent for first renewal of a prospecting licence	50	
(e)	Annual rent for second renewal of a prospecting licence	60	
(g)	Special mining licence	2000	
(h)	Mining licence for metallic minerals, energy mineral, gemstones and kimberlitic diamonds	1000	
(i)	Mining licence for building materials and industrial minerals	500	
8.	Annual rents for minerals under Division D		Tshs./ hect
(a)	Primary mining licence for all minerals other than gold, kimberlitic diamonds and gemstones subject to a minimum of 20,000/= for each licensed area having less than 2 hectares.		10,000
(b)	Primary mining licence for gold, kimberlitic diamonds or gemstones, subject to a minimum of 40,000/= for each licensed area having less than 2 hectares		Tsh.hect. 20,000

SECOND SCHEDULE

(Made under Regulation 3)

APPLICATION FORMS AND CERTIFICATES

FORM NO.	TYPE OF FORM
MRF.1	Application for mineral rights under Division A
MRF.2	Application for renewal of mineral rights under Division B
MRF.3	Application for special mining licence or mining licence under Division A
MRF.4	Application for renewal of special mining licence or mining licence under Division B
MRF.5	Application for a primary mining licence
MRF.6	Primary mining licence
MRF.7	Application for renewal of primary mining licence
MRF.8	Application for suspension of mining operations
MRF.9	Certificate of suspension of mining operations
MRF.10	Application for amalgamation of primary mining licences
MRF.11	Certificate of amalgamation of primary mining licences
MRF.12	Surrender of a primary mining licence

Mining (Mineral Rights)

GN. No. 1 (contd.)

FORM NO. MRF 1

THE MINING ACT, CAP.123

APPLICATION FOR MINERAL RIGHTS UNDER DIVISION "A"

Applicant(s) hereby apply to the Commission in accordance with the Mining Act, Cap 123

1. Name(s) of applicant(s)
2. Nationality
3. Postal Address: Telephone and E-mail.....
4. Name and address of company, or any other body corporate.....
5. (a) Type of Mineral Right
(b) Duration
6. Mineral Category/Designated Minerals
7. Location, Size and Coordinates (attach plan)
 - (a) Locality
 - (b) Size Sq. Km or hectares
 - (c) Coordinates Latitude(S) Longitudes (F)
8. Indicate available financial and technical resources
9. Number (s) and type of Mineral Rights(s) previously held
10. Information to be attached
 - (a) Memorandum. Article of Association and Certificate of Incorporation
Appendix No.1
 - (b) Employment and Training programme where applicable Appendix No.2
 - (c) Any other information required under the Mining Act, 123

I certify the above information to be true to the best of my knowledge

Date

Signature of applicant

Mining (Mineral Rights)

GN. No. 1 (contd.)

NOTES

1. The Notes and Section References in this Form are provided for guidance only they do not form part of the Application
2. The applicant is limited to a period not exceeding 4 years in respect of the initial prospecting period except in the case of an application for a prospecting licence for gemstones other than kimberlitic diamonds and a prospecting licence for building materials where under section 32(6) the period may not exceed 1 year and is not subject to renewal.
3. The categories are:
 - (a) Metallic minerals;
 - (b) Energy minerals
 - (c) Gemstones excluding kimberlitic diamond;
 - (d) Kimberlitic diamond;
 - (e) Industrial minerals
 - (f) Building materials.
4. Delete if not applicable.
5. May not exceed the maximum area prescribed by the Mining (Mineral Rights) Regulations 2017.
6. Plan should indicate the area being applied for.
7. The Financial statement should exhibit the Applicant's latest audited and unaudited accounts and should include details of available cash resources and borrowing facilities. The Technical Statement should include details of the exploration and production expertise and facilities available to the Applicant internally and of its exploration history in Tanzania and elsewhere.
8. All reference to "Appendix No" mean that the information concerned is to be set out in a numbered Appendix to the Application.

Mining (Mineral Rights)

GN. No. 1 (contd.)

FORM NO. MRF.2

THE MINING ACT, CAP.123

APPLICATION FOR MINERAL RIGHTS UNDER DIVISION “B”

Applicant(s) hereby apply to the Commissioner in accordance to the Mining Act, Cap.123.

1. Name(s) of applicant(s).....
2. Nationality.....
3. Postal Address, Telephone and E-mail.....
4. Name and address of company, or any other body corporate.....
5. (a) Type of Mineral Rights
(b) Duration²
6. Mineral Category³/Designated Mineral⁴
7. Locality, Size⁵ and Coordinates (attach plan)⁶
 - (a) Locality Sq.Km or hectares
 - (b) Coordinates Latitudes(S) Longitudes (E)
9. Indicate available technical resources
10. Information to be attached
 - (a) Employment and Training programme
 - (b) Any other information required under the Mining Act, Cap.123 Appendix No.1

I certify the above information to be true to the best of my knowledge

Date.....

Signature of applicant

NOTES

1. The Notes and Section References in this Form are provided for guidance only. They do not form part of the Application.
2. All references to “Appendix No” mean that the information concerned is to be set out in a numbered Appendix to the Application.

Mining (Mineral Rights)

GN. No. 1 (contd.)

FORM NO. MRF.3

THE MINING ACT, CAP.123

APPLICATION FOR SPECIAL MINING LICENCE OR MINING LICENCE UNDER DIVISION
“A”

Applicant(s) hereby apply to the Commission in accordance with the Mining Act,Cap.123

1. Name(s) of applicant(s).....
2. Nationality.....
3. Postal address, telephone and email.....
4. Name and address of company, or any other body corporate.....
5. (a) Type of Mineral Right
(b) Duration²
6. Mineral category³/Designated Minerals⁴
7. Locality, Size and Coordinates (attach plan)³
 - (a) Locality
 - (b) Size
 - (c) CoordinatesSq. km or hectares

Latitudes(S) Longitudes (E)
8. Indicate available financial and technical resources⁴
9. Number(s) and type of Mineral Right(s) previously held
10. Information to be attached
 - (a) Memorandum Article of Association and Certificate of Incorporation where applicable Appendix No.1
 - (b) Employment and Training programme Appendix No. 2
 - (c) Mineral Deposit Data (including gemstones) Appendix No. 3
 - (d) Programme for Mining Operations Appendix No.4
 - (e) Environmental Certificate Appendix No.5
 - (f) Expected infrastructure requirements Appendix No.6
 - (g) Statement of integrity pledge Appendix No.7

I certify the above information to be true to the best of my knowledge.

Date

Signature of applicant

Mining (Mineral Rights)

GN. No. 1 (contd.)

NOTES

1. The Notes and Section Reference in this Form are provided for guidance only. They do not form part of the Application
2. Maximum of 10 years for Mining licence and estimated life of ore body or such period as the applicant may request whichever period is shorter for special mining licence
3. The plan referred should indicate the area applied for.
4. Here insert Financial Statement and Technical Statement. The Financial Statement should exhibit the Applicant's latest audited and unaudited accounts and should include details of available cash resources and borrowing facilities. The Technical Statement should include details of the exploration and production expertise and facilities available to the Applicant and of its exploration and production history in Tanzania and elsewhere.
5. All references to "Appendix No" mean that the information concerned is to be set out in a numbered Appendix to the Application.
6. Environment Certificate provided under Environment Management Act, Cap.191
7. A development Agreement may add to the particulars to be provided in a Mining licence Application

Mining (Mineral Rights)

GN. No. 1 (contd.)

THE MINING ACT, CAP.123

FORM NO. MRF 4

APPLICATION FOR RENEWAL OF SPECIAL MINING LICENCE OR MINING LICENCE UNDER DIVISION "B"

Applicant(s) hereby apply to the Commission for Renewal in accordance with the Mining Act, Cap.123

- 1. Name(s) of applicant.....
2. Nationality.....
3. Postal Address, Telephone and E-mail.....
4. Name and address of a company and other body corporate.....
5. Number and date of grant of relevant Mineral right
6. Duration for which renewal is sought
7. Type of Mineral(s)
8. Locality, Size and Coordinates (attach plan)3
(a) Locality
(b) Size Sq. km or hectare
(c) Coordinates
9. Indicate available financial and technical resources
10. Information to be attached4
Employment and Training programme Appendix No.1
Mineral Deposit Data (including gemstones) Appendix No.2
Programme for Mining Operations Appendix No.3
Changes of Infrastructure Requirements Appendix No.4
Further information (if any) Appendix No.5
Any additional capital Appendix No.6
Any additional capital investment Appendix No.7
Statement of integrity pledge Appendix No.8

I certify the above information to be true to the best of my knowledge

Date

Signature of applicant

NOTES

- 1. The Notes and Section References in this Form are provided for guidance only. They do not form part of the Application.
2. Estimated life of ore body or such period as the applicant may request whichever period is shorter for Special Mining licence and 10 years for Mining licence period is shorter for Special Mining Licence.
3. This plan should also show the area if any If renewal is sought for only part of the mining area the Plan should also show the reduced area.
4. All reference to "Appendix No" mean that the information concerned is to be set out in a numbered Appendix to the Application.

Mining (Mineral Rights)

GN. No. 1 (contd.)

FORM NO. MRF 5

THE MINING ACT, CAP.123

APPLICATION FOR PRIMARY LICENCE

Applicant(s) hereby apply to the Commission for a primary mining licence in accordance with the Mining Act, Cap.123

1. Name, Nationality³ and address of the applicant(s)
2.
 - (a) Corporate Applicant: Name and Address
 - (b) Names and Nationality³ of Share Holders
 - (e) Name and Nationality³ of Directors
3. Type of Mineral(s)
4. Region/District and locality of the primary mining licence.

I hereby declare the above to be true to the best of my knowledge this..... day of.....

Date.....

Signature of applicant

Signature of the Authorised Officer

NOTES

1. The notes and section references in this Form are provided for guidance only. They do not form part of the Application.
2. Under Section 55(2) a primary mining licence is granted for a period of seven years subject to renewal under section 56
3. Under Section 8(2) a primary mining licence cannot be granted to an individual who is not a citizen of Tanzania or to a company unless it is incorporated under the Companies Act, Cap. 212 and
 - (a) its members are all citizens of Tanzania
 - (b) its directors are all citizens of Tanzania
 - (c) control over the company, both direct and indirect is exercised from within Tanzania by persons all of whom are citizens of Tanzania.

Mining (Mineral Rights)

GN. No. 1 (contd.)

FORM NO. MRF 6

THE MINING ACT, 2010

PRIMARY MINING LICENCE

The exclusive right, subject to the provisions of the Mining Act, Cap.123 and of the regulations now in force or which may come into force during the continuance of this primary mining licence or any renewal thereof is hereby issued to M/S(*Name of principal owner*) of P.O Box (*address*)in partnership with(*name of the partner(s)*) (hereinafter called the “licensee”), to prospect and mine for (*minerals*), at(*Locality*), in (*name of district*)District, QDS (*QDS number*)over an area described in the Annex.

This Licence, unless sooner cancelled, suspended or surrendered pursuant to the provisions of the Mining Act, Cap.123 shall be valid for a period of..... effective from the date of issue.

Date.....

.....

EXECUTIVE SECRETARY

Mining (Mineral Rights)

GN. No. 1 (contd.)

FORM NO. MRF 7

THE MINING ACT, CAP.123

APPLICATION FOR RENEWAL OF PRIMARY MINING LICENCE

Applicant(s) hereby apply to the Commission for a primary mining licence in accordance with the Mining Act, Cap.123

1. Name, Nationality and address of the applicant(s)
2.
 - (a) Corporate Applicant: Name and Address
 - (b) Names and Nationality of Share Holders
 - (c) Names and Nationality of Directors
3. Type of Mineral(s) Primary licence No
4. Region/District and locality (attach plan) of the Primary mining licence.....

I hereby declare the above to be true to the best of my knowledge this..... day of.....

Date

Signature of applicant

NOTES

1. The Notes and Section Reference in this Form are provided for guidance only. They do not form part of the Application.
2. Under Section 56(1) the holder of primary mining licence may apply for renewal 3 months before expiry of a primary mining licence.
3. Under Section 8(2) a primary mining licence cannot be granted to an individual who is not a citizen of Tanzania or to a company unless it is incorporated under the Companies Act. Cap 212 and
 - (a) its members are all citizens of Tanzania
 - (b) its directors are all citizens of Tanzania;
 - (c) control over the company, both direct and indirect, is exercised from within Tanzania by persons all of whom are all citizens of Tanzania.

Mining (Mineral Rights)

GN. No. 1 (contd.)

FORM NO. MRF 8

THE MINING ACT, 2010

APPLICATION FOR SUSPENSION OPERATIONS

We the undersigned, being the owner(s) of Primary Mining Licence No

.....

..... and situated at in the

..... hereby apply for permission to suspend operations of the said primary mining licence(s).....

particulars of which are detailed herein.....

Registered Nos (1)	Titles (2)	Reasons for which suspension of work desired

.....
Date

.....
Signature of Applicant

- (1) State serial title number in register
- (2) State the Primary Mining Licence number

Mining (Mineral Rights)

GN. No. 1 (contd.)

FORM NO. MRF 9

THE MINING ACT, CAP. 123

CERTIFICATE OF SUSPENSION OF OPERATIONS

Certified that I authorized suspension of operations under the primary mining licence (s) No at held by is allowed until the day of under conditions set out herein below.....
.....
.....

Date.....

.....
EXECUTIVE SECRETARY

Mining (Mineral Rights)

GN. No. 1 (contd.)

FORM NO. MRF 10

THE MINING ACT, CAP.123

APPLICATION FOR AMALGAMATION OF PRIMARY MINING LICENCE

We the undersigned, being the owner(s) of Primary Mining Licence(s) of
..... (1) contiguous primary mining licencesNosand situated at
..... in the district hereby apply for permission to
amalgamate (1)registered as.....
.....particulars of which are specified here in below

Table with 3 columns: Registered Nos (1), Titles (2), Reasons for which suspension of work desired

Date.....

.....
Signature of Applicant(s)

- (1) State how many adjoining primary mining licence, of the same class
(2) State the Primary Mining Licence number
(3) State serial title number in register

Mining (Mineral Rights)

GN. No. 1 (contd.)

FORM NO. MRF 11

THE MINING ACT, CAP.123

CERTIFICATE OF AMALGAMATION OF PRIMARY MINING LICENCE

Certified that I have amalgamated the primary mining licence(s) for (type of minerals)

Nos respectively, held by.....

and situated at

.....

.....

Date

.....
EXECUTIVE SECRETARY

THE MINING ACT, CAP.123

APPLICATION FOR SURRENDER OF PRIMARY MINING LICENCE

I (Full name or company).....
of.....(full address or
company registered address) being the holder of primary mining licence No.....
do hereby apply for surrender of primary mining licence particulars of which are detailed herein

.....

Additional information

- 1. Contact Mobile phone number:
- 2. Contact email (if available):
- 3. Contact facsimile number (if available):
- 4. If the applicant is a company
 - a. The company registration No.....
 - b. Contact person:.....

Date.....

.....
Signature or Company Seal

.....
Applicant

Dar es Salaam
9th January 2018

ANGELLAH J.M.KAIRUKI
Minister for Minerals

GOVERNMENT NOTICE No. 2 Published on 10/1/2018

THE MINING ACT,

(CAP. 123)

REGULATIONS

(Made under section 112)

THE MINING (MINERALS AND MINERAL CONCENTRATES TRADING)
REGULATIONS, 2018

ARRANGEMENT OF REGULATIONS

PART I
PRELIMINARY PROVISIONS

<i>Regulations</i>	<i>Title</i>
1.	Citation
2.	Interpretation

PART II
DEALING IN MINERALS AND MINERAL CONCENTRATES

3.	Requirement for export permit
4.	Requirement for import permit
5.	Application for export permit for minerals
6.	Application for import of minerals
7.	Permit to re-export
8.	Application for dealer licence

GN. No. 2(contd.)

9. Licence and sign to be displayed

PART III
REGISTRATION AND STORAGE OF MINERALS

10. Licensed dealer to keep a mineral register
11. Minerals to be kept in safe custody

PART IV
APPLICATION FOR DEALER AND BROKER LICENCE

12. Broker licence
13. Renewal of licence

PART V
GENERAL PROVISIONS

14. Commission to appoint valuers
15. Appointment of an independent expert
16. Special export permit for non-resident
17. Gem trade fair
18. Certificate of origin for tanzanite minerals
19. Revocation

—————
SCHEDULES
—————

THE MINING ACT,

(CAP. 123)

REGULATIONS

(Made under section 112)

THE MINING (MINERALS AND MINERAL CONCENTRATE TRADING)
REGULATIONS, 2018

PART I

PRELIMINARY PROVISIONS

Citation

1. These Regulations may be cited as the Mining (Minerals and Mineral Concentrates Trading) Regulations, 2018.

Interpretation

2. In these Regulations unless the context otherwise requires-

"Act" means the Mining Act;

“authorised miner” means holder of mineral rights granted under this Act;

“authorised officer” means shall have the same meaning or defined under the Act;

“approved valuator” means a Government Diamond Valuator or Government Gemstone Valuator appointed or

Cap. 123

designated as such by the Commission;

"buy" means and includes receive as pledge or security;

"coloured gemstones" means gemstones which are traded in grams or carats units other than diamond;

"Gem Trade Fair" means an exhibition or trading event, organized periodically, aimed at allowing many buyers and sellers to meet for purpose of trading gemstones and gems at a fair market price and promoting mineral trading or value addition activities of gems or other precious minerals;

"mineral" means any substance whether in solid, liquid or gasses form, securing naturally in or on the earth or under the seabed formed by or subject to a geological process;

"mineral concentrate" has the meaning assigned to it under the Act;

"precious minerals" means coloured gemstones diamonds, gold, silver and platinum group of metals;

"sell" includes deposit as pledge or security;

"trading" means the process of dealing in the buying or selling of minerals.

PART II

DEALING IN MINERALS AND MINERAL CONCENTRATES

Requirement for
export permit

3.-(1) An authorised miner or licensed dealer shall not export any mineral which, in the case of an authorised miner, has been produced from the mining area, or, in the case of a licensed dealer has been purchased from an authorised miner or a licensed broker unless-

- (a) that person has obtained from the authorised officer designated for that purpose by the Commission permit to export the mineral which evidences payment by the authorised miner of royalty or provisional royalty, or, in the case of a licensed dealer, the making of payment or a provisional payment in lieu of royalty, in accordance with the provisions of Part VI of the Act;
- (b) the minerals are exported in accordance with conditions, not inconsistent with the Act or applicable regulations as set forth in the permit; and
- (c) in the case of geological, samples core or chips, has obtained an export permit from the authorised officer.

(2) A holder of a processing, smelting or refining licence shall not export any mineral which has been processed, smelted or refined unless-

- (a) that person has obtained from the Commission a

permit to export the mineral which evidences payment by the authorised miner royalty or provisional royalty, or, in the case of a holder of a processing, smelting or refining licence, the making of payment or provisional payment in lieu of royalty, in accordance with the provisions of Part VI of the Act;

- (b) the minerals are exported in accordance with conditions not inconsistent with the Act or applicable regulations as set forth in the permit.

Requirement for import permit

4.-(1) An authorised miner or licensed dealer shall not import any minerals unless that person has obtained from the Commission a permit to import the minerals.

(2) An importer of minerals intended for industrial use or construction purposes is required to obtain a permit from the Commission to import such minerals.

(3) A holder of processing, smelting or refining licence shall not import any minerals unless that person has obtained from the Commission a permit to import such minerals

Application for export permit for minerals

5.-(1) An application for a permit to export minerals or samples of minerals shall be made in Form MTF. 1 and a permit to export minerals or samples of minerals shall be issued in Form MTF. 2 respectively specified in the Second Schedule to these Regulations.

(2) A permit to export minerals and samples of minerals shall be issued only in respect of minerals and samples of minerals which have first been examined and weighed by the Mines Resident Officer and packed in a container the outer cover of which has been sealed at every opening with a seal of the Commission.

(3) A permit to export minerals or samples of minerals shall cease to be valid in the event that any of the seal affixed to the container is broken prior to export.

(4) Every permit to export minerals or samples of minerals shall, at the time of export, be surrendered by the licensed dealer to the postmaster or customs official through whom the export is effected and the postmaster or customs official, as the case may be, shall forthwith forward such permit to the authorised officer by whom it was issued.

(5) An application for a permit to export processed minerals shall be made in Form MBF.1 and a permit to export processed minerals shall be issued in the Form MBF.2 respectively specified in the Second Schedule to these Regulations.

(6) A permit to export processed minerals shall be issued only in respect of processed minerals which have first been examined and weighed by the Commission and packed in a container the outer cover of which has been sealed at every opening with a seal of the Commission.

(7) A permit to export processed minerals shall

cease to be valid in the event that any of the seals affixed to the container is broken prior to export.

(8) Every permit to export processed minerals shall during all the time of export be surrendered by the holder of processing, smelting or refining licence to the postmaster or customs official through whom the export is effected and the postmaster or customs official, as the case may be, shall forthwith forward such permit to the Commission.

Application for
import of minerals

6.-(1) An application for a permit to import minerals shall be made in Form MBF.3 and a permit to import minerals shall be issued in Form MBF.4 specified in the Second Schedule to these Regulations in the case of an application for a permit to import minerals for processing or shall be made in form MBF.3 and a permit to import minerals for processing shall be issued in form MBF.4.

(2) The fees specified in the First Schedule to these Regulations, shall be payable for an application for issuance of a permit to import under these regulations.

(3) Every permit to import minerals shall be subject to the condition that, upon arrival in Tanzania of the minerals to which the permit relates, the validity of the permit would be confirmed by the Commission by an endorsement to that effect before such minerals may be released by the Tanzania Revenue Authority upon collection of customs duty.

(4) For the purpose of confirmation of the validity of a permit a holder of a permit to import minerals shall submit the permit to customs officials of Tanzania Revenue Authority who shall forthwith forward the same to the Commission.

(5) When the customs officials receive a permit to import minerals whose validity has been duly confirmed by the Commission the customs officials shall-

- (a) endorse on such permit the date and place of importation of the minerals to which the permit relates and his signature;
- (b) return such permit to the licensed dealer importing the minerals for retention by the licensed dealer as an authorization for the possession of the minerals imported; and
- (c) release the minerals to the licensed dealer importing the same.

Permit to re-export

7.-(1) Minerals which have been imported into Tanzania before coming into force of these Regulations shall not be exported by an authorised miner or a licensed dealer unless a permit to export has been obtained from the Commission.

(2) A permit to export minerals which have been imported shall not be issued unless a permit under which such minerals were imported is produced to the Commission and the Commission is satisfied that the minerals to be exported comprise of the whole or part of the minerals to which a permit to import relates.

(3) Where the Commission is satisfied that the provisions of sub-regulations (2) have been complied with it may issue a permit to export minerals and shall-

- (a) if the minerals to be exported comprise of the whole of the minerals to which the permit to import relates, cancel and retain the import permit; or
- (b) if the minerals to be exported do not comprise of the whole of the minerals to which the permit to import relates as regards full particulars relating to the minerals to be exported including particulars as to the weight, endorse on the permit and return the import permit to the person who produced it.

Application for
dealer licence

8.-(1) An application for dealer licence shall be made in Form MTF.5 and a dealer licence shall be issued in Form MTF.6 respectively specified in the Second Schedule to these Regulations.

(2) Every application for a dealer licence shall be submitted in duplicate to the Commission and shall be accompanied by the application fee.

Licence and sign to
be displayed

9.-(1) Every licensed dealer shall at all times cause to be displayed in a prominent and conspicuous position at the place of business specified in the licence-

- (a) a dealer licence; and
- (b) a sign bearing the name and the words “Licensed Mineral Dealer” in legible roman letters

at least eight centimetres in height.

(2) Any licensed dealer who contravenes any of the provisions of this Regulation commits an offence and shall on conviction be liable to a fine not exceeding fifty million shillings or to imprisonment for a term not exceeding two years.

PART III

REGISTRATION AND STORAGE OF MINERALS

Licensed dealer to
keep a mineral
register

10.-(1) Every licensed dealer shall keep at the place of business specified in the licence a minerals register in respect of each variety of mineral kept at such place of business or otherwise in custody in a manner specified in Form MTF.7 set out in the Second Schedule to these Regulations.

(2) Particulars required to be entered in the minerals register shall be entered immediately after every receipt, dispatch or disposal of minerals and signed at the time of making every such entry.

(3) On or before the third day of each calendar month the licensed dealer shall forward to the Commission a assigned certified true copy in duplicate of all entries made in the minerals register during the preceding months.

(4) Where a licensed dealer is a company, co-operative society or partnership an entry or copy of an entry which is required shall be made by a lincensed dealer or a person duly appointed for that purpose by such company, cooperative society or a partnership.

(5) A licensed dealer who contravenes any of the provision of sub-regulations (1), (2) or (3) commits an offence and shall be liable to a fine not exceeding ten million shillings on conviction or to imprisonment for a term not exceeding six months.

Minerals to be kept
in safe custody

11.-(1) Subject to sub-regulation (2), a licensed dealer of precious minerals shall not keep any minerals otherwise than at the place of business specified in the licence or at a bank, safe deposit or other secure location

(2) For the purpose of sub-regulation (1), every person having possession, custody or control of any minerals shall-

- (a) at all times keep the minerals in a safe and secure place accessible only to that person and to such other persons as authorized to access minerals; and
- (b) ensure that such minerals when in transit at any time in Tanzania are transported to prescribed destination without delay and by the most direct route.

(3) The Commission may, by notice in writing addressed to a person having possession, custody or control of any minerals-

- (a) require such person to store in such place and in such manner as specified in the notice all such minerals or any particular minerals possessed or

received or under or coming under control of that person;

(b) prohibit the storage of such minerals or any particular minerals in such place in a manner specified in the notice; or

(c) prohibit the custody of such minerals or any particular minerals by such person or persons as may be specified in the notice.

(4) Any person who contravenes the provisions of this Regulation commits an offence and shall on conviction be liable to a fine not exceeding twenty million shillings or to imprisonment for a term not exceeding one year.

PART IV

APPLICATION FOR DEALER AND BROKER LICENCE

Broker licence

12.-(1) An application for a dealer licence shall be made in Form MTF.8 and dealer licence shall be issued in Form MTF.9 respectively specified in the Second Schedule to these Regulations.

(2) Every application for a broker licence shall be submitted in duplicate to the Commission accompanied with fees prescribed for such application.

(3) Every licensed dealer shall keep full and accurate records and accounts in respect of each transaction in Form MTF.10 specified in the Second Schedule to these Regulations and submit quarterly report

GN. No. 2(contd.)

of such records and accounts.

(4) A dealer licence shall authorize the holder to buy minerals in any area within a zone for which the licence is issued.

Renewal of licence

13.-(1) Application for renewal of a dealer licence shall be in Form MTF.11 set out in the Second Schedule and accompanied with fees specified in the First Schedule to these Regulations.

(2) Application for renewal of broker licence shall be in Form MTF.12 specified in the Second Schedule to these Regulations and accompanied by application fees specified in the First Schedule to these Regulations.

PARTY V

GENERAL PROVISIONS

Commission to
appoint valuers

14.-(1) The Commission may appoint persons to act on that behalf as Government Diamond Valuers for diamonds and Government Gemstone Valuers for coloured gemstones.

(2) Where an application has been made by an authorised miner or a licensed dealer or licensed broker for a permit to export diamonds or coloured gemstones and at the time of the application, the applicant has not sold the diamonds or coloured gemstones, the Commission

shall, in terms of section 89 of the Act and, after consultation with approved valuator, assess a provisional payment in lieu of royalty payable by the applicant before issuing permit to export.

(3) Where an application has been made by an authorised miner or a licensed dealer or licensed broker for a permit to export diamonds or coloured gemstones and at the time of the application the diamonds or coloured gemstones have been sold by the applicant, the applicant shall produce to the authorised officer, invoices, receipts, contracts or other documentary evidence required by the authorised officer to establish the sale price of the diamond or coloured gemstones.

(4) The sale price so established shall be used to calculate the gross value of the diamonds or coloured gemstones for the payment of royalty or the making of a payment in lieu of royalty, unless the Commission, in terms of section 87 of the Act and, after consultation with an approved valuator, gives to the applicant notice that the Commission considers that the realised price does not correspond to the price which would be payable for the diamonds or coloured gemstones had the diamonds or coloured gemstone been sold on similar terms in a transaction at arm's length between a willing seller and a willing buyer.

(5) Where in terms of sub-regulation (2) a provisional assessment has been made by the Commission or in terms of sub-regulation (4) the gross

GN. No. 2(contd.)

value of diamonds or coloured gemstones has been established, an approved valuator shall seal the diamonds or coloured gemstones in the presence of the authorised miner or as the case may be, the licensed dealer, licensed broker or duly appointed agents and hand over the same to the authorised miner or the licensed dealer or duly appointed agent.

(6) An authorised miner or licensed dealer who paid a provisional assessment of royalty or made a provisional payment in lieu of royalty shall, as soon as the diamonds or coloured gemstones in respect of which the provisional payment have been sold, submit to the authorised officer documentary evidence satisfactory to the authorised officer, of the price realised on sale and no claim for any repayment may be considered until such documentary evidence has been lodged with the authorised officer.

Appointment of an independent expert

15. Where the amount of the market value of minerals sold by an authorized miner or licensed dealer is in dispute, the Commission and the holder of licence shall agree to appoint an independent expert from recognized institution or an individual of international standing and the value determined by an independent expert shall be treated as the market value of such minerals.

Special export permits for non-resident

16.-(1) A non-resident who wishes to export minerals acquired from authorised miner or licenced dealer

shall apply to the Commission, upon payment of fees as set out in the First Schedule, for export permit by filling in Form MTF 13 specified in the Second Schedule, and a special export permit shall be issued in Form MTF.14 specified respectively in the Second Schedule to these Regulations.

(2) There shall be different fees for a non-resident with a tourist visa where value of minerals to be exported is not more than one thousand United State Dollars provided that royalty for such minerals is paid.

(3) Special permit referred to in this Regulation shall not be issued to same non-resident for more than two times in a year.

Gem trade fair

17.-(1) There shall be a Gem Trade Fair conducted for the purpose of promoting and marketing gemstone industry in Tanzania.

(2) A non-resident who wishes to import minerals for the purpose of trading in a Gem Trade Fair shall be required to apply to the Commission, upon payment of fees specified in the First Schedule for import permit for such minerals by filling in Form MTF.16 set out in the Second Schedule to these Regulations.

(3) An import permit shall be issued in Form MTF.16 specified in the Second Schedule to these Regulations.

(4) An non-resident who wishes to export minerals obtained from a Gem Trade Fair, shall be required to apply to the Commission, upon payment of fees specified in the

GN. No. 2(contd.)

First Schedule, for export permit for such minerals, by filling in Form MTF.17 specified in the Second Schedule.

(5) An export permit shall be issued in Form MTF.18 specified in the Second Schedule to these Regulations.

(6) Restrictions stipulated under Regulations 14 and 16 shall not apply to a holder of a licence or a dealer licence who trades in a Gem Trade Fair.

Certificate of origin
for tanzanite
minerals

18.(1) Every export permit for tanzanite minerals shall be accompanied by a certificate of origin issued by an authorised officer for that purpose.

(2) The format of a certificate of origin of tanzanite shall be in such a manner as specified in the Second Schedule to these Regulations.

(3) The customs officials or any of Tanzanian Revenue Authority authorised officer shall have powers to confiscate any tanzanite minerals which are exported without a certificate of origin.

Revocation
GN. No. 406 of
2010

19. The Mining (Mineral Trading) Regulations, 2010 are hereby revoked.

Mining (Minerals and Mineral Concentrates Trading) Regulations

GN. No. 2(contd.)

SCHEDULES

FIRST SCHEDULE

(Made under Regulations)

FEES FOR DEALING IN MINERALS

1.	Application fees for dealer licence(non refundable)	Sh.50,000/=
2.	Application fees for broker licence (non refundable)	Sh. 15,000/=
3.	Licence fees for dealer licence	
	(a) gold, metallic minerals and coloured gemstones	Sh. 500,000/=
	(b) diamonds	Sh. 1,000,000/=
	(c) coal and industrial minerals	Sh. 250,000/=
4.	Licence fees for broker licence	Sh. 100,000/=
5.	Application fees for renewal of dealer licence	Sh. 50,000/=
6.	Application fees for renewal of broker licence	Sh. 10,000/=
7.	Fees for renewal of dealers licence	
	(a) gold, metallic minerals and coloured gemstone	Sh. 400,000/=
	(b) diamonds	Sh. 800,000/=
	(c) coal and industrial minerals	Sh. 150,000/=
8.	Fees for renewal of broker licence	Sh. 80,000/=
9.	Application fees for export permit of minerals	Sh. 50,000/=
10.	Application fees for import permit of minerals	Sh. 100,000/=
11.	Application fees for special export permit of minerals for non resident	US\$ 1000
12.	Application fees for special exopt permit of minerals for tourist	US\$ 100
13.	Application fees for special export permit of minerals purchased at a Gem Trade Fair	US\$ 100
14.	Application fees for import permit of minerals imported for a Gem Trade Fair	US\$ 100

—————
SECOND SCHEDULE
—————

FORMS AND LICENCE

MTF 1	Application for Permit to Export Minerals and Samples of Minerals
MTF 2	Export Permit for Minerals and Samples of Minerals
MTF 3	Application for Permit to Import Minerals
MTF 4	Import Permit for Minerals
MTF 5	Application for Dealer Licence
MTF 6	Dealer Licence
MTF 7	Minerals Register
MTF 8	Application for Broker Licence
MTF 9	Broker Licence
MTF 10	Monthly Return Form for Brokers
MTF 11	Application for Renewal of Dealer Licence
MTF 12	Application for Renewal of Broker Licence
MTF 13	Application for Special Export Permit for Non Resident
MTF 14	Special Export Permit for Non Resident
MTF 15	Application for Permit to Import Minerals for Gem Trade Fair
MTF 16	Import Permit for Minerals for Gem Trade Fair
MTF 17	Application for Permit to Export Minerals from Gem Trade Fair
MTF 18	Permit for Exportation of Minerals from Gem Trade Fair
MBF 1	Application for Export Permit for Processed Minerals
MBF 2	Export Permit for Processed Minerals
MBF 3	Application for Permit to Import Minerals for Processing
MBF 4	Import Permit for Minerals for Processing

THE MINING ACT, CAP. 123

Made under Regulation 5

APPLICATION FOR PERMIT TO EXPORT MINERALS
AND SAMPLES OF MINERALS

To COMMISSION

1.(full name).....

of (address)

Hereby apply for a permit to export minerals in accordance with the following particulars:-

1. I am the holder of valid licence No issued on.....
2. I wish to export package(s) containing (type, variety and net weight of minerals)
.....
of a total value of TZS/USD
3. The source of minerals for export
(a) mining company (state the name and licence number).....
(b) minerals dealer(state the name and licence number).....
(c) mineral broker(state the name and licence number).....
(d) any other sources(state the name and identity number).....

4. The export of the said minerals will be made at (place of export)
..... by (means of transmission
..... to (name and address)
.....
.....

I have made in respect of the minerals to be exported a (payment in lieu of royalty)(a provisional payment in lieu of royalty) of.....(state the amount) and attach a copy of official receipt number..... dated.....

Date this day of 20.....

Signature of Applicant

Mining (Minerals and Mineral Concentrates Trading) Regulations

GN. No. 2(contd.)

FORM MTF.2

THE MINING ACT, CAP. 123

Made under Regulations 5

EXPORT PERMIT FOR MINERALS AND SAMPLES OF MINERALS

Permission is hereby granted to (full name)
.....holder of Licence No of (full address)
.....

To export packages(s) containing (type, variety and net weight of minerals) ..
.....
..... by (state means of transmission from Tanzania and post office or place at which
the minerals are to be exported).....

I hereby certify that the payment (provisional payment) in lieu of royalty due from the licensed dealer in
respect of these minerals has been received.

This permit is valid for a period of days from the date hereof. this permit is issued subject
to (the following conditions(s))
.....
.....
.....

Dated at this day of 20

.....
EXECUTIVE SECRETARY

THE MINING ACT, CAP. 123

Made under Regulation 6

APPLICATION FOR PERMIT TO IMPORT MINERALS

To: COMMISSION

1. [full name] of [address]
..... hereby apply for a permit to import minerals in
accordance with the following particulars:-

1. I wish to import one package(s) containing [variety and net weight of mineral]
.....
.....
..... of a
total value of TZS/US\$.....

2. The importation of the said minerals will be made at [place of entry through customs]

3. The said minerals will be/have been transmitted from [name and address]
..... by [means of transmission]
..... on [date]

4. The said minerals are the property of [name and address]
..... and will be used for [state purpose].....
.....

Date this..... day of 20.....

Signature of Applicant

Mining (Minerals and Mineral Concentrates Trading) Regulations

GN. No. 2(contd.)

FORM MTF.4

THE MINING ACT, CAP. 123

Made under Regulation 6

IMPORT PERMIT FOR MINERALS

No.____

Permission is hereby granted to [full name]
..... of [full address]
.....
..... of a.....
total value declared by the importer as being TZS/USD The minerals shall be imported at [state
name of Customs station at which entry is to be made]..... on or before [sate date]
..... otherwise this permit shall be null and void.

This permit is issued subject to the following conditions(s):-

.....
.....
.....

Dated at this day of 20.....

EXECUTIVE SECRETARY

For completion by Customs

The precious minerals to which this permit refers were imported by [full name and address of importer]
.....
..... from at [place of entry].....
..... on [date] 20

.....
Customs Official

NOTE: This permit must be submitted to a Customs Official at the time of importation of minerals to which it relates for confirmation by the LICENSING AUTHORITY.

THE MINING ACT, CAP. 123

—————
Made under Regulation 8
—————

APPLICATION FOR A DEALER LICENCE

1. The applicant hereby applies to the Commission for a dealer's licence in accordance with section 73 of the Mining Act, Cap. 123

 2. Individual applicant
 - (a) Name.....
 - (b) Nationality.....
 - (c) Address.....

 3. Corporate applicant
 - (a) Name and address of company or any other body corporate.....
.....
 - (b) Name and Nationality of Directors
.....
.....
 - (c) Copy of the Memorandum and Articles of Association must be enclosed herewith

 4. Types of minerals: whether gold, metallic minerals, coloured gemstone, diamonds coal and industrial minerals.....

 5. Evidence of financial resources available to carry on business as a minerals dealer
.....

 6. Address situation and description of premises at which business of mineral dealer will be carried on
.....
.....
- Details of arrangements for safe custody of minerals where applicable
.....

Mining (Minerals and Mineral Concentrates Trading) Regulations

GN. No. 2(contd.)

.....

7. Details of applicant's knowledge and experience in dealing with minerals.....

.....
.....
.....

8. Previous dealer licence (If any)

(a) Particular of dealer licence previously granted

.....

(b) State whether the applicant was disqualified from renewing any dealer licence previously granted under section 73(2).

.....
.....

9. State whether the applicant has been convicted of a criminal offence relating to the buying or selling of minerals.

.....
.....

I certify that the above information to be true to the best of my knowledge.

Date

Signature of Applicant

THE MINING ACT, CAP. 123

Made under Regulation 8

DEALER LICENCE

Licence is hereby granted to [full name]
..... of [full address]
to buy sell or otherwise deal in minerals..... [type of mineral] for the period of twelve
months from the date of issue at the following premises.

.....
.....
.....

This licence is issued subject to the following terms and conditions:-

.....
.....
.....
.....

Date at this day of 20

.....
EXECUTIVE

SECRETARY

Note:

1. This licence must be displayed at the place of business specified herein.
2. The licensee shall be liable for the due in lieu payment of royalties and otherprescribed fees in respect of all minerals bought sold received or exported by him

Mining (Minerals and Mineral Concentrates Trading) Regulations

GN. No. 2(contd.)

FORM MTF. 7

THE MINING ACT, CAP. 123

—————
Made under Regulation 10
 —————

MINERALS REGISTER

Entries in this Register must be made immediately after every receipt or disposal				MINERAL REGISTER FOR THE MONTH OF 20..... IN RESPECT OF (Variety of minerals) (see note).....				A certified true copy of this Register must be forward in duplicate to the Licensing authority on or before the third day of the succeeding month		
Name and address of Mineral Dealer				Dealer's Licence No.				In respect of premises at		
RECEIPT								SALE DISPATCHES etc.		
Date Received	Received from (name and address)	Net Weight	Price paid	Signature (s) of person making entry (see note 2)	Date sold dispatched or disposed of	Sold dispatched or disposed of to (name and address)	Export Permit No (if exported)	Net Weight	Value (see note 3)	
	Brought forward									
TOTAL FOR MONTH										
<i>NOTES</i>				<i>SUMMARY</i>				<i>CERTIFICATE</i>		
1.	This register to be in respect of variety of minerals			Brought forward (weight)				It is hereby certified that this is true and correct record of all (variety of minerals)		
2.	In the case of a company co-operative society or partnership firm each entry in this register must be signed by a director committee member,			Total receipts (Weight) Total dispatched (Weight)				Received, sold, dispatched or otherwise disposed of by me/us during the month and		

Mining (Minerals and Mineral Concentrates Trading) Regulations

GN. No. 2(contd.)

	manager, secretary or partner firm as the case may be.	Carried forward (Weight)	that they were acquired as shown in a legal and bona fide manner. Title
3.	Value should be actual selling price if known otherwise insert estimated gross value submitted for royalty purpose.	Date..... 20.....	Title..... Signature..... (see note.2)

THE MINING ACT, CAP. 123

—————
Made under Regulation 12
—————

APPLICATION FOR BROKER LICENCE

1. The applicant hereby applies to the Commission for a broker licence in accordance with section 80 of the Mining Act, 2017
2. Individual applicant
 - (a) Name.....
 - (b) Nationality
 - (c) Business Address of the Applicant
 - (d) Physical Address of the Applicant
3. Corporate applicant
 - (a) Name and address of company or any other body corporate
 - (b) If it is a Company Memorandum and Article of Association must be enclosed herewith.
4. Types of minerals applied.....
5. Zone where the applicant is made.....
6. Evidence of financial resources available.....
7. Have you ever been convicted in any court of an offence relating to buying and selling possession or export of precious minerals?

I certify the above information to be true to the best of my knowledge

Date

.....
Signature of Applicant

Mining (Minerals and Mineral Concentrates Trading) Regulations

GN. No. 2(contd.)

FORM MTF.9

THE MINING ACT, CAP. 123

Made under Regulation 12

BROKER LICENCE

Licence is hereby granted to (full name) of (full address)..... to buy, sell or otherwise deal in (type of minerals) for a period of twelve months from the date of issue.

The Licence is issued subject to the following terms and conditions-

.....
.....
.....
.....

Date at this day of 20.....

SECRETARY

.....
EXECUTIVE

Note: This licence does not authorise the licensed broker to export minerals.

Mining (Minerals and Mineral Concentrates Trading) Regulations

GN. No. 2(contd.)

FORM MTF. 10

THE MINING ACT, CAP. 123

Made under Regulation 12

MINERAL REGISTER FOR THE MONTH OF year.....
IN RESPECT OF (variety of minerals).

Name and address of a Broker			Broker's Licence No.....				
RECEIPT			SALE DISPATCHES etc				
Date received	Received from (name and address)	Buying price	Signature(s) person making entry (see note 2)	Date	Sold, dispatched of disposed of to (name and address)	Net Weight	Selling Price
TOTAL FOR MONTH							
	NOTES	SUMMARY			CERTIFICATE		
1	This register to be in respect of variety of minerals	Brought forward (Weight)			It is hereby certified that this is true and correct record of all (variety of minerals)		
2.	In the case of a company co-operative society or partnership firm each entry in this register must be signed by a director committee member, manager, secretary or partner firm as the case may be.	Total receipts (Weight) Total dispatched (Weight) Carried forward (Weight)			Received, sold, dispatched or otherwise disposed of by me/us during the month and that they were acquired as shown in a legal and bona fide manner. Title		
3.	Value should be actual selling price if known otherwise insert estimated gross value submitted for royalty purpose.	Date..... 20.....			Title..... Signature..... (see note.2)		

THE MINING ACT, CAP. 123

—————
Made under Regulation 13
—————

APPLICATION FOR RENEWAL OF DEALER LICENCE

1. The applicant hereby applies to the Commission for renewal of a Dealer licence in accordance with section 75 of the Mining Act, 2010.
2. Individual holder of Dealer licence:
 - (a) Name:.....
 - (b) Nationality:.....
 - (c) Address:.....
3. Corporate holder of Dealer licence:
 - (a) Name:.....
 - (b) Companies registry entry particulars (Indicate change in shareholding if any).....
4. Details of Dealer licence
Date of Issuance No
- Types of minerals
5. Evidence or details of turnover for a period of twelve months from the issuance of licence.
I certify the above information to be true to the best of my knowledge.

Date

.....
Signature of Applicant

THE MINING ACT, CAP. 123

Made under Regulation 13

APPLICATION FOR RENEWAL BROKER LICENCE

1. The applicant hereby applies to the Commission for renewal of a broker licence in accordance with section 82 of the Mining Act, CAP. 123
2. Individual of Broker licence:
 - (a) Name.....
 - (b) Nationality
 - (c) Postal Address of the Applicant.....
 - (d) Residential Address of the Applicant
3. Corporate holdr of Broker licence:
 - (a) Name:.....
 - (b) Companies registry entry particulars.....
.....
.....
4. Details of Broker licence:

Date of Issuance:..... No

Turnover report from the date of issuance of the licence.....
.....
.....

I certify that the above information to be true to the best of my knowledge.

.....
Signature of the Applicant

Mining (Minerals and Mineral Concentrates Trading) Regulations

GN. No. 2(contd.)

FORM MTF.13

THE MINING ACT, CAP. 123

Made under Regulation 16

APPLICATION FOR SPECIAL PERMIT TO EXPORT MINERALS
FOR NON RESIDENT

To: COMMISSION

1. [Full name]
Of [address]
hereby apply for a permit to export minerals in accordance with Regulation 21 with the following particulars:-

1. I wish to export package(s) containing [type, variety and net weight of minerals]
.....
.....
.....
of a total value of TZS/USD.....
2. The export of the said minerals will be made by me at [place of export]
..... by [means of transmission]
..... to [name and address]
.....
3. The source of minerals for export is
 - (a) mining company (state the name and licence number)
.....
 - (b) minerals dealer(state the name and licence number)
.....
 - (c) mineral broker(state the name and licence number)
.....
 - (d) any other sources(state the name and identity number)
.....

I have made in respect of the minerals to be exported a [payment in lieu of royalty] [a provisional payment in lieu of royalty] of [state the amount] and attach a copy of the official receipt number dated.....
Dated this..... day of 20

.....
Signature of Application

Mining (Minerals and Mineral Concentrates Trading) Regulations

GN. No. 2(contd.)

FORM MTF.14

THE MINING ACT, CAP. 123

Made under Regulation 16

SPECIAL EXPORT PERMIT FOR NEW RESIDENT

Permission is hereby granted to [full name]
..... holder of licence No..... of [full address
..... on behalf of [name and address of owner of minerals]
.....
.....
.....

To export package(s) containing [type, variety and net weight of minerals]
.....
.....
.....by [state means of transmission from Tanzania and post office or place at which
the minerals are to be exported]
.....

The source of minerals for export is
(a) mining company (state the name and licence number).....
(b) minerals dealer(state the name and licence number).....
(c) mineral broker(state the name and licence number).....
(d) any other sources(state the name and identity number).....

I hereby certify that the payment [provisional payment] in lieu of royalty due from the licensed dealer or miners in respect of these minerals has been received.

This permit is valid for a period of days from the date hereof this permit is issued subject to the following condition(s):-
.....
.....
.....
.....

Date at this. day of 20.....

.....
EXECUTIVE SECRETARY

Mining (Minerals and Mineral Concentrates Trading) Regulations

GN. No. 2(contd.)

FORM MTF.15

THE MINING ACT, CAP. 123

Made under Regulation 17

APPLICATION FOR PERMIT TO IMPORT MINERAL'S FOR GEM TRADE FAIR

To: COMMISSION

1. [Full name] of [address].....
.....
..... hereby apply for a permit to import minerals in accordance
with the following particulars:-

1. I wish to import one package(s) containing [type, variety and net weight of minerals].....
.....
.....
.....of a total value of TZS/US\$.
2. The importation of the said minerals will be made at [place of entry through customs]
.....
3. The said minerals will be/have been transmitted from [name and address]
..... by [means of transmission]
..... on [date]
.....
4. The said minerals are the property of [name and address]
.....and will be used for Gem Trade Fair for a year
.....

Date this day of 20

.....
Signature of Applicant

Mining (Minerals and Mineral Concentrates Trading) Regulations

GN. No. 2(contd.)

FORM MTF.16

THE MINING ACT, CAP. 123

Made under Regulation 17

IMPORT PERMIT FOR MINERALS FOR GEM TRADE FAIR

Permission is hereby granted to [full name]
.....
address] to import package(s) containing [variety] and net
weight of minerals]
.....
..... of total value declared by the importer as being
TZS/US..... the minerals shall be imported at [state name of customs station at which
entry is to be made]..... on or before [state date] otherwise this
permit shall be null and void.

This permit is issued subject to the following condition(s):-

.....
.....
.....
.....

Dated at this day of 20

.....
EXECUTIVE SECRETARY

.....
For completion by customs
The minerals to which this permit refers were imported by [full name and address of importer]
.....from..... at [place of entry]
..... on [date] 20.....

.....
Customs Official

Note: This permit must be submitted to a Customs Official at the time of importation of minerals to which it relates for confirmation by the LICENSING AUTHORITY.

Mining (Minerals and Mineral Concentrates Trading) Regulations

GN. No. 2(contd.)

FORM MTF.17

THE MINING ACT, CAP. 123

Made under Regulation 17

APPLICATION FOR PERMIT TO EXPORT MINERALS FROM A GEM TRADE FAIR

To: COMMISSION

1.[full name] of [address]
..... hereby apply for a permit
to import minerals in accordance with the following particulars:-

1. I wish to export package(s) containing [variety and net weight of minerals]
.....
.....
.....
of a total value of TZS/US\$.....
2. The exportation of the said minerals will be made at [place of entry through customs].....
.....
3. The said minerals will be/have been transmitted from [name and address]
.....
..... by [means of transmission]
..... on [date]
.....
4. The said minerals are the proper of [name and address]
.....

I have made in respect of the minerals to be exported a [payment in lieu of royalty][a provisional payment in lieu of royalty] of [State the amount] and attach a copy of the official receipt number..... date

Dated this day of 20

.....
Signature of Applicant

Mining (Minerals and Mineral Concentrates Trading) Regulations

GN. No. 2(contd.)

FORM MTF.18

THE MINING ACT, CAP. 123

Made under Regulation 17

PERMIT FOR EXPORTATION OF MINERALS FROM GEM TRADE FAIR

Permission is hereby granted to (full name)
.....of [full address]
.....to export package(s) containing [type,
variety and net weight minerals].....
..... of a total value
declared by the importer as being TZS/USD The minerals shall be exported at [state
name of customs station at which entry is to be made] on or before [state
date]..... otherwise this permit shall be null and void.

This permit is issued subject to the following condition(s):-

.....
.....
.....

Dated this day of 20.....

.....
EXECUTIVE SECRETARY

For completion by Customs

The minerals to which this permit refers were exported by [full name and address of
importer].....
.....from
.....
..... at [place of entry] on [date].....
20.....

.....
Customs Official

NOTE: This permit must be submitted to a Customs Official at the time of importation of
minerals to which it relates for confirmation by the LICENSING AUTHORITY.

Mining (Minerals and Mineral Concentrates Trading) Regulations

GN. No. 2(contd.)

FORM MBF.1

THE MINING ACT, CAP. 123

Made under Regulation 5

APPLICATION FOR PERMIT TO EXPORT PROCESSED SMELTED/REFINED MINERALS

To: COMMISSION

I, [full name].....
of [address].....

Hereby apply for a permit to export minerals in accordance with the following particulars:-

1. I am the holder of a valid licence No..... issued on
2. I wish to export package(s) containing [type, variety and net weight of minerals]
.....
.....
.....
.....
of a total value of TZS/USD
3. The source of minerals for export is
(a) mining company (state the name and licence number).....
(b) minerals dealer(state the name and licence number).....
(c) mineral broker(state the name and licence number).....
(d) any other sources(state the name and identity number).....
4. The export of the said minerals will be made at [place of export]
..... by [means of transmission]
..... to [name and address]
.....
.....

I have made in respect of the minerals to be exported a [payment in lieu of royalty][a provisional payment in lieu of royalty] of.....[state the amount] and attach a copy of the official receipt number.....dated.....

Dated this day of 20.....

.....
Signature of Applicant

THE MINING ACT, CAP. 123

Made under Regulation 6

APPLICATION FOR PERMIT TO IMPORT MINERALS FOR
PROCESSING/SMELTING/REFINING

To: **AUTHORISING OFFICER**

I, [full name]..... of [address]

.....hereby apply for a permit to import minerals
in accordance to Regulation 11, with the following particulars:-

1. I wish to import..... package(s) containing [variety and net weight of minerals]

.....
.....
.....
.....

of a total value of TZS/US\$.....

2. The importation of the said minerals will be made at [place of entry through
Customs].....

3. The said minerals will b/have been transmitted from [name and address]

.....
.....by [means of transmission]
..... on [date]
.....

4. The said minerals are the property of [name and address]

.....
.....and will be used for [state purpose]
.....

Date this day of 20.....

.....
Signature of Applicant

Mining (Minerals and Mineral Concentrates Trading) Regulations

GN. No. 2(contd.)

FORM MBF.4

THE MINING ACT, CAP. 123

—————
Made under Regulation 6
—————

IMPORT PERMIT FOR MINERALS FOR PROCESSING/SMELTING/REFINING

Permission is hereby granted to [full name]of [full address]..... holder of a processing/smelting/refining licence No. to import packages (s) containing [variety and net weight of minerals]

.....
.....
.....of a total value declared by the importer as being TZS/USD]..... The minerals shall be imported at [state name of Customs station at which entry is to be made].....on or before [state date].....otherwise this permit shall be null and void.

This permit is issued subject to the following condition(s):-

.....
.....

Dated at this..... day of 20.....

.....
EXECUTIVE

SECRETARY

For completion by Customs

The minerals to which this permit refers were imported by [full name and address of importer].....

.....fromat[place of entryon [date]20.....

Customs Official

Note: This permit must be submitted to a Customs Official as the time of importation of minerals to which it relates for confirmation by the LICENSING AUTHORITY.

Dar es Salaam
January, 2018

ANGELLAH J. M. KAIRUKI
Minister for Minerals

GOVERNMENT NOTICE NO. 3 published on 10/01/2018

THE MINING ACT,
(CAP. 123)

REGULATIONS

(Made under sections 102 and 112)

THE MINING (LOCAL CONTENT) REGULATIONS, 2018

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-------------------	--------------

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THE MINING ACT,
(CAP. 123)

REGULATIONS

(Made under sections 102 and 112)

THE MINING (LOCAL CONTENT) REGULATIONS, 2018

PART I

PRELIMINARY PROVISIONS

Citation

1. These Regulations may be cited as the Mining Local Content Regulations, 2018.

Application

2. These Regulations apply to local content with respect to mining activities.

Interpretation

3. In these Regulations, unless the context otherwise requires-

Cap.123

"Act" means the Mining Act;

"Award Notification Form" means a form issued by a contractor or licensee to inform a successful bidder of an award of a contract;

"bid rigging" means the manipulation of a bid process by dishonest means;

"cartelization" means a collection of businesses that act together as a single producer and agree to

influence prices for certain goods and services by controlling the supply through production and marketing activities;

Cap. 123

"Commission" means the Mining Commission established by the Act;

"Committee" means the Local Content Committee established under these Regulations established under these regulation;

"common qualification system" means a centralized system of pre-qualifying service providers in mining industry based on capacities, capabilities and local content strength to enable ranking and categorization of the service providers as well as tracking and monitoring their performance;

"contractor" means a person who has entered into a mining agreement with the United Republic to undertake mining exploration and production activities under the Act;

"corporation" means the entity to be established or designated as such to for purposes of holding control of Government mineral assets;

"front" means to deceive or behave in a particular mannerintended to conceal the fact that a company is not an indigenous Tanzanian company;

"in-country spend" means the amount of money spent in Tanzania in relation to the mining activities carried by the mining company;

Mining (Local Content)

GN. No. 3 (contd)

Cap.212

"indigenous Tanzanian company" means a company incorporated under the Companies Act that -

- (a) has at least fifty-one percent of its equity owned by a citizen or citizens of Tanzania; and
- (b) has Tanzanian citizens holding at least eighty percent of executive and senior management positions and one hundred percent of non-managerial and other positions;

"licensee" means a person granted a licence to undertake mining activities;

"local content" means the quantum or percentage of locally produced materials, personnel, financing, goods and services rendered in the mining industry value chain and which can be measured in monetary terms;

"local content monitoring" means keeping track of, or monitoring compliance with these Regulations;

"long term local content plan" means a local content plan that covers a period of five years as specified in the First Schedule;

"National Policy on Local Content" means the Local Content and Local Participation in Mining Activities Policy Framework issued by the Ministry responsible for minerals;

"mining activities" means any activity engaged in within and outside Tanzania related to the exploration for, development and production of minerals, the acquisition of data, mining and extraction or

mining of minerals, storage, transportation and decommissioning and the planning, design, construction, installation, operation and use of any facility for the purpose of the mining operations;

"mining operations" means operations carried out in the course of undertaking mining activities;

"mining industry value chain" means the processes involved in the mining industry such as exploration, development and production, transportation, processing and marketing;

"qualified" means technical competence and financial capability to fulfil all obligations under a mining agreement or mining license;

"subcontractor" means a third party to whom the Corporation or a contractor has entered into a mining contract for the provision of services for Mining operations;

"technical core staff" includes geologists, engineers and technicians;

"value-addition" means the economic improvement of a product or service in the mining industry.

Objectives

4. The objectives of these Regulations are to-

- (a) promote the maximization of value-addition and job creation through the use of local expertise, goods and services, businesses and financing in the mining industry value chain and their retention in Tanzania;

Mining (Local Content)

GN. No. 3 (contd)

- (b) develop local capacities in the mining industry value chain through education, skills transfer and expertise development, transfer of technology and know-how and active research and development programmes;
- (c) achieve the minimum local employment level and in-country spend for the provision of the goods and services in the mining industry value chain as specified in the First Schedule;
- (d) increase the capability and international competitiveness of domestic businesses;
- (e) create mining and related supportive industries that will sustain economic development;
- (f) achieve and maintain a degree of control by Tanzanians over development initiatives for local stakeholders;
- (g) provide for a robust and transparent monitoring and reporting system to ensure delivery of local content policy objectives;
- (h) provide for the submission of the local content plan and related sub-plans by contractors, subcontractors, licensees and any other allied entity involved in the mining industry including-
 - (i) the provision of goods and services;
 - (ii) the transfer to the Corporation or the Commission and Tanzanians of advanced technology and skills related to mining activities;
 - (iii) a recruitment and training programme; and
- (i) supervise and coordinate the implementation and monitoring of local content.

PART II

ADMINISTRATIVE PROVISIONS

Local Content
Committee

5.-(1) There shall be established a Local Content Committee for the mining activities.

(2) The Committee shall have the following members:

- (a) one full time member of the Commission who shall be the Chairman;
- (b) the Director of Labour and Employment;
- (c) a representative of the Tanzanian Private Sector Foundation;
- (d) the Chief Executive Officer of the Geological Survey of Tanzania;
- (e) the head of legal services department of the Ministry responsible for Minerals; and
- (f) the Executive Secretary of the Commission.

(3) The Chairman of the local content committee shall be appointed by the Chairman of the Commission.

Functions of the
Committee

6.-(1) The Committee shall be responsible for overseeing the implementation of these Regulations and ensuring measurable and continuous growth in local content in all mining activities..

(2) Without prejudice to the generality of sub-regulation (1), the Committee shall-

- (a) oversee, coordinate, and manage the development of local content;
- (b) prepare guidelines, to include targets and formats for local content plans and reporting;

Mining (Local Content)

GN. No. 3 (contd)

- (c) make appropriate recommendations to the Commission for smooth implementation of these Regulations;
- (d) set minimum standard requirements for local content in local content plans where applicable;
- (e) undertake public education;
- (f) undertake local content monitoring and audit; and
- (g) perform any other functions conferred on the Committee by the Commission.

(3) The Committee shall submit quarterly reports of its activities to the Commission.

Local content
requirement

7. A contractor, subcontractor, licensee, the Corporation or other allied entity carrying out a mining activity shall ensure that local content is a component of the mining activities engaged in by that contractor, subcontractor, and licensee, the Corporation or other allied entity.

Interest of a citizen
in mining
operations

8.-(1) An indigenous Tanzanian company shall be given first preference in the grant of a mining license with respect to mining activities subject to the fulfillment of conditions specified in these Regulations.

(2) There shall be at least a five percent equity participation of an indigenous Tanzanian company other than the Corporation to be qualified for grant of a mining licence.

(3) Despite sub-regulation (2), the Minister may vary the requirement specified in that sub-regulation, in circumstances where an indigenous Tanzanian company is unable to satisfy the requirement of five percent equity participation.

(4) For the purpose of sub regulation (2), the Minister shall determine the persons qualified.

(5) The interest of an indigenous Tanzanian company arising from a mining license is not transferable to a non-indigenous Tanzanian company.

(6) A non-indigenous Tanzanian company which intends to provide goods or services to a contractor, a subcontractor, licensee, the Corporation or other allied entity within Tanzania shall incorporate a joint venture company with an indigenous Tanzanian company and afford that indigenous Tanzanian company an equity participation of at least twenty percentum.

(7) A contractor, subcontractor, licensee or other allied entity shall before the commencement of mining activities submit a plan to the Commission specifying-

- (a) the role and responsibilities of the indigenous Tanzanian company;
- (b) the equity participation of the indigenous Tanzanian company; and
- (c) the strategy for the transfer of technology and know-how to the indigenous Tanzanian company.

PART III

LOCAL CONTENT PLAN

Setting up local office

9. As far as practicable, before carrying out any work or activity in the mining industry a contractor, subcontractor, licensee or other allied entity shall set up a project office within the district where the project is located.

Submission of local content plans for approval

10.-(1) A contractor, subcontractor, licensee or other allied entity shall when making application to undertake mining activity prepare and submit a local content plan for approval by the Commission.

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(2) For purposes of sub-regulation (1) a contractor, subcontractor, licensee, or other allied entity shall submit to the Commission-

- (a) a long term local content plan which corresponds with the work programme that accompanies the application; and
- (b) an annual local content plan in respect of each year.

(3) The Commission shall, within seven working days of the receipt of a local content plan, acknowledge receipt and submit the local content plan to the Committee.

Review of local
content plan

11.-(1) The Committee shall within twenty-five working days of the receipt of the local content plan submitted under regulation 7(3), review and assess the plan and inform the Commission in writing of the recommendations of the Committee.

(2) The Committee shall, if satisfied that the plan complies with the requirements of these Regulations, recommend the local content plan to the Commission for approval.

(3) Where the Committee is dissatisfied with the local content plan, it shall recommend that the Commission reject the plan and it shall state the reasons for the recommendation.

(4) The Committee may for the purpose of reviewing or assessing the local content plan-

- (a) provide as far as practicable to persons involved in the mining industry or likely to be affected by the decision a reasonable opportunity of being heard; and

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(b) take into account any representation made before submitting its recommendation to the Commission.

(5) The Commission shall approve the local content plan if it is satisfied that the local content plan complies with the provisions of these Regulations and shall communicate its decision to the applicant within seven working days of the approval of the recommendations of the Committee.

(6) Where, based on the recommendations made by the Committee, the Commission determines not to approve the local content plan in whole or in part, the Commission, shall within seven working days of making the determination, notify the applicant and furnish the applicant a written statement of the reasons for rejection by the Commission to approve the local content plan.

(7) Where the Commission rejects to approve the local content plan submitted by the applicant, the applicant shall

(a) revise the local content plan taking into account the recommendations of the Commission; and

(b) within fourteen working days, submit the revised local content plan to the Commission.

(8) Where the Commission fails to notify the applicant of its approval or otherwise of the revised local content plan, the revised local content plan shall be deemed to have been approved upon expiry of fifty working days of the submission.

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Content of the local content plan

12.-(1) The local content plan submitted to the Commission by a contractor, subcontractor, licensee or other allied entity shall contain detailed provisions-

(a) to ensure that-

(i) first consideration is given to services provided within the country and goods manufactured in the country where the goods meet the specifications of the mining industry as established by the Standards Authority or by other internationally acceptable standards;

(ii) qualified Tanzanians are given first consideration for employment; and

(iii) adequate provision is made for the training of Tanzanians on the job;

(b) on how the contractor, subcontractor, licensee or other allied entity intends to guarantee the use of locally manufactured goods where the goods meet the specifications of the mining industry.

(2) A collective bargaining agreement entered into by a contractor, subcontractor, licensee or other allied entity in respect of the terms and conditions of employment of an association of employees shall be in accordance with the Employment and Labour Relations Act.

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(3) Without limiting sub-regulations (1) and (2), a local content plan shall have the following sub-plans:

(a) an Employment and Training Sub-Plan;

(b) a Research and Development Sub-Plan;

(c) a Technology Transfer Sub-Plan;

(d) a Legal Services Sub-Plan; and

(e) a Financial Services Sub-Plan.

Minimum local content levels

13.-(1) The minimum local content for any mining activity in Tanzania shall be of the levels specified in the First Schedule.

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(2) A contractor, subcontractor, licensee, the Corporation or other allied entity shall achieve the minimum local content levels specified in the First Schedule.

(3) Without limiting sub-regulation (2), the Commission shall take into account the work programme of a contractor, subcontractor, licensee, the Corporation and other allied entity specified in the respective mining licence in determining the minimum local content levels to be achieved;

(4) Notwithstanding sub-regulation (2) the Minister in consultation with the Commission, may prescribe any additional the minimum local content level specified in the First Schedule.

Preference to
indigenous
Tanzanian
companies

14.A contractor, subcontractor, licensee or other allied entity shall establish and implement a bidding process for the acquisition of goods and services to give preference to indigenous Tanzanian companies.

Basis of bid
evaluation

15.-(1) A contractor, subcontractor, licensee or other allied entity shall not award a contract based solely on the principle of the lowest bidder.

(2) Where an indigenous Tanzanian company has the capacity to execute a job, that indigenous Tanzanian company shall not be disqualified exclusively on the basis that it is not the lowest financial bidder.

(3) Where the total value of the bid by a qualified indigenous Tanzanian company does not exceed the lowest bid by more than ten percent, the contract shall be awarded to that indigenous Tanzanian company.

(4) Where during an evaluation of bids, the bids are adjudged to be equal, the bid containing the highest level of local content shall be selected.

(5) Where a non-indigenous Tanzanian company is required to provide goods and services to a contractor, subcontractor, licensee, or other allied entity, that non indigenous Tanzanian company shall-

- (a) incorporate a company in Tanzania and operate it from Tanzania; and
- (b) provide the goods and services in association with an indigenous Tanzanian company, where practicable.

(6) The Commission shall establish bid evaluation guidelines in accordance with applicable laws and regulations for ensuring that the year on year progression of the local content objectives of these Regulations are met.

Submission of
proposed contracts

16.-(1) A contractor, subcontractor, licensee or other allied entity shall inform the Commission in writing of each proposed contract or purchase order-

- (a) related to mining activities which is to be sole sourced; or
- (b) where it is to be sourced by a competitive bidding procedure that is estimated to be in excess of the shilling equivalent of one hundred thousand United States Dollars.

(2) A contractor, subcontractor, licensee or other allied entity shall submit the following documents for the approval of the Commission:

- (a) advertisements relating to expression of interest;
- (b) requests for proposals;
- (c) prequalification criteria;

- (d) technical bid documents;
- (e) technical evaluation criteria; and
- (f) any other information requested by the Commission to enable the Commission determine that the local content requirements have been complied with.

(3) The Commission shall, within ten working days of receipt of the documents, communicate its decision to the contractor, subcontractor, licensee or other allied entity.

(4) Where the Commission without good cause fails to communicate its decision to the contractor, subcontractor, licensee or other allied entity within the period specified in sub-regulation (3), the documents shall be deemed approved.

Submission of
quarterly forecasts

17.-(1) Without limiting the requirements of regulations 13, a contractor, subcontractor, licensee or other allied entity shall not later than the first day of each quarter submit to the Commission a list of-

- (a) contract of purchase orders to be sole sourced; and
- (b) contracts or purchase orders estimated to exceed the equivalent of one hundred thousand United States Dollars and intended to be tendered for or executed in the next quarter.

(2) A contractor, subcontractor, licensee or other allied entity shall provide information specified in the Second Schedule in respect of each contract or purchase order.

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Documents
required for
bidding process

18.-(1) A contractor, subcontractor, licensee or other allied entity shall provide the Commission with the following information at the various stages of the bidding process-

- (a) before issuing a prequalification notification to prospective bidders, the information specified in Part A of the Third Schedule;
- (b) before issuing a Request for Proposals or a Request for Quotations, the information specified in Part B of the Third Schedule; and
- (c) before awarding of a contract or purchase order to the selected bidder, the information specified in Part C of the Third Schedule.

(2) The Commission shall confirm that each document submitted is satisfactory or otherwise provide written comments on the document submitted during the bidding process within fourteen working days of the receipt of the document.

(3) Where the Commission, without good cause fails to acknowledge receipt of the documents submitted by the contractor, subcontractor, licensee or other allied entity within the period specified in sub-regulation (2), the submission shall be deemed as approved.

Review of contract

19.-(1) The Commission shall, where it considers necessary, review some contracts.

(2) The Commission shall, within seven working days of the commencement of a quarter of the year, advise the contractor, subcontractor, licensee or allied

entity of which contracts have been chosen for review by the Commission.

(3) The Commission shall inform the contractor, subcontractor, licensee or other allied entity of the outcome of the review or assessment before the first day of the relevant quarter.

PART IV

EMPLOYMENT AND TRAINING SUB-PLAN AND SUCCESSION PLAN

Employment and
Training Sub-Plan

20.-(1) The Employment and Training Sub-Plan submitted by a contractor, subcontractor, licensee or other allied entity to the Commission with respect to a mining activity shall include-

(a) a forecast of the hiring and training needs of the contractor, subcontractor, licensee, or other allied entity which includes-

(i) a specification of the skills needed;

(ii) the anticipated skill shortages in the Tanzanian workforce;

(iii) the specific training requirements; and

(iv) the anticipated expenditure that will be incurred by the contractor, subcontractor, licensee or other allied entity in implementing the Employment and Training Sub-Plan as forecasted;

(b) a time frame within which the contractor, subcontractor, licensee or other allied entity will provide employment opportunities for the Tanzanian workforce for each phase of the Mining activity to enable members of the Tanzanian workforce prepare for such opportunities; and

(c) efforts made and procedures adopted for the accelerated training of Tanzanians.

(2) The contractor, subcontractor, licensee or other allied entity shall provide to the Commission a quarterly report on-

(a) employment and training activities for the reporting period; and

(b) a comparative analysis of the Employment and Training Sub-Plan and the employment and training activities to monitor compliance.

21.-(1) The quarterly report shall state the number of new Tanzanian employees employed during the respective quarter and their job descriptions.

(2) The Commission may request any further information the Commission considers necessary for the purpose of the implementation of these Regulations.

(3) Where Tanzanians are not employed because of lack of expertise, the contractor, subcontractor, licensee or other allied entity shall ensure, to the satisfaction of the Commission that every reasonable effort is made to provide training to Tanzanians in that field locally or outside Tanzania.

Succession plan

21.-(1) A contractor, subcontractor, licensee or other allied entity shall, as part of the Employment and Training Sub-Plan, submit to the Commission a succession plan for any employment position that is occupied by a non- Tanzanian to ensure that the minimum local content levels specified in the First Schedule are met.

(2) The succession plan shall make provision for and require Tanzanians to understudy the requirements of the position held by a non-Tanzanian for a period determined by the Commission on a case-by-case basis after which the position occupied by the non-Tanzanian shall be assumed by the Tanzania citizen.

Middle and junior level positions

22.-(1) A contractor, subcontractor, licensee, or other allied entity engaged in mining activities shall employ only Tanzanians in junior level or middle level positions.

(2) For the purpose of this regulation, "junior or middle level positions" includes the position of foreman, supervisor or any corresponding position designated as such.

PART V
PROGRAMME FOR RESEARCH AND RESEARCH
DEVELOPMENT SUB-PLAN

Programme for research, development and budget

23. A contractor, subcontractor, licensee or other allied entity shall, after grant of mining licence and before the commencement of Mining activities, submit a programme for research, development and budget to the Commission for the promotion of education, practical attachments, training and research and development in the country in relation to its overall work programme and activities.

Research and Development Sub-Plan

24.-(1) A Research and Development Sub-Plan submitted by a contractor, subcontractor, licensee or other allied entity to the Commission with respect to a mining activity shall-

(a) outline a revolving three to five year programme for Mining related research and

- development initiatives to be undertaken in the country;
- (b) provide details of the expected expenditure that will be made in implementing the Research and Development Sub-Plan;
 - (c) provide for public calls for proposals for research and development initiatives associated with the activities of the contractor, subcontractor, licensee or other allied entity and criteria for selecting proposals which qualify for support.
- (2) The contractor, subcontractor, licensee or other allied entity shall-
- (a) update its Research and Development Sub-Plan annually; and
 - (b) submit the updated Research and Development Sub-plan to the Commission for review and approval.

PART VI

TECHNOLOGY TRANSFER PROGRAMMES AND REPORTS

National plan on
technology transfer

25. The Commission shall, in consultation with the Planning Commission, relevant Ministries, Government Departments and agencies identified by the Commission-

- (a) develop the national policy on technology transfer with respect to the mining industry; and
- (b) publish the national policy in the *Gazette* and a newspaper of wider national circulation.

Technology
transfer programme

26. A contractor, subcontractor, licensee, or other allied entity shall support and carry out a programme in accordance with the national plan on technology transfer

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and priorities for the promotion of technology transfer to Tanzania in relation to the mining industry.

Technology
transfer Sub-Plan

27.A Technology Transfer Sub-Plan submitted by a contractor, sub-contractor, licensee or other allied entity shall include a programme of planned initiatives aimed at promoting the effective transfer of technologies from the contractor, subcontractor, licensee or other allied entity to a Tanzanian indigenous company or citizen.

Support for
technology transfer

28.-(1) A contractor, subcontractor, licensee or other allied entity shall support and facilitate technology transfer as regards the formation of joint ventures, partnering of licensing agreements between indigenous Tanzanian companies or citizens and foreign contractors and service companies or supply companies.

(2) The Minister shall consult with relevant Government agencies to propose fiscal incentives to assist:

- (a) foreign companies which aim to develop technological capacity and skills of citizens; and
- (b) indigenous Tanzanian companies which establish factories and production units in the country.

(3) For purposes of sub-regulation (2), the Government agencies consulted shall collaborate with the Commission.

(4) The Commission shall propose criteria for obtaining fiscal incentives.

Technology
transfer report

29.A contractor, subcontractor, licensee or other allied entity shall submit a technology transfer report annually to the Commission stating the technology transfer initiatives being pursued and the current results in relation to the Technology Transfer Sub-Plan.

PART VII

LOCAL INSURANCE SERVICES CONTENT

Insurance and reinsurance

30.-(1) A contractor, subcontractor, licensee or other allied entity engaged in a mining activity in the country shall comply with the provisions of the Insurance Act.

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(2) The insurable risks relating to mining activity in the country shall be insured through an indigenous brokerage firm or where applicable on indigenous a reinsurance broker.

Approval of offshore insurance

31.-(1) A person who seeks to obtain offshore an insurance service relating to a Mining activity in the country shall obtain written approval of the Commission of Insurance.

(2) In granting an approval for procuring insurance services offshore, the National Insurance Commission shall ensure that Tanzanian local capacity has been fully exhausted.

PART VIII

LEGAL SERVICES CONTENT

Legal services

32. A contractor, subcontractor, licensee or an allied entity engaged in a mining activity that requires legal services in the country shall retain only the services of a Tanzanian legal practitioner or a firm of Tanzanian legal practitioners whose principal office is located in Tanzania.

Legal Services Sub-Plan

33. The Legal Services Sub-Plan submitted to the Commission shall include-

- (a) a comprehensive report on legal services utilized in the preceding six months by expenditure;

- (b) forecast of legal services required during the ensuing six months where applicable, and the projected expenditure for the services; and
- (c) annual legal services budget for the ensuing year quoted in Tanzania Shilling and United States Dollars.

PART IX

FINANCIAL SERVICES CONTENT

Financial services

34.-(1) A contractor, subcontractor, licensee or other allied entity that requires financial services with respect to a mining activity shall retain only the services of a Tanzanian financial institution or organization.

(2) Despite sub-regulation (1), a contractor, subcontractor, licensee or an allied entity may with the approval of the Commission engage the services of a foreign financial institution or organization.

Financial Services
Sub-Plan

35. A contractor, subcontractor, licensee or an allied entity who has submitted a Financial Services Sub-Plan to the Commission shall specify the following:

- (a) the financial services utilized in the preceding six months by expenditure;
- (b) a forecast of financial services required in the ensuing six months and the projected expenditure for the financial services; and
- (c) a list of financial services utilized in the preceding six months, the nature of financial services provided and the expenditure for the financial services made by the contractor, subcontractor, licensee or other allied entity.

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Operation of bank account in Tanzania

36.-(1) A contractor, subcontractor, licensee or other allied entity shall maintain a bank account with an indigenous Tanzanian bank and transact business through banks in the country.

(2) For the purpose of this regulation, "an indigenous Tanzanian bank" means a bank that has one hundred percent Tanzanian or a majority Tanzanianshareholding.

PART X

LOCAL CONTENT PERFORMANCE REPORTING

Requirement for submitting local content performance report

37.-(1) A contractor, subcontractor, licensee or other allied entity shall within forty-five days of the beginning of each year after commencement of mining activities submit to the Commission an annual Local Content Performance Report covering all its projects and activities for the year under review.

(2) The report shall be in a format prescribed by the Commission and shall-

- (a) specify by category of expenditure the local content on both current and cumulative cost basis; and
- (b) Show the employment achievement in terms of hours worked by Tanzanians and foreigners as well as their job positions and remuneration.

Assessment of performance report

38.-(1) The Commission shall, within fifty working days after receipt of the Local Content Performance Report, assess and review the Local Content Performance Report to ensure compliance with these Regulations.

(2) For purposes of assessment and verification of the report, a contractor, subcontractor, licensee or an allied entity shall allow an employee or a designated agent of the Commission access to their facilities,

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documents and information as the Commission may require.

Requirement for third party reporting

39.-(1) A contractor, subcontractor, licensee or other allied entity shall ensure that its partners, contractors, subcontractors and allied entity are contractually bound to report local content information to the contractor, subcontractor, licensee or other allied entity and, if requested, to the Commission.

(2) A contractor, subcontractor, licensee or other allied entity shall allow an agent or official designated by the Commission access to the records of the contractor, subcontractor, licensee or an allied entity for purposes of assessment and verification of the local content information reported to the contractor, subcontractor, licensee or other allied entity or the Commission.

PART XI

DATA AND INFORMATION ON LOCAL CONTENT

Establishment of a Common Qualification System

40.-(1) The Commission shall, in consultation with stakeholders in the mining industry, establish a Common Qualification System.

(2) The Commission shall manage the Common Qualification System in accordance with these Regulations.

Object of the Common Qualification System

41.(1) The objective of the Common Qualification System shall serve as the sole system for the registration and pre-qualification of local content in the mining industry.

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(2) For the purpose of sub-regulation (1), Common Qualification System shall be used for-

- (a) the verification of contractors' capacities and capabilities;
- (b) the evaluation of application of local content submitted by a contractor, subcontractor, licensee or other allied entity;
- (c) the tracking and monitoring of performance and provision of feedback; and
- (d) ranking and categorization of mining service companies based on capabilities and local content.

Availability of information

42.-(1) Any person may during working hours:

- (a) access and inspect records that relate to local content kept by the Commission and designated as public records; or
- (b) request to be furnished with a certified copy or extract from any document that that person is entitled to access.

(2) The right of a person to inspect or obtain a copy of a recordfiled or kept in electronic form by the Commission shall extend only to the reproductions of the document in written form in a manner that the Commission determines.

(3) An application for an extract or a certified copy of record requested shall be accompanied by a fee determined by the Commission.

(4) The Commission shall publish on its website, information relating to these Regulations and local content and local participation requirements generally.

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Public education

43. The Commission shall ensure that public education is undertaken to educate contractors, subcontractors, licensees and other allied entities, the public and industry stakeholders to educate them about the local content policy and philosophy and to ensure the implementation of these Regulations.

Communication of local content policies

44.-(1) A contractor, subcontractor, licensee or other allied entity shall-

- (a) communicate local content policies, procedures and obligations to any person engaged by that contractor, subcontractor, licensee or other allied entity to perform an aspect of a mining activity; and
- (b) monitor and ensure compliance with local content policies, procedures and obligations.

(2) Notwithstanding sub-regulation (1), a contractor, subcontractor, licensee or other allied entity shall make available the local content policies, procedures and obligations of that contractor, subcontractor, licensee or other allied entity available on their respective websites.

PART XII

MONITORING, COMPLIANCE AND ENFORCEMENT

Electronic filing of documents

45.-(1) The Commission may issue guidelines to provide for a system requiring documents under these Regulations to be filed in electronic form.

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(2) The system for filing of documents in electronic form shall be in accordance with the Electronic Transactions Act, and shall provide for-

- (a) the criteria for authorizing persons to file documents in electronic form; and
- (b) the security and authentication of the documents filed.

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GN. No. 3 (contd)

Establishment of
guidelines and
procedures

46.-(1) The Commission shall establish and constantly review guidelines and procedures for the effective implementation of these Regulations.

(2) Without limiting sub-regulation (1), the Commission shall, in consultation with relevant institutions, issue guidelines for compliance by a contractor, subcontractor, licensee and other allied entity in respect of the following:

- (a) requirements and targets for the growth of research and development of the Mining industry of the country;
- (b) minimum standards, facilities, personnel and technology for training in the Mining industry of the country;
- (c) Investment in or setting up a facility, factory, production unit or other operation in the country to carry out any production or manufacturing or to provide any Mining related service specified in Part Two of the First Schedule otherwise imported into the country; and
- (d) generally for the implementation of these Regulations.

Local content
monitoring

47. The Commission shall monitor and investigate the activities of each contractor, subcontractor, licensee and other allied entity to ensure the achievement of the purpose of these Regulations within the framework of the national policy on local content.

Investigations

48.-(1) The Commission may, for the purposes of enforcing these Regulation, initiate an investigation into an activity of a contractor, subcontractor, licensee or other allied entity.

(2) Without prejudice to sub-regulation (1), the Commission may launch investigations to ensure that-

- (a) the Tanzanian company principle is not diluted by the operation of a front; or
- (b) bid rigging and canalization are avoided in the procurement process.

PART XIII
FINAL PROVISIONS

Offences and penalties

49.-(1) A person who submits a plan, returns, report or other document and knowingly makes false statement, commits an offence and is liable on conviction to a fine of not less than fifty million shillings and not more than five hundred million or to a term of imprisonment of not less than two years and not more than five years or to both.

(2) A citizen who acts as a front or connives with a foreign citizen or company to deceive the Commission as representing an indigenous Tanzanian company to achieve the local content requirement under these Regulations, commits an offence and is liable on summary conviction to a fine of not less than one hundred million shillings and not more than two hundred and fifty million or to a term of imprisonment of not less than one year and not more than five years or to both.

(3) A person who connives with a citizen or an indigenous Tanzanian company to deceive the Commission as representing an indigenous Tanzanian company to achieve the local content requirement under these Regulations commits an offence and is liable on summary conviction to a fine of not less than ten hundred million shillings and not more than ten billion shillings or to a term of imprisonment of not less than five years and not more than ten years or to both.

- (4) A person who fails to-
- (a) support and carry out a programme in accordance with the national plan on technology transfer;
 - (b) support and facilitate technology transfer as regards the formation of joint ventures, partnering of licensing agreements between indigenous Tanzanian companies or citizens and foreign contractors and service companies or supply companies;
 - (c) ensure that its partners, contractors, subcontractors and allied entities report local content information to the contractor; or
 - (d) communicate local content policies, procedures and obligations to any person engaged by that contractor, subcontractor, licensee or other allied entity to perform an aspect of mining activity; and
 - (e) support and carry out a programme in accordance with the national plan on technology transfer,

is liable to pay to the Commission an administrative penalty of one hundred million shillings in the first instance and a further penalty of five percent for each day during which the contravention continues.

(5) A person who fails to comply with a request to furnish information or a record under these Regulations within the period specified in the request is liable to pay to the Commission an administrative penalty two billion shillings in the first instance and a further penalty of ten percent of the penalty for each day during which information or record is unfurnished.

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(6) A contractor, subcontractor, licensee or other allied entity that-

- (a) carries out mining activities without the required local content requirement in contravention of regulation 3;
- (b) fails to submit a local content plan in contravention of Regulation 7;
- (c) fails to satisfy the content requirement of a local content plan in contravention of Regulation 9; or
- (d) fails to inform the Commission of each proposed contract or purchase order in contravention of Regulation 13;

shall be liable to pay to the Commission a administrative penalty of five percent of the value of the proceeds obtained from the mining activity in respect of which the breach is committed or five million United States Dollars whichever amount is greater and further liable for cancellation of a contract in respect of the mining activity.

(7) A penalty required to be paid under this Regulation and which is not paid within the period specified in the notice shall be a debt owed to the Republic and recoverable by the Commission under summary procedure.

Complaints to
Minister

50. A person aggrieved by the decision of the Commission in relation to the implementation of these Regulations may lodge a complaint with the Minister who shall, within thirty days of receipt of the complaint, make a decision.

Transitional
provisions

51. Within three months after coming into force of these Regulations, a contractor, subcontractor, licensee, or other allied entity engaged in a mining activity shall

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make arrangement and plan to the satisfaction of the Commission as are necessary for complying with these Regulations.

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FIRST SCHEDULE

(Regulations 13(2))

MINIMUM LOCAL CONTENT IN GOODS AND SERVICES

**A: LOCAL CONTENT LEVELS TO BE ATTAINED FROM DATE OF EFFECTIVENESS OF
LICENCE OR MINING AGREEMENT**

Item	Start	5 years	10 years
1.1. Goods and services	10%	50%	60-90%
1.2. Recruitment and training			
(a) Management staff	30%	50-60%	70-80%
(b) Technical core staff	20%	50-60%	70-80%
(c)			
(d) Other staff	80%	90%	100%

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B: SPECIFIC LEVELS TO BE ACHIEVED

(a) Research and Development relating to in-Country Services

Description	Start	5years	10 years	Measurement Unit
1.1. Engineering studies-resenoir, facilities, drilling etc.	20%	40%	60%	Spend
1.2. Geological and geophysical services	20%	30%	80%	Spend
1.3. Safety and environmental studies	40%	70%	90%	Spend
1.4. Local materials substitution studies	20%	40%	75%	Spend
1.5. Freight forwarding, logistic management services	80%	90%	100%	Spend
1.6. Supply base, warehouse, Storage services	50%	80%	90%	Spend
1.7. Truck package product, Transportation services	80%	90%	100%	Spend

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(b) Health, Safety and Environment Services

Description	Start	5years	10 years	Measurement Unit
(a) Site cleanup services	30%	60%	90%	Man Hour
(b) Pollution control	20%	30%	45%	Spend
(c) Waste water treatment and disposals services	40%	60%	80%	Man Hour
(d) Industrial cleaning services	50%	80%	90%	Man Hour
(e) Safety, protection security firefighting system services	30%	50%	90%	Spend
(f) Preservation of mechanical and electrical components services	30%	50%	90%	Man Hour
(g) Equipment brokerage services	50%	70%	90%	Spend
(h) Temporary accommodation, camp services	50%	60%	80%	Spend
(i) Catering Services	100%	100%	100%	Spend
(j) Cleaning and laundry services	100%	100%	100%	Spend
(k) Security services	100%	100%	100%	Spend
(l) Medical services	40%	60%	90%	Spend
(m) Other supporting services	50%	80%	90%	Spend

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(c) Information Systems, Information Technology and Communication Services

Description	Start	5years	10years	Measured Unit
(a) Network installation, support services	80%	90%	95%	Spend
(b) Software development	40%	60%	80%	Spend
(c) Software support services	60%	80%	90%	Spend
(d) Computer based modeling services	20%	50%	70%	Spend
(e) Computer based simulations and training programme services	20%	50%	70%	Spend
(f) Hardware installation support services	80 %	90%	100%	Spend
(g) Operating system installation and support services	80%	90%	100%	Spend
(h) User support and help desk services	20%	50%	80%	Spend
(i) Information Technology Management consultancy services	30%	50%	80%	Spend
(j) Data Management services	30%	50%	80%	Spend
(k) Telecommunication installation and Other Information Technology services	50%	70%	90%	Spend
(l) support services	30%	50%	80%	Spend

SECOND SCHEDULE

Regulation 17(2)

INFORMATION TO BE PROVIDED TO COMMISSIONER WITH QUARTERLY FORECASTS

A contractor, subcontractor, licensee or other allied entity shall provide the information specified below in respect of each contract, subcontract and purchase order:

- (a) A description of the service or items to be contracted or purchased including the material and equipment specification if requested.
- (b) The estimated value of the contract, subcontract or purchase order.
- (c) The anticipated dates for the following:
 - (i) the issuance and closure of the Request For Proposals; and
 - (ii) Contract award.
- (d) Any other information requested by the Commissioner for the implementation of these Regulations.

THIRD SCHEDULE

Regulation 18(1)

PART-A

**INFORMATION TO BE PROVIDED BY A CONTRACTOR, SUBCONTRACTOR,
LICENSEE OR OTHER ALLIED ENTITY TO COMMISSIONER PRIOR TO ISSUE OF
PREQUALIFICATION OF PROSPECTIVE BIDDERS**

A licensee or contractor shall provide the information specified below prior to issuing a prequalification notice to bidders:

- (a) A description of the scope of work.
- (b) A copy of the prequalification notification, where the related documents differ from the standard prequalification notice previously reviewed and approved by the Commissioner.
- (c) The list of companies indicating locations of head offices and contact persons and numbers to which questions will be directed.
- (d) The anticipated dates for closure of prequalification and issuance of Request for Proposals or a Request for Quotations.

PART-B

(Regulation 15 (1) (b))

**INFORMATION TO BE PROVIDED BY A LICENSEE OR CONTRACTOR TO LOCAL
CONTENT COMMITTEE PRIOR TO ISSUE OF REQUEST FOR PROPOSALS OR
REQUEST FOR QUALIFICATION**

For the purposes of compiling a bidding list for any project, the operator or contractor shall provide the information specified below prior to issuing a Request for Proposals or Request for Qualification:

- (a) A list of bidders;
- (b) A copy of the Request for Proposals or Request for Qualification in respect of which the Commissioner will advise the licensee or contractor of its requirements on a case by case basis;
- (c) A description of the corporate ownership of the bidders, including the main shareholders by percentage;
- (d) The location of any Tanzania based office, plant or facility;
- (e) The anticipated dates for closure of bids and award of contract or purchase orders; and
- (f) Any other information which the Commissioner shall request.

Mining (Local Content)

GN. No. 3 (contd)

PART-C

(Regulation 15 (1)(e))

INFORMATION TO BE PROVIDED BY A LICENSEE OR CONTRACTOR TO THE COMMISSIONER PRIOR TO THE AWARD OF CONTRACT OR PURCHASE ORDER TO THE SELECTED BIDDER.

Prior to the award of contract or purchase order to the selected bidder, the licensee or contractor shall provide the information specified below:

1. The name of the selected contractor or vendor;
2. A list of designated sub-contractors or sub-vendors;
3. Where applicable, a list of proposed sub-suppliers;
4. In respect of construction or service contracts, the estimated Tanzanian employment level in person-hours;
5. The commencement and completion dates for the contract or purchase order;
6. The Award Notification Form signed by the appropriate official of the operator or contractor;
7. A statement of award rationale or bid evaluation report showing the following:
 - (a) the name of the selected contractor or vendor;
 - (b) the list of designated sub-contractors or sub-vendors;
 - (c) where applicable, a list of proposed sub-suppliers;
 - (d) in respect of construction or service contracts, the estimated Tanzanian employment level in person hours;
 - (e) the commencement and completion dates for the contract or purchase order;
 - (f) the Award Notification Form signed by an appropriate official of the operator;
 - (g) a statement of award rationale or bid evaluation report showing:
 - (i) the percentage difference in price between selected bidder and the other bids;
 - (ii) the primary location of work associated with each bidder;
 - (iii) the estimates of local content associated with the bid of each bidder calculated in accordance with the definition of the local content to be provided by the Commissioner;
 - (iv) Any other information relevant to the evaluation of bids including where applicable, a summary of the technical, commercial and local content aspects of the bid evaluation.

Dar es Salaam
9th January, 2018

ANGELLAH J.M. KAIRUKI
Minister for Minerals

GOVERNMENT NOTICE NO. 4 published on 10/01/2018

THE MINING ACT,

(CAP. 123)

REGULATIONS

(Made under sections 108(5) and 112)

THE MINING (RADIOACTIVE MINERALS) REGULATIONS, 2018

ARRANGEMENT OF REGULATIONS

Regulation

Title

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MINERALS

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SCHEDULES

THE MINING ACT,

CAP. 123

REGULATIONS

(Made under sections 108(5) and 112)

THE MINING (RADIOACTIVE MINERALS) REGULATIONS, 2018

PART I

PRELIMINARY PROVISIONS

Citation	1. These Regulations may be cited as the Mining (Radioactive Minerals) Regulations, 2018.
Application	2.-(1) These Regulations shall apply in relation to exploration, mining, processing, tailing, storage, transportation, acquisition, disposal and exportation of radioactive minerals with a view to enhancing radiological safety, security and environmental protection. (2) Nothing in these Regulations shall be construed as relieving any person from complying with other laws governing safety, health and the protection of the environment. (3) The requirements of these Regulations are in addition to, and shall not be construed as abrogating application of other written laws.
Interpretation	3. In these Regulations, unless the context otherwise requires:-
Cap. 123	"Act" means the Mining Act; "abandonment of a mine" means the discontinuance of mining operations or mineral processing activities at the mine;

"background radiation" means radiation of man's natural environment originating primarily from the natural radioactive elements of the earth and cosmic rays;

"Becquerel (Bq)" means the System International (SI) unit of measurement of radioactivity, defined as one radioactive disintegration per second;

"Chief inspector" means the Inspector of Minerals appointed by the Commission under section 25;

"Commission" means the Mining Commission established by section 21 of the Act;

"competent authority" means any national or international regulatory body or authority designated or otherwise recognized as such for purpose of these Regulations;

"competent person" in relation to any duty or function means any person who has had Adequate training and experience to enable him to perform that duty or discharge that function without avoidable danger to himself or any other person;

"concentrate" means an extracted product that contains radioactive minerals and that results from the physical or chemical separation of radioactive element from its ore;

"contamination" means radioactive material deposited or dispersed in material or places where it should not be;

"curie (Ci)" means the basic unit used to describe the intensity of radioactivity in a sample of material and equal thirty seven billion disintegrations per second, or approximately the radioactivity of one gram of radium ;

"dose" means a general term denoting the quantity of radiation or energy absorbed in a specific mass or target;

"dose limit" means the value of the effective dose or equivalent dose to individuals from controlled practices that shall not be exceeded;

"effective dose" means a summation of the tissue equivalent doses each multiplied by appropriate weighting factor:

"EIA" in its acronym, means approved Environmental Impact Assessment done for the grant of special mining licences;

"Emergency Preparedness Plan" means a plan formulated by a holder to enable to encounter and deal with unexpected occurrences and circumstances during operations;

"Executive Secretary" means the Chief Executive Officer of the Commission;

"holder" means the person holding a mineral rights;

"IAEA" means the International Atomic Energy Agency;

"IAEA guidelines" means the International Standard Codes and Guidelines issued by IAEA from time to time;

"ionizing radiation" means the radiation of gamma rays and x-rays or corpuscular radiation, capable of producing ions, directly or indirectly, while passing through matter;

"licensee" means a person holding a license granted under the Act;

"manager" means a person appointed by the holder and approved by Chief Inspector to manage the exploration, mining operations or mineral processing in accordance with the provision of the Act;

"mineral rights" has the meaning assigned to it under the Act;

"Minister" means the Minister responsible for mining;

"NEMC" in its acronym, means the National Environment Management Council established under the Environment Management Act;

"plat" means a mineral process facility by which ore is extracted, processed and treated for the recovery of radioactive mineral concentrate, including any tailings-handling and water treatment system associated with the facility;

"Quantitative Radiological Hazard Analysis" means a system of explanation of identified and determined dangers of radioactive emissions during the full cycle of operations;

"Quantitative Radiological Hazard and Safety Assessment" means the identification and determination of the dangers arising out of radioactive emissions relating to safety, health and the environment;

"Radiation Hazard Assessment" means the identification of health, safety and environmental dangers arising out of radioactive emissions and the potential intervention measures;

"Radiation Operation Management Protection Plan" means a plan that sets out measures to safeguard employees, the public and the environment against exposure to radiation during operations;

"radioactive mineral" means a mineral, which contains by weight at least one-twentieth of one per centum of uranium or thorium or any combination and includes:-

- (a) monazite sand and other ores containing thorium; and
- (b) caronite, pitchblende and other ores containing uranium;

"radioactive mineral damage" means loss of life, personal

injury or any damage or material loss resulting directly or indirectly from the radioactive mineral or a combination of such properties of nuclear minerals or waste or hazardous radioactive mineral substance produced in, coming from or sent to radioactive mineral installation;

"radioactive material" means any matter or substance containing one or more radionuclides, activity or concentration of which is sufficiently intense to entail a significant risk or disability or disease to any person or organ on exposure;

"radioactive waste" means materials which are radioactive and for which there is no further use;

Cap. 118

"TAEC" in its acronym, means Tanzania Atomic Energy Commission established under Section 7 of the Atomic Energy Act;

"tailings" means any material remains after all economically recoverable metals or minerals of economic interest has been removed from the ore through milling and processing;

"Waste Management Plan" means a plan to manage all unwanted materials generated during prospecting, mining or processing operations;

"waste rock" means overburden and bedrock that shall be fractured and removed to gain access to or upgrade ore during mining operations."

PART II
PROSPECTING, MINING AND PROCESSING OF
RADIOACTIVE MINERALS

Prohibition on
radioactive minerals
Caps. 191,188 and Act
No. 11 of 2009

4. A person shall not be authorised to prospect, mine, process or engage in any related activities for the exploration of radioactive mineral unless that person:-

- (a) is a holder of mineral rights obtained under the Act;
- (b) conforms to the standards provided for in the Environment Management Act, the Atomic Energy Act, the Water Resources Management Act and any other law relating to prospecting, mining, processing, transporting or storage of radioactive minerals; and
- (c) undertakes in writing not to involve in the production of nuclear weapons or devices and to observe the provisions of the Second Schedule to these Regulations.

Application for licence to prospect for mine or process radioactive minerals

5.-(1) An application for licence to prospect, mine or process radioactive minerals shall be in accordance with the provisions of the Mining Act.

(2) An application for licence referred to in sub-regulations (1) shall be accompanied by fees prescribed in the Third Schedule to these Regulations.

Permit on radioactive minerals

6.-(1) A person shall not acquire, store, transport, import or export radioactive minerals unless that person obtains a permit issued by the Commission under these Regulations.

(2) An application for a permit shall be filed in Form I specified in the Fourth Schedule to these Regulations.

Prospecting of radioactive minerals

7.-(1) A holder of a prospecting license for radioactive minerals shall not conduct any prospecting work or other related activity unless that person submits to Commission for approval the following plans:-

- (a) a Radiation Operation Management Protection Plan;
- (b) a Radioactive Waste Management Plan; and

- (c) a plan to Transport and Store Radioactive Ores and Products.
- Caps.188 and Cap. 191 (2) Copies of documents stipulated under sub-regulation (1) shall be submitted to the Tanzania Atomic Energy Commission and the National Environment Management Council.
- GN. No. of 2010 (3) In case of exploration for uranium, a holder shall in addition to requirements under this Regulation, comply with the provision of the Mining (Safe Working and Occupational Health) Regulations, 2010.
- Disposal of radioactive minerals 8.A holder shall make sure that the disposal of any radioactive mineral is done in a manner which shall not cause any harm or damage to any person, animal or the environment.
- Mining of radioactive minerals 9.-(1) A holder shall not conduct any mining operations for radioactive minerals unless the holder submits to the Commission for approval the following plans:-
- (a) a Radiation Operation Management Protection Plan;
 - (b) a Radioactive Waste Management Plan;
 - (c) a Plan to Transport and Store Radioactive Ores and Products;
 - (d) a Quantitative Radiological Hazard and Safety Assessment in accordance with the guidelines;
 - (e) a detailed Mine Water Management Plan for both natural and mine water, on and off site; and
 - (f) a project description which shall include, but not be limited to the following:-
 - (i) a scope of activities;

- (ii) a site plan with coordinates;
- (iii) a physical security plan; and
- (iv) an occurrence and incident reporting plan.

(2) A holder shall submit copies of the documents prepared in terms of subparagraph(1) to the Chief Inspector and NEMC.

(3) A holder shall prepare the radioactive waste management plan in a manner set out in the First Schedule to these Regulations.

(4) The Chief Inspector shall, in consultation with NEMC and the Basin Water Office, review annually the Mine Water Management Plans submitted in accordance with the details required under paragraph (e) of sub-regulation (1).

Radiation hazard
assessment

10. A holder shall prepare radiation hazard assessment of the operation on activities involving radioactive minerals in a manner set out in the part II of the First Schedule to these Regulations.

Construction or
plant and processing
operations

11.-(1) A holder shall not construct a plant, unless he submits to the Commission and other relevant institutions for approval a description of the operating plant and concentrate recovery.

(2) The description of the plant and concentrate recovery referred to under sub-regulation (1), shall include:-

- (a) a description of the design of the proposed plant;
- (b) the proposed construction schedule and the contingency plans for construction;

- (c) a description of the components, systems and equipment proposed to be installed at the plant, including the design operating conditions;
- (d) results of a process hazard analysis and a description of how the results have been taken into account;
- (e) processing methods and programs;
- (f) a description of all proposed laboratory facilities and programs;
- (g) a proposed commissioning plan for the components, system and equipment to be installed at the plant; and
- (h) a detailed water management plan for both natural and plant water on and off site.

(3) A holder shall develop radiation operation managementprotection plan in a manner stipulated in the First Schedule to these Regulations.

Radioactive
waste and tailings
Impoundment

12.-(1) A holder shall develop and implement a radioactive waste and tailings impoundment system in accordance with the provisions of the Environment Management Act, and Atomic Energy Act.

Caps191 and
Cap.188

(2) A holder shall develop a Waste Management Plan in amanner stipulated in the First Schedule to these Regulations and in accordance with appropriate technology in order to manage:-

- (a) radioactive waste;
- (b) plant tailings;
- (c) sub-economic materials; and
- (d) non-radioactive waste; and waste water.

(3) The holder shall minimize the environmental pollution by:-

- (a) demonstrating to the Chief Inspector, TAEC and NEMC that the radioactive waste management facilities are constructed in accordance with the approved designs referred to under Regulation 10 and the operational procedures are in place prior to commissioning the facilities; and
- (b) operating the facilities referred to in paragraph (b) for such period as the Chief inspector, TAEC and NEMC shall determine for the purposes of assessing the performance of the facilities.

(4) Institutions referred to in paragraph (b) of sub-regulation (3) shall, where the institutions are satisfied with the performance of the radioactive waste management facilities approve facilities, to be used for the routine mine or plant operations based on an approved monitoring and surveillance program.

(5) A holder shall inform, in writing the Chief Inspector, TAEC and NEMC of:-

- (a) any changes to the operation which may alter the nature or quantity of radioactive waste;
- (b) any proposal to change the waste containment system; and
- (c) any unanticipated circumstances that may affect performance of the Waste Management Plan.

(6) A holder shall ensure that the Waste Management Plan has a monitoring program capable to:-

- (a) verify the effectiveness of the engineering design;
- (b) validate models and predictions; and
- (c) demonstrate compliance with discharge limits, operational discharge limits and operational

discharge proceedings.

Caps 188,297 and GN.
No. of 2010

(7) Control and occupational health and public safety shall be made in accordance with the Mining (Safe Working and Occupational Health) Regulations, 2010 as well as the Atomic Energy Act and Occupational Health and Safety Act.

(8) The Chief Inspector shall, in consultation with NEMC, TAEC and the Basin Water Office, review annually the water management plans.

**PART III
GENERAL PROVISIONS**

Medical
examination

13. A holder shall ensure that a person shall not carry work involving radioactive mineral unless that person has passed a medical examination and is subjected to examination at all time as the physician deems it necessary.

Disposal of radioactive
minerals

14. The disposal of any radioactive mineral shall be done in a manner which does not cause drainage to any person, animal and the environment.

Radioactive waste
materials and
contaminated
equipment

15. A holder shall store contaminated equipment and materials in a secured and fenced off area and shall ensure that at all times the area has appropriate warning signs indicating the levels of radioactive hazards present in the area and that the signs are displayed in conspicuous locations.

Prospect, mine and
plant de-
commissioning closure
and
abandonment

16.-(1) A holder who intends to abandon a mine or plant site shall apply to the Commission and other relevant institutions in a manner specified in the Second Schedule to these Regulations and submit to the Commission for approval, a closure EIA, an updated mine decommissioning plan, and an updated environmental management plan.

- Cap. 188 (2) A holder who anticipates the closure of a mine or plant site, shall prepare and submit to the Commission for approval, a Quantitative Radiological Hazard Analysis in accordance with the Atomic Energy Act.
- Cap. 191 and GN. No. of 2004 (3) The closure of the mine or plant site shall be done in accordance with the requirements of the Environmental Management Act, 2004 and the Atomic Energy (Protection from Ionizing Radiation) Regulations, 2004 and these Regulations.
- Transportation and storage of radioactive of minerals 17. A holder shall transport and store radioactive minerals, ores and concentrates in accordance with the provisions of the Third Schedule to these Regulations.
- Marketing of radioactive minerals 18.-(1) A person shall not acquire, sell or export radioactive minerals except in accordance with the terms and conditions set out in the Regulations and upon approval granted by the Commission.
- (2) A holder who sells or exports any radioactive minerals concentrate shall-
- (a) provide documentation to TAEC for approval on the source of the radioactive minerals and to prove authenticity of the receiving agent and end-user in order to satisfy the requirements set out in the Second Schedule to these Regulations; and
- (b) report to the Minister and TAEC any internal movements of radioactive substances in order to safeguard public health and safety.
- Inspections and monitoring 19.-(1) A holder shall observe the implementation of the approved Radiation Operation Management Protection Plan and make available all records on demand by the Chief Inspector, TAEC, NEMC and any other competent authority.

(2) The Chief Inspector shall have the power to enter and inspect the operation at the mine or plant site in accordance with these Regulations.

(3) A holder shall formulate and implement a quality management system to cover all operations at a mine or plant site.

Appointment of
Radiation Protection
Officer

20.-(1) A manager shall appoint a competent person as a radiation protection officer whose qualifications and experience shall be subject to approval of the Chief Inspector in consultation with TAEC.

(2) Any appointment made under sub-regulation (1), shall not relieve the manager's responsibilities under these Regulations or under the Mining (Safe Working and Occupation Health) Regulations, 2010.

GN No.2010

(3) The manager of the mine shall:-

- (a) comply with and enforce the requirements of these Regulations and any lawful order given by the Chief Inspector in the interests of radiation protection and ensure they are observed by any person working in the mine;
- (b) take reasonable measures to provide for the radiation protection and proper discipline of persons employed at the mine;
- (c) as soon as is practicable after the occurrence of a breach of these Regulations, report to the Chief Inspector and such other competent authority, particulars of the breach and of any disciplinary steps taken and make record of such breach in open for inspection by competent authority and the Inspector; and
- (d) cause times of the working shifts of radioactive mineral mining and processing in every section of the mine be so arranged that the workmen are not be exposed to radiation which exceed dose limit.

Mining (Radioactive Minerals) Regulations

GN. No. 4 (contd...)

Royalties

21. A holder shall pay to the Government of the United Republic a royalty in accordance with the provisions of the Act.

Review or approval
from different
Authorities

22.-(1) The review or approval from different authorities required to be made may be appealed against to the Chief Inspector.

(2) The Chief Inspector shall have over all powers and final decision on all matters concerning review of approval submitted from different authorities.

Offences and penalties

23. A person who contravenes any provisions of these Regulations, commits an offence and shall on conviction be liable to a fine of not less than ten million shillings and not more than one hundred million shilling or to imprisonment for a term of not less than one year and not more than five years.

Revocation
GN. No.407
of 2010

24. The Mining (Radioactive Minerals) Regulations, 2010 are hereby revoked.

SCHEDULE

FIRST SCHEDULE

(Made under regulations 10 and 11(3))

RADIATION OPERATION, MANAGEMENT PROTECTION PLAN AND RADIATION
HAZARD ASSESSMENT

PART I
RADIATION OPERATION MANAGEMENT PROTECTION PLAN

Radiation Operation Management Protection Plan Development of Plan	1-(1) A holder shall develop and implement a Radiation Operation and Protection Plan.
	(2)A Radiation Operation Management Protection Plan shall include-
	(a) sources of exposure;
	(b) control measures;
	(c) a record of monitoring;
	(d) estimates of costs of implementation of the plan;
	(e) education and training; and
	(f) reporting and record keeping.
Sources of Exposure	2. A Radiation Operation Management Protection Plan shall:-
	(a) identify all significant exposure sources and pathways; and
	(b) include plans of the mine or plant site, descriptions of the equipment to be used and process involved and estimates of the radionuclide concentrations in the process stream.
Control measures	3. A Radiation Operation Management Protection Plan shall-
	(a) describe the measures to be implemented to control radiation exposure; and

Mining (Radioactive Minerals) Regulations

GN. No. 4 (contd...)

- (b) include provision of engineering design for ventilation, dust or fume control measures and shielding.
- Monitoring 4. A holder, shall submit for approval, a monitoring plan to Chief Inspector and copies to TAEC and NEMC, the monitoring plan shall-

 - (a) comply with regulatory limits such as radiation doses received by individual or groups, and
 - (b) provide information on the effectiveness of the engineering and protection control measures.
- Dose estimates 5. A holder shall provide estimates of radiation exposures or doses that may arise from the operation in order to determine the adequacy of the proposed control measures.
- Education and training 6. A holder shall provide appropriate education and training of staff on a continuous basis in all radiation protection aspects of the operations, first aid and general safety.
- Reporting and record keeping 7.-(1) A Radiation Operation Management Protection Plan shall include provisions for reporting the results of the monitoring program and related information.

 - (2) A holder shall provide monthly flash reports to the Chief Inspector on any radiation occurrence or cases.
 - (3) A holder shall provide quarterly reports on Radiation Operation Management Plan to the Chief Inspector, and copies to TAEC and NEMC.
- Record of monitoring 8.-(1) A holder shall retain records of monitoring results, dose assessments, calculation methods and related information in a manner that shall allow them to be retrieved and these records shall be available for inspection by the relevant regulatory authorities.

 - (2) The records referred to under sub-paragraph (1) shall be submitted to the Chief Inspector and TAEC annually.
 - (3) A holder shall develop and maintain appropriate measures to preserve the records at the close of a project in accordance with the requirements of the Act and any other written laws.
- Personnel and resources 9. A Radiation Operation Management Protection Plan shall include a commitment to provide adequate resources and staff with the appropriate qualifications and experience.

Mining (Radioactive Minerals) Regulations

GN. No. 4 (contd...)

Integration into operations and programs	10. A Radiation Operation Management Protection Plan shall include and be integrated into occupational health and safety programs and the operations as a whole.
Quality assurance	11. A holder shall implement a quality assurance program which is in compliance with national and international standards.
Calibration	12. A Radiation Operation Management Protection Plan shall include schedules and measures for calibration of equipment used in monitoring which shall conform to national and international standards.
Auditing	13. A system of auditing to check the performance of a Radiation Operation Management Protection Plan shall be implemented and shall include both internal and external auditing on an annual basis
Review and assessment	<p>14.-(1) A holder shall review and assess a Radiation Operation Management Protection Plan periodically to achieve continual improvement in radiation protection</p> <p>(2) The review referred to under sub-paragraph (1) shall include review of-</p> <ul style="list-style-type: none">(a) the doses;(b) trends overtime for both the operation as a whole and smaller areas or working groups;(c) the monitoring plan to ensure that the frequencies and techniques remain appropriate; and(d) administrative procedures and work practices. <p>(3) Subject to approval- of the Chief Inspector, a holder may amend or alter Radiation Operation Management Protection Plan.</p>
Accident	15. A holder shall report any radiological accidents within twelve hours of the incident to the Chief Inspector, TAEC and NEMC and take appropriate steps to remedy the situation and prevent recurrence of the accident.
Review	16. The Radiation Operation and Protection Plan shall be subjected to annual by the holder to ensure adequacy of resources and effectiveness.

PART II
RADIATION HAZARD ASSESSMENT

General requirements

17.-(1) A mineral right or license shall be granted on condition that the holder shall conduct a radiation hazard assessment of the operations and activities involving radioactive minerals.

(2) The assessment referred to under sub-paragraph (1) shall identify the following-

- (a) potential radiological hazards associated with prospecting, mining and processing of radioactive materials;
- (b) the effectiveness of the engineering and operational controls; and
- (c) determination of the magnitude of the radiological hazards from both normal operations and potential accidents to workers and public.

Radiological safety assessment

18.-(1) A holder shall make a radiological safety assessment of the prospecting, mining and processing operations and transportation of radioactive minerals.

(2) The main elements of assessment referred to under sub-regulation (1) shall contain-

- (a) identification and quantification of the prevailing levels of different radiological hazards;
- (b) identification of areas where the potential for radiation exposure of workers may result in an effective dose exceeding 1 mSv per year;
- (c) identification of individuals who may be occupationally exposed to
- (d) ionizing radiation and receive an annual effective dose in excess of 20mSv;
- (e) determination of the effective dose received by occupational exposed individuals; .
- (f) determination for radiation exposure of members of the public due to airborne and liquid effluent releases from the site and arising from the disposal Of radioactive waste;
- (g) assessment of the efficiency and effectiveness of the engineering
- (h) and operational controls; and
- (i) estimation of the magnitude of the risks resulting from accidents whether on site or off site.

19.-(1) As a minimum, a radiological hazard assessment shall identify the various radioactive types of materials present in the complete process and determine their physical and chemical form, nuclide composition, activity concentrations, and estimate total quantities to be mined and planted per annum;

- (a) identify local concentrations of radioactive material in the mining and processing per annum;
- (b) identify and quantify the radioactive doses to workers and members of the public who may have been exposed to radiation;
- (c) quantify the mean levels and variations of the radiological hazards during full working shifts and determine the magnitude of longer term fluctuations;
- (d) identify individuals occupational exposed to radiological hazards;
- (e) quantify the degree of individual occupational exposure in terms of the annual dose equivalent received from all radiation exposure pathways, for routine maintenance and repairs operations;
- (f) quantify the impact of radioactive emissions from the site in terms of the annual effective dose received by the public;
- (g) collect appropriate data on parameters which impact on the extent and magnitude of radiological hazards, such as ventilation flow rates and patterns in underground mining, the efficiency of ventilation and dust control practises, working practises and their impact on levels of radiological hazard;
- (h) assess the transportation of final product and by-products in terms of the potential occupational radiation exposure of workers and the public;
- (i) assess the effectiveness of the cleaning up of spillage;
- (j) quantify the amount of radiation from materials and equipment released from mining and processing operations; and
- (k) the effectiveness of personnel protective equipment.

(2) The following pathways shall be quantitatively assessed at specified intervals:-

- (a) exposure to short lived Rn-222 (radon) and Th-220 (thorium) daughter products in the air
- (b) exposure to external radiation (beta-gamma dose rate);
- (c) exposure to long lived alpha emitting nuclides in air;
- (c) surface contamination levels (alpha and beta emitters) in surface works;

- (d) contaminated scrap; and
- (e) radon gas concentrations in underground workings.

Emergency Preparedness Plan

20.-(1) A holder shall submit for approval an Emergency Preparedness Plan to the Chief Inspector

(2) The Emergency Preparedness Plan shall include the following:-

- (a) the results of any accident analysis, lessons learned from operating experience and accidents that have occurred with sources of a similar type;
- (b) review and update annually;
- (c) training programme for personnel involved in implementing emergency plans and rehearsal programme for personnel in conjunction with relevant authorities;
- (d) sensitization programme to members of the public who could reasonably be expected to be affected by an accident;
- (a) any practise or source which could give rise to a need for emergency intervention;
- (b) the allocation of responsibility for notifying the relevant authorities and for initiating intervention;
- (c) intervention levels for the relevant protective actions and the scope of their application, by taking into account the possible degrees of severity of accidents or emergencies that could occur;
- (d) procedures, including communication arrangements, for contacting any relevant intervening organisation and for obtaining assistance from fire-fighting, medical, police and any other relevant organisations;
- (e) a description of the methodology and instrumentation for assessing the accident and its consequences on and off site;
- (f) a description of the public information arrangements in the event of an accident;
- (g) the criteria for the termination of each protective action;
- (h) the holder's plans to contain any radiation arising from incidents or accidents in transit and to receive back the holder's consignment;
- (i) any other relevant information that may be required.

(3) A holder shall ensure that adequate provision is made for generating sufficient information promptly and communicating it to responsible authorities with regard to-

- (a) early prediction or assessment of the extent and significance of any accidental discharge of radioactive substances to the environment;
- (b) rapid and continuous assessment of the accident as it proceeds; and
- (c) determining the need for protective actions.

(4) A holder shall ensure that sufficient financial arrangements are made, including appropriate levels of insurance, to contain any emergency situation.

PART III
WASTE MANAGEMENT PLAN

General requirements

21. A holder shall develop a Waste Management Plan which includes proposals for radioactive waste management in relation to-

- (a) description of the mine and plant facilities and resources; (b) a description of the base line environmental conditions;
- (b) operating, environmental, geo-technical and radiation dose assessment procedures;
- (c) a description of the operation and the processes generating waste;
- (d) the chemical and physical characteristics of radioactive waste, including the quantities and rate of production;
- (e) the heritage, social and cultural matters and the proposed present and future land use;
- (f) the waste management facilities and practises, waste conditioning and containment including site, design of construction and operation;
- (g) the discharges whether in liquid, solid or gaseous form, and the receiving environment;
- (h) the discharge criteria;
- (i) the contingency plans to deal with natural events, incidents, equipment and operational failures;
- (j) a program of assessment and review of the integrity of waste containment and disposal facilities;
- (k) a de-commissioning and closure plan with regard to the final disposal of waste; and
- (l) any other relevant information that may be required.

Integration of Plans

22.-(1) Waste Management Plan shall be integrated with the Radiation Operation Management Plan and with the overall project environment

tal management plan.

(2) A holder shall submit to the Chief Inspector an updated Waste Management Plan annually.

(3) A holder shall, where there is a significant change of circumstances, submit to the Chief Inspector for approval an updated Waste Management Plan within thirty days of the changed circumstances.

(4) A holder shall, where there is a significant change in operational procedures, submit an updated de-commissioning proposal within thirty days of the changed circumstances.

(5) A holder shall prepare a quality assurance program in the Waste Management Plan which shall include:-

- (a) civil engineering and geo-technical aspects of the containment system;
- (b) the mode of operation of the system;
- (c) the scope and frequency of the monitoring systems; and
- (d) any traceability to national and international standards.

PART IV

PLAN TO TRANSPORT AND STORE RADIOACTIVE ORES AND PRODUCTS

Interpretation

23.-(I) In this schedule, unless the context otherwise requires-

"A₁" means the activity value of a special form of radioactive material and is used to determine the activity limits for the purpose of these Regulations;

"A₂"^{A2} means the activity value of radioactive material, other than special form radioactive material and is used to determine the activity limits for the purpose of these Regulations;

"special form radioactive material" means at least one dimension not less than 5mm;

"type A packages" means packages that shall not contain activities greater than:-

- (a) for special form radioactive material, A₁ and
- (b) for all other radioactive material, A₂ ;

"type B(M) packages" means packages which shall not contain-

- (a) activities greater than those authorised for the package design;

Mining (Radioactive Minerals) Regulations

GN. No. 4 (contd...)

- (b) radionuclides different from those authorised for the package design; and
- (c) contents in a form, or a physical or chemical state, different from those authorised for the package design, and specified in their certificates of approval;

"type C packages" means packages that shall not contain-

- (a) activities greater than those authorised for the package design;
- (b) radionuclides different from those authorised for the package design; and
- (c) contents in a form, or a physical or chemical state, different from those authorised for the package design; and specified in their certificates of approval.

Transportation and storage of radioactive minerals

24. Prior to the transportation, storage, acquisition or exportation of radioactive mineral substances, a person shall obtain a permit from the Commission as provided for under these Regulations.

Packaging requirements before shipping

25.-(1) A holder shall, before shipment, submit to the Chief Inspector for approval a copy to TAEC the design and technical specifications of any package or drum.

(2) A holder shall, for any system with a gauge pressure exceeding 35 kPa, ensure that the containment system of a package conforms to the approved design requirements relating to the capacity of the system to maintain its integrity under pressure.

(3) Where neutron poisons are included as components of any package containing fissile material, the holder shall confirm the presence and distribution of the neutron poisons.

General Requirements for packages

26. The design of a package shall conform to the following:-

- (a) the mass, volume and shape of the package which render it easy and safe to transport;
- (b) the exposure levels from the package within legally prescribed limits;
- (c) lifting attachments on the package which shall not fail when used in the intended manner and the design by taking into account appropriate safety factors to cover snatch lifting;
- (d) lifting attachments which is removable or otherwise rendered incapable of being used during transportation;
- (e) as far as practicable the outer layer of the package be designed so as to prevent the collection and the retention of water;

- (f) any features added to the package at the time of transportation which are not part of the package which shall not reduce its safety;
- (g) the package to be capable of withstanding the effects of any acceleration, vibration or vibration resonance which may arise under the routine conditions of the United Nations Recommendations on the Transport of Dangerous Goods, for Packaging Group I or II. and if they were subjected to the tests prescribed in that document, but with the drop test conducted in the most damaging orientation, they would prevent-
 - (i) loss or dispersal of the radioactive contents; and
 - (ii) loss of shielding integrity which would result in more than a twenty percent increase in the radiation level at any external surface of the intermediate bulk container

Approval and administrative requirements

27.-(1) A consignor shall, where it is not necessary to obtain an approval certificate for the package designs, on request, make available for inspection by the relevant competent authority, documentary evidence of the compliance of the package design with all the applicable requirements.

(2) An application for approval shall include-

- (a) a detailed description of the proposed radioactive contents with reference to their physical and chemical status and the nature of the radiation emission;
- (b) detailed statement of the design, including complete engineering drawings and schedule of materials and methods of construction;
- (c) a statement of the tests which have been done and their results, or evidence based on calculative methods or other evidence that the design is adequate to meet the applicable requirements;
- (d) the proposed operating and maintenance instructions for the use of the packaging;
- (e) if the package is designed to have a maximum normal operating pressure in excess of one hundred kPa gauge, a specification of the materials of manufacture of the containment system, the samples to be taken, and the tests to be made;
- (f) any special storage provisions necessary to ensure the safe dissipation of heat from the package considering the various modes of transport to be used and type of conveyance or freight container:

Mining (Radioactive Minerals) Regulations

GN. No. 4 (contd...)

(g) a reproducible illustration, not larger than 2 I cm by 30 cm, show in the make-up of the package; and

(h) a specification of the applicable quality assurance programme as required

(3) The competent authority shall establish whether an approved design meets the requirements for Type n (U) or Type C packages and shall attribute an identification mark to the design

Notification and registration of serial numbers

28.-(1) A holder shall, inform the competent authority, of the serial number of each package manufactured to an approved design.

(2) A holder and the competent authority shall maintain a register of the serial numbers referred to under sub-paragraph (1).

Approval of shipments

29. Multilateral approval shall be required for-

(a) the shipment of Type B (M) packages not conforming to the requirements designed to allow controlled intermittent venting;

(b) the shipment of Type B (M) packages containing radioactive material with an activity greater than 3000 A 1 or 3000 A2• as appropriate, or I 000 TBq, whichever is the lower; and

(c) radiation protection programmes for shipments by special use vehicles according to the requirements.

(2) A competent authority may authorise transport into or through its country without shipment approval, by a specific provision in its design approval.

(3) An application for shipment shall include-

(a) in relation to the shipment, the period of time for which the approval is sought;

(b) the actual radioactive contents, the expected modes of transport, the type of conveyance and the probable or proposed route;

(c) the details of how the precautions and administrative or operational controls referred to in the package design approval certificates issued are to be put into effect.

Transportation of Radioactive Minerals

30. A holder shall be liable for the radioactive mineral commodity on transit until the consignee receives it.

(2) A holder shall:-

(2) A holder shall-

- (a) establish a radiation protection program for the transport of radioactive minerals which shall be made available for inspection by the relevant competent authority;
- (b) ensure that the nature and extent of the measures to be employed in the radiation protection programs are related to the magnitude and likelihood of radiation exposures;
- (c) ensure that the protection and safety measures are optimised in order that the magnitude of individual doses, the number of persons exposed and the likelihood of incurring exposure are kept as low as reasonably achievable; and
- (d) ensure that the workers receive appropriate training in radiation hazards and the precautions are observed in order to ensure restriction of their exposure and other persons who might be affected by their action.

(3) The holder shall ensure the following during the transportation of radioactive minerals:-

- (a) correct labeling, packaging and loading of the mineral commodity;
- (b) regular contact with transporter until the mineral commodity is delivered to the consignee;
- (c) any vehicle transporting radioactive minerals, shall not be parked in any public place;
- (d) where an accident occurs during transportation, a radiation protection officer appointed in accordance with Regulation 20 shall:
 - (i) ensure that the scene of the accident is cordoned off;
 - (ii) immediately inform the Chief inspector, TAEC and NEMC; and
 - (iii) take necessary steps and measures to prevent the exposure of the public to ionising radiation and minimise the contamination of the surrounding environment;
- (e) a transporting vehicle shall have the emergency contact telephone numbers of the Ministry of Energy and Minerals, TAEC, NEMC on either side of the vehicle; and
- (f) in the case of air transportation, within Tanzania, the Civil Aviation Act, shall apply in addition to the provisions of these Regulations.

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Occupation health and safety in transportation

31.-(1) A holder shall conduct periodical assessments of the radiation doses to a person arising from the transportation of radioactive minerals, to ensure that the system of protection and

safety complies with the basic safety standards.

(2) Where Chief Inspector, in the case of occupational exposures arising from the transportation activities, assesses that the effective dose:-

- (a) is unlikely to exceed 1 mSv in a year, shall not require any special work patterns, detailed monitoring, dose assessment programmes or individual record keeping; and
- (b) is likely to be between 1 and 6 mSv in a year, shall conduct a dose assessment programme through work place monitoring or Individual monitoring;
- (c) is likely to exceed 6 mSv in a year, shall conduct individual monitoring;
- (3) A holder shall, where the ChiefInspector conducts individual monitoring or work place monitoring, keep appropriate records.

Emergency response during transportation

32.-(1) A holder shall in the event of an accident or an incident during the transportation of radioactive minerals, observe and implement emergency provisions to protect persons, property and the environment.

(2) The Emergency procedures taken under sub-paragraph (1), shall take into account the formation of other dangerous substances that may result from the reaction between the contents of the consignment and the environment in the event of an accident.

Special arrangements or exemptions

33.-(1) The consignments for which conformity with other provisions of these Regulations is impracticable shall not be transported except under special arrangements approved by the Commission.

(2) The Commission may approve special arrangement transport operations for a single or a planned series of multiple consigners, where the competent authority is satisfied that conformity with other provisions of these Regulations is impracticable and that the requisite standards of safety established by these Regulations have been demonstrated by a holder.

(3) The overall level of safety in transport shall be equivalent to that which would be provided if all applicable requirements met in the case of international consignments multilateral approval shall be required in accordance with paragraph 7 of this Schedule.

Storage of radioactive

34.-(1) Radioactive minerals shall be segregated sufficiently

minerals

from workers and from members of the public.

(2) The following values for dose rates shall be used for the purpose of calculating segregation distances or radiation levels:-

- (a) in the case of workers in regularly working areas, a dose of 5 mSv in a year; and
- (b) in the case of members of the public, in areas where the public regular access, a dose of 1 mSv in a year to this public group.

(3) Radioactive materials shall be sufficiently segregated from undeveloped photographic film.

(4) The basis for determining segregation distances for any purpose under subparagraph (3) shall be the radiation exposure of undeveloped photograph film due the transportation of radioactive material be limited to 0.1mSv per consignment of film.

SECOND SCHEDULE

(Made under Regulations 4, 16(1) and 18(2))

QUANTITATIVE RADIOLOGICAL HAZARD AND SAFETY ASSESSMENT FOR THE PROSPECTING, MINING AND PROCESSING OPERATIONS

General requirements

1.-(1) A holder shall conduct a quantitative radiological hazard and safety assessment of the operations and activities involving radioactive minerals.

(2) A radiological hazard and safety assessment shall-

- (a) identify all potential radiological hazards associated with prospecting, mining and processing of radioactive minerals;
- (b) assess the effectiveness of engineering and operational controls; and
- (c) determine the magnitude of radiological hazards from both normal operations and accidents to workers and the members of the public.

Mining (Radioactive Minerals) Regulations

GN. No. 4 (contd...)

Radiological safety assessment 2.-(1) A holder shall assess all aspects involving radioactive minerals from the prospecting, mining and processing of ores, to the storage and transportation of final products and waste.

(2) A holder shall, in an assessment-

- (a) identify and quantify the prevailing levels of the different radiological hazards;
- (b) identify the areas where the potential for radiation exposure of workers may result in an effective dose exceeding 1 mSv per year;
- (c) identify any individual who may be occupationally exposed to ionising radiation and receive an annual effective dose in excess of 20 mSv;
- (d) determine the potential for radiation exposure of the members of the public due to airborne and liquid effluent releases from the site and the disposal of radioactive waste;
- (e) assess the efficiency and effectiveness of the engineered and operational controls; and
- (f) estimate the magnitude of the risks resulting from accidents whether on or off site.

Radiological hazard assessment 3.-(1) A radiological hazard assessment shall:-

- (a) identify the various types of radioactive materials present in the whole process and determine their physical and chemical form, nuclide composition, activity concentrations and estimate total quantities to be mined and processed per annum;
- (b) identify and quantify the radiological doses to workers and members of the public associated with the activities involving radioactive materials;
- (c) quantify the mean levels and variations of the radiological hazards during full working shifts and determine the magnitude of longer term fluctuation ;
- (d) identify individuals occupationally exposed to radiological hazards;
- (e) quantify the degree of individual occupational exposure in terms of the annual dose equivalent received from all radiation exposure pathways for routine, maintenance and repair operations;
- (f) quantify the impact of radioactive emissions from the site in terms of the annual effective dose received by the public in all potentially affected areas; and
- (g) quantify and control the hazard associated with equipment leaving site.

(2) The following exposure pathways shall be

quantitatively assessed at specific locations:-

- (a) exposure to short lived Rn-222 (radon) and Th-220 (thorium) daughter products in air;
- (b) exposure to external radiation (beta-gamma dose rate);
- (c) exposure to long lived alpha emitting nuclides in air;
- (d) surface contamination levels (alpha and beta emitters) in surface works;
- (e) contamination of scrap; and
- (f) radon gas concentrations underground mining operations

Obligations of holder 4.-(1)A holder shall determine:-

- (a) the amount of airborne radioactivity and terrestrial radiation emitted by the following facilities-
 - (i) tailings dumps;
 - (ii) waste rock dumps;
 - (iii) open pits or underground mine workings;
 - (iv) plant infrastructure;
 - (v) workshop infrastructure;
 - (vi) office infrastructure; and
 - (vii) any other infrastructure.
- (b) the amount of radiation emitted from water ponds;
- (c) the amount of radiation emitted from contaminated equipment and waste materials;
- (d) the amount of radon emissions from tailings and waste rock dumps;
- (e) the amount and distribution pattern for the dust dispersed from tailings and waste rock dumps. with particular attention to
nearby human settlements;
- (f) the amount of radioactive contamination in seepage and run-off water from tailings and waste rock dumps;
- (g) the structure, geo-technical and seismic stability of tailings and waste rock dumps; and
- (h) the amount of radiation emitted from any other source that is part of a mine or plant infrastructure.

(2) A holder shall, before the termination of any obligations relating to any closed waste management facility, submit to the Commission, TAEC and NEMC the results of the final radiological and environmental survey and a closure completion report .in order to document compliance with the regulatory requirements for managing waste.

(3) The information required under sub-paragraph (2) shall be determined as accurately as practicable and shall be included in the

de-commissioning and closure plan.

(4) The objectives of a de-commissioning and closure plan shall include but not be limited to:-

- (a) achieving long-term radiation protection by reducing the effective equivalent dose to the individual in the critical public group to below 0.1 mSv per annum;
- (b) achieving background water quality in the long-term by controlling groundwater contamination;
- (c) reducing the residual concentration of radioactive elements by undertaking soil clean-up operations;
- (d) reducing the radon flux over the surface of the final tailings dumps to an internationally acceptable rate of 20pCi/m²
- (e) rehabilitation of tailings dumps and to make them stable for at least two hundred years;
- (f) minimising hazards to the public and the environment;
- (g) preventing inadvertent human intrusion and dispersion of contaminated materials by wind and water erosion;
- (h) complying with other applicable and relevant regulations governing air, and water quality in non-radiological aspects; and
- (i) decontaminating and safely disposing of equipment and waste materials.

Radioactive mines and plants abandonment

5. A holder shall, on an application for abandonment of a mine or plant, submit-

- (a) a report on the Status of the environment at abandonment Stage;
- (b) the rehabilitation objectives and performance indicators for all components and phases;
- (c) the methods for monitoring the remediation work program objectives;
- (d) the methods to de-contaminate equipment to be removed from the project site;
- (e) the proposed methods of disposing of unsold equipment which is not decontaminated;
- (f) the plans and sections of the entire mine or plant site showing the location of major infrastructure such as plants
- (g) the estimated time period between project closure and abandonment;
- (h) a comprehensive statement accompanied by plans, assessment of alternative rehabilitation methods with cost and levels of radioactivity after rehabilitation and the

- proposed post closure land uses;
- (i) the proposed methods aimed at rehabilitating the site to other beneficial land uses; and
 - (j) a closure certificate granted by the Chief Inspector.
 - (k)
- Compliance with Treaty Provisions
- 6.-(1) A holder shall, in the programme of mining operations, outline proposal to comply with the articles of the Nuclear Non-Proliferation Treaty to which Tanzania is a signatory.
- (2) A holder shall develop and employ appropriate safeguards in accordance with the International Atomic Energy Agency (IAEA), to ensure the fulfillment of obligations assumed under the Nuclear Non-Proliferation Treaty to prevent diversion of nuclear energy materials from peaceful uses to nuclear weapons or other intermediate nuclear weaponry devices.
- Obligations of Holder
7. A holder shall communicate the safeguards referred to under paragraph 1 prior to the commencement of operations and report on compliance at every shipment to the competent authority.
- (2) A holder shall, in addition to the requirements stipulated under sub-paragraph (1):-
- (a) outline the implementation procedures for the safeguards with respect to source or special fissionable material at their mine, storage or processing facility;
 - (b) undertake to prevent provision for nuclear material other fissionable material equipment or material specifically designed for the processing, use or production of special fissionable material, to any Nuclear Non-Nuclear Weapons State or individuals or institutions whether in a Nuclear Weapons State or not; and
 - (c) outline how the proposed safeguards shall assist the holder to comply with Article IV of the Nuclear Non-Proliferation Treaty and encourage peaceful and economic use and exchange of nuclear energy material.
- (3) A holder shall outline marketing proposals of radioactive minerals within or outside the United Republic of Tanzania so as to comply with all aspects of the Nuclear Non-Proliferation Treaty.
- (4) A holder shall comply with the marketing plan submitted in an application for acquisition, selling or exporting of radioactive minerals and the holder shall report on the marketing activities to the Commission and any other relevant authority.

Mining (Radioactive Minerals) Regulations

GN. No. 4 (contd...)

THIRD SCHEDULE

(Made under Regulation 5(2))

FEEES FOR DEALING IN RADIOACTIVE MINERALS

		TSHS US\$
	Application fees for export or import permit of radioactive minerals	Shs. 50,000/=
2	Import or export permit of radioactive mineral	Shs. 100,000/=
3	Application fees for acquiring or transportation of radioactive minerals	Shs. 50,000/=
4	Permit to acquire or transport radioactive minerals	Shs. 100,000/=

FOURTH SCHEDULE

FORM NO. 1

THE MINING ACT, CAP.123

(Made under Regulation 6(2))

APPLICATION FOR PERMIT TO TRANSPORT RADIOACTIVE MINERALS

1. Full name of applicant minerals(in block letter).....
2. Full address.....
3. Purpose for which radioactive minerals are required
4. Name and address of supplier
5. State the licence for acquiring radioactive minerals.....
6. State validity of licence
7. State type of radioactive minerals.....
8. State quantity of radioactive minerals.....
9. State nature of radioactive minerals.....
10. State route of radioactive minerals.....
11. State route to be followed
12. State means of transport.....
13. State nature of packaging.....
14. Place and administrative districts where live minerals will be stored.....

Name of applicant..... Signature of applicant

Title.....

Date.....

Official stamp

Mining (Radioactive Minerals) Regulations

GN. No. 4 (contd...)

FORM NO.2

THE MINING ACT, CAP.123

(Made under section 108)

PERMIT TO TRANSPORT RADIOACTIVE MINERALS

Permission is hereby granted to (full name).....holder of Licence
No..... of (full address).....
..... to transport
package(s) containing..... (type) with a total weight.....(et weight) with a
total value of.....[US\$]

The said minerals will be transported by.....(state means of transportation from
.....[mining place at which the Radioactive Minerals are to be taken] to
..... [place and address where minerals will be stored or shipped
.....

This permit is valid for a period of days from the date hereof.

This permit is issued subject to the following condition(s).....
.....
.....
.....

Dated at this day of 20.....

.....
EXECUTIVE SECRETARY

MINNING COMMISSION

Mining (Radioactive Minerals) Regulations

GN. No. 4 (contd...)

THE MINING ACT, CAP.123

(Made under section 108)

FORM NO. 3

CERTIFICATE OF EXPORTATION FOR RADIOACTIVE MINERALS

Permission is hereby granted to [full name].....

[The name and address of importer/consignee is] holder of
 licence No.....of [full address]

 to import..... package(s) containing radioactive minerals weighing.....
 Pounds/Kilograms with a total value of US dollar (USD).....[Value declared by the
 importer as being US\$]. The radioactive minerals were mined in [country where
 extracted]. Types of radioactive minerals are shown hereunder:-

S/N	Type	Weight (Lb/Kg.)	Value (US\$)
1			
2			
2			
	TOTAL		

The radioactive minerals shall be imported at [state name of Customs station at which entry is to be made) on or before [state date]
otherwise this permit shall be null and void.

The name and address of exporter is.....

For completion by Customs.

The radioactive minerals to which this permit refers were imported by [full name and address of importer]

from..... at [place of entry]..... on
 [date]..... 20.....

.....
Collection of Customs

Mining (Radioactive Minerals) Regulations

GN. No. 4 (contd...)

NOTE: This permit must be submitted to a collector of customs at the time of the importation of the radioactive minerals to which it relates for confirmation by the Commission.

The permit is issued subject to the following condition(s):-

Dated at this day of 20

EXECUTIVE SECRETARY

Dar es Salaam
9th January, 2018

ANGELLAH J. M. KAIRUKI,
Minister for Minerals

GOVERNMENT NOTICE NO. 5 published on 10/1/2018

THE MINING ACT,

(CAP. 123)

REGULATIONS

(Made under sections 60, 61 and 112)

THE MINING (MINERAL BENEFICIATION) REGULATIONS, 2018

ARRANGEMENT OF REGULATIONS

Regulation

Title

PART I

PRELIMINARY PROVISIONS

1. Citation
2. Interpretation

PART II

MINERAL BENEFICIATION

(a) Application for a licence

3. Application for processing licence.
4. Application for smelting or refining licence.
5. Non refund ability of fees
6. Licence and signboard to be displayed.
7. Rights of holder of processing, smelting or refining licence.

(b) Conditions for a licence

8. Obligations of holder of processing, smelting or refining licence.
9. Renewal of licence.

PART III

RECORDS KEEPING

10. Suspension or cancellation of licence
11. Processing, Smelting or Refining Record register
12. Revocation.

SCHEDULE

"buy" includes receive as pledge or security;

“Commission” means the Commission established under the Act;

“Executive Secretary” means the Executive Secretary of the Commission;

“processing licence” means a licence issued by the Commission for milling, beneficiating and dressing mineral ores and includes smelting and refining of minerals;

"sell" includes deposit as pledge or security.

PART II

MINERAL BENEFICIATION

(a) Application for licence

Application for
processing licence

3.-(1) An application for processing licence shall be made in Form MBF. 1 and a processing licence shall be issued in Form MBF. 2 respectively specified in the Second Schedule to these Regulations.

(2) The fees specified in the First Schedule to these Regulations shall be payable for application for processing licence and for issuance of processing licence.

Application for smelting or refining licence

4.-(1) An application for smelting or refining licence shall be made in Form MRF. 3 and a smelting licence or refining licence shall be issued in Form MBF. 4 respectively specified in the Second Schedule to these Regulations.

(2) The fees specified in the First Schedule to these Regulations shall be payable for an application for smelting licence or refining licence and for the issuance of a smelting licence or refining licence.

Non refundability of fees

5.-(1) Fees payable in respect of an application made under these regulations shall not be refundable.

(2) There shall be payable an annual fee for every licence payable under these Regulations of the amount equal to half of the fee payable for issuance or any type of the renewal of a licence.

Licence and signboard to be displayed

6.-(1) Every holder of processing licence, smelting licence or refining licence shall at all times cause to be displayed in a prominent position at the place of business-

- (a) a processing, smelting or refining licence; and
- (b) a signboard with his name and the words "holder of Processing holder of, Smelting licence or holder of Refining licence" in legible roman letters at least eight centimetres in height.

(2) Any holder of a processing licence, smelting licence or refining licence who contravenes the provisions of this regulation commits an offence, and shall on conviction be liable to a fine not exceeding five million shillings conviction or to imprisonment for a term not exceeding twelve months or to both.

Rights of holders of processing, smelting or refining licences

7. A holder of a processing licence, smelting licence or refining licence is, subject to this Regulation, entitled to carry on processing minerals, smelting minerals or refining minerals in a specified area of the licence, and for that purpose the holder, servants and agents may, deal in:

- (a) buying or otherwise acquiring or selling or otherwise dispose of minerals as specified in the licence and for that purpose be in possession of minerals;
- (b) export minerals specified in the licence; or
- (c) erect necessary equipment, plant and infrastructure for purposes of operating, transporting, dressing or treating minerals in the possession of holder of a licence.

(b) Conditions for licence

Obligations of holder of processing, smelting or refining licence

8. Subject to the provision of section 61 (2) of the Act, the holder of a processing, smelting licence or refining licence shall, as a condition of the licence:

CAPs 366 and 191

(a) employ and train citizens of Tanzania and implement a succession plan on expatriate employees in accordance with the Act;

(b) implement plan for procurement of goods and services available into the United Republic; and

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(c) stack or dump any mineral or waste products in a manner stipulated under the Environmental Management Act and regulations made under that Act.

Renewal of licence

9.-(1) Application for renewal of processing licence, shall be in Form MBF. 5 specified in the Second Schedule to these Regulations and accompanied by application fees as specified in the First Schedule to these Regulations.

(2) Application for renewal of smelting licence or refining licence shall be issued in Form MBF. 6 specified in the Second Schedule to these Regulations and accompanied by application fees specified in the First schedule to these Regulations.

Suspension or
cancellation of licence

10. A holder of a processing licence, smelting licence or refining licence who fails to comply with these Regulations or a condition of the licence shall be in default and the licensing authority may serve on the holder a default notice specifying the nature of the default, and, if within thirty days from the date of receipt of the default notice, the default has not been rectified the licensing authority shall, by a subsequent notice to the holder suspend or cancel the licence.

Processing, smelting
and refining record
register

11.-(1) Every holder of a processing licence, smelting licence or refining licence is required to keep at all times at the place of business specified in the licence a register in Form MBF. 7 specified in the Third Schedule to these Regulations in respect of each variety of minerals and mineral products.

(2) Particulars required in the register shall be entered by the holder of a licence immediately after receipt, dispatch or disposal of minerals or mineral products.

(3) On or before the third day before end of a quarter of each calendar month, a holder of a licence shall forward to the Commission a true and correct copy in duplicate of all entries made in the preceding period.

(4) Where a holder of a licence is a company, cooperative society or partnership, any entry or copy of an entry which is required shall be made by a person duly appointed for that purpose.

Revocation
GN. No. 404 of 2010

12. The Mining (Mineral Beneficiation) Regulations, 2010 are hereby revoked.

SCHEDULES

FIRST SCHEDULE

Fees for ProcessingLicence, SmeltingLicence and Refining Licence

		TZS	USD
1.	Application fee for a processing licence	150,000	200
2.	Application fee for a smelting or refining licence	150,000	200
3.	Application fee for a renewal of a processing licence	150,000	200
4.	Application fee for a renewal of smelting or refining licence	150,000	200

SECOND SCHEDULE

Form. MBF.1

THE MINING ACT,
(CAP. 123)

(Made under Regulation 3)

APPLICATION FOR PROCESSING LICENCE

1. The applicant hereby applies to the Commissioner for a processing licence.
2. Individual Applicant:
 - (a) Name
 - (b) Nationality
 - (c) Postal Address
 - (d) Telephone
 - (e) E-mail
3. Corporate Applicant
 - (a) Name, postal address, telephone and e-mail of company or any other body corporate:.....
 - (b) Name and Nationality of Directors:.....
 - (c) Copy of the Memorandum and Articles of Association must be enclosed herewith.....
4. Types of minerals; whether metallic or industrial minerals.
5. Financial resources available to carry on processing of minerals.
6. Address, situation and description of premises at which processing of minerals will be carried on:.....
7. Details of applicant's knowledge and experience in processing of minerals
8. Processing licence (if any).....
 - (a) Particulars of processing licence previously granted
 - (b) If the applicant surrender a processing licence previously granted, state the reasons for such surrender.....
9. State whether the applicant has been convicted of a criminal offence relating to the processing of the metallic or industrial minerals.....

.....
Signature of Applicant

.....
Date

**THE MINING ACT,
(CAP. 123)**

(Made under regulation 3)

PROCESSING LICENCE

Licence is hereby granted to.....(full name)of..... (full address) to process minerals (type of minerals)for the period of 10 years from the date of issue at the following premises.....

The licence is subject to the following terms and conditions:-

- (1)
- (2)
- (3)
- (4)

Date at this..... day of..... 20.....

.....
EXECUTIVE SECRETARY

Notes:-

- (1) This licence must be displayed at the place of business specified herein.
- (2) the licensee shall be liable for the due in lieu payment of royalties and other prescribed fees in respect of all minerals bought, sold, received or exported by him

**THE MINING ACT,
(CAP. 123)**

(Made under Regulation 4)

APPLICATION FOR SMELTING/REFINING LICENCE

1. The applicant hereby applies to the Commission for a smelting/refining*licence
2. Individual Applicant
 - (a) Name.....
 - (b) Nationality.....
 - (c) Postal Address.....
 - (d) Telephone
 - (e) E-mail.....
3. Corporate Applicant
 - (a) Name, postal address, telephone and e-mail of company or any other body
Corporate.....
 - (b) Name and Nationality of Directors.....
 - (c) Copy of the Memorandum and Articles of Association must be enclosed
herewith.
4. Types of minerals
5. Financial resources available to carry on smelting or refining of minerals.
6. Address, situation and description of premises at which smelting or refining of minerals
will be carried on.
7. Details of applicant's knowledge and experience in smelting or refining of minerals.
8. Smelting/refining licence (if any)
 - (a) Particulars of smelting or refining licence previously granted.
 - (b) If the applicant surrendered a smelting or refining licence previously granted,
state the reasons for such surrender
9. State whether the applicant has been convicted of a criminal offence relating to the
smelting/refining of the metallic or industrial minerals.

.....

Signature of Applicant

Date

Form. MBF.4

**THE MINING ACT,
(CAP. 123)**

(Made under Regulation 4)

SMELTING/REFINING LICENCE

Licence is hereby granted to (full name).....
of (fully address).....
to smelt or refine.....
for the period of from the date of issue at the following
premises.....

The licence is subject to the following terms and conditions:-

Date at..... this day of 20.....

.....
EXECUTIVE SECRETARY

Note-

1. This licence must be displayed at the place of business specified herein.
2. The licensee shall be liable for the due in lieu payment of royalties and other prescribed fees in respect of all minerals bought, sold, received or exported by him.

**THE MINING ACT,
(CAP. 123)**

(Made under Regulation 9(1))

APPLICATION FOR RENEWAL OF PROCESSING LICENCE

1. The application hereby applies to the Commission for a renewal of a Processing Licence.

2. Individual holder of a Processing Licence.
 - (a) Name
 - (b) Nationality
 - (c) Postal address
 - (d) Telephone
 - (e) E-mail

3. Corporate holder of a Processing Licence
 - (a) Name
 - (b) Companies registry entry particulars

4. Details of Processing Licence
Issue Date..... No.....
Type of minerals.....

5. Evidence of turnover for a period of 5 years from the issuance of licence.

I certify the above information to be true to the best of my knowledge.

.....
Signature of Applicant

.....
Date

Note: Indicate change in shareholding (if any)

**THE MINING ACT,
(CAP. 123)**

(Made under Regulation 9(2))

APPLICATION FOR RENEWAL OF SMELTING REFINING LICENCE

1. The applicant hereby applies to the Commission for a renewal of a Smelting Refining Licence.
2. Individual holder of a Smelting or Refining Licence
 - (a) Name
 - (b) Nationality
 - (c) Postal address
 - (d) Telephone
 - (e) E-mail
3. Corporate holder of a Smelting or Refining Licence
 - (a) Name
 - (b) Companies registry entry particulars
4. Details of a Smelting or Refining Licence
 - Issue Date
 - Type of Minerals
5. Evidence of turnover for a period of 5 years from the issuance of licence

I certify the above information to be true to the best of my knowledge.

.....
Signature of Applicant

.....
Date

Note: Indicate change in shareholding (if any)

Dar es Salaam
9th January, 2018

ANGELLAH J. M. KAIRUKI,
Minister for Minerals

Government Notice No. 6 Published on 10/1/2018

THE MINING ACT,
(CAP. 123)

REGULATIONS

(Made under Section 112)

THE MINING (GEOLOGICAL SURVEY) REGULATIONS, 2018

Regulation

Title

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“Board” means the Board of Geological Survey of Tanzania established by Regulation 3;

“Chief Executive Officer” means the Chief Executive Officer of GST appointed under section 27A(3) of the Act;

“fossiliferous material” means any mineral substance, including rock material, which contains remains or traces of animals or plants which have been preserved by natural processes in the earth’s crust;

“geological survey” means any systematic investigations of the surface, subsurface, or content of earth by means of physical measurements of segments of earth crust, or samples taken from the earth, terrestrial water or vegetation;

“geochemical survey” means any systematic investigation of the surface, subsurface, or content of the earth by means of chemical analysis of specimens or samples taken from the earth, terrestrial water or vegetation;

“Geological Survey of Tanzania” means the Geological Survey of Tanzania established under section 27A (1) of the Act also known in its acronym “GST”.

“Geological Survey Officer” means any person appointed under Regulation 5;

“identification” means the naming of a sample using

simple physical and chemical tests when necessary;

“mineral” means any substance, whether in solid, liquid or gaseous form, occurring naturally in or on the earth, or in or under the seabed formed by or subject to a geological process, but does not include petroleum or surface water;

“ore” means solid naturally occurring mineral aggregate of economic interest from which one or more valuable constituents may profitably be recovered by treatment;

“rock material” means any rock, stone, marble, gravel, sand, earth segment, laterite, loam, clay, soil, mud, tuff, peat, coral, shell or guano within or upon any land;

“sample” means a fraction of naturally occurring matter representative of the mass of which it forms a part;

“specimen” means a fraction of naturally occurring matter not necessarily representative of the mass of which it forms a parts.

“superficial geological survey” means any systematic investigation of the surface, subsurface, or content of the earth by means of natural geophysical survey, geochemical survey or physical examination;

“systematic investigation” means any investigation including preliminary examination.

PART II
ADMINISTRATION

Establishment of Board

3.-(1) There shall be the Board of GST which shall be composed of-

- (a) the Chairman who shall be appointed by the President; and
- (b) Executive Secretary of the Mining Commission;
- (c) the Commissioner for Minerals;
- (d) a law officer representing Attorney General's Chambers; and
- (e) three eminent persons who possess proven knowledge and experience in the mining sector appointed by the Minister at least one of whom shall be a woman.

(2) The Chief Executive Officer shall be the Secretary of the Board.

Functions of the Board

- 4.-(1)** The Board of GST shall-
- (a) assess organizational performance both technical and financial;
 - (b) scrutinize and approve the operational budget of the Agency;
 - (c) establish strategic direction and setting performance targets for GST;

- (d) be responsible for the management and control of GST in accordance with the provisions of the Act and the Regulations;
- (e) ensure availability of up-to-date geoscientific maps, data and information in the country;
- (f) enhance the knowledge of geology and mineral resources potential of the country together with establishing exploration criteria for the resources;
- (g) assess the levels of geo-hazards (landslides, earthquakes, volcanoes, effects of mining and mineral processing to the environment), their risks and establish mitigation measures;
- (h) ensure that the relevant operational policies in procurement and administrative procedures are adhered to; and
- (i) ensure progressive capacity building within GST while maintaining effective management and utilization of the resources to optimise output.

(2) The Board may, by resolution either generally or in any particular case, delegate the exercise of its powers to any of its committee, director, any employee or agent of the authority.

(3) The tenure, termination of members and proceedings of the Board and such other matters in

relation to the Board shall be as set out in the Schedule to these Regulations.

Appointment,
powers and duties
of officers

5.-(1) There shall be appointed by the Board such other officers of SGT as may be deemed necessary for carrying out the purpose of the Act and these Regulations.

(2) The duties and powers of the officers appointed under this regulation shall be those assigned to them by this Regulations.

(3) Every officer appointed under this regulation shall be deemed by such appointment to be vested with all the powers of any geological survey officer subordinate to him.

(4) The Chief Executive Officer may authorize any person in writing to conduct a geological survey on behalf of SGT.

(5) Every appointment and authorization under this regulation shall be published in the *Gazette*.

(6) For purposes of the Chief Executive Officer shall have superintendence over all other officers appointed or persons authorized by SGT.

Consultations by
Geological Survey
Officers

6.-(1) The Chief Executive Officer may authorize any geological survey officer to undertake consultation, analysis or other services for any other person.

(2) A geological survey officer authorized under sub-regulation (1) may require the person consulting him

to obtain the written approval of the proprietor or occupier of all land into which he requires to enter, and to obtain such permits and authority as may be necessary under any law for the purpose of the consultation, analysis or other service.

(3) In the event of any specimen or sample being submitted for analysis a geological survey officer authorized under sub regulation (1) may order the retention or disposal of the specimen or sample or any portion thereof as he deems fit.

(4) Fees for consultation, analytical and other services may be charged at such rates as may be prescribed.

PART III
GEOLOGICAL SURVEYS BY GEOLOGICAL
SURVEY OFFICERS

Authority for geological survey

7.A geological survey officer or an authorized person shall have power to enter upon any land within the designated area for the purpose of geological survey.

Power to enter land and notice to enter land

8.-(1) A geological survey officer or an authorized person shall cause a notice to be served on any person who is the proprietor or occupier of any land, or lessee in the case of mining land, within the designated area notifying that person of his intention to

enter upon the land for purpose of geological survey.

(2) The notice shall be served not less than fourteen days prior to the date of the intended entry.

(3) Where entry to or egress from the designated area cannot be effected without passing through an alienated land, mining land or land occupied under temporary occupation licence, the geological survey officer or the authorized person shall serve a notice on the proprietor, lessee or occupier thereof notifying his intention to enter and re-enter such land for purpose of access to the designated area.

(4) The notice shall be served not less than fourteen days prior to the date of the intended use of the land as an access.

(5) Any notice to be served under this regulation may be served on a person or body of persons in the following manner, that is to say:

- (a) by delivering the notice to the person; or
- (b) by delivering the notice-
 - (i) at the person's usual or last known place of abode or business to his servant or to an adult member of his family; or
 - (ii) at the body's registered office or usual or last known place of business to its servant or agent; or
- (c) by sending the notice by pre-paid registered post

to the person or body-

(i) at the person's usual or last known abode or place of business; or

(ii) at the body's registered office or usual or last known place of business; or

(d) where the Chief Executive Officer is satisfied that a notice under this regulation cannot be served personally or by post (either because the person to be served is evading service or for some other reason) –

(iii) by publishing a copy of the notice in the *Gazette* and if he thinks fit, in one or more of the newspapers circulating in an area where the land is situated.

(6) Any person who upon being served with the notice under sub-regulations (2) and (3) shall allow any geological survey officer or authorized person to enter the land or any part thereof.

7. Any person who obstructs or hinders any authorised person, his assistants or employees, or takes away or displaces or defaces or destroys any post, stone, mark or object which has been set up or placed as provided in these regulations commits an offence and on conviction shall be liable to a fine of five million or imprisonment to a term of one year or both

Power of a
Geological Survey
Officer

9.-(1) Upon service of the notice and subject to provisions of sub-regulation (2) the geological survey officer or authorized person may, for purpose of making such investigations as the Chief Executive Officer considers desirable in relation to any geological survey-

- (a) enter upon any land within the designated area;
- (b) cut, remove or otherwise clear such uncultivated vegetation as may be necessary for the proper conduct of such survey;
- (c) erect or emplace such pegs and marks as may be necessary for the proper conduct of such survey;
- (d) conduct a superficial geological survey;
- (e) conduct an artificial geophysical survey;
- (f) bore, drill, fracture, dig or pit over the land;
- (g) obtain and remove any specimen or sample from the land in furtherance of such survey and remove and dispose of as he deems fit such superficial or cognate material as may be necessary to obtain the specimen or sample.

(2) Any geological survey officer or authorized person entering upon any land for the purpose of a geological survey shall, on demand by the occupier of the land, produce to the occupier his letter of authority in the form prescribed.

Claim for
compensation for
damage

10.-(1) Where damage was done to any property during the course of a geological survey, the owner of the property may within six months after the completion of the geological survey on the land where the property was damaged, submit a claim to the Chief Executive Officer, who may –

- (a) reject the claim; or
- (b) cause the damage to be assessed and pay or tender to the claimant the assessed cost of damage.

(2) Where the claimant is dissatisfied with the rejection of the claim or the assessment he may within one month after the service by post of the letter conveying the rejection or after the payment or tender of the assessed cost of damage under sub-regulation (1), appeal to the Minister.

(3) The Minister shall as soon as practicable hear the claim and may dismiss the claim or make an award as may be necessary and just.

(4) For the purpose of hearing an appeal under this regulation, the Minister may appoint a committee involving all necessary expertise on the matter in dispute.

(5) The Minister shall have all the powers of a court for the summoning and examination of witnesses, the administration of oaths or affirmations, and for compelling the production and delivery to him of

documents, including issuing documents of title and other documents evidencing title.

(6) The decision of the Minister on the matter shall be final and conclusive.

PART IV
GENERAL OBLIGATIONS ON
GEOLOGICAL SURVEY

Application of Part IV

11.The provisions of this Part shall apply to all persons other than Geological Survey Officers and authorized persons.

Notice on person prospecting

12.-(1) The Chief Executive Officer may, by notice require any person prospecting land for minerals under licence or permit issued under any law relating to mining for the time being in force to-

- (a) make and submit to him a record of description and place of finding of specimens of rock material, mineral, ore, fossiliferous materials, drill cores or other naturally occurring mineral substance in the earth;
- (b) to surrender to him the aforesaid specimens or samples or part of the specimens or samples for the purpose of identification or analysis provided such request is made within 6 months after the completion of the prospecting;

(c) to give a true account of the results of the prospecting as soon as possible after its completion or at such intervals during its continuance as he may direct.

(2) The Chief Executive Officer may retain such specimens or samples as maybe surrendered to him under sub-regulation (1) (b).

Finding of fossiliferous material to be notified

13.Where any person conducting a geological survey or prospecting finds any fossiliferous material he shall immediately notify the Chief Executive Officer of such details as may from time to time be prescribed.

Development of certain wells to be notified

14.-(1) Any person who bores, drills, digs or otherwise develops a well within a mining area for the purpose of searching for or extracting water therefrom shallnotify the Chief Executive Officer of such details including drill logs and samples as may from time to time be prescribed.

(2) For the purpose of this regulation a well does not include a well which is less than 10 metres in depth without reaching bedrock or yield less than 100 litres of water per day and is used only for the domestic purpose of the development.

Certain excavations to be notified

15.Subject to regulation 14, any person who bores, drills, digs or otherwisedevelops a hole, pit, shaft, tunnel, cutting or other excavation within a mining or

exploration area exposing bedrock shall notify the Chief Executive Officer of such details including drill logs, assay values and samples as may be prescribed from time to time:

Provided that this regulation shall not apply to any person making an excavation incidental to the erection of a single-storeyed or double-storeyed building or to any person making an excavation in accordance with the provisions of any law relating to mining for the time being in force.

PART V
GEOLOGICAL SURVEY ARCHIVES AND
COLLECTIONS

Establishment of
archives and
collections

16.-(1) The Chief Executive Officer shall cause to be established and maintained records of all geological information obtained by him under these Regulations, and such records shall be known as the Geological Survey Archives.

(2) The Chief Executive Officer shall cause to be established and maintained collections of all rocks, minerals, ores, a drill core logs fossils and other naturally occurring mineral substances from the earth obtained or retained by him under these Regulations, and such collections shall be known as the Geological Survey

Collections.

Appointment of
Keeper of Archives
and Curator of
Collections

17.The Chief Executive Officer may appoint any geological survey officer as keeper of the geological survey archives or as the curator of the geological survey collections and may delegate the responsibility for such archives and collections to any geological survey officer so appointed.

Retention and
disposal of
specimens and
samples

18.The Chief Executive Officer may retain any specimen or sample submitted to him for identification or analysis and may at any time arrange for the disposal of such specimens or samples in any way he deems fit, except that such specimens and samples shall be returned to the person submitting them if a request to this effect is made at the time of submission.

**PART VI
FINANCIAL PROVISIONS**

Funds of GST

- 19.**-(1) The funds of GST shall consist of-
- (a) moneys appropriated by Parliament for purposes of GST;
 - (b) fees received pursuant to these regulations;
 - (c) grants received by GST; and

(d) any other moneys legally acquired and received by GST for the execution of its function.

(2) The funds of GST shall be used for payment of-

(a) salaries and allowances of staff members of GST;

(b) any other expenses incurred by GST in the execution of its functions.

Financial year

20. The financial year of GST shall be the period of one year ending on the 30th June.

Budget

21.-(1) The Chief Executive Officer shall, before the end of each financial year, prepare a budget for the following financial year showing estimates of its receipts and expenditure for the following year.

(2) The Chief Executive Officer shall, subject to sub-regulation (1), submit to the Minister the annual budget and every supplementary budget for approval.

Accounts and audit

22.-(1) The accounts of GST shall, at the end of each financial year, be audited by the Controller and Auditor-General.

(2) GST shall cause to be kept all proper books and audited records of accounts of the income, expenditure and assets of GST.

(3) Within a period of three months after the end of each financial year, the Board shall submit to the Controller and Auditor-General the accounts of GST

together with-

- (a) a statement of income and expenditure during the year; and
- (b) a statement of assets and liabilities of GST on the last day of that year.

PART VII

GENERAL PROVISIONS

Submission of information

23.- All mineral right holders shall, within thirty days from the date of publication of these Regulations submit to the Chief Executive Officer all geological information in the possession of such mineral right holders for verification.

General penalty

24. Any person who contravenes any provision of these Regulations or who fails to comply with any lawful direction, notice, condition or restriction imposed thereunder, commits an offence and shall on conviction be liable to a fine specified in section 129(6) of the Act.

Offences by bodies of persons and by servants and agents

25. Where an offence against these Regulations has been committed by a company, firm, society or other body of persons, any person who at the time of the commission of the offence was a director, manager, secretary or other similar officer or a partner of the company, firm, society or other body of persons or was purporting to act in such capacity shall be deemed guilty

of that offence unless it is proved that the offence was committed without his consent or connivance and that diligence was exercised to prevent the commission of such an offence as he ought to have exercised, having regards to the nature of functions in that capacity and to all the circumstances.

SCHEDULE

(Made under Regulation 4(3))

TENURE OF MEMBERS AND PROCEDURE OF THE BOARD

- Tenure of office **1.** The Chairman and a member of the Board shall hold office for a period not exceeding three years on such terms and conditions as may be specified in the instrument of appointment and may be eligible for re-appointment for one more term.
- Vacation of office **2.** A person who is member by virtue of his position may-
- (a) at any time resign from office by notice in writing to the Minister; or
 - (b) be removed from office by the Minister if the member-
 - (i) has been absent from three consecutive meetings of the Board without permission from the Chairman;
 - (ii) is adjudged bankrupt or enters into a composition scheme or arrangement with his creditors;
 - (iii) is convicted of an offence involving dishonesty, fraud or moral turpitude;
 - (iv) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings;
 - (v) is incapacitated by prolonged physical or mental illness; or
 - (vi) is otherwise unable to discharge his functions.
- Meetings **3.-(1)** The Board shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.
- (2)** The quorum of the meeting of the Board shall be half of the total number of members.
- (3)** The Chairman shall preside at every meeting of the Board, and in his absence, members present shall elect one among them to be the Chairman.
- (4)** Unless a unanimous decision is reached a decision on any matter

Mining (Geological Survey) Regulations

GN. No.6.(contd.)

before the Board shall be by a majority of votes of the members present and in the case of an equality of votes, the Chairman or the person presiding shall have a casting vote.

(5) Subject to subparagraph (3), no proceedings of the Board shall be invalid by reason only of a vacancy among members of the Board.

(6) Subject to subparagraph (2), the Board may determine its own procedure and the procedure for any committee of the Board.

Disclosure of interest

4.-(1) Where a member is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at a meeting of the Board at which the contract, proposed contract or other matter is the subject of consideration, he shall, before the opening of the meeting disclose the fact and shall not take part in the consideration or discussion of, or vote on any question with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

(2) A disclosure of interest made under subparagraph (1), shall be recorded in the minutes of the meeting at which it is made.

(3) Any member who fails to comply with subsection (1) or (2) shall be guilty of misconduct and shall be removed from the Board and liable for prosecution under the laws of Tanzania.

Common seal

5.-(1) The common seal of the Board shall be authenticated by the signatures of the Chairman and the Secretary on any document required by law to be made under seal.

(2) The decisions of the Board shall be authenticated by signatures of the Chairman and the Secretary.

(3) In the absence of either the Chairman or the Chief Executive Officer, the Board shall nominate one member to authenticate the seal of the Board on behalf of the Chairman or the Secretary.

Proceedings

6.-(1) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of GST by any person generally or specifically authorised by GST for that purpose.

(2) The Chairman and other members of the Board shall be paid fees or allowances as may be fixed by the Board with the approval of the Minister.

Minutes

7. The Board shall cause minutes of all proceedings of meetings of the Board to be entered in books kept for that purpose.

Dar es Salaam
9th January, 2018

ANGELLAH J. M. KAIRUKI
Minister for Minerals

GOVERNMENT NOTICE NO. 7 published on 10/01/2018

THE MINING ACT,
(CAP. 123)

REGULATIONS

(Made under Section 112)

THE MINING (AUDIT AND INSPECTION OF RECORDS) REGULATIONS, 2018

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2. Interpretation

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4. Alternative way to keep records
5. Access to records
6. Duration for keeping records

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19. Offence by Officers.
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THE MINING ACT,
(CAP. 123)

REGULATIONS

(Made under Section 112)

THE MINING (AUDIT AND INSPECTION OF RECORDS)
REGULATIONS, 2018

PART I

PRELIMINARY PROVISIONS

Citation and
Commencement

1. These Regulations may be cited as the Mining
(Audit and Inspection of Records) Regulations, 2018.

Interpretation

2. In these Regulations unless the context otherwise
requires:-

Cap. 123

"Act" means the Mining Act;

"audit standards" means standards issued by local and
international audit and accounting bodies applied by
the Commission in the conduct of its functions;

"authorized officer" means the Chief Inspector of Mines,
Resident Mines Officers, Mines Resident Officers,
Inspector of Mines and public officers appointed
pursuant to section 25 of the Act;

"Code of ethics and conduct" means a code of ethics and
conduct for the Public Service and shall include the
relevant Professional Codes of Ethics and Conduct in
respect of audit and inspection of mines developed

and adopted by the Commission;

“Commissioner” means Commissioner for Minerals appointed pursuant to section 20 of the Act,

“auditor” means a person duly authorized in terms of the Act to inspect mine records;

“licence” when used as a noun means, a mineral right and when used as a verb includes any associated licensing activities which include receiving, processing, and validating applications, and granting and issuing of mineral rights as defined under the Act;

“licensing activities” means activities as defined under the Act;

“mine operator” in relation to a mine, means the person who is in control directly or indirectly of the operations of the mine or a mineral right holder;

“Minister” means the Minister responsible for mining;

“mine records” means any records including books of accounts, vouchers, documents, maps, drilling logs or records related therewith;

“person” means an individual or an entity involved directly or indirectly in mining activities or mining operations.

PART II KEEPING OF RECORDS

Obligation to
keep records

3.-(1) Every mineral right holder shall keep and maintain records in respect of all mining activities or operations within the mining areas or at the mineral rights holder’s office located in Tanzania or as the Commission or an authorized officer determines whether or not such mineral rights holder is in compliance with the provisions of the Act.

(2) Records referred to under sub-regulation (1)

shall be kept longer after the date of the last entry was made for a period of five years or such other period as the Commission may determine.

(3) Records to be kept by the mineral right holder shall include:

- (a) books of accounts, documents, or records of any kind;
- (b) drilling logs;
- (c) maps;
- (d) vouchers;
- (e) all reports of, and findings and recommendations resulting from inspections, investigations, and audits carried out at the mine in line with Act;
- (f) a record of and reports about all serious accidents and high potential incidents that have happened at the mine;
- (g) all directives issued under the Act, to the operator and the operator's agents or representatives; and
- (h) any other reports or information that may be prescribed by the Commission.

Alternative way
to keep records

4.-(1) The mineral rights holder may decide how best the records shall be made and stored on the basis that any information contained is to be stored accurately, legibly and can be easily retrieved.

(2) For the purpose of these Regulations, when records are kept electronically, the system shall provide backup so that copies of records can be retrieved if they are inadvertently deleted or lost through software or hardware malfunction.

Access to records

5.-(1) The Commission or an authorized officer shall have unrestricted access to mineral rights holder's documents, computers and other information systems and assets as the Commission or an authorized officer reasonably considers necessary for the proper performance of functions, carrying out statutory responsibilities and the exercise of powers.

(2) The Commission or an authorized officer may, at all reasonable time, inspect and take copies of any mine records pursuant to the provisions of the Act, and these Regulations.

(3) The Commission or an authorized officer may retain any document produced by any mineral rights holder under these Regulations but such mineral rights holder shall be entitled to a certified copy of the document retained by the Commission or authorized officer.

Duration for keeping records

6. A person shall not destroy, deface or alter records for the period of the life of the mine or duration of the mining licence whichever period is longer.

PART III

AUDIT AND INSPECTION OF RECORDS

Notice of audit and inspection

7. Notice of the time and place appointed for the holding of audit and inspection shall be given to the mineral rights holder fourteen days before audit and inspection is undertaken.

Scope of audit and inspections

8. The Commission or an authorized officer shall determine the scope and extent of the audit and inspection of the mine records of each mineral rights holder in a manner desirable in carrying out responsibilities and functions specified under the Act.

Production of records for audit and inspection

9.-(1) Mineral rights holder shall produce records which, in the opinion of the Commission or authorized officer, are required to enable proper assessment of the mining activities or operations in accordance with section 101(1) of the Act.

(2) The Commission or an authorized officer may require attendance and presentation from all persons as is necessary for proper conduct of audit and inspection of such records.

Mode of audit and inspection and duration

10.-(1) Audit and inspection of records shall commence after the meeting between Commission or authorized officer and mineral right holder whereby the Commission or authorized officer shall cause the minutes of the meeting to be kept and attached in inspection report.

(2) Audit and inspection of records shall commence and be concluded within thirty days except where there is reasonable cause to extend the time, the maximum time which shall not exceed the maximum of sixty days.

Communication of audit and inspection results

11. The Commission or authorized officer shall prepare an audit and inspection report and disseminate the report to the mineral rights holder and submit a copy of the report to the Minister.

Circumstance where queries arise during audit and inspection

12.-(1) Where audit and inspection by the Commission or authorized officer raises questions, the mineral rights holder shall be required to reply to each of the questions within thirty days after issuance of the audit and inspection report.

(2) Failure to reply to the questions raised within the time specified, the Commission may require the mineral rights holder to show cause as to why the

Commission should not make an order to revoke or suspend the licence.

Investigation where breach of the provisions in respect of records arise

13. Where the Commission or authorized officer has reason to believe that a mineral right holder has violated the provision of the Act it shall make such investigations as is necessary and may examine such other persons and compel the production of any other addition evidence to establish non-compliance of the Act.

Obligation of the officers

14. For the purpose of auditing and inspection by the the Commission or authorized officer:-

- (a) in handling audit and inspection matters an officer shall not take part in the audit and inspection if he has an interest in the mineral right holder or mine operator or the matters thereon.
- (b) shall not divulge any information which relates to the business secrets of the mineral rights holder which comes to theirs knowledge in the course of audit and inspection.
- (c) shall observe the professional code of ethics and conduct under Regulation 14.

Audit and Inspection Standards and Code of Ethics

15.-(1) The Commission or an authorized officer shall, in discharging functions and responsibilities, determine which auditing and inspection standards be applied and may issue auditing and inspection standards to be applied for audit and inspection performed by the Commission or an authorized officer.

(2) Pursuant to sub-regulation (1), the Commission or an authorized officer may be guided by international auditing and inspection standards and code of ethics and conducts or other auditing and inspection standards as may deemed fit.

PART IV

GENERAL PROVISIONS

Offences and penalties

16.-(1) A person shall not:

- (a) refuse or fail to comply with a requirement stipulated under Regulation 7 to the extent of being unable of complying with it;
- (b) in purported compliance with such a requirement, knowingly furnish information that is false or misleading in any material particular;
- (c) when responding to any question from the Commission or any other person in accordance with such requirements, knowingly make a statement or produce a document that is false or misleading in material particular;
- (d) when making available books or documents in accordance with such a requirement, knowingly make available a book or document that is false or misleading in material particular;
- (e) make or cause to be made any declaration, certificate, or other document, which is false or incorrect in any particular;
- (f) when required in accordance with the Act or these Regulations to answer any question put to him or her by an officer, refuse to answer such question or make any false or incorrect statement in reply to the question; or
- (g) without written consent of the Commission, publish or disclose information obtained in the cause of an audit and inspection to any person other than in the cause of work or when required to do so by a court of law.

(2) Any person who commits an act or omission in contravention of sub-regulation (1) commits an offence and shall be liable on conviction to a fine not exceeding fifty million shillings or to imprisonment for a term not

exceeding twelve months or to both.

(3) Where a person who commits an offence is a body corporate, that person shall be liable to fine of not less than fifty million shillings but not more than one hundred fifty million shillings.

Obstruct or resist Commission or an authorized officer from exercising his duties under this regulations

17. Any person who obstructs or resists the Commission or authorized officer in the exercise of powers of access, or power to call for relevant information, commits an offence and on conviction liable to a fine not exceeding six five million shillings or to imprisonment for a term not exceeding twelve months or to both.

Powers of the Commission to Compound Offence

18.-(1) The Commission may compel or order the production of any document relevant to the audit and inspection or recall any document for audit and inspection.

(2) Where the Commission makes any order under sub-regulation (1):

- (a) the order shall be put into writing and attached to it the request of the person to the Commission to deal with the matter; or
- (b) a copy of the order shall be given to the person who requests.

(3) Where the mineral rights holder fail to implement the order issued under sub-regulation (2) the Commission may cause the licence to be suspended or cancelled.

Offence by the Officer

19.-(1) Any staff of the Commission or an authorized officer, an auditor or inspector and an expert acting on behalf of the Commission or an authorized officer commits an offence who:-

- (a) demands or takes bribe, recompense or reward for the neglect or non-performance of duty;
- (b) willfully fails to report to the Commission or an authorized officer any abuse or irregularity that

comes to his notice in the course of auditing and inspection duties;

- (c) makes any report to the Commission or an authorized officer which he knows to be false or has no reason to believe it to be true; or
- (d) abuses his powers, engages in malpractices for personal gains, neglects duties or divulge state's or mineral rights holders business secrets.

(2) Any person convicted of an offence under these Regulations shall, in addition of other disciplinary penalty that may be taken against such person, be liable to a fine not exceeding fifty million shillings or to imprisonment for a term not exceeding two years or to both.

Duty to furnish information to other Government bodies

20. For purposes of the audit and inspection functions by the Commission or an authorized officer, any information of material facts that are deemed to have the risk of loss of revenue that prevails outside the jurisdiction of the Commission shall be addressed to the responsible office having jurisdiction for prevention of the loss of Government revenue including but not limited to the Tanzania Revenue Authority, National Environment Management Council, Tanzania Extractive and Transparency Initiatives Committee and any other body concerned.

Dar es Salaam
9th January, 2018

ANGELLAH J. M. KAIRUKI,
Minister for Minerals

GOVERNMENT NOTICE NO. 8 published on 10/01/2017

THE EXECUTIVE AGENCY ACT,

(CAP.245)

ORDER

(Made under 36 (1))

THE EXECUTIVE AGENCY (TANZANIA MINERAL AUDIT
AGENCY)(DISESTABLISHMENT) ORDER, 2018

<i>Paragraph</i>	<i>Title</i>
1.	Citation
2.	Interpretation
3.	Disestablishment of Agency
4.	Transfer of functions and powers
5.	Transfer of properties, assets and liabilities
6.	Transfer of officer and employee
7.	Pension and terminal benefits
8.	Revocation

THE EXECUTIVE AGENCY ACT,

(CAP.245)

ORDER

(Made under 36 (1))

THE EXECUTIVE AGENCY (TANZANIA MINERAL AUDIT
AGENCY)(DISESTABLISHMENT) ORDER, 2018

Citation	1. This Order may be cited as the Executive Agency (Tanzania Mineral Audit Agency) (Disestablishment) Order, 2018.
Interpretation GN. No. 362 of 2009	2. In this Order, unless the context otherwise requires- “Agency” means Tanzania Mineral Audit Agency established under the Executive Agency (Tanzania Mineral Audit Agency) (Establishment) Order, 2009; “Board” means the Tanzania Mineral Audit Agency Advisory Board established pursuant to the Executive Agency (Tanzania Mineral Audit Agency) Establishment Order;
Cap. 123	“Commission” means the Mining Commission established by section 21 of the Mining Act;
GN.No.362 of 2009	“employees” means employees of the Tanzania Mineral Audit Agency.
Disestablishment of Agency	3.-(1) The Agency is hereby disestablished. (2) Consequent upon disestablishment of the Agency, the Board is hereby dissolved.
Transfer of functions and powers	4. All functions under the Tanzania Mineral Audit Agency performed by the Agency, subject to section 21 of the Mining Act, are hereby transferred and shall be performed by the

Commission.

Transfer of properties, assets and liabilities 5.-(1) All properties and assets in form of movable and immovable and any interests of the Agency shall stand transferred to the Commission.

(2) All liabilities subsisting or arising from any act or omission by the Agency or Commission are hereby transferred to the Commission.

(3) For the purpose of sub-paragraph (2), any suit or charge subsisting or pending in any court of law or tribunal and any charge instituted by or on behalf of the Agency, there shall be substituted in lieu thereof the name of the Commission and any damages or reliefs or any penalty arising thereby shall be payable to, or paid by or imposed on the Commission, consequent upon disestablishment of the Agency and dissolution of the Board.

Transfer of officer and employees 6.-(1) Consequent upon disestablishment of the Agency, all officers and employees of the Authority shall, from the date of publication of this Order, be deemed to have been transferred to the Commission.

(2) For the purpose of sub-paragraph (1), the President's Office, Public Service Management shall allocate to public office all officers and other employees transferred to the Commission so that any officer or employee who may not be required or whose career cadre is not required subsequent to such transfer from the Agency.

Pension and terminal benefits 7.-(1) Pension and other terminal benefits payable to any officer or any other employee transferred to the Commission or to such other public office shall continue to be paid by respective schemes to which each of such officer or employee was a member or beneficiary and Government contribution to such pension or terminal benefits schemes in respect of each of such officer and employee shall continue.

(2) For purpose of sub-paragraph (1), the period during which an officer or employee served with the Agency shall be deemed as the period added to the period which the officer or

employee served with the Commission or such other public office for the purpose of determining a period of reckonable service required under the laws governing pension or terminal benefit scheme to which such officer or employee is a member or beneficiary.

Revocation
GN No.
362 of 2009

8. The Executive Agency (Tanzania Mineral Audit Agency)(Establishment), Order, 2009 is hereby revoked.

BY COMMAND OF THE PRESIDENT

Dar es Salaam
10th January, 2018

JOHN W.H. KIJAZI
Chief Secretary

GOVERNMENT NOTICE NO. 9 published on 10/01/2018

THE EXECUTIVE AGENCY ACT,

(CAP 245)

ORDER

(Made under section 36 (1))

THE EXECUTIVE AGENCY (GEOLOGICAL SURVEY AGENCY)
(DISESTABLISHMENT) ORDER, 2018

<i>Paragraph</i>	<i>Title</i>
1.	Citation
2.	Interpretation
3.	Disestablishment of Agency and Board
4.	Transfer of functions and powers
5.	Transfer of properties, assets and liabilities
6.	Transfer of officers and employees
7.	Pension and terminal benefits
8.	Revocation

THE EXECUTIVE AGENCY ACT,

(CAP 245)

ORDER

(Made under section 36 (1))

THE EXECUTIVE AGENCY (GEOLOGICAL SURVEY AGENCY)
(DISESTABLISHMENT) ORDER, 2018

Citation	1. This Order may be cited as the Executive Agency (Geological Survey Agency) (Disestablishment) Order, 2018.
Interpretation GN. No. 418 of 2005	2. In this Order, unless the context otherwise requires- “Agency” means the Geological Survey Agency established under the Executive Agency (Geological Survey Agency)(Establishment) Order, 2005;
Cap. 123	“Geological Survey of Tanzania” means the Geological Survey of Tanzania established by section 27A of the Mining Act; “employees” means employees of the Geological Survey of Tanzania.
Disestablishment of Agency and Board	3.-(1) The Agency is hereby disestablished. (2) Consequent upon disestablishment of the Agency, the Ministerial Advisory Board of Geological Survey Agency is disestablished.
Transfer of functions and powers	4. All functions hitherto performed by the Agency are, subject to section 27A of the Mining Act, transferred and shall be performed by the Geological Survey of Tanzania as re-establishment under the Act.

Transfer of properties, assets and liabilities 5.-(1) All properties and assets in form of movable and immovable and any interests of the Agency shall stand transferred to the Geological Survey of Tanzania.

(2) All liabilities subsisting or arising from any act or omission by the Agency are hereby transferred to the Geological Survey of Tanzania.

(3) For the purpose of sub-paragraph (2), any suit or charge subsisting or pending in any court of law or tribunal and any charge instituted by or on behalf of the Agency, there shall be substituted in lieu thereof the name of the Geological Survey of Tanzania and any damages or reliefs or any penalty arising thereby shall be payable to, or paid by or imposed on the Geological Survey of Tanzania, consequent upon disestablishment of the Agency.

Transfer of officer and employees 6. Consequent upon disestablishment of the Agency, all officers and employees of the Authority shall, from the date of publication of this Order, be deemed to have been transferred to the Geological Survey of Tanzania.

Pension and terminal benefits 7.-(1) Pensions and other terminal benefits payable to any officer or any other employee transferred to the Geological Survey of Tanzania or other public office shall continue to be paid by respective schemes to which each of such officer or employee was a member or beneficiary and Government contribution to such pension or terminal benefits schemes in respect of each of such officer or employee shall continue.

(2) For purpose of sub-paragraph (1), the period during which an officer or employee served with the Agency shall be deemed as the period added to the period which the officer or employee served with the Geological Survey of Tanzania or such other public office for the purpose of determining a period of reckonable service required under the laws governing pension or terminal benefit scheme to which such officer or employee is a member or beneficiary.

Revocation
GN No.
418 of 2005

8. The Executive Agency (Geological Survey Agency)
(Establishment) Order,2005 is hereby revoked.

BY COMMAND OF THE PRESIDENT

Dar es Salaam,
10th January, 2018

JOHN W.H. KIJAZI
Chief Secretary