

MINING REGULATIONS

January 2018, Government Gazette

Acting under the powers conferred to her under section 112 of the Mining Act, 2010 as amended by the Written Laws (Miscellaneous Amendments) Act, (Act No.7 of 2017), the Minister responsible of mining in Tanzania Mainland made regulations which were published on the Government Gazette on January 10, 2018. The regulations made, and gazetted were:

The Mining (Minerals Rights) Regulations (Regulations)

- These Regulations cover issues of application of mineral rights, renewal, primary mining licenses, size of mining areas, mining expenditure etc.
- These Regulations revoke the Mining (Minerals Rights Regulations of 2010).

The Mining (Minerals and Mineral Concentrates Trading) Regulations (Regulations)

- The Regulations cater for dealing in minerals and minerals concentrates, registration and storage of minerals, application for dealer and broker license and general provisions.
- The Regulations revoke GN. No. 406 of 2010 of the Mining (Minerals Trading) Regulations, 2010.

The Mining (Local Content) Regulations (Regulations) made under sections 102 and 112

- The Regulations have administrative provisions, local content plan, employment and training sub-plan and succession plan, programme for research and research development plan and sub-plan, technology transfer programme and reports, local insurance services content, legal services content, financial service content, local content performance reporting, data and information on local content, monitoring compliance and enforcement, and final provisions on offence, and complaints to Minister and transitional provisions.
- These are entirely new Regulations following amendments to the Mining in 2017 Act in line with the Government of Tanzania's policy to make the mining sector benefit more Tanzanian citizens.

The Mining (Radioactive Minerals) Regulations (Regulations) made under sections 108 (5) and 112.

- These Regulations apply to mining activities in relation to exploration, mining processing, tailing, storage, transportation, acquisition, disposal and exportation of radioactive minerals. The Regulations aim at enhancing radiological safety, security and environmental protection. The Regulations repeal and replace the Mining (Radioactive Minerals) Regulations, 2010 as gazetted under GN N0. 407 of 2010.

The Mining (Mineral Beneficiation) Regulations (Regulations) made under sections 60, 61 and 112.

- The Regulations provide for mode of application for licenses for processing and smelting or refining, treatment of the fees which are said to be non-refundable. They further provide for manner of display of a license, rights of holders of processing, smelting or refining licenses, obligations of these license holders, renewal, suspension or cancellation of these licenses and processing, smelting and or refining record register.
- Finally, the Regulations revoke the Mining (Mineral Beneficiation) Resolution of 2010 as gazetted by GN. No. 404 of 2010.

The Mining (Geological Survey) Regulations (Regulations).

- These Regulations apply to matters of administration i.e. establishment of the Board, functions, appointment, powers and duties of officers, authority for geological survey and powers of the geological survey officers, general obligations on geological survey, geological survey archives and collections, source of funds of the Geological Survey Trust (GST), and general provisions.
- These are new Regulations that have not been made before. They were made under section 112.

The Mining (Audit and Inspection of Records) Regulations (Regulations) made under section 112.

- The Regulations are on records keeping, audit and inspection of these records, and other matters incidental to these requirements.

This article was prepared Adv. Burure Ngocho from IMMMA Advocates. The contents herein are a basic overview and should not be relied upon without seeking specific legal advice. For more information please contact the author Senior Associate Burure Ngocho on ngocho@immma.co.tz or our Managing Partner Sadock Magai on magai@immma.co.tz.



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