

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

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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:

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(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