

GOVERNMENT NOTICE No. 937 Published On. 23/10/2020

THE MINING ACT,
(CAP. 123)

REGULATIONS

(Made under Sections 129)

THE MINING (MINERAL RIGHTS) (AMENDMENT) REGULATIONS, 2020

Citation
GN No.
1 of 2018

1. These Regulations may be cited as the Mining (Mineral Rights) (Amendment) Regulations, 2020 and shall be read as one with the Mining (Mineral Rights) Regulations, 2018, hereinafter referred to as the “principal Regulations”.

Amendment of
Regulation 3(2)

2. The principal Regulations are amended in Regulation 3(2) by adding the words “and mining licence and special mining licence shall be granted in Form No. MRF. 13 Form and No.MRF 14” respectively after the word “MRF 12”.

Amendment of
Schedule

3. The principal Regulations are amended in the Schedule by inserting “Form MRF 13 and MRF 14” immediately after “Form MRF 12”.

THE MINING ACT, CAP. 123

MINING LICENCE

WHEREAS, M/Sof P.O. Box....., Tanzania who was in possession of Prospecting Licence/ Primary Mining Licence/ Amalgamation Certificate No.....has undertaken feasibility study over the licence area described in Part A in compliance with matters stipulated in Part B and has satisfied the conditions of grant of a Mining Licence pursuant to Section 49 (2) of the Mining Act, Cap. 123;

AND WHEREAS, the applicant further undertakes to strictly observe the mining laws, in particular but not limited to the recognition that all mineral data and exploration information over the Licence area is the property of the United Republic of Tanzania and must be submitted to the Geological Survey of Tanzania in accordance with section 27F of the Mining Act;

AND WHEREAS, the licence holder agrees that by grant of this Mining Licence, the licensee shall become a strategic partner to the Government which shall have not less than 16% of the capital of the entity established to carry out mining activities over the licence area in the form of non-dilutable free carried interest in accordance with section 10 of the Mining Act;

NOW THEREFORE, I.....Executive Secretary, Mining Commission, subject to the provisions of the Mining Act, Cap. 123 and of the regulations made thereunder now in force, or which may come into force during the continuance of this licence, or any renewal thereof and pursuant to the powers conferred upon me under section 50 of the Mining Act, Cap. 123 hereby grant to M/S..... (hereinafter called the "Licensee") a Mining Licence, atarea inDistrict, conferring on the licensee the exclusive right to search for, mine, dig, mill, process, refine, transport, use and or marketor other minerals found to occur in association with that mineral, in and vertically under the Mining Licence Area and execute such other works as are necessary for that purpose.

This Mining Licence, unless sooner cancelled, suspended or surrendered pursuant to the provisions of the Mining Act, Cap. 123 shall be valid for a period of up to (....) years, effective from the date of grant subject to terms and conditions set out under Parts A,B and C annexed to this Mining Licence .

Granted this..... day of..... 20.....

.....
EXECUTIVE SECRETARY

PART A

DESCRIPTION OF THE MINING LICENCE AREA

1. The Area which is, and in respect therewith this Mining Licence apply is atarea within geographical District of..... inRegion, QDS.....defined by the following corner coordinates (Arc 1960) with an approximate area of SquareKilometres:

Corner	Latitude	Longitude
1		
2		
3		
4		
5		
6		

2. The Area of Land as presented by Sketch Map Drawing:

3. Description of minerals deposits:
 - a. Type of minerals;
 - b. Estimated quantity;
 - c. Average mineral grade;
 - d. Estimated recovery rate of ore; and
 - e. Proposal for treatment and disposal.

PART B

FEASIBILITY STUDY

1. The applicant for Mining Licence shall attach a copy of report on the feasibility study containing a technical report providing summary of material scientific and technical information concerning mineral exploration, development, and production activities on a mineral property that is material to the application.
2. The feasibility study shall briefly summarize important information in the technical report, including property/mine description and ownership, geological and mineralization, the status of exploration, development and operations, mineral resource and mineral reserve estimates, and the conclusions and recommendations by Competent Person in field of geosciences.
3. The feasibility study shall contain a summary statement and an extract of the financial model with financial indicators to demonstrate economic viability of the

project including Net Present Value, Internal Rate of Return and Pay Back Period to demonstrate economic viability of a planned Life of the Mining Project.

PART C
CONDITIONS OF THE MINING LICENCE

Article 1
TENURE OF MINING LICENCE

1. This Mining Licence shall remain valid for a maximum period of ten (10) years from the date of issue unless it is sooner cancelled, suspended or surrendered in accordance with the law.
2. The Mining Licence shall cease to subsist if the holder of the licence ceases mining operations or abandons the area where mining operations are undertaken without prior permission of the Mining Commission.
3. Renewal of the Mining Licence shall be subject to the conditions stipulated under section 53 of the Mining Act.

Article 2
MINE DEVELOPMENT AND PRODUCTION

1. Before commencement of mining operations, the holder of Mining Licence shall ensure the proposed plan for relocation, resettlement and payment of compensation to people within the Area where mining operations will be undertaken is implemented in accordance with the provisions of the Land Act, Cap. 113, or the Village Land Act, Cap. 114, as the case may be.
2. Before carrying out any work or activity within the Area where mining operations will be undertaken the holder of Mining Licence, contractor or subcontractor shall set up a project office within the Area of Land in the District where then mining project is located.
3. The holder of the Mining Licence, contractor or subcontractor shall commence development work on the mine within three calendar months from the date of grant of the Mining Licence or such further period as may be determined by the Mining Commission on the basis of plans, general designs for the mine and related facilities as well as other ancillary operations consistent with the approved Mining Plan;
4. The holder of the Mining Licence, contractor or subcontractor shall commence regular production from the mine within eighteen calendar months from the date of grant of the Mining Licence or within such further period as may be determined by the Mining Commission.

Article 3
METHOD OF OPERATIONS

1. The holder of the Mining Licence shall carry out the programme of mining operations in accordance with Mining Plan approved by the Mining Commission as may be amended and satisfy obligations under the Mining Licence and take full responsibility and assume attendant risks.
2. The holder of the Mining Licence, contractor or subcontractor shall take all reasonable measures necessary to secure the safety, health and welfare of persons engaged in the mining operations in or about the Area to which the Mining Licence apply and ensure safety of properties in accordance with the governing laws.
3. The holder of Mining Licence, contractor or subcontractor shall, in respect of the mine, take all measures necessary to avert occurrence of accidents whether accidental or premeditated and to observe and satisfy safety conditions stipulated under the Occupational Safety and Health Act, Cap. 424

Article 4
FINANCING ARRANGEMENTS

1. The holder of Mining Licence, contractor or subcontractor shall ensure that the financing of mine development and mining operations shall be arranged in a manner that is not inimical to Government interests or which seeks to diminish the Government's share of economic benefits from the mining activities.
2. The holder of Mining Licence, contractor or subcontractor shall hold all monies intended to finance mine development or mining operations in bank accounts held with banks in the United Republic of Tanzania,
3. The holder of Mining Licence, contractor or subcontractor shall keep all earning or proceeds from mining activities carried out in the licensed area and from the sale of minerals produced under the Mining Licence in bank accounts held with banks in the United Republic of Tanzania.

Article 5
BENEFICIATION OF MINERALS

1. The holder of Mining Licence, contractor or subcontractor shall undertake in-country mineral beneficiation before exportation of any such minerals.
2. The holder of Mining Licence shall not export any raw minerals except where the Mining Commission grants special permission on account of absence of in-country beneficiation facilities and on such conditions as may be prescribed.
3. The holder of Mining Licence shall primarily seek to sell raw minerals in established in-country Mineral and Gem Houses.

Article 6
ENVIRONMENTAL MANAGEMENT

1. The holder of Mining Licence and any other person who exercise powers or perform functions or carries duties in relation therewith shall be under statutory obligation to comply with the Environmental Management Plan approved by the National Environment Management Council (NEMC) as well as environmental principles and safeguards prescribed under the Environmental Management Act, Cap. 191 and other relevant laws.
2. The holder of Mining Licence, contractor or subcontractor shall ensure that management of production, transportation, storage, treatment and disposal of waste arising out of mining operations is carried out in accordance with environmental principles and safeguards prescribed by the Environmental Management Act.
3. The holder of Mining Licence, contractor or subcontractor may, for the purpose of paragraph 2 of this Article, contract a separate competent entity to manage transportation, storage, treatment or disposal of waste arising out of mining operations.
4. The holder of Mining Licence, contractor or subcontractor shall ensure that regular environment audit, monitoring and evaluation are carried out to avert environmental spoil, degradation and hazardous substances which are or may be harmful to human being and, or environment.
5. The holder of Mining Licence, contractor or subcontractor shall develop and adopt Mine Closure and Rehabilitation Plans of the Area where mining operations are carried out.

Article 7
LOCAL CONTENT PLAN

1. The holder of Mining Licence, contractor, subcontractor, corporation or other allied entity carrying out mining activities shall ensure that Local Content Plan is developed and implemented in accordance with the requirement of Part VIII of the Mining Act as further detailed under the Mining (Local Content) Regulations, 2018 and the Mining Commission (Guidelines for Submission of Local Content Plan) 2018.
2. For purposes of paragraph 1 of this Article, the holder of Mining Licence, contractor, subcontractor, corporation or other allied entity are required to make a declaration of adherence to local content requirements in the form set out in the Mining Commission (Guidelines for Submission of Local Content Plan) 2018.
3. The holder of Mining Licence, contractor or subcontractor shall submit local content plan to the Mining Commission substantially in the form set out in the Mining Commission (Guidelines for Submission of Local Content Plan) 2018.

Article 8
CORPORATE SOCIAL RESPONSIBILITY

1. The holder of Mining Licence shall, on annual basis, prepare a credible Social Responsibility Plan jointly agreed by the relevant local government authority or local government authorities upon consultation with the Minister responsible for local governments and the Minister responsible for finance.
2. The holder of Mining Licence shall ensure that the Corporate Social Responsibility Plan prepared is congruent and responsive to guidelines for corporate social responsibility developed by the relevant local government authority in terms of section 105(4) of the Mining Act and make a declaration specified under the Schedule to the Mining Commission (Guidelines for Submission of Local Content Plan) 2018.

Article 9
INTEGRITY PLEDGE

1. The holder of Mining Licence shall undertake to comply with the Statement of Integrity Pledge in accordance with Part VIII of the Mining Act and the Mining (Integrity Pledge) Regulations, 2018.
2. The Statement of Integrity Pledge referred in paragraph 1 of this Article shall be in the form specified under the Schedule to the Mining (Integrity Pledge) Regulations, 2018.

THE MINING ACT, CAP. 123

SPECIAL MINING LICENCE

WHEREAS, M/Sof P.O. Box....., Tanzania who was in possession of Prospecting Licence No..... has undertaken feasibility study over the licence area described in Part A and has satisfied the conditions of grant of a Special Mining Licence pursuant to Section 41 of the Mining Act, Cap. 123;

AND WHEREAS, the applicant further undertakes to strictly observe the mining laws, in particular but not limited to the recognition that all mineral data and exploration information over the Licence area is the property of the United Republic of Tanzania and must be submitted to the Geological Survey of Tanzania in accordance with section 27F of the Mining Act;

AND WHEREAS the applicant agrees that by grant of this Special Mining Licence, the licensee shall become a strategic partner to the Government which shall have not less than 16% of the capital of the entity established to carry out mining activities over the licence area in the form of non-dilutable free carried interest in accordance with section 10 of the Mining Act;

AND WHEREAS, section 42 of the Mining Act vests powers unto the Mining Commission to grant Special Mining Licence after approval of the Cabinet;

NOW THEREFORE, I.....Executive Secretary, Mining Commission, subject to the provisions of the Mining Act, Cap. 123 and of the regulations made there under now in force, or which may come into force during the continuance of this licence, or any renewal thereof and pursuant to the powers conferred upon me under Section 42 of the Mining Act, Cap. 123 hereby grant to M/S..... (hereinafter called the "Licensee") a Special Mining Licence, atarea inDistrict, conferring on the licensee the exclusive right to search for, mine, dig, mill, process, refine, transport, use and or marketor other minerals found to occur in association with that mineral, in and vertically under the Special Mining Licence Area and execute such other works as are necessary for that purpose.

This Special Mining Licence, unless sooner cancelled, suspended or surrendered pursuant to the provisions of the Mining Act, Cap. 123, shall be valid for a period of up to (....) years, effective from the date of grant subject to terms and conditions set out under Parts A,B and C annexed to this Special Mining Licence.

Granted this..... day of..... 20.....

.....
EXECUTIVE SECRETARY

PART A
DESCRIPTION OF THE SPECIAL MINING LICENCE AREA

1. The Area which is, and in respect therewith this Special Mining Licence apply is atarea within geographical District of.....inRegion, QDS..... defined by the following corner coordinates (Arc 1960) with an approximate area of Square Kilometres:

Corner	Latitude	Longitude
1		
2		
3		
4		
5		
6		

2. Area of Land as presented by Sketch Map Drawing

3. Description of minerals deposits:
 - a. Type of minerals;
 - b. Estimated quantity;
 - c. Average mineral grade;
 - d. Estimated recovery rate of ore; and
 - e. Proposal for treatment and disposal.

PART B
FEASIBILITY STUDY

4. The applicant of Mining Licence shall attach a copy of report on the feasibility study containing a technical report providing summary of material scientific and technical information concerning mineral exploration, development, and production activities on a mineral property that is material to the application.
5. The feasibility study shall briefly summarize important information in the technical report, including property/mine description and ownership, geological and mineralization, the status of exploration, development and operations, mineral

resource and mineral reserve estimates, and the conclusions and recommendations by Competent Person in field of geosciences.

6. The feasibility study shall contain a summary statement and an extract of the financial model with financial indicators to demonstrate economic viability of the project including Net Present Value, Internal Rate of Return and Pay Back Period to demonstrate economic viability of a planned Life of the Mining Project.

PART C
CONDITIONS OF THE SPECIAL MINING LICENCE

Article 1
TENURE OF SPECIAL MINING LICENCE

1. This Special Mining Licence shall remain valid for a period of the esteemed life of the ore body indicated in the feasibility study report or such period as the applicant may request unless it is sooner cancelled, suspended or surrendered in accordance with the law.
2. The Special Mining Licence shall cease to subsist if the Holder of the Licence ceases mining operations or abandons the Area where mining operations are undertaken without prior permission of the Mining Commission.
3. Renewal of the Special Mining Licence shall be subject to conditions stipulated under section 45 of the Mining Act.

Article 2
MINE DEVELOPMENT AND PRODUCTION

1. Before commencement of mining operations, the holder of Special Mining Licence shall ensure the proposed plan for relocation, resettlement and payment of compensation to people within the Area where mining operations will be undertaken is implemented in accordance with the provisions of the Land Act, Cap. 113, or the Village Land Act, Cap. 114, as the case may be.
2. Before carrying out any work or activity within the Area where mining operations will be undertaken the holder of Special Mining Licence, contractor or subcontractor shall set up a project office within the Area of Land in the District where then mining project is located.
3. The holder of the Special Mining Licence, contractor or subcontractor shall commence mining activities within eighteen calendar months from the date of grant of the Mining Licence or such further period as may be determined by the Mining Commission on the basis of plans, general designs for the mine and related facilities as well as other ancillary operations consistent with the approved Mining Plan.

Article 3
METHOD OF OPERATIONS

1. The holder of the Special Mining Licence shall carry out the programme of mining operations in accordance with the programme of mining operations approved by the Mining Commission as may be amended and satisfy obligations under the Special Mining Licence and take full responsibility and assume attendant risks.

2. The holder of a Special Mining Licence, contractor or subcontractor shall take all reasonable measures necessary to secure the safety, health and welfare of persons engaged in the mining operations in or about the Area to which the mining licence apply and ensure safety of properties in accordance with the governing laws.
3. The holder of a Special Mining Licence, contractor or subcontractor shall, in respect of the mine, take all measures necessary to avert occurrence of accidents whether accidental or premeditated and to observe and satisfy safety conditions stipulated under the Occupational Safety and Health Act, Cap. 424

Article 4

FINANCING ARRANGEMENTS

1. The holder of a Special Mining Licence, contractor or subcontractor shall ensure that the financing of mine development and mining operations shall be arranged in a manner that is not inimical to Government interests or which seeks to diminish the Government's share of economic benefits from the mining activities.
2. The holder of a Special Mining Licence, contractor or subcontractor shall hold all monies intended to finance mine development or mining operations in bank accounts held with banks in the United Republic of Tanzania,
3. The holder of a Special Mining Licence, contractor or subcontractor shall keep all earnings or proceeds from mining activities carried out at the Licence Area and from the sale of minerals produced under the Special Mining Licence in bank accounts held with banks in the United Republic of Tanzania.

Article 5

BENEFICIATION OF MINERALS

1. The holder of a Special Mining Licence, contractor or subcontractor shall, where beneficiation facilities for the minerals produced under the Special Mining Licence do not yet exist in the United Republic of Tanzania, submit plans for the establishment of such mineral beneficiation facilities in Tanzania.
2. The holder of a Special Mining Licence, contractor or subcontractor shall undertake in-country mineral beneficiation before exportation of any such minerals.

Article 6

ENVIRONMENTAL MANAGEMENT

1. The holder of a Special Mining Licence and any other person who exercise powers or perform functions or carries duties in relation therewith shall be under statutory obligation to comply with the Environmental Management Plan approved by the National Environment Management Council as well as environmental principles

and safeguards prescribed under the Environmental Management Act, Cap. 191, and other relevant laws.

2. The holder of a Special Mining Licence, contractor or subcontractor shall ensure that management of production, transportation, storage, treatment and disposal of waste arising out of mining operations is carried out in accordance with environmental principles and safeguards prescribed by the Environmental Management Act.
3. The holder of a Special Mining Licence, contractor or subcontractor may, for the purpose of paragraph 2 of this Article, contract a separate competent entity to manage transportation, storage, treatment or disposal of waste arising out of mining operations.
4. The holder of a Special Mining Licence, contractor or subcontractor shall ensure that regular environmental audit, monitoring and evaluation are carried out to avert environmental spoil, degradation and hazardous substances which are or may be harmful to human being and, or environment.
5. The holder of a Special Mining Licence, contractor or subcontractor shall develop and adopt Mine Closure and Rehabilitation Plans of the Area where mining operations are carried out.

Article 7

LOCAL CONTENT PLAN

1. The holder of a Special Mining Licence, contractor or subcontractor carrying out mining activities shall ensure that Local Content Plan is developed and implemented in accordance with the requirement of Part VIII of the Mining Act as further detailed under the Mining (Local Content) Regulations, 2018 and the Mining Commission (Guidelines for Submission of Local Content Plan) 2018.
2. For purposes of paragraph 1 of this Article, the holder of a Special Mining Licence, contractor, subcontractor and other allied entity are required to make a declaration of adherence to local content requirements in the form set out in the Mining Commission (Guidelines for Submission of Local Content Plan) 2018.
3. The holder of Special Mining Licence, contractor or subcontractor shall submit any proposed local content plans to the Mining Commission substantially in the form set out in the Mining Commission (Guidelines for Submission of Local Content Plan)

Article 8

CORPORATE SOCIAL RESPONSIBILITY

1. The holder of a Special Mining Licence shall, on annual basis, prepare a credible Social Responsibility Plan jointly agreed by the relevant local government authority or local government authorities upon consultation with the Minister responsible for local governments and the Minister responsible for finance.

2. The holder of a Special Mining Licence shall ensure that the Corporate Social Responsibility Plan prepared is congruent and responsive to guidelines for corporate social responsibility developed by the relevant local government authority in terms of section 105(4) of the Mining Act and make a declaration specified under the Schedule to the Mining Commission (Guidelines for Submission of Local Content Plan) 2018.

Article 9

INTEGRITY PLEDGE

1. The holder of Special Mining Licence shall undertake to comply with the Statement of Integrity Pledge in accordance with Part VIII of the Mining Act and the Mining (Integrity Pledge) Regulations, 2018.
2. The Statement of Integrity Pledge referred in paragraph 1 of this Article shall be in the form specified under the Mining (Integrity Pledge) Regulations, 2018.

Dodoma
15th Oktober, 2020

DOTO MASHAKA BITEKO
Minister for Minerals