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THE MINING ACT

(No. 2 of 2016)

THE MINING (DEALINGS IN MINERALS) REGULATIONS, 2017

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SCHEDULES

## THE MINING ACT

(No. 2 of 2016)

IN EXERCISE of the powers conferred by sections 100 and 223(1) of the Mining Act, 2016, the Cabinet Secretary for Mining makes the following Regulations—

## THE MINING (DEALINGS IN MINERALS) REGULATIONS, 2017

1. These Regulations may be cited as the Mining (Dealings in Minerals) Regulations, 2017.

Citation.

2. In these Regulations, unless the context otherwise requires—

Interpretation.  
No. 12 of 2016

“Act” mean the Mining Act, 2016;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to mining;

“mineral dealer’s licence” means a licence granted in accordance with the Mining Act and the regulations made thereunder which authorises the holder to carry out mineral dealings;

“mineral dealings” has the meaning thereto as provided in section 4 of the Act;

“mineral dealer’s permit” means means a permit granted in accordance with the Mining Act and the regulations made thereunder which authorises the holder to carry out mineral dealings;

“Ministry” means the Ministry for the time being responsible for matters relating to mining;

“mining right” means an artisanal mining permit, mining permit or mining licence; and

“trading” means the buying and selling of minerals.

3. (1) These Regulations shall apply to—

Application of  
Regulations.

- (a) the export of a mineral by a holder of a mining right;
- (b) the removal of minerals by a holder of a mineral right for the purposes of sampling, assay or analysis;
- (c) the holder of a mineral dealer’s licence or dealer’s permit;
- (d) the import of any mineral; and
- (e) any other person who is not a holder of a mineral right, mineral dealer’s licence or dealer’s permit but requires the removal of minerals for analysis or testing for purposes other than exploration or mining.

(2) These Regulations shall not apply to the export and import of rough diamonds.

4. (1) An application for, or a renewal of a licence or permit to deal in minerals, shall be submitted through the online mining cadastre.

Applications for  
dealings in  
minerals.

(2) The Cabinet Secretary shall approve the application if the applicant submits all the information required in the relevant application form, including any required attachments in digital format.

(3) An applicant shall be required to re-submit an application if it is incomplete or inaccurate.

(4) The applicant shall maintain a valid e-mail address for official communications with the Mining Cadastre Office.

(5) An application shall only be accepted upon payment of the prescribed application fee.

(6) The submission of any document or the making of any statement which is found to be false shall render the application null and void.

(7) Where it emerges at a later stage that a false statement was made during the application, the licence or permit shall be revoked.

(8) An applicant may withdraw an application before the licence or permit is granted.

(9) An application fee once paid is not refundable.

5. (1) Subject to section 160(1) of the Act, an application for the grant of a mineral dealer's licence for purposes of trading shall be made to the Cabinet Secretary by completing Form DTL 1 set out in the Second Schedule.

Application for  
mineral dealer's  
(trading) licence.

(2) The application shall include the following –

- (a) the full name, nationality and contact of the applicant;
- (b) the physical address of the place of business of the applicant;
- (c) in the case of a company –
  - (i) the certificate of registration;
  - (ii) a current copy of CR12 from the Registrar of Companies;
  - (iii) the memorandum of association; and
  - (iv) the articles of association.
- (d) the name of the mineral or class of minerals for which the licence is sought;
- (e) a certified, signed statement or formal letter of intent from a bank or any financial institution of the funds available to the applicant;
- (f) a description of the knowledge or experience of the applicant in relation to any previous dealings in minerals; and
- (g) the appointed agents of the applicant and their areas of operation if any.

(3) The Cabinet Secretary shall notify the applicant of the decision on the application within thirty days of receipt of a complete application.

(4) The categories for the different types of minerals is as set out in the First Schedule.

6. A mineral dealer's licence shall be issued digitally together with a paper copy using Form DTL 2 set out in the Second Schedule.

Form of a mineral dealer's (trading) licence.

7. (1) Subject to section 160(1) of the Act, an application for the grant of a mineral dealer's licence for purposes of processing a mineral shall be made to the Cabinet Secretary by completing Form DPL1 as out in the Second Schedule.

Application for mineral dealer's (processing) licence

(2) The application shall include the following—

- (a) the full name, nationality and contact of the applicant;
- (b) the physical address of the place of business;
- (c) in the case of a company—
  - (i) the certificate of registration;
  - (ii) a current copy of CR12 from the Registrar of Companies;
  - (iii) the memorandum of association; and
  - (iv) the articles of association;
- (d) the name of the mineral or category of minerals for which the licence is sought;
- (e) proof of financial capability;
- (f) technical plans detailing the proposed mineral processing operation;
- (g) details of land ownership and consents where necessary;
- (h) proposed source of minerals for processing;
- (i) particulars for the procurement of local goods and services and the employment and training of Kenyans;
- (j) environmental licence if required; and
- (k) appointed agents of the applicant and their areas of operation if any.

(3) The Cabinet Secretary shall, make a decision and notify the applicant within thirty days from the date of receipt of the application.

(4) A mineral dealer's licence shall be granted only for minerals in the same category as those specified in the First Schedule.

8. A mineral dealer's (processing) licence shall be issued digitally together with a paper copy using Form DPL 2 set out in the Second Schedule.

Form of a mineral dealer's (processing) licence.

9. (1) A mineral dealer's licence confers on the holder the right to trade in the mineral or minerals to which the licence relates to and conduct any other ancillary or incidental activity attached to the licence.

Rights and obligations of a holder of a mineral dealer's (trading) licence.

(2) For the purposes of exercising the right conferred under sub regulation (1), the holder may appoint agents to carry out any activity authorised by the licence on his or her behalf.

(3) The holder of a mineral dealer's licence shall notify the Cabinet Secretary of the appointment of an agent and the holder shall be held liable for all acts or activities done or carried out by the agent under the licence.

(4) All agents appointed by a holder of a mineral dealer's licence shall be issued with an identity card which shall be carried by the agent in the performance of any activity to which the licence relates.

(5) The holder of a mineral dealer's licence shall –

- (a) commence or engage in the trading of a mineral in accordance with the terms and conditions of the licence within thirty days after the date of the issue of the licence;
- (b) not trade in any mineral other than the mineral or minerals specified in the licence;
- (c) not trade in minerals except in accordance with the terms and conditions set out in the licence;
- (d) not knowingly engage in trading of a mineral with a person who has not acquired the minerals lawfully or is otherwise not lawfully entitled to deal in minerals;
- (e) pay all taxes, charges or levies that are required under the terms and conditions of the licence, the Act or any other written law in Kenya;
- (f) keep complete and accurate records of all activities conducted under the licence at the registered office and submit a true copy to the Cabinet Secretary in the manner as specified in the Act and these Regulations;
- (g) permit the authorised officer of the Ministry to inspect any documents or records; and
- (h) submit if any, the sales contract or agreement the holder may sign with a buyer, seller or holder of a mineral right.

10. (1) Subject to the Act, a mineral dealer's (processing) licence, confers on the holder the right to process a mineral to which the licence relates and conduct any other ancillary or incidental activity attached to the licence.

Rights and obligations of a holder of a mineral dealer's (processing) licence.

(2) For the purposes of exercising the right conferred under sub regulation (1), the holder may –

- (a) appoint agents to carry out any activity authorised by the licence on his or her behalf;
- (b) buy minerals for the sole purpose of processing;
- (c) process minerals on behalf of mineral rights holders; and

(d) dispose the minerals won from the processing.

(3) The holder of a mineral dealer's licence shall notify the Cabinet Secretary of the appointment of an agent and the holder shall be held liable for all acts or activities done or carried out by the agent under the licence.

(4) All agents appointed by a holder shall be issued with an identity card which shall be carried by the agent in the performance of any activity to which the licence relates.

(5) The holder of a mineral dealer's licence shall—

- (a) commence or engage in mineral processing in accordance with the terms and conditions of the licence within thirty days after the date of the issue of the licence;
- (b) not deal in any mineral other than the mineral or minerals specified in the licence;
- (c) not deal in minerals except in accordance with the terms and conditions set out in the licence;
- (d) not knowingly engage in mineral dealings permitted under the licence with a person who has not acquired the minerals lawfully or is otherwise not lawfully entitled to deal in minerals;
- (e) pay all taxes, charges or levies that are required under the terms and conditions of the licence, the Act or any other written law in Kenya;
- (f) keep complete and accurate records of all activities conducted under the licence at the registered office and submit a true copy to the Cabinet Secretary in the manner as specified in the Act and these regulations ;
- (g) permit the authorised officer of the Ministry to inspect any documents or records;
- (h) submit if any, a sales contract or agreement the holder may sign with a buyer, seller or holder of a mineral right; and
- (i) comply with other relevant laws.

11. (1) A holder of a mineral dealer's licence for trading or processing who wishes to renew the licence shall, not later than thirty days before the expiry of the licence, apply for a renewal by completing Form DL 2 as set out in the Second Schedule.

Renewal of a mineral dealer's licence.

(2) Where the applicant has complied with the obligations imposed by the Act and these Regulations with respect to the licence, the Cabinet Secretary shall renew the term of the licence.

(3) Where the Cabinet Secretary has rejected an application for a mineral dealer's licence or a renewal thereof, the affected applicant may apply to the Environment and Land Court for a review of the decision within thirty days from the date of notice of the decision.

(4) Where the holder of a mineral dealer's licence has applied for the renewal of the licence in accordance with sub-regulation (1) but the application is not determined before the expiry of the term of the licence, the licence shall continue in force until the application is determined.

12. Nothing in these Regulations shall preclude a person from disposing of personal jewellery, gold coins and mineral artefacts or a dealer from buying from such a person.

Sale of jewellery, gold coins and mineral artefacts.

13. (1) A mineral dealer's permit grants a person the right to buy and sell a mineral or minerals.

Purpose of a mineral dealer's permit.

(2) A holder of a mineral dealer's permit shall not export any mineral.

14. A person shall not be qualified to apply for or hold a mineral dealer's permit unless—

Qualifications for grant of a mineral dealer's permit.

- (a) the person is a Kenyan; or
- (b) in a case of a body corporate, sixty per cent of the shareholding is held by Kenyans.

15. (1) An application for the grant of a mineral dealer's permit shall be made to the Cabinet Secretary by completing Form DP1 set out in the second schedule.

Application and form of a mineral dealer's permit.

(2) A mineral dealer's permit shall be issued digitally together with a paper copy, using Form DP 2 as set out in the Second Schedule.

(3) A mineral dealer's permit shall specify and have appended to it, by the Mining Cadastre Office —

- (a) the name, nationality and address of the permit holder;
- (b) physical address of the place of business;
- (c) the mineral or minerals in respect of which the licence is valid;
- (d) the type of mineral dealings to be carried out; and
- (e) the term of the licence.

16. (1) Subject to the Act and any Regulations thereto, a mineral dealer's permit confers on the holder the right to deal in the mineral to which the permit relates and to conduct any other ancillary or incidental activity attached to the permit.

Rights and obligations of a holder of a mineral dealer's permit.

(2) The holder of a mineral dealer's permit shall —

- (a) commence or engage in the trading of minerals in accordance with the terms and conditions of the permit within thirty days after the date of the issue of the permit;
- (b) not trade in any mineral other than the mineral or minerals specified in the permit;
- (c) not trade in minerals except in accordance with the terms and conditions set out in the permit;
- (d) not knowingly engage in the trading of minerals with a person who has not acquired the minerals lawfully or is otherwise not lawfully entitled to deal in minerals;

- (e) pay all taxes, charges or levies that are required under the terms and conditions of the permit, the Act or any other written law in Kenya;
- (f) keep complete and accurate records of all activities conducted under the permit at the registered office and submit a true copy to the Cabinet Secretary in the manner as specified in these regulations;
- (g) permit the authorised officer of the Ministry at any reasonable time to inspect the documents and records; and
- (h) submit if any, a marketing, sales contract or agreement the holder may sign with a buyer, seller or holder of a mineral right.

17. (1) A holder of a mineral dealer's permit who wishes to renew the permit shall, not later than thirty days before the expiry of the permit, apply for a renewal by completing Form DP 3 as set out in the Second Schedule.

Renewal of a mineral dealer's permit.

(2) Where an applicant has complied with the obligations imposed by the Act and these regulations with respect to –

- (a) the holding of the permit; and
- (b) the activities required to be conducted under the preceding term of the permit: the Cabinet Secretary shall renew the permit.

(3) Where the holder of a mineral dealer's permit has applied for a renewal but the application is not determined before the expiry of the permit, the permit shall continue in force until the application is determined.

(4) Where the Cabinet Secretary has rejected an application for a mineral dealer's permit or a renewal thereof, the affected applicant may apply to the Environment and Land Court for a review of the decision within thirty days from the date of notice of the decision

18. Except as otherwise provided in the Act or under these Regulations, a person shall not export a mineral unless the person holds a permit granted by the Cabinet Secretary for that purpose.

Export of minerals.

19. A person shall not be qualified to apply for a permit to export minerals unless the –

Qualifications for grant of an export permit.

- (a) person is a holder of a mining licence, mining permit or a dealer's licence granted in accordance with the Act; and
- (b) permit is for the removal of minerals not specified in the First Schedule of the Act.

20. (1) Subject to section 171(2) of the Act, an application for the grant of an export permit shall be made to the Director of Mines by completing Form EP 1 as set out in the Second Schedule.

Application for an export permit.

(2) Every export or shipment of a mineral shall require an export permit.

(3) The application shall include the following –

- (a) the name, source, quantity, grade and value of the mineral to be shipped or exported;
- (b) the name, address of the purchaser or consignee and destination where the mineral is to be shipped or exported;
- (c) the sales or marketing agreement between the applicant and the buyer if any;
- (d) a refining contract or offtake agreement where the applicant has signed such an agreement; and
- (e) the royalty liability for that consignment:

(4) An export permit shall be signed by the Cabinet Secretary or an officer authorised by the Cabinet Secretary.

21. (1) An export permit shall be issued using Form EP 2 as set out in the Second Schedule.

Form of an export permit.

(2) An export permit shall specify the –

- (a) name and address of the permit holder;
- (b) mineral right or the dealer's licence or permit to provide evidence for the source of the mineral;
- (c) source and reason for export of minerals not specified in the First Schedule of the Act;
- (d) mineral or minerals in respect of which the permit is valid;
- (e) quantity, grade, purity, value and other particulars of the mineral or minerals;
- (f) name, address of the purchaser or consignee and destination where the mineral is to be shipped or exported; and
- (g) royalty liability for that consignment.

22. An export permit shall be used for the specified consignment and shall be valid for thirty days from the date of issue.

Term of an export permit.

23. The holder of a mineral dealer's licence or permit shall –

- (a) keep at its registered address complete and accurate records of all purchases or sales made under every permit or licence as prescribed in Form DTR in the Second Schedule; and
- (b) submit quarterly reports of all purchases or sales made under every permit to the Ministry as prescribed in Form DTQ or DPQ in the Second Schedule.

Records and reporting requirements.

24. Where a person imports a mineral, the person shall make a declaration at the point of entry by completing Form ID as set out in the Second Schedule.

Import of minerals.

25. (1) A holder of an artisanal mining permit shall sell any mineral produced to the National Mining Corporation, a holder of a mineral dealer's licence or mineral dealer's permit or to such

Sale of minerals by holders of artisanal mining

designated persons that the Cabinet Secretary may specify in the Gazette. permits.

(2) A holder of an artisanal mining permit may export the mineral produced with the approval of the Cabinet Secretary and on such terms and conditions that the Cabinet Secretary may specify in the permit.

26. (1) Except as otherwise provided in the Act and any regulations made thereunder, a holder of a mineral right shall not, without a permit from the Cabinet Secretary and on the recommendation of the Director of Geological Survey, remove any mineral from a reconnaissance, prospecting or mining area for the purpose of having the mineral analysed, valued or tested. Mineral samples.

(2) An application by a holder for a permit under sub regulation (1) shall be made to the Director of Geological Survey by completing Form SP1 as set out in the Second Schedule.

(3) The size of each sample must be consistent with what is ordinarily required for laboratory analysis or testing.

(4) The holder of the mineral right shall provide access to the Director of Geological Survey or any authorised officer to inspect and examine the samples before any permit is issued.

(5) The holder of the mineral right shall submit copies of the results of all tests and analyses of all samples to the Director of Geological Survey.

27. Dealings in strategic minerals shall be in the manner as prescribed in the act and in regulations dealing with strategic minerals. Dealings in strategic minerals.

SCHEDULES

FIRST SCHEDULE

(r. 5(4), 7(4))

CATEGORIES OF MINERAL DEALERSHIP

1. Construction, Industrial, Gaseous Minerals and Coal
2. Precious and Semi-Precious Stones [All gemstones except diamonds]
3. Precious and Rare Metals.
4. Base Metals.

SECOND SCHEDULE

FORMS

Form DTL-1

(r. 5)

Application for a Mineral Dealer's (Trading) Licence

1. Applicant's identity and contact information

Full Name: \_\_\_\_\_ National I.D No. (Kenyan) \_\_\_\_\_

Or, Passport No. / Country (Non Kenyan) \_\_\_\_\_ is applying on behalf of :

a. an individual (complete all information in this section)

Full Name: \_\_\_\_\_ National I.D No. (citizen) \_\_\_\_\_

or, Passport No. / Country (foreigner) \_\_\_\_\_

Or:

b. a company (complete all information in this section)

Registered company name: \_\_\_\_\_

Registration Certificate No. / Date incorporated: \_\_\_\_\_

c. Physical Location of business

Street: \_\_\_\_\_ Building \_\_\_\_\_ Floor/Office # \_\_\_\_\_

Town/City: \_\_\_\_\_ Sub-County: \_\_\_\_\_ County: \_\_\_\_\_

d. Address

P.O. Box: \_\_\_\_\_ Code: \_\_\_\_\_

Town/City: \_\_\_\_\_ County: \_\_\_\_\_

Phone #: \_\_\_\_\_ Mobile: \_\_\_\_\_

Email address (mandatory): \_\_\_\_\_

e. Name of authorised agent or representative if any:

1) \_\_\_\_\_ Mobile No. \_\_\_\_\_ Area of operation \_\_\_\_\_

2) \_\_\_\_\_ Mobile No. \_\_\_\_\_ Area of operation \_\_\_\_\_

- 3) \_\_\_\_\_ Mobile No. \_\_\_\_\_ Area of operation \_\_\_\_\_
2. Category of Mineral or Minerals as set out in the First Schedule of the Mining (Dealings in Minerals) Regulations

Select the category of minerals for which the licence is required (use separate Forms if more than one category)

- 1) Construction, Industrial, Gaseous Minerals and Coal
  - 2) Precious and Semi-Precious Stones [All gemstones except diamonds ]
  - 3) Precious and Rare Metals.
  - 4) Base Metals.
3. Attachments (tick the item attesting that the required document is attached to this application)
- duplicate copy of the receipt of the payment of the prescribed fee;
  - where the applicant is a company, a certified copy of the applicant company's certificate of incorporation, current CR12 and certified copy of its memorandum and articles of association;
  - where the applicant is an individual, a certified copy of Kenyan national identity or current passport for non-Kenyans
  - "Knowledge and Experience", a description of the applicant's knowledge or experience of mineral dealings in Kenya and elsewhere;
  - a statement giving particulars of the financial resources available to the applicant;
  - Letters of appointment of agents detailing their contacts and areas of operations and their identification documents

4. Declaration

*(Note: where any declaration made in this Form is found to be false the applicant shall be guilty of an offence and subject to a penalty as provided for in the Act).*

Form DTL-2 [Mineral Dealer's (Trading) Licence]

(r.6)

Mineral Dealer's (Trading) Licence Registration No. MDL/T \_\_\_\_\_

This Licence is valid up to 31<sup>st</sup> December 20 \_\_\_\_\_

1. Subject to the conditions set out in the Mining Act, in these regulations and in this Mineral Dealer's Licence,

Name : \_\_\_\_\_

(Hereinafter referred to as the "holder") whose registered office in Kenya is at

(Physical Address ): \_\_\_\_\_

City/Town : \_\_\_\_\_ County: \_\_\_\_\_ Nationality: \_\_\_\_\_

and whose place of business is situated at:

City/Town: \_\_\_\_\_ ward: \_\_\_\_\_ Sub-County: \_\_\_\_\_ County: \_\_\_\_\_

is by this licence granted the right to buy, and sell including export of \_\_\_\_\_  
 [insert category of minerals] .

DATED This \_\_\_\_\_ Day of \_\_\_\_\_ 20 \_\_\_\_\_

Cabinet Secretary (*name*)

(*signature*)

In the presence of:

Director of Mines (*name*)

(*signature*)

(*dated  
 seal  
 here*)

----- page 2 -----

#### Terms and Conditions

2. The holder, during the term of this licence, shall:
  - (a) carry out trading in minerals in accordance with the conditions set out hereinafter;
  - (b) commence trading in minerals within thirty calendar days from the date the licence is issued;
  - (c) buy the minerals specified in the licence; and
  - (d) sell the mineral to the National Mining Corporation or to any person in Kenya who is lawfully entitled to deal in minerals or to export the minerals.
3. The holder during the term of the licence shall—
  - (a) Keep a register of the mineral dealings in the Form as prescribed
  - (b) Record the following information in respect of each transaction-
    - (i) the name, grade and weight of the minerals purchase or sold;
    - (ii) the price paid or received for the minerals;
    - (iii) the date of the purchase or sale;
    - (iv) The royalty liability for each transaction;
    - (v) The name and address of the supplier or the seller and the source of the minerals; and
    - (vi) The name and address of the vendor or the purchaser or consignee.
4. The holder shall submit to the Cabinet Secretary a true copy of the register in duplicate for the preceding three months, together with a statutory declaration of the correctness thereof, in the months of January, April, July and October of every year.

Form DPL-1 [Application for a Mineral Dealer's (Processing) Licence] (r.7(1))

1. Applicant's identity and contact information

Full Name: \_\_\_\_\_ National I.D No. (citizen) \_\_\_\_\_

or, Passport No. / Country (foreigner) \_\_\_\_\_ is applying on behalf of :

a) an individual (complete all information in this section)

Full Name: \_\_\_\_\_ National I.D No. \_\_\_\_\_ (citizen) \_\_\_\_\_

or, Passport No. / Country (foreigner) \_\_\_\_\_

b) a company (complete all information in this section) Registered company name: \_\_\_\_\_

Registration Certificate No. / Date incorporated: \_\_\_\_\_

c) Physical Location of business

Street: \_\_\_\_\_ Building \_\_\_\_\_ Floor/Office # \_\_\_\_\_

Town/City: \_\_\_\_\_ Sub-County: \_\_\_\_\_ County: \_\_\_\_\_

d) Address

P.O. Box: \_\_\_\_\_ Code: \_\_\_\_\_

Town/City: \_\_\_\_\_ County: \_\_\_\_\_

Phone #: \_\_\_\_\_ Mobile: \_\_\_\_\_

Email address (mandatory): \_\_\_\_\_

e) Name of authorised agent or representative if any:

1) \_\_\_\_\_ Mobile No. \_\_\_\_\_ Area of operation \_\_\_\_\_

2) \_\_\_\_\_ Mobile No. \_\_\_\_\_ Area of operation \_\_\_\_\_

3) \_\_\_\_\_ Mobile No. \_\_\_\_\_ Area of operation \_\_\_\_\_

2. Category of Mineral or Minerals as set out in the First Schedule of the Mining (Dealings in Minerals) Regulations.

Select the category of minerals for which the licence is required (use separate Forms if more than one category)

(a) Construction, Industrial, Gaseous Minerals and Coal

(b) Precious and Semi-Precious Stones [All gemstones except diamonds ]

(c) Precious and Rare Metals.

(d) Base Metals.

3. Specific minerals for which licence is required .....

4. Attachments (tick the item attesting that the required document is attached to this application)

(a) duplicate copy of the receipt of the payment of the prescribed fee;

- (b) where the applicant is a company a certified copy of the applicant company's certificate of incorporation, current CR12 and certified copy of its memorandum and articles of association;
- (c) where the applicant is an individual a certified copy of Kenyan national I.D or passport for non-Kenyans
- (d) "Knowledge and Experience", a description of the applicant's knowledge or experience of mineral dealings in Kenya and elsewhere;
- (e) a statement giving particulars of the financial resources available to the applicant;
- (f) technical plans detailing the proposed mineral processing operation(s)
- (g) work plan of the proposed processing operation
- (h) details of land ownership and consents
- (i) proposed source of minerals for processing
- (j) particulars for the procurement of local goods and services and the employment and training of Kenyans
- (k) environmental licence
- (l) Letters of appointment of agents detailing their contacts and areas of operations and their identification documents

#### 5. Declaration

*(Note: where any declaration made in this Form is found to be false the applicant shall be guilty of an offence and subject to a penalty as provided for in the Act).*

Form DPL-2 [Mineral Dealer's (Processing) Licence] (r 8)

Mineral Dealer's (Processing) Licence Registration No. MDL/P\_\_\_\_\_

This Licence is valid up to 31<sup>st</sup> December 20....

1. Subject to the conditions set out in the Mining Act, in these regulations and in this Mineral Dealer's Licence,

Name : \_\_\_\_\_

(Hereinafter referred to as the "holder") whose registered office in Kenya is at

(Physical Address): \_\_\_\_\_

City/Town : \_\_\_\_\_ County: \_\_\_\_\_ Nationality: \_\_\_\_\_

and whose place of business is situated at:

City/Town: \_\_\_\_\_ ward: \_\_\_\_\_ Sub-County: \_\_\_\_\_ County: \_\_\_\_\_

is by this licence granted the right to process.....[insert Category of minerals and particularly insert specific minerals]

DATED This \_\_\_\_\_ Day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
Cabinet Secretary (name)

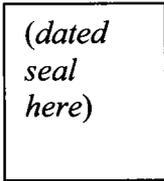
\_\_\_\_\_  
(signature)

In the presence of:

\_\_\_\_\_

Director of Mines (*name*)

(*signature*)



----- page 2 -----

Terms and Conditions

2. The holder, during the term of this licence:

- (a) shall carry out the processing of the mineral in accordance with the conditions set out hereinafter;
- (b) shall commence activities within ninety days from the date the licence is issued;
- (c) may buy and process a mineral and sell the mineral products; and:
- (d) may process minerals on behalf of valid holders of mineral or dealings rights.

3. The holder during the term of the licence shall:

- (b) keep a register of the mineral dealings in the Form as prescribed;
- (c) record the following information in respect of each transaction –
  - (i) the name, grade and weight of the minerals purchased, processed and or sold for own;
  - (ii) the grade and weight of minerals received for contract processing;
  - (iii) the grade and weight of contract mineral product
  - (iv) the name and address of client for contract processing
  - (v) the name and address of the vendor or the purchaser or consignee
  - (vi) royalty liability for each transaction for own minerals
  - (vii) the source of minerals whether for self or contract processing.
  - (viii) comply with any other relevant law.

4. The holder shall submit to the Cabinet Secretary a true copy of the register in duplicate for the preceding three months, together with a statutory declaration of the correctness thereof, in the months of January, April, July and October of every year.

Form DL-2 [Application to Renew Mineral Dealer’s Licence] (r.11(1))

Renewal of Mineral Dealer’s Licence Number: \_\_\_\_\_ of 20.....

1. Applicant’s identity and contact information

Full Name: \_\_\_\_\_ National I.D No. (citizen) \_\_\_\_\_

or, Passport No. / Country (foreigner) \_\_\_\_\_ is applying on behalf of :

(a) an individual (complete all information in this section)

Full Name: \_\_\_\_\_ National I.D No. (citizen) \_\_\_\_\_

or, Passport No. / Country (foreigner) \_\_\_\_\_

Or:

(b) a company (complete all information in this section)

Registered company name: \_\_\_\_\_

Registration Certificate No. / Date incorporated: \_\_\_\_\_

(c) Physical Location of business

Street: \_\_\_\_\_ Building \_\_\_\_\_ Floor/Office # \_\_\_\_\_

Town/City: \_\_\_\_\_ Sub-County: \_\_\_\_\_ County: \_\_\_\_\_

(d) Address

P.O. Box: \_\_\_\_\_ Code: \_\_\_\_\_

Town/City: \_\_\_\_\_ County: \_\_\_\_\_

Phone #: \_\_\_\_\_ Mobile: \_\_\_\_\_

Email address (mandatory): \_\_\_\_\_

(e) Name of authorised agent or representative if any:

1) \_\_\_\_\_ Mobile No. \_\_\_\_\_ Area of operation \_\_\_\_\_

2) \_\_\_\_\_ Mobile No. \_\_\_\_\_ Area of operation \_\_\_\_\_

1) \_\_\_\_\_ Mobile No. \_\_\_\_\_ Area of operation \_\_\_\_\_

2. Attachments (tick the item attesting that the required document is attached to this application)

- duplicate copy of the receipt of the payment of the prescribed fee.
- copy of dealings annual report.
- copy of royalty liability reconciliation report.
- copy of tax compliance certificate.

Form DP-1[Application for a Mineral Dealer's Permit]

(r.15 (1))

1. Applicant's identity and contact information

Full Name: \_\_\_\_\_ National I.D No. (citizen) \_\_\_\_\_ is applying on behalf of:-

a) an individual (complete all information in this section)

Full Name: \_\_\_\_\_ National I.D No. (citizen) \_\_\_\_\_

b) a company that is at least 60% Kenyan (complete all information in this section)

Registered company name: \_\_\_\_\_

Registration Certificate No. / Date incorporated: \_\_\_\_\_

c) Physical Location of business

Street: \_\_\_\_\_ Building \_\_\_\_\_ Floor/Office # \_\_\_\_\_

Town/City: \_\_\_\_\_ Sub-County: \_\_\_\_\_ County: \_\_\_\_\_

d) Address

P.O. Box: \_\_\_\_\_ Code: \_\_\_\_\_

Town/City: \_\_\_\_\_ County: \_\_\_\_\_

Phone #: \_\_\_\_\_ Mobile: \_\_\_\_\_

Email address (mandatory): \_\_\_\_\_

e) Name of authorised agent or representative if any:

2) \_\_\_\_\_ Mobile No. \_\_\_\_\_ Area of operation \_\_\_\_\_

3) \_\_\_\_\_ Mobile No. \_\_\_\_\_ Area of operation \_\_\_\_\_

4) \_\_\_\_\_ Mobile No. \_\_\_\_\_ Area of operation \_\_\_\_\_

2. Category of Mineral or Minerals as set out in the First Schedule of these regulations

- (a) Select the category of minerals for which the licence is required:(use separate Forms if more than one category) Construction, Industrial, Gaseous Minerals and Coal
- (b) Precious and Semi-Precious Stones [All gemstones except diamonds ]
- (c) Precious and Rare Metals.
- (d) Base Metals.

3. Attachments (tick the item attesting that the required document is attached to this application)

- duplicate copy of the receipt of the payment of the prescribed fee
- where the applicant is a company, a certified copy of the applicant company's certificate of incorporation, a copy of current CR12 and certified copy of its memorandum and articles of association;
- where the applicant is an individual a copy of the Kenyan national identity.

4. Declaration

*(Note: where any declaration made in this Form is found to be false the applicant shall be guilty of an offence and subject to penalty as provided for in the Act)*

Form DP-2 [Mineral Dealer's Permit]

(r.15(2))

Mineral Dealer's Permit Registration No. MPL \_\_\_\_\_

This permit is valid up to 31<sup>st</sup> December 20.....

1. Subject to the conditions set out in the Mining Act, in the regulations made under the Act and in this Mineral Dealer's Permit,

Name : \_\_\_\_\_

(Hereinafter referred to as the "holder") whose address in Kenya is at

Address: \_\_\_\_\_

City/Town : \_\_\_\_\_ County: \_\_\_\_\_

is by this permit granted the right to buy and sell .....[insert mineral(s) to be bought or sold] .

DATED This \_\_\_\_\_ Day of \_\_\_\_\_ 20 \_\_\_\_\_

Cabinet Secretary (*name*)(*signature*)

In the presence of:

Director of Mines (*name*)(*signature*)

(*dated  
seal  
here*)

----- page 2 -----

2. The holder, during the term of this permit, shall –
- (a) carry out trading in minerals in accordance with the terms of the permit;
  - (b) sell the mineral to the National Mining Corporation or to any person who is lawfully entitled to deal in minerals in Kenya that the Cabinet Secretary may prescribe in the gazette.
3. The holder during the term of this permit, shall –
- (a) Keep a register of the mineral dealings in the prescribed form;
  - (b) Record the following information in respect of each transaction-
    - (i) the name and weight of the minerals purchased or sold;
    - (ii) the price paid or received for the minerals;

- (iii) the date of the purchase or sale;
  - (iv) Royalty liability for each transaction, and
  - (v) The name and address of the vendor or the purchaser.
  - (vi) The source of minerals purchased. ostensible
4. The holder shall submit to the Director of Mines a true copy of the register in duplicate for the preceding six months, in the months of July and January.

Form DP-3 [Application to Renew Mineral Dealer's Permit] (r.17)

Renewal of Mineral Dealer's Permit Registration Number: \_\_\_\_\_ of 20

1. Applicant's identity and contact information

Full Name: \_\_\_\_\_ National I.D No. (citizen) \_\_\_\_\_ is applying on behalf of:-

a) an individual (complete all information in this section)

Full Name: \_\_\_\_\_ National I.D No. (citizen) \_\_\_\_\_

Or:

b) a company that is at least 60% Kenyan (complete all information in this section)

Registered company name: \_\_\_\_\_

Registration Certificate No. / Date incorporated: \_\_\_\_\_

c) Physical Location of business

Street: \_\_\_\_\_ Building \_\_\_\_\_ Floor/Office # \_\_\_\_\_

Town/City: \_\_\_\_\_ Sub-County: \_\_\_\_\_ County: \_\_\_\_\_

d) Address

P.O. Box: \_\_\_\_\_ Code: \_\_\_\_\_

Town/City: \_\_\_\_\_ County: \_\_\_\_\_

Phone #: \_\_\_\_\_ Mobile: \_\_\_\_\_

Email address (mandatory): \_\_\_\_\_

e) Name of authorised agent or representative if any:

1) \_\_\_\_\_ Mobile No. \_\_\_\_\_ Area of operation \_\_\_\_\_

2) \_\_\_\_\_ Mobile No. \_\_\_\_\_ Area of operation \_\_\_\_\_

3) \_\_\_\_\_ Mobile No. \_\_\_\_\_ Area of operation \_\_\_\_\_

2. Attachments (tick the item attesting that the required document is attached to this application)

- duplicate copy of the receipt of the payment of the prescribed fee
- copy of dealings annual report
- current CR12 from the Registrar of Companies

Form EP-1 [Application for a Mineral Export Permit] (r. 20 (1))

(1).....[insert name of person applying]

hereby apply for a mineral export permit on behalf of:

(2).....

Licence/Permit No. ....to export

(3)..... of

(4)..... contained

(5)..... comprising of

(6)..... produced from

(7) (a) County..... (b) Locality/ ward(s) ..... and marked

(8)..... through

(9).....

Value (F.O.B.) US\$ .....(exchange rate).....Ksh..... Royalty Liability.....

I hereby certify that the above particulars are correct to the best of my knowledge and belief.

DATE..... Signature of Consigner and Stamp .....

10. Attachments (tick the item attesting that the required document is attached to this application)

- invoice
- the assay certificate from a recognised mineral testing laboratory;
- the sales or marketing agreement between the applicant and the buyer if applicable;
- a refining contract or offtake agreement where the applicant has signed such an agreement;
- royalty liability for the consignment;
- for minerals not specified in the Act, supporting documents showing the source, the reasons for export and authorizations from other government agencies

Key: 1. Full name and address of person signing this Form

2. Name and full address of firm/principal

3. Quantity of minerals(s) by weight

4. Name and description of minerals(s)

5. Number of Packages

6. Grade, specifications and/or Assay where applicable

7. Source ((a) County and (b) Locality/ward(s))

8. Full postal/physical address of consignee

9. Agent and port of exit from Kenya

Form EP-2 [Mineral Export Permit]

(r.21 (1))

*This export permit is valid for thirty days from the date of issue.*

1. Subject to the conditions set out in the Mining Act and in the regulations made under the Act,

Name : \_\_\_\_\_

(Hereinafter referred to as the "holder") whose registered office in Kenya is at

(Physical Address): \_\_\_\_\_

City/Town : \_\_\_\_\_ Sub-County: \_\_\_\_\_ County: \_\_\_\_\_

Nationality: -----[where holder is an individual]

Phone number: \_\_\_\_\_

Mobile: \_\_\_\_\_

Email address: \_\_\_\_\_

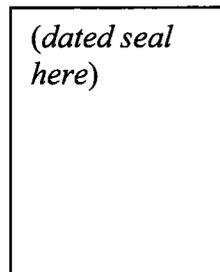
is by this permit granted the right to export

<i>Item</i>	<i>Particulars</i>
Type of Mineral	
Source of Mineral	
Quantity	
Grade	
Value	
Royalty Liability	
Source of mineral	
Destination	
Consignee	
Port of Exit	

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Cabinet Secretary (*name*)

In the presence of:



\_\_\_\_\_  
(*signature*)

\_\_\_\_\_  
Director of Mines (*name*)

\_\_\_\_\_  
(*signature*)



Form DTQ [Mineral Dealings (Trading) Quarterly Report]

(r. 23 (b))

Mineral Dealer's (Trading) Licence/Permit Number: \_\_\_\_\_ Year: \_\_\_\_\_,  
 Name of holder: \_\_\_\_\_ Authorised signature: \_\_\_\_\_  
 Address (Physical Location): \_\_\_\_\_ Town/City: \_\_\_\_\_ Sub-County: \_\_\_\_\_  
 Phone number: \_\_\_\_\_ Email address: \_\_\_\_\_

	Minerals Transacted								Royalty Liability				Royalty Paid			
	(a)		(b)		(c)		(d)		(a)	(b)	(c)	(d)	(a)	(b)	(c)	(d)
Brought forward	Bought	Sold	Bought	Sold	Bought	Sold	Bought	Sold								
January																
February																
March																
1st Quarter total																
April																
May																
June																
2nd Quarter total																
July																
August																
September																
3rd Quarter total																
October																
November																
December																
4th Quarter total																
Grand Total																

(a), (b), (c) denote various minerals transacted e.g zinc, lead, etc

Form DPQ [Mineral Dealings (Processing) Quarterly Report]

(r. 23(b))

Mineral Dealer's (Processing) Licence Number: \_\_\_\_\_ Year: \_\_\_\_\_  
 Name of holder: \_\_\_\_\_ authorised signature: \_\_\_\_\_  
 Address (Physical Location): \_\_\_\_\_ Town/City: \_\_\_\_\_ Sub-County: \_\_\_\_\_  
 Phone number: \_\_\_\_\_ Email address: \_\_\_\_\_

	Minerals Processed								Royalty Liability			Royalty Paid		
	(a)		(b)		(c)		(d)		(a)	(b)	(c)	(a)	(b)	(c)
Brought forward														
	Feedstock	Product	Feedstock	Product	Feedstock	Product	Feedstock	Product						
January														
February														
March														
1st Quarter total														
April														
May														
June														
2nd Quarter total														
July														
August														
September														
3rd Quarter total														
October														
November														
December														
4th Quarter total														
Grand Total														

(a), (b), (c) denote various minerals transacted

Form ID [Declaration of Imported Mineral]

(r.24)

No: \_\_\_\_\_

Name of Importer: \_\_\_\_\_

Address (Physical Location): \_\_\_\_\_

City/Town: \_\_\_\_\_ County: \_\_\_\_\_

Phone number: \_\_\_\_\_

Mobile: \_\_\_\_\_

Email address: \_\_\_\_\_

Item	Particulars
Type of Mineral	
Quantity	
Grade	
Value	
Country of origin	
Consignor	
Purpose of imported mineral	
Port of Entry	

The holder shall submit to the Director of Mines a true copy of the register in duplicate for the preceding year not later than ninety days at the end of each year.

Form SP [Application to Remove Samples]

(r.26 (2))

.....  
Hereby apply for authority to remove samples on behalf of:

(2) .....

..... Licence/Permit No. ....

Dates of removal of samples: .....

Name of the Lead Exploration Geologist: .....

The type of material extracted/sampled:.....

Total weight of samples and number of packages to be removed from the exploration site;

.....

The name and address laboratory/processing facility: .....

.....

Type of analysis: .....

3. Attach the following:

- a map showing sample extraction location(s) and GPS coordinates within the licence area;
- a description of samples and situation of extraction (cores: diameter, depth, others: depth, size);
- such other documents or information that the Director of Geological Survey may request.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Dated the 9th May, 2017.

DAN KAZUNGU,  
Cabinet Secretary, Ministry of Mining.

