*Supplement to the Republic of Zambia Government* 71

*Gazette dated Friday, 8th February, 2013*

GOVERNMENT OF ZAMBIA STATUTORY INSTRUMENT NO. 17 OF 2013

# The Mines and Minerals Development Act

(Act No. 7 of 2008)

# The Mines and Minerals Development (General) (Amendment) Regulations, 2013

IN EXERCISE of the powers contained in section *one hundred* and *sixty-one* of the Mines and Minerals Development Act, 2008, the following Regulations are hereby made:

1. These Regulations may be cited as the Mines and Minerals Development (General) (Amendment) Regulations, 2013 and shall be read as one with the Mines and Minerals Development (General) Regulations, 2008, in these Regulations referred to as the principal Regulations.
2. Regulation 2 of the principal Regulations is amended by the insertion, in the appropriate place, of the following new definition:

“minimum annual prospecting expenditure” means the minimum amount of money, set out in the Sixth Schedule, which a holder of a prospecting licence shall expend directly on prospecting operations in a year, excluding administrative and overhead expenses;

1. The principal Regulations are amended by the deletion of Part VI and the substitution therefor of the following Part:

PART VI

TRANSFER OR ASSIGNMENT OF SHARE IN, OR CONTROL OF, COMPANY, MINING RIGHT OR MINERAL PROCESSING LICENCE

1. (1) An application for consent to—
	1. register the transfer of a share or shares in a company which holds a mining right or mineral processing licence;
	2. transfer control of a company which holds a mining right or mineral processing licence; or
	3. transfer or assign a mining right or mineral processing licence;

shall be in Form XXXIX set out in the Fifth Schedule.

Title

1. I. No. 84 of 2008

Amendment of regulation 2

Deletion and substitution of Part VI

Application for

consent to transfer or assign

*Copies of this Statutory Instrument can be obtained from the Government Printer,*

*P.O. Box 30136, 10101, Lusaka, Price K4.00 each*

(2) An application under paragraph (c) of subregulation (1) shall be—

Grant of consent to transfer

Amendment of regulation 39

* 1. made by an assignor at any time during the validity of a mining right but not less than one hundred and twenty days before the date of expiry of the mining right; and
	2. accompanied by an application for a mining right or mineral processing licence, as the case may be, made by the prospective assignee.
1. (1) The Minister, Director or Director of Geological Survey, as the case may be, shall seek the advice of the Mining Advisory Committee prior to granting the consent to —
	1. register the transfer of a share or shares in a company which holds a mining right or mineral processing licence;
	2. transfer control of a company which holds a mining right or mineral processing licence; or
	3. transfer or assign a mining right or mineral processing licence.
2. The Minister, Director or Director of Geological Survey, as the case may be, shall, where an application meets the requirements of the Act and these Regulations grant consent under this Regulation in Form XIV set out in the Second Schedule.
3. Regulation 39 of the principal Regulations is amended by the insertion, immediately after sub-regulation (2), of the following new sub-regulations:
4. The minimum annual prospecting expenditures are set out in the Sixth Schedule.
5. A holder of a mining right or mineral processing licence shall pay the prescribed area charges on or before the anniversary of the grant of the mining right or mineral processing licence.
6. A holder of a prospecting licence, large-scale mining licence, large scale gemstone licence or mineral processing licence who defaults on payment of the prescribed area charges commits an offence and is liable, upon conviction, to a fine of fifteen thousand penalty units for each day that the holder of a licence referred to in this sub-regulation is in default.
7. A holder of a prospecting permit, small-scale mining licence, small-scale gemstone licence or artisan’s mining right who defaults on payment of the prescribed area charges commits an offence and is liable, upon conviction, to a fine of one thousand five hundred penalty units for each day that the holder of a mining right referred to in this sub-regulation is in default.
8. The Fourth Schedule to the principal Regulations is amended in paragraph B by the—
	1. insertion of the following new sub-paragraph:
9. The holder shall —
	1. expend on prospecting operations each year, not less than the minimum annual prospecting expenditure set out in the Sixth Schedule, failing which the holder commits an offence and is liable, upon conviction, to a fine —
		1. equal to the difference between the minimum annual prospecting expenditure and the amount actually expended on prospecting operations in that year if less than five hundred thousand penalty units; or
		2. of five hundred thousand penalty units if the difference between the minimum annual prospecting expenditure and the amount actually expended on prospecting operations in that year exceeds the equivalent of five hundred thousand penalty units; and
	2. submit annual prospecting expenditure statements accompanied by copies of relevant transaction documents to the Director of Geological Survey; and

*(b)* the re-numbering of sub-paragraphs (2) (3) and (4) as sub-paragraphs (3), (4) and (5) respectively.

1. The Fifth Schedule to the principal Regulations is amended by the deletion of Form XXXIX and the substitution therefor of Form XXXIX set out in Appendix I to these Regulations.
2. The principal Regulations are amended by the repeal of the Sixth Schedule and the substitution therefor of the Sixth Schedule set out in Appendix II to these Regulations.

Amendment of Fourth Schedule

Amendment of Fifth Schedule

Repeal and replacement of Sixth Schedule

APPENDIX I

*(Regulation* 6*)*

FIFTH SCHEDULE

(*Regulations* 24, 25, 26, 31(1), 34(1), 36, 37 and 38)

FORM XXXIX

(*Regulation* 34(1))

(*To be completed in triplicate)*

REPUBLIC OF ZAMBIA

**The Mines and Minerals Development Act, 2008**

(Act No. 7 of 2008)

**The Mines and Minerals Development (General) Regulations, 2008**

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| --- |
| APPLICATION FOR CONSENT TO TRANSFER A MINING RIGHT, MINERAL PROCESSING LICENCE, OR REGISTER TRANSFER OF SHARES IN, OR TRANSFER CONTROL OF, COMPANY HOLDING MINING RIGHT OR MINERAL PROCESSING LICENCE |
|  | Shaded fields for | Licence code |  |  |
| official use only | Date and Time |  |  |
| *Information Required* | *Information Provided* |  |
| 1 | Mining Right or licence No: |  |  |
| 2 | Holder of mining rightor licence |  |  |
| 3 | Proposed assignee or transferee |  |  |
| 4 | 1. Name(s) of applicant(s)
2. Type of applicant
 | Individual |  | Company |  | Co-operative |  | Partnership |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 5 | 1. Date of Birth or Registration (dd/mm/yyyy)
2. Nationality or country of registration
3. Identity (National registration Card No. or Passport No.) or Company registration No. –Attach copies
 |  |  |
|  |  |
|  |  |
| 6 | Applicant’s Address Tel:Fax:E-mail: |  |  |
|  |  |
|  |  |
|  |  |

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| --- | --- | --- |
| 7 | Appendices |  |
|  | Appendix No. 1 Minutes of company board meeting |  |
|  | Appendix No. 2 Resolution of the company’s board meeting |  |
|  | Appendix No. 3 Reasons for transferring or assigning mining right, mineralprocessing licence, share or shares or control of company which holds a mining right or mineral processing licence |  |
|  | Appendix No. 4 Application form for a mining right completed byproposed transferee |  |
|  | Appendix No. 5 Tax clearance certificate by holder of mining right |  |
| ........ | .......................................... ....................................................... |  |
|  | Applicant Date |
| ........ | .......................................... ....................................................... |
|  | Officer Date |
|  | FOR OFFICIAL USE ONLYReceived by:………………………………...... ……………..............Officer (Name and Signature) Date Amount Received:………………………………………………………………… Serial No. of application:……………………………………...............…………. |  |

APPENDIX II

*(Regulation 7)*

SIXTH SCHEDULE

*(Regulations 31 (3) and 39)*

PRESCRIBED FEES, AREA CHARGES, MAXIMUM AREAS AND MINIMUM ANNUAL PROSPECTING EXPENDITURE

|  |  |
| --- | --- |
| 1. FEES FOR MINING RIGHTS*Type of Mining Right or Application* | *Fee Units* |
| Prospecting Licence | 10000 |
| Renewal of Prospecting Licence | 10000 |
| Large-Scale Mining Licence | 160000 |
| Renewal of Large-Scale Mining Licence | 160000 |
| Large-Scale Gemstone Licence | 160000 |
| Renewal of Large-Scale Gemstone Licence | 160000 |
| Prospecting Permit | 3000 |
| Small-Scale Mining Licence | 15000 |
| Renewal of Small-Scale Mining Licence | 15000 |
| Small-Scale Gemstone Licence | 15000 |
| Renewal of Small-Scale Gemstone Licence | 15000 |
| Artisan’s Mining Right | 3000 |
| Transfer of Prospecting , Large-Scale Mining or Large-Scale Gemstone |  |
| Licences | 160000 |
| Transfer of Small-Scale Mining Licence, Prospecting Permit or Small-Scale |  |
| Gemstone Licence | 15000 |
| Alteration of Prospecting, Large-Scale Mining or Large-Scale Gemstone |  |
| icences | 3000 |
| Alteration of Small-Scale Mining Licence, Prospecting Permit or Small-Scale |  |
| Gemstone Licence | 2500 |
| Alteration of Artisan’s Mining Right | 500 |
| Transfer of control of company which holds Prospecting, Large Scale Mining |  |
| or Large Scale Gemstone Licences | 160000 |
| Transfer of control of company which holds Prospecting Permit, |  |
| Small-Scale mining or Small Scale Gemstone Licences | 15000 |
| **2.** FEES FOR NON-MINING RIGHTS/OTHER CATEGORIES |  |
| *Type of Licence, Certificate, Permit or Consent* | *Fee Units* |
| Mineral Processing Licence | 160000 |
| Renewal of Mineral Processing Licence | 160000 |
| Transfer of Mineral Processing Licence | 160000 |
| Alteration of Mineral Processing Licence | 3000 |

|  |  |
| --- | --- |
| Transfer of control of company which holds Mineral Processing Licence | 160000 |
| Annual Operating Permit (large-Scale) | 5000 |
| Annual Operating Permit (Small-Scale) | 1500 |
| Gemstone Sales Certificate | 3500 |
| Mineral Import Permit | 3500 |
| Mineral Export Permit | 750 |
| Application for consent to acquire, store, transport or export radioactive minerals | 3500 |
| Geological or Mining Consultancy Permit | 2750 |
| Mineral Analysis Laboratory Permit | 2750 |
| Mineral Analysis Certificate | 750 |
| Valuation Certificate | 1000 |
| 3. AREA CHARGES*Type of licence or Permit Fee Units per hectare per year* |  |

1. PRESCRIBED MAXIMUM AREAS

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | *Year 1 – 2* | *Year 3 -4* | *Year 5 - 6* | *Year 7 and later years where applicable* |
| Large Scale Prospecting licence | 4 | 12 | 16 | 22 |
| Prospecting Permit | 2 | 5 | 8 | — |
| Large-Scale Mining Licence | 56 | 56 | 56 | 56 |
| Artisan’s Mining Right | 14 | 14 | — | — |
| Mineral Processing Licence | 56 | 56 | 56 | 56 |
| Large-Scale Gemstone Licence | 200 | 200 | 200 | 200 |
| Small-Scale Gemstone Licence | 50 | 50 | 50 | 50 |
| Small-Scale Mining Licensee | 28 | 28 | 28 | 28 |

*Mining Right or Licence Maximum Area*

*Hectare Square Cadastre*

*Kilometers Units*

|  |  |  |  |
| --- | --- | --- | --- |
| Large-Scale Prospecting | 100000 | 1000 | 29940 |
| Large-Scale Mining licence or Large-Scale |  |  |  |
| Gemstone | 25000 | 250 | 7485 |
| Prospecting Permit | 1000 | 10 | 300 |
| Small Scale Mining Licence | 400 | 4 | 120 |
| Small-Scale Gemstone Licence | 400 | 4 | 120 |
| Mineral Processing Licence | — | — | — |
| Artisan’s Mining right | 6.68 | 0.0668 | 2 |

1. MINIMUM ANNUAL PROSPECTING EXPENDITURE PER HECTARE

*Type of Licence Fee Units per hectare per year*

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | *Year 1* | *Year 2* | *Year 3* | *Year 4* | *Year 5* | *Year 6* | *Year 7* |
| Prospecting Licence | 40 | 40 | 120 | 120 | 160 | 160 | 220 |

Y. MUKANGA,

LUSAKA *Minister of Mines,*

1st February, 2013 *Energy and Water Development*

[MMMD/101/3/6]